



COUNTY OF PLACER
Community Development Resource Agency

John Marin, Agency Director

PLANNING

Michael J. Johnson
Planning Director

MEMORANDUM

TO: Honorable Board of Supervisors

FROM: Michael J. Johnson, Director
Planning Department, Community Development Resource Agency

DATE: August 9, 2007

SUBJECT: Whisper Creek Subdivision Rezone and Certification of Final Environmental Impact Report (PSUB-T20070118)

ACTION REQUESTED

The Board is being asked to consider a request for approval of a Rezone from RS-AG-B20 (Single-family residential combining agriculture with a building site minimum of 20,000 square-feet) to RS-AG-B20 PD=2 (Single-family residential combining agriculture with a building site minimum of 20,000 square-feet, combining Planned Development with a density limitation of two dwelling units per acre) to allow for the development of a 104-lot residential Planned Development subdivision in the West Placer area. The Board is also being asked to certify the Environmental Impact Report that has been prepared for the project. It is staff's recommendation that the Board take action to approve the Rezone and certify the Environmental Impact Report prepared for the proposed project.

BACKGROUND

Project Site

The project site is currently developed with two single-family residences and several accessory structures that would be removed as part of this project. The site is comprised of four parcels that total 60.6 acres consisting of annual grasslands, oak woodlands, riparian habitat, and cultivated grasslands and croplands. There are two intermittent drainages on the site. One runs northwest-to-southeast through the western portion of the site and feeds an associated wetland area to the southwest, and one runs north south in the eastern portion of the site.

Project Description

The proposed project would include the construction of 104 single-family residential dwellings on four parcels with split zoning of single-family residential and agricultural uses (RS-AG-B20) and Open Space (OS). The largest of the four parcels is also zoned with a combining Planned Development designation of two dwelling units per acre (PD=2). Approval of the request for the Rezone would add the PD designation to the remaining three parcels.

All areas zoned OS will be protected in open space lots. The project includes eight open space lots that would protect natural resources on-site, including two intermittent streams, riparian vegetation, and wetland areas. An internal bike path is included in all open space lots. An additional open space lot would be developed with recreation facilities, including a tot lot, basketball court and approximately 1.3-acres of turf area. The project also includes one private street lot and three landscape lots along the project frontage. The proposed residences would be a mix of one and two-story structures on lots ranging in size from 10,835 to 27,297 square feet. The average lot size in the proposed development is 13,841 square feet. Of the 104 lots proposed, 13 abut residences in Sacramento County and 14 abut adjacent rural residential uses on the north side of the proposed project.

In addition to the applicant's proposed subdivision, Placer County was initially proposing as part of this project an amendment to the Dry Creek/West Placer Community Plan that would eliminate the Irrevocable Offer of Dedication (I.O.D.) that currently exists through the project site for the future extension of Don Julio Boulevard. The extension of Don Julio Boulevard is currently included in the Dry Creek/West Placer Community Plan. The proposed amendment would have resulted in Don Julio Boulevard terminating at the Sacramento County line as it currently does and removes the extension from the future planned circulation system of Placer County. The Planning Commission did not make a recommendation on the requested General Plan Amendment, and the County has agreed to bring the General Plan Amendment forward as part of a larger project addressing transportation modifications to the Dry Creek/West Placer Community Plan in the future. The project has been designed to accommodate the existing I.O.D. should the General Plan Amendment not be approved in the future.

An Environmental Impact Report has been prepared for this project consistent with the requirements of the California Environmental Quality Act. The Draft EIR was released for a 45-day public comment period that started on October 3, 2006 and ended on November 16, 2006. Copies of the Draft EIR were made available for public review at the Planning Department, the Roseville Library and on the County's website. The County conducted a public hearing on the Whisper Creek Draft EIR before the Planning Commission on October 26, 2006. A Final EIR was completed and distributed for a ten-day review period from April 16, 2007 through April 26, 2007.

The action taken by the Planning Commission, to recommend approval of the Rezone but not the General Plan Amendment is consistent with Alternative 1 set forth in the EIR.

ACTION OF PLANNING COMMISSION

The Planning Commission considered the Environmental Impact Report, Tentative Subdivision Map, and Conditional Use Permit at a public hearing on May 10, 2007. Following staff presentations, members of the public were invited to provide public testimony to the Commission. The following comment was provided during the public comment period at the public hearing:

- A member of the public had a question regarding the elevation difference between proposed project and adjoining lots and how this might affect drainage.

After considering staff's report and the public testimony provided, the Planning Commission unanimously adopted a motion (6-0) to recommend certification of the Environmental Impact Report, approve the Tentative Subdivision Map and Conditional Use Permit, and to recommend approval of the Rezone for the project to the Board of Supervisors.

PROJECT DISCUSSION

Rezone

The westernmost parcel included in the project is currently zoned to allow for a Planned Development (PD=2), while the three easternmost parcels are not. The proposed project is a request to rezone the

three easternmost parcels to add a Planned Development designation (PD=2) to allow for the proposed project. The proposed rezone of these three parcels would result in a project that is more consistent with the majority of the surrounding parcels and would create a more appropriate transition between the project site and higher density residential development in Sacramento County. A map depicting the areas to be rezoned is attached.

Community Plan Consistency

The proposed project is located within the West Placer/Dry Creek Community Plan area, and is subject to the requirements set forth in the Placer County Zoning Ordinance, including Section 17.54.080 (Planned Residential Developments). The Dry Creek/West Placer Community Plan establishes the project vicinity as the area within the Community Plan that allows for the greatest number of new units and the greatest change in the rural environment, due to the fact that it is located adjacent to high-density development in Sacramento County to the south.

The Community Plan specifies that projects in this area should preserve tributaries to Dry Creek that pass through this area, and further identifies the majority of the specific project site as an area appropriate for Planned Residential Developments in an effort to protect riparian corridors along Dry Creek and its tributaries.

The proposed project preserves a tributary of Dry Creek by establishing open space lots that protect the stream and associated riparian vegetation. There is one area of seasonal wetland that runs north to south in the eastern portion of the project that will be filled as part of the project. This area is identified as an intermittent stream on the Placer County Zoning Maps and in the Dry Creek/West Placer Community Plan, which would typically initiate the requirement of a 50 foot structural setback; however the Wetland Delineation prepared for this project determined that this area is a seasonal wetland swale and not an intermittent stream. As such, there is no requirement for a 50 foot structural setback, and impacts to this wetland area will be mitigated in accordance with the EIR prepared for this project.

Neighborhood Consistency

The proposed project is largely consistent with existing and anticipated development in the surrounding neighborhood, with the exception of five parcels (ranging in size from one acre to seven acres) that are surrounded by the proposed project on the east, south, and west but are not included in the project. Three of these five parcels are bound by the proposed project. These three parcels are largely bound by open space lots in the proposed Whisper Creek Subdivision; however, 13 lots within the proposed subdivision would back up to the south and southeastern boundaries of this area, which could create negative impacts resulting from placing higher density residential development adjacent to existing lower-density uses. In order to address this potential impact, a mitigation measure that requires a mix of single-story residences and height limitations, rear yard setbacks, privacy fencing, landscaping, and notification of right-to-farm ordinance on these lots has been incorporated as a condition of approval in this application.

Other than the five parcels located in the center of the project, the proposed project is consistent with the surrounding neighborhood. The proposed project is bound on the north by PFE Road with Morgan Creek Planned Development beyond, on the east by Willow Creek subdivision, on the west by Brookwood Subdivision (approved by the Planning Commission in April 2006), and on the south by high-density (5 dwelling units per acre) residential in Sacramento County. The proposed project also includes a meandering sidewalk along the project frontage that will connect with future and existing subdivisions as the project area is developed.

RECOMMENDATION

The Planning Department brings forward the Planning Commission recommendation that the Board of Supervisors approve the Rezone and certify the EIR prepared for this project, based on the following findings and subject to the attached conditions:

FINDINGS

EIR FINDINGS

See "Statement of Findings and Statement of Overriding Considerations" Exhibit D

REZONING

1. The change in zoning from Single Family Residential, combining Agriculture, with a building site minimum of 20,000 (RS-AG-B20) to Single Family Residential, combining Agriculture, with a building site minimum of 20,000 and a Planned Development designation of two dwelling units per acre (PD=2) would be consistent with the goals and policies of the Placer County General Plan and the Dry Creek/West Placer Community Plan.
2. The proposed zoning is consistent with the existing lot sizes in the immediate neighborhood surrounding the project site.
3. The proposed zoning would not represent spot zoning and would not be contrary to the orderly development of the area.

Respectfully submitted,



MICHAEL J. JOHNSON, AICP
 Planning Director

ATTACHMENTS:

- Exhibit A - Rezoning Ordinance
- Exhibit B - Vicinity Map
- Exhibit C - Site Plan
- Exhibit D - Statement of Findings of Fact and Statement of Overriding Considerations

cc: Kent Baker, Baker-Williams - Applicant

- Copies Sent by Planning:
- Rebecca Taber - Engineering and Surveying
 - Dana Wijniger - Environmental Health Services
 - Brent Backus - Air Pollution Control District
 - Vance Kimbrell - Parks Department
 - Christa Darlington - County Counsel
 - Scott Finley - County Counsel
 - Holly Heinzen - County Executive Officer
 - John Marin - CDRA Director
 - Michael Johnson - Planning Director
 - Leah Rosasco - Senior Planner
 - Subject/chrono files

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

In the matter of:

Ord. No.: _____
FIRST READING: _____

**AN ORDINANCE AMENDING PLACER
COUNTY CODE CHAPTER 17, MAP C-1
RELATING TO THE REZONING IN THE
WEST PLACER AREA – WHISPER CREEK
SUBDIVISION (PSUB 20070118)**

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held August 7, 2007, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chairman, Board of Supervisors

Attest:
Clerk of said Board

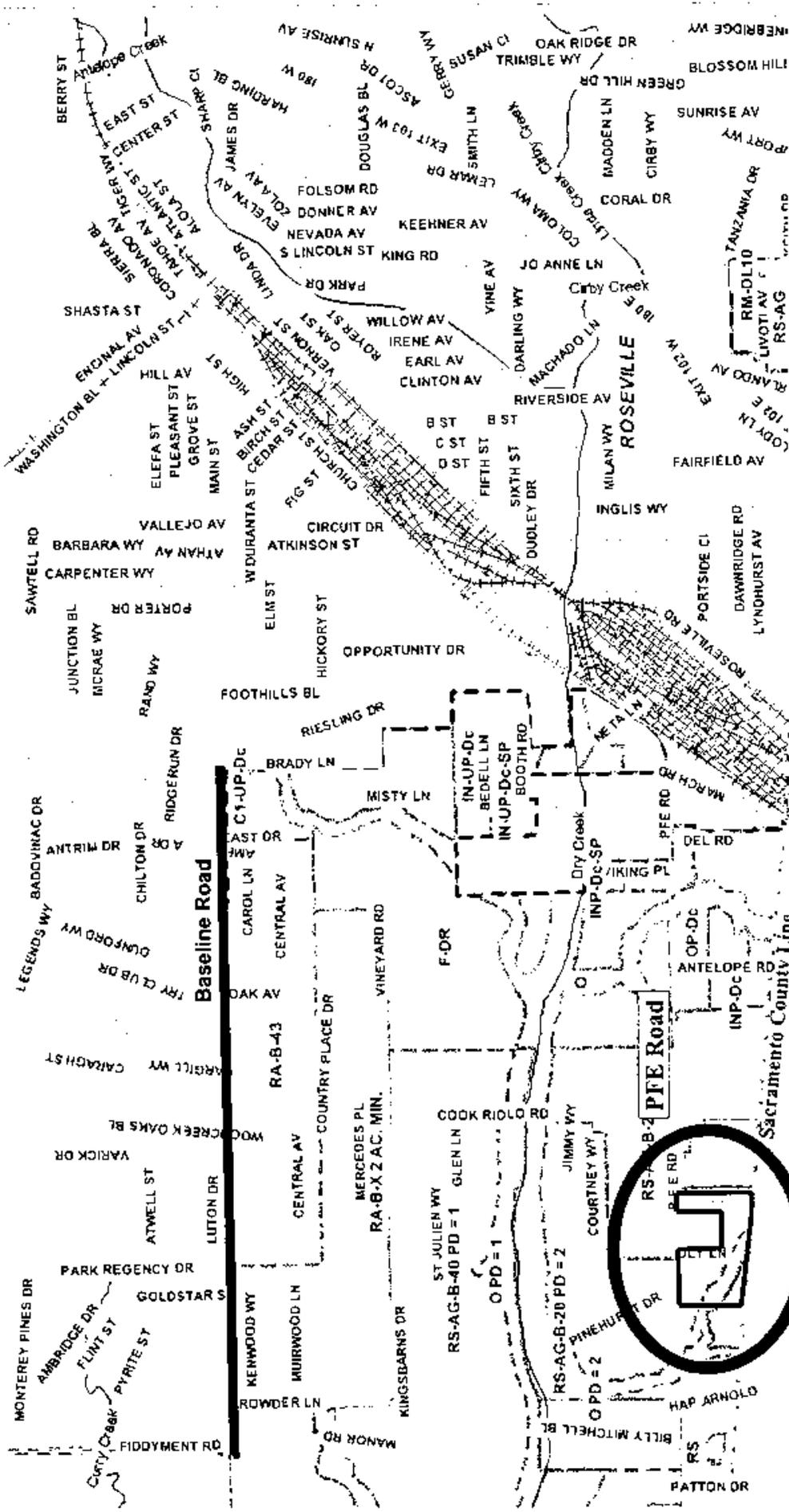
Ann Holman

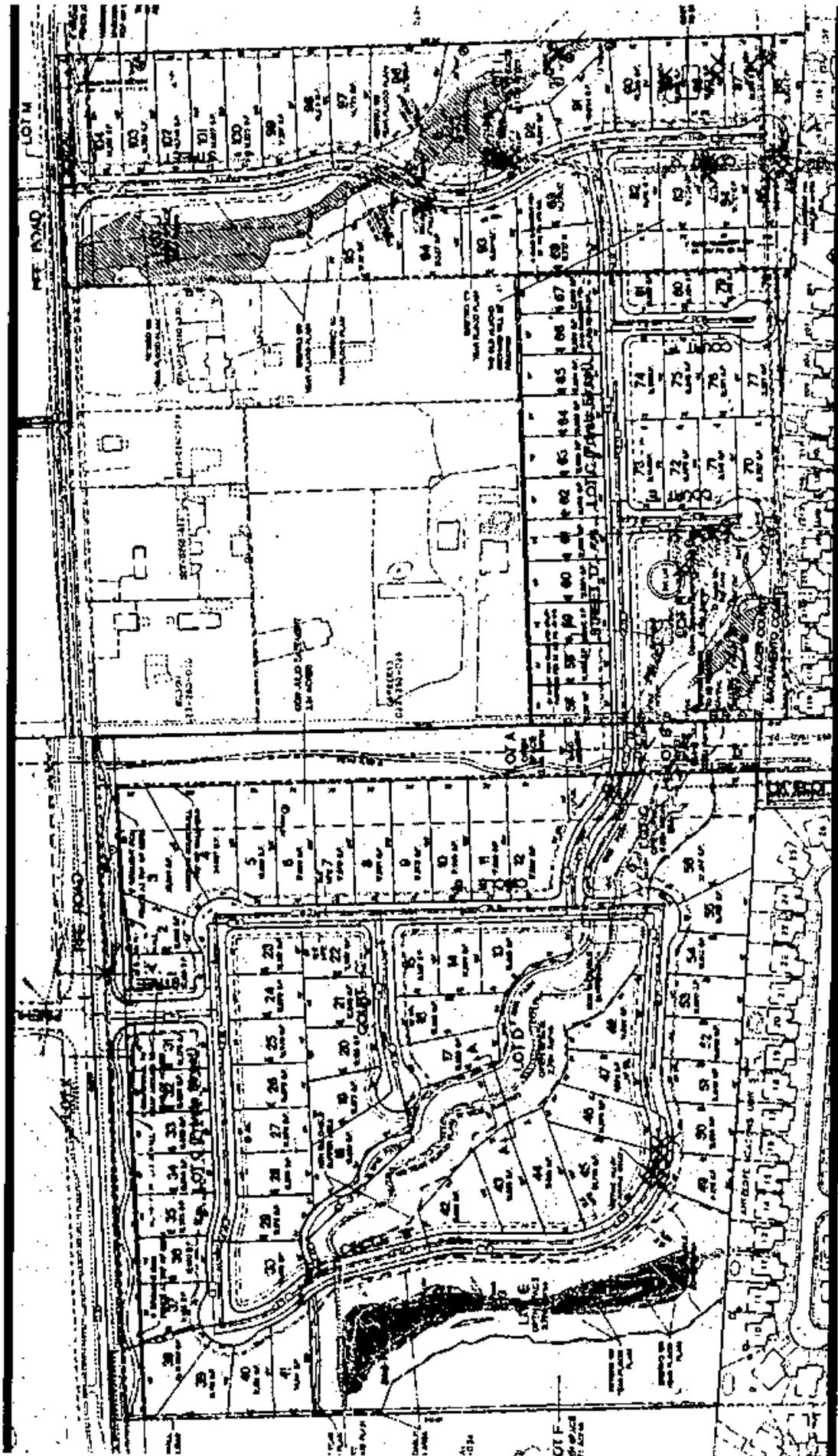
THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, DOES HEREBY DOES ORDAIN AS FOLLOWS:

The Placer County Code, Chapter 17, Map C-1, relating to Rezoning in the West Placer area, is amended from RS-AG-B20 to RS-AG-B20= PD 2 as shown on the Rezone Exhibit A, attached hereto and incorporated herein by reference; The Board finds that assignment of the new zone district is compatible with the objectives, policies, and general land uses specified by the Granite Bay Community Plan (as amended by PSUB 20050366) adopted pursuant to the State Planning and Zoning Law, and will best serve the public's welfare

5
EXHIBIT A

WHISPER CREEK SUBDIVISION -- VICINITY MAP





WHISPER CREEK SUBDIVISION - SITE PLAN

Whisper Creek Subdivision

Statement of Findings of Fact and Statement of Overriding Considerations

Prepared for:



Placer County Planning Department

SCH # 2004062132

April 2007

Submitted by:

 **FOOTHILL ASSOCIATES**

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EXHIBIT D

9

I. Overview and Introduction

This Statement of Findings is made with respect to the "Project Approval" (as defined below) for the Whisper Creek Subdivision Project (the "Project") and states the findings of the Planning Commission of the County of Placer (the "County") relating to the potentially significant environmental effects ("Impacts") of the Project to be developed in accordance with Project Approvals.

The "Applicant" has requested the County take the following requested actions:

1. Certification of an Environmental Impact Report and adoption of a Mitigation Monitoring and Reporting Plan.
2. Approval of the Tentative Subdivision Map.
3. Approval of a Conditional Use Permit.
4. Approval of a Rezone.

In addition to the actions above, the "County" is proposing as part of the project:

5. Approval of a Community Plan amendment.

The foregoing action to approve a tentative subdivision map is referred to as the "Project Approval." The Project Approval constitutes the "Project" for purposes of the California Environmental Quality Act (Public Resources Code Sections 21000) ("CEQA"), CEQA Guidelines Section 15378, and these determinations of the Planning Commission.

II. Procedural History

WHEREAS, the need for additional housing in Western Placer County has been identified in the County General Plan and Dry Creek-West Placer Community Plan, and

WHEREAS, the applicant proposes to construct 104 single family residential units on 60.6 acres within the Dry Creek-West Placer Community Plan area of western Placer County, and

WHEREAS, the County issued a notice of preparation to prepare an environmental impact report (EIR) in June 2004; circulated a revised notice of preparation in February 2005; prepared a Draft EIR and released it for public comment on October 3, 2006; took the public comments on the Draft EIR through November 16, 2006, a public hearing was held on October 26, 2006; and

WHEREAS, the Planning Commission gave notice of a public hearing to consider and act upon the Final EIR (FEIR) for the Project, and public hearings were duly held before the Planning Commission on May 10, 2007, and

WHEREAS, after holding public hearings, the Planning Commission duly considered the FEIR as prepared for the Project (which includes the Draft EIR dated September 2006 and the FEIR, dated March 2007).

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the County of Placer as follows:

1. The foregoing statements of procedural history are correct and accurate.
2. The FEIR has been prepared in accordance with all requirements of CEQA and the Guidelines.
3. The FEIR was presented to and reviewed by the Planning Commission. The FEIR was prepared under the supervision by the County and reflects the independent judgment of the County. The Planning Commission has reviewed the FEIR, and bases the findings stated below on such review and other substantial evidence in the record.
4. The County finds that the FEIR considers a reasonable range of potentially feasible alternatives, sufficient to foster informed decision making, public participation and a reasoned choice. Thus, the alternatives analysis in the EIR is sufficient to carry out the purposes of such analysis under CEQA and the Guidelines.
5. The Planning Commission hereby certifies the FEIR as complete, adequate and in full compliance with CEQA and as providing an adequate basis for considering and acting upon the Project Approval and makes the following specific findings with respect thereto.
6. The Planning Commission agrees with the characterization of the FEIR with respect to all Impacts initially identified as "less than significant" and finds that those Impacts have been described accurately and are less than significant or beneficial as so described in the FEIR. This finding does not apply to Impacts identified as significant or potentially significant that are reduced by mitigation measures to a level characterized in the FEIR as less than significant or Impacts characterized in the FEIR as significant and unavoidable. Each of those Impacts and the mitigation measures adopted to reduce them are dealt with specifically in the findings below.
7. Except as stated otherwise in certain cases below, all mitigation measures proposed in the FEIR are adopted and incorporated into the Project.
8. Except as stated otherwise below, the Mitigation Monitoring and Reporting Plan ("MMRP") will apply to all mitigation measures adopted with respect to the Development pursuant to all of the Project Approvals and will be implemented.
9. The mitigation measures and the MMRP have been incorporated into the Project Approvals and have thus become part of and limitations upon the entitlement conferred by the Project Approvals.
10. The descriptions of the Impacts in these findings are summary statements. Reference should be made to the FEIR for a more complete description.

11. The Planning Department is directed to file a Notice of Determination with the County Clerk within five (5) working days in accordance with Public Resources Code section 21152(a) and CEQA Guidelines section 15094.

III. Statutory Requirements for Findings

This statement of findings addresses the environmental effects associated with the proposed Whisper Creek Subdivision Project ("Project"), located in Placer County. This statement of findings is made pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Section 21081, 21081.6) and CEQA Guidelines (14 Cal. Code Regulations, Section 15091).

The potentially significant effects of the Project were identified in both the Draft EIR and the FEIR. Public Resources Code Section 21081, and CEQA Guidelines Section 15091 require that the lead agency prepare written findings for identified significant impacts, accompanied by a brief explanation of the rationale for each finding. Section 15091 of the CEQA Guidelines states that:

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(b) The findings required by subdivision (a)(1) shall be supported by substantial evidence in the record.

(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

(e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.

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

(a) Avoiding the impact altogether by not taking a certain action or parts of an action.

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

(c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

(e) Compensating for the impact by replacing or providing substitute resources or environments.

In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to avoid or mitigate significant environmental impacts that would otherwise occur with implementation of the project. Project mitigation or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the project lies with another agency (CEQA Guidelines Section 15091(a)(b)).

Legal Effects of Findings

To the extent that these findings conclude that proposed mitigation measures outlined in the FEIR are feasible and have not been modified, superseded, or withdrawn, the Placer County Planning Department hereby binds itself to implement these measures. These findings, in other words, constitute a binding set of obligations that will come into effect when the Placer County Planning Commission formally approves the Project.

CEQA Guidelines requires that when a public agency has made the findings required in CEQA Guidelines Section 15091(a)(1) relative to an EIR, "the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project

and the measures it has imposed to mitigate or avoid significant environmental effects.” (CEQA Guidelines Section 15097(a)).

The mitigation measures and/or the standard design features and construction measures are referenced in the Mitigation Monitoring Reporting Program (MMRP) adopted concurrently with these findings (Cal. Pub. Res. Code Section 21081.6(a)(1)), and will be effectuated through the process of constructing and implementing the Project. The Placer County Planning Department will use the MMRP to track compliance with Project mitigation measures. The MMRP will remain available for public review during the compliance period.

IV. Definitions

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

“Board” means the Board of Supervisors of the County of Placer.

“CDFG” or “DFG” means the State of California, Department of Fish and Game.

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

“Condition” means a condition of approval adopted by the County in connection with approval of the Project.

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

“County” means County of Placer.

“DEIR” or “Draft EIR” means the Draft Environmental Impact Report dated September 2006 for the Whisper Creek Subdivision project.

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

“DRC” means the County of Placer, Development Review Committee.

“EIR” means environmental impact report.

“Environmental Health” means the County of Placer, Division of Environmental Health.

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

“ERC” means the County of Placer, Environmental Review Committee.

"FEIR" means the Final EIR as prepared for the Project (which includes the Draft EIR dated September 2006 and the Final EIR, dated March 2007).

"General Plan" means the Placer County General Plan, as adopted in 1994 with subsequent amendments.

"MMRP" means the Mitigation Monitoring and Reporting Program for the Project.

"NOP" means notice of preparation.

"PCAPCD" means the Placer County Air Pollution Control District.

"PD" means Planned Development combining district as identified in the Placer County Zoning Code.

"Planning Commission" means the County of Placer, Planning Commission.

"Planning Department" means the County of Placer, Planning Department.

"Project" means the proposed Whisper Creek Subdivision Project.

"RWQCB" means Regional Water Quality Control Board.

"USFWS" means the United States Fish and Wildlife Service.

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

V. Background and Project History

The Dry Creek-West Placer Community Plan was adopted by the Placer County Board of Supervisors on May 14, 1990. The Community Plan includes goals and policies pertaining to population and housing, land use, public services (including flood control, sewage disposal, water, schools, fire protection, and utilities), parks and recreation, noise, open space, natural resources, cultural resources, and transportation and circulation. The primary land use designation for the area south and east of Dry Creek, including the Project Site, is low density residential. This land use designation is assigned to assist in meeting the Community Plan's population and housing goal to "provide housing to meet future needs... anticipated within the plan area while ensuring consistency with existing land uses." Additional goals outlined in the Community Plan include the following:

Provide an efficient, safe, and diverse transportation/circulation system.

Ensure that the community and downstream communities are protected against flooding, excessive storm-water run-off, and other natural hazards.

Protect and enhance the character of the plan area in ways that are compatible with the physical and natural features present in the community.

Locate development in areas where urban services are readily available or can be made available in a timely fashion.

The project site is comprised of Assessor's Parcel Nos. 023-260-002, 006, 007, and 017. Parcel -002 makes up the western portion of the site and was originally referred to as PFE 36 as it is 36 acres in size. The center parcel is APN-017 and was originally known as Almond Ranch. The eastern portion of the project site is made up of APN's -006 and -007 and was called PFE 14. The entire project site development was previously named Whisper Creek 1 and was also referred as Whisper Creek Unit 1.

1. Project Objectives and Description

Project Objectives

The objectives of the proposed Project include the following:

Subdivision components:

1. Increase housing supply in Western Placer County;
2. Design a residential development that is consistent with the land use designations of the Placer County General Plan and Dry Creek-West Placer Community Plan; and
3. Construct infrastructure improvements including roadway, sewer service, and water service necessary to support development of the Project.

Community Plan amendment component:

4. Reduce the amount of future traffic increases from the Antelope area that uses PFE Road between Cook Riolo Road and Walerga Road and move through traffic to regional through routes such as Walerga Road and Antelope North Road.

Project Description

The applicant proposes to develop a 104 lot residential subdivision on Assessors Parcel Nos. 023-260-002, 006, 007, and 017. The project involves the subdivision of 60.6± acres into 104 single-family residential lots, eight open space lots, one recreation lot, three landscape lots and a private street lot.

The 104 residential lots range in size from 10,835 to 27,297 square feet. The average lot size is 13,841 square feet. Of the 104 lots, five are between 10, 835 and 11,999 square feet in size. Fifty-six of the lots are between 12,000 square feet and 12,999 square feet. Seventeen lots are between 13,000 and 14,999 square feet, twenty-one lots are between 15,000 and 18,058 square feet, and the remaining five lots are between 21,758 and

27,297 square feet. Eight open space lots and one open space/recreation lot total 17.68 acres with the private recreation area being 1.3 acres in size. The open space lots correspond to site locations designated as within the 100-year floodplain and/or containing existing drainages and wetlands. The project proposes a buffer area around these locations that excludes the building of residences and is consistent with the Dry Creek-West Placer Community Plan goals and policies.

Improvements to PFE Road fronting the project site would be included in the project, including right-of-way for Class II Bicycle lanes, landscaping and an eight foot wide meandering pedestrian walkway/Class I bicycle trail. Also, an earthen berm with landscaping screening is proposed to serve as a traffic noise attenuation feature.

The project would require approval of a rezone, a conditional use permit and a tentative subdivision map. The site is currently zoned RS-AG-B-X-20, RS-AG-B-X-20-PD 2.0 and O-PD2. The rezone is proposed so that all residential portions of the project site can be zoned RS-AG-B-X-20-PD 2.0 (Residential Single-Family, Agriculture Combining District, Building Site Combining District, minimum 20,000 square foot building site, Planned Residential Development Combining District, 2 units per acre).

In addition to the applicant's proposed subdivision, Placer County is proposing an amendment to the Dry Creek-West Placer Community Plan that would eliminate the Irrevocable Offer of Dedication (I.O.D.) that currently exists through the project site for the future extension of Don Julio Boulevard from the Sacramento County line to PFE Road. Don Julio Boulevard is currently included in the Dry Creek/West Placer Community Plan. This amendment would result in Don Julio Boulevard terminating at the Sacramento County line as it currently does and removes the extension from the future planned circulation system of Placer County. This proposed roadway is not necessary to serve the Whisper Creek Subdivision.

VII. Record of Proceedings

In accordance with Public Resources Code section 21167.6, subdivision (e), the record of proceedings for the County's decision on the Project includes, without limitation, the following documents:

The NOP and all other public notices issued by the County in conjunction with the Project;

The Draft EIR (September 2006) for the Project;

All comments submitted by agencies or members of the public during the comment period on the Draft EIR;

All comments and correspondence submitted to the County with respect to the Project, in addition to timely comments on the Draft EIR;

The FEIR (March 2007) for the Project, including comments received on the Draft EIR and responses to those comments;

Documents cited or referenced in the Draft and Final EIRs;

The Mitigation Monitoring And Reporting Program for the Project;

All findings and resolutions adopted by the County in connection with the Project and all documents cited or referred to therein;

All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the County, consultants to the County, or responsible or trustee agencies with respect to the County's compliance with the requirements of CEQA and with respect to the County's action on the Project;

All documents submitted to the County (including the Planning Commission and Board of Supervisors) by other public agencies or members of the public in connection with the Project;

Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the County in connection with the Project;

Any documentary or other evidence submitted to the County at such information sessions, public meetings and public hearings;

The 1994 Placer County General Plan and all environmental documents prepared in connection with the adoption of the General Plan;

The Placer County Zoning Ordinance and Environmental Review Ordinance (Placer County Code, Chapters 17 and 18), and all other County Code provisions cited in materials prepared by or submitted to the County;

The 1990 Dry Creek-West Community Plan and all environmental documents prepared in connection with the adoption of the Community Plan;

Any and all resolutions and/or ordinances adopted by the County regarding the Project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;

Matters of common knowledge to the County, including, but not limited to federal, state, and local laws and regulations;

Any documents cited in these findings, in addition to those cited above; and

Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

The official custodian of the record is the Clerk of the Placer County Board of Supervisors, 175 Fulweiler Avenue, Auburn CA 95603.

VIII. General Findings

Impacts Determined to be Less Than Significant

Except as stated otherwise in certain cases below, the Planning Commission agrees with the characterization in the FEIR with respect to all Impacts initially identified as “less than significant” or “beneficial” and finds that those Impacts have been described accurately and are less than significant or beneficial as so described in the FEIR. This finding applies to Land Use: 3.1-1, 3.1-3; Population and Housing: 3.2-1, 3.2-2, 3.2-3; Transportation/Traffic: 3.4-2, 3.4-4, 3.4-5; Air Quality: 3.5-2; Noise: 3.6-2; Biological Resources: 3.7-4, 3.7-6; Geology, Soils and Mineral Resources: 3.9-1, 3.9-4, 3.9-5; Hazards and Hazardous Materials: 3.10-1, 3.10-4; Public Services and Utilities: 3.12-3, 3.12-4, 3.12-5, 3.12-6, 3.12-7, 3.12-8, 3.12-10, 3.12-11, 3.12-12, 3.12-14, 3.12-15, 3.12-16; Recreation: 3.13-1, 3.13-2.

In addition, the Planning Commission agrees with the characterization in the FEIR with respect to Cumulative Impacts where “no impact” was identified and no mitigation was required. This finding applies to Land Use; Population and Housing; Aesthetics, Noise, Biological Resources; Cultural Resources; Geology, Soils, and Mineral Resources; Hazards and Hazardous Materials; Hydrology and Water Quality, Public Services and Utilities; and Recreation.

This finding does not apply to Impacts identified as significant or potentially significant which are reduced by mitigation measures to a level characterized in the FEIR as less than significant. Each of those Impacts and mitigation measures adopted to reduce potential impacts are addressed specifically in the findings below.

This finding does not apply to Impacts identified as significant and unavoidable which cannot be reduced by mitigation measures to a level characterized in the FEIR as less than significant. Those impacts and mitigation measures adopted to reduce potential impacts are also addressed specifically in the findings below.

Impacts Determined to be Less than Significant After Mitigation

Land Use Impacts

Impact 3.1-2: The project could result in higher density residential development than the adjoining lots on the project's eastern, western, and northern boundary.

Mitigation Measure 3.1-2: This Mitigation Measure applies to Impact 3.1-2 and proposed lots 57 through 67:

Lots 57 through 67 shall be developed with a combination of one and two story homes at a ratio of no less than one single story unit out of every four homes built. This translates into the need to build at least three single-story homes on these 11 lots. Lots 60, 61, and 64 are proposed for single story use;

A minimum 30-foot rear yard structural setback is required for the main residence of these lots, excluding separate garages and landscape structures/amenities such as pools, pool houses, trellises, decks, etc.;

A height limitation of 25 feet for single story homes is required and shall be noted in the project's code, covenants, and restrictions (CC&Rs) and development notebook. Applications for building permits shall reflect this height limitation.

A privacy screen will be constructed along the boundary of these lots and the two adjacent RS-AG-B-20 zoned lots (023-260-026 and 023-260-030) consisting of a wood fence and a 10 foot-wide landscape easement planted with fast growing evergreen trees such as California redwoods (15 gallon minimum – 10 feet on center). The privacy fence shall be installed prior to the County's acceptance of the subdivision improvements;

The construction of the privacy fence and associated evergreen screens shall be installed as part of the overall subdivision improvements on a phased basis, and

Homeowners will be notified of the Placer County Right to Farm ordinance.

Finding: Implementation of the mitigation measures identified above and listed in the Mitigation Monitoring and Reporting Program (MMRP) will minimize this potentially significant effect to a level that is less than significant.

Explanation: Although the project would result in a change in the type of use and intensity of development, the project is in compliance with the Placer County land use designation and the allowable units for the site. The five residential parcels on the "inside" of the "U" of the Whisper Creek "U" shaped development have a current zoning which allows a minimum lot size of 20,000 square feet. The zoning on these lots is RS-AG-B-20 and their current size and agricultural combining zone allows for some agricultural uses on the parcels. The Whisper Creek project proposes eleven 12,000 sq. foot lots (Lots 57 through 67) along the adjacent property boundaries of two of these parcels (023-260-026 and 023-260-030). To encourage compatibility between neighboring land uses, mitigation measures have been identified that minimize the potential effect of a higher density residential development adjacent to a land use that is zoned at lower density. Specifically, mitigation measures require the following on Lots 57 through 67: limit the number of two-story residences that are constructed on Lots 57 through 67; establish a 30-foot rear yard structural setback for the main residence; a height limitation of 25 feet shall be required for single story homes; and construct a privacy fence along the boundary of these lots and the two adjacent RS-AG-B-20 zoned lots consisting of a wood fence and a 10 foot-wide landscape easement planted with fast growing evergreen trees such as California redwoods (15 gallon minimum – 10 feet on center). The privacy fence shall be installed prior to the County's acceptance of the subdivision improvements.

Significance After Mitigation: Less Than Significant

Aesthetics Impacts

Impact 3.3-1: The project would substantially degrade the existing visual character or quality of the site and the surroundings.

Mitigation Measure 3.3-1: Lots bordering PFE Road shall be developed with a combination of one and two story homes at a ratio of no less than one single story unit out of every four homes built. This translates into the need to build at least three single-story homes along the northern periphery of the project (25 percent of 12 homes). Lots planned for single-story homes would be distributed among lots 31 through 38. Final lot selection is to be based upon a number of factors including new home placement and setbacks, existing home placement in the immediate vicinity and other planned non-project related features.

In addition to placement of at least three single-story homes along the northern edge of the project, a height limitation of 25 feet for single story homes will be noted in the project's code, covenants, and restrictions (CC&Rs) and development notebook. Applications for building permits shall reflect this height limitation and be made a condition of the use permit;

Fast growing native-appearing tree plantings shall be planted as screening along the earthen berms and slopes adjacent to PFE Road. Suggested plantings include London plane tree and Zelkova). A Landscape Plan shall be provided for County review and approval as part of project's improvement plans.

Finding: Implementation of the mitigation measures identified above and listed in the MMRP, will avoid or substantially reduce the significant effect to a level that is less than significant.

Explanation: Implementation of the project would eliminate vacant land and agricultural views from surrounding roadways and properties. Because the assessed visual impact is generally considered moderate with a low to moderate viewer response, significant effects can be reduced to a less than significant level.

An assessed moderate impact is one that would result in a moderate adverse change to the visual resource with moderate viewer response. However, the viewer response is generally considered low to moderate due to the following factors: the relatively short distance of project frontage on PFE Road; the existing Morgan Creek golf course and subdivision to the north, and the existing Sabre City mobile home park to the west on PFE Road. To minimize this significant effect, lots bordering PFE Road shall be developed with a combination of one and two story homes at a ratio of no less than one single story unit out of every four homes built, a height limitation of 25 feet is required for single story homes, and fast growing native-appearing tree plantings shall be planted as screening along the earthen berms and slopes adjacent to PFE Road.

Implementation of the above mitigation measures would minimize the project's effect on the visual character in the project area.

Significance After Mitigation: Less Than Significant

Impact 3.3-2: The project would create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Mitigation Measure 3.3-2: To minimize night light pollution, no interior street lighting of private subdivision roads will be installed except for the minimum required by ESD. County-required street lighting at intersections with PFE Road shall be reviewed and approved by the County's Development Review Committee. All required street lighting of the Whisper Creek Subdivision shall be low intensity and directed downward to help control light spill and glare. Street lights shall be of a type, height, and design to direct lighting downward, shielding to the greatest extent practical, light exposure beyond that needed for proper intersection lighting.

Finding: Implementation of the mitigation measures identified above and listed in the MMRP, will reduce the potentially significant effect to a level that is less than significant.

Explanation: As stated in the above mitigation measure, no interior street lighting will be installed except for the minimum required by DPW to ensure public safety. In addition, implementation of the project would require street lighting to be low intensity lighting that would be directed downward to minimize light spill and glare thereby minimizing the project's impact on nighttime views.

Significance After Mitigation: Less Than Significant

Transportation/Traffic Impacts

Impact 3.4-1: Implementation of the proposed project would generate construction-related travel.

Mitigation Measure 3.4-1: Submit for review and approval, a striping and signing plan.

Submit traffic control plan with the project Improvement Plans. The plan shall include all on- and off-site traffic control devices and shall be reviewed by the County Traffic Engineer. A construction signing plan shall also be provided with the Improvement Plans for review and approval by the County Traffic Engineer.

Finding: Implementation of the mitigation measures identified above and listed in the MMRP, will reduce this temporary potentially significant effect to a level that is less than significant.

Explanation: When implemented, the mitigation measure will minimize the impact of short-term construction related traffic by requiring a striping and signing plan that will be reviewed and approved by the County Traffic Engineer to ensure that construction related traffic effects are minimized. In addition, construction related traffic is temporary, once construction of the project is complete this short-term impact is eliminated.

Significance After Mitigation: Less Than Significant

Impact 3.4-3: Implementation of the Whisper Creek Subdivision project would generate vehicle trips related to residents under long-term Future (Year 2025) background conditions with PFE Road Closed and Don Julio Boulevard not extended.

Mitigation Measure 3.4-3: Traffic operations at the Antelope North Road intersection with PFE Road would be improved to LOS B with 19.6 seconds of delay during the a.m. peak hour and LOS C with 25.2 seconds of delay during the p.m. peak hour by signalizing the intersection. This improvement is currently included in the County Capital Improvement Program. Therefore, this improvement is currently planned for construction, which will mitigate the impact identified due to the elimination of the future connection of Don Julio Boulevard to PFE Road.

Finding: Implementation of the mitigation measures identified above and listed in the MMRP, will avoid the significant effect to a level that is less than significant.

Explanation: The Antelope North Road intersection with PFE Road would continue to operate at unacceptable LOS F conditions during both the a.m. and p.m. peak hours with the a.m. delay increasing by 17.9 seconds and the p.m. delay increasing by 24 seconds. The increase in the delay during both the a.m. and p.m. peak hours does not occur as a result of the additional trips generated by the proposed residential subdivision, but instead is created by the community plan amendment portion of the project which redistributes (as opposed to adding) trips along area roadways. Mitigation Measure 3.4-3, signalization of the intersection, reduces this impact to less than significant.

Significance After Mitigation: Less Than Significant

Noise Impacts

Impact 3.6-1: Construction-related noise.

Mitigation Measure 3.6-1 a,b,c:

- a. Restrict hours of construction activity.

Construction noise emanating from any construction activity for which a Building Permit or Grading Permit is required is prohibited on Sundays and federal holidays, and shall only occur: Monday through Friday, 6:00 am to 8:00 pm during daylight savings, 7:00 am to 8:00 pm during non-daylight savings, and Saturdays, 8:00 a.m. to 6:00 pm. This condition shall be noted on the Improvement Plans required for this project.

- b. Ensure Construction Equipment meets Placer County Code.

All construction equipment shall be fitted with factory installed muffling devices and all construction equipment shall be maintained in good working order, per Placer County Code 9.36.030 (A)(7).

- c. Locate stationary construction noise sources away from noise sensitive land uses.

Finding: Implementation of the mitigation measures identified above and listed in the MMRP, will reduce this potentially significant effect to a level that is less than significant.

Explanation: Residences or sensitive receptors in the project area would experience short-term and temporary elevated noise levels during daytime construction hours due to construction equipment and construction-related traffic. Although construction activities may result in temporary noise levels that exceed County thresholds, construction-related noise that occur on designated days and within identified timeframes are exempt from adopted noise level standards. Implementation of Mitigation Measure 3.6-1a, would ensure that construction activities occur within designated timeframes. Mitigation measures 3.6-1b and 3.6-1c would further reduce potential noise impacts by requiring construction equipment meet County standards and stationary noise sources are located away from noise-sensitive land uses.

Significance After Mitigation: Less Than Significant

Impact 3.6-3: Traffic noise impacts on Project residents.

Mitigation Measure 3.6-3 a,b,c

Mitigation Measure 3.6-3a:

Lots adjacent to PFE Road require a noise barrier to bring the exterior noise level to 60 dB Ldn. As indicated in Figure 3.6 1, the berm/barrier along the frontage of PFE Road needs to be a minimum of five and one-half feet in height for lots one through three and lot 31, six feet in height for lots 104 and 32 through 35, six and one-half feet for lots 36 and 37, and a minimum of eight and one-half feet in height at lot 38 to meet the 60 dB exterior noise requirement. For consistency with the Dry Creek Community Plan, the barrier should be primarily constructed as an earthen berm along the PFE Road frontage, with native and/or native appearing plant and tree landscaping figuring prominently in the project design.

The noise attenuation barriers must wrap around project lots numbered 1 and 31 to the rear building façades, as portions of these lots, although not directly fronting on PFE, would be exposed to traffic noise that would exceed the Placer County exterior standards. A noise barrier must wrap to the rear lot lines of lots 38, 3, and 104. These required wraparound locations, heights, and lengths are shown in Figure 3.6 1.

Mitigation Measure 3.6-3b:

If two-story homes are proposed along PFE Road, the building plans should be reviewed by a qualified acoustical consultant to ensure that the Placer County interior noise level standards will be met. Lots along PFE Road with proposed two-story homes shall be identified on the final tentative map. Adherence to the required construction techniques to meet the noise standard shall be made part of the project's conditions of approval.

Mitigation Measure 3.6-3c:

The noise attenuating berms and walls shall be maintained by the subdivision Homeowners Association.

Finding: Implementation of the mitigation measures identified above and listed in the MMRP, will reduce the potentially significant effect to a level that is less than significant.

Explanation: Design features can substantially reduce potential traffic-related noise impacts on project residents. The project design incorporates a noise-attenuating earthen berm along the PFE Road frontage as well as noise attenuation barriers that wrap around particular lots to ensure that backyard receptors are not exposed to traffic noise that exceed County standards. In addition, interior noise level standards will be achieved through building design and construction in accordance to standard industry practices. However, implementation of Mitigation Measure 3.6-3b will ensure that County interior noise standards are met for two-story homes that may be constructed adjacent to PFE Road. Mitigation Measure 3.6-3c ensures that sound attenuation features continue to provide adequate protection to residents in the future by requiring noise attenuation berms and walls be maintained by the subdivisions homeowner's association.

Significance After Mitigation: Less Than Significant

Biological Resources Impacts

Impact 3.7-1: The project will have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies or regulations, by the CDFG or the USFWS; or birds protected by the MBTA.

Mitigation Measure 3.7-1 a,b,c,d,e

Mitigation Measure 3.7-1a:

Preconstruction surveys and mitigation for Swainson's hawk foraging habitat. This mitigation measure applies to impact 3.7-1.

If project construction is proposed during the breeding season (February-August), a preconstruction survey shall be conducted by a qualified biologist in all appropriate habitat within one-quarter mile (1,300 feet) of the project area to identify active Swainson's hawk nests. The survey shall be conducted by the qualified biologist no more than 30 days prior to the onset of construction activities. If no Swainson's hawk nests are identified during the preconstruction survey or if construction activities are proposed to occur during the nonbreeding season (September-January), no further mitigation is required. However, if nests are identified and considered to be active, a buffer zone of a minimum of one-quarter mile shall be established around the active nest. Intensive new disturbance (i.e., heavy equipment activities associated with construction) that may cause nest abandonment or forced fledging shall not be initiated within this buffer zone between March 1 and September 1. The buffer zone shall be increased to one-half mile

(2,640 feet) in nesting areas away from urban development (i.e., where heavy equipment activities associated with construction is not a normal occurrence during the nesting season).

The annual grassland habitat of the project site may provide foraging habitat for Swainson's hawk. The project creates a loss of 34.6 acres of Swainson's hawk foraging habitat (project impacts less disturbed area from previous land uses). To address the potential loss of Swainson's hawk foraging habitat, the developer will mitigate for the loss of Swainson's hawk foraging habitat through either the payment of in lieu fees in the amount of \$20,000 per acre of disturbed area, or acquire suitable foraging habitat at the ratio of 0.75:1.

Mitigation Measure 3.7-1b:

Preconstruction surveys and mitigation for western burrowing owl. This mitigation measures applies to impact 3.7-1.

No more than 30 days prior to grading, a qualified biologist shall conduct a preconstruction survey of all potential western burrowing owl habitat within 250 feet of the project boundary and record the presence of individual western burrowing owls, sign of western burrowing owls, and all burrows that are in use by western burrowing owl.

If the preconstruction survey does not identify any western burrowing owl activity, no further mitigation is required. However, if there are western burrowing owls nesting on site, or within 250 feet of the project boundary, the following mitigation measures shall be implemented:

No grading shall be allowed during the nesting season (February-August), unless otherwise approved by CDFG, within 250 feet of any nest burrow until the young have fledged and are able to exit the burrow. For occupied burrows without active nesting, nesting burrows after the young have fledged, or if development commences after the breeding season, passive relocation of the birds should be performed. Passive relocation involves installing a one-way door at the burrow entrance, which encourages the owls to move from the occupied burrow.

Prior to grading within western burrowing owl habitat unoccupied burrows shall be collapsed to prevent occupation by western burrowing owls subsequent to preconstruction surveys.

Loss of western burrowing owl foraging habitat shall be mitigated at 6.5 acres on site per pair, or at a ratio approved by CDFG for off site location.

A monitoring report of all activities associated with surveys for and passive relocation of western burrowing owls shall be submitted to CDFG no later than two weeks after the completion of grading that occurs within 250 feet of occupied nesting burrows.

Mitigation Measure 3.7-1c:

Preconstruction surveys and mitigation for migratory birds. This mitigation measure applies to impact 3.7-1.

If construction activities are proposed to occur during non-breeding season (September through January), a survey is not required and no further studies are necessary. If project construction is proposed during the breeding season (February through August), a preconstruction migratory bird survey shall be conducted to identify active nests in the project area. The survey shall be conducted by a qualified biologist no more than 30 days prior to the onset of construction activities.

If no active nests are identified during the preconstruction survey or if construction activities are proposed to occur during the non-breeding season (September through January), no further mitigation would be required. However, if nests are identified and considered to be active, construction activities shall not occur within 100 feet of the nests until the young have fledged. Trees that must be removed as a result of construction, but contain nests, shall be felled during the non-breeding season.

Mitigation Measure 3.7-1d:

Preconstruction surveys and mitigation for Swainson's hawk and other raptors. This mitigation measures applies to impact 3.7-1.

If project construction is proposed during the breeding season (February through August), a preconstruction raptor survey shall be conducted to identify active nests in the project area. The survey shall be conducted by a qualified biologist no more than 30 days prior to the onset of construction activities and be conducted in all appropriate habitats within ¼-mile (1,300 feet) of the project area to identify active Swainson's hawk nests, or within 250 feet of the project site for other raptors.

If no active nests are identified during the preconstruction survey, for construction activities that occur after initial grading is completed and all potential nesting trees have been removed, or for those activities scheduled to occur during the non-breeding season (September through January), no further mitigation would be required. However, if Swainson's hawk nests are identified and considered to be active, a buffer zone of a minimum of ¼ mile shall be established around the active nest. Intensive new disturbances (i.e., heavy equipment activities associated with construction) that may cause nest abandonment or forced fledging shall not be initiated within this buffer zone between March 1 and September 1. The buffer zone shall be increased to ½ mile (2,640 feet) in nesting areas away from urban development (i.e., where heavy equipment activities associated with construction is not a normal occurrence during the nesting season). For other raptors, nests identified and considered to be active within 250-feet of construction activities, will restrict construction activities within 500 feet of the nests until the young have fledged. Any trees that must be removed as a result of construction, but contain nests, shall be felled during the non-breeding season.

Mitigation Measure 3.7-1e:

Obtain a NPDES permit from the RWQCB, develop a SWPPP, and implement BMPs to address potential storm water impacts associated with development of the site and to protect water quality. Comply with Placer County ordinances for all grading, drainage, and construction of improvements, and comply with SWPPP requirements including the implementation and monitoring of erosion and sediment control measures during construction. This mitigation measure applies to Impact 3.7-1 and Impact 3.7-3.

The proposed project has the potential to result in water quality and storm water impacts due to erosion and sediment movement as a result of grading and construction activities associated with development. The following mitigation measure will reduce these impacts to a less than significant level:

The 1972 amendments to the Federal Water Pollution Control Act established the National Pollutant Discharge Elimination System (NPDES) permit program to control discharges of pollutants from point sources and non-point discharges to waters of the United States. The 1987 amendments to the CWA created a new section of the CWA devoted to storm water permitting (Section 402(p)). On November 16, 1990, the U.S. Environmental Protection Agency (USEPA) published final regulations that establish storm water permit application requirements. The regulations provide that discharges of storm water to waters of the United States from construction projects that encompass five or more acres of soil disturbance are effectively prohibited unless the discharge is in compliance with an NPDES Permit.

The State of California RWQCB administers and enforces the provisions of the NPDES program. In accordance with the NPDES regulations, the RWQCB requires that any construction activities affecting/disturbing five or more must obtain coverage under the General Construction Activity Storm Water Permit (General Permit). In March of 2003, Phase II NPDES Storm Water regulations revisions took effect, which revised the General Permit to require construction projects greater than one acre in size to comply with the terms of the General Permit. Construction activities that are subject to this General Permit include clearing, grading, disturbances to the ground such as stockpiling, or excavation that result in soil disturbances of at least one acre of total land area.

In order to obtain coverage under the State of California General Permit, a Notice of Intent (NOI) is required to be filed with the RWQCB. In conjunction with submittal of a NOI to the RWQCB, a SWPPP is required to be prepared and retained on site during construction. This SWPPP will contain pollution prevention measures (erosion and sediment control measures and measures to control non-storm water discharges and hazardous spills), demonstration of compliance with all applicable local and regional erosion and sediment control standards, identification of responsible parties, a detailed construction timeline, and a BMP monitoring and maintenance schedule. BMPs are measures and materials designed to reduce impacts from erosion and sedimentation during grading and construction activities through use of Best Available Technology (BAT). Appropriate erosion and sedimentation control practices will be addressed in the Erosion Control Plan for the project and will conform to all standards adopted by Placer

County. A copy of the SWPPP will be kept on site and reviewed by all appropriate personnel involved with construction activities of the project, and the final Erosion Control Plan for the project will require approval from the Placer County Utilities Department Director. BMPs implemented, as part of the SWPPP should include the following procedures:

- restricting grading to the dry season;
- remove the minimal amount of site vegetation - keep as much vegetation as possible around the perimeter of the site, especially above drainages;
- utilizing erosion control blankets, hydroseeding, or similar practices to protect finished graded slopes from erosion;
- protecting downstream storm drainage inlets from sedimentation through the use of sediment barriers and protection of storm drain inlets through the use of drop inlet sediment sacks and sand bags;
- use of silt fencing and straw wattles to retain sediment on the project site;
- use of temporary water conveyance and water diversion structures to eliminate runoff to the fill slopes; and
- any other suitable measures outlined in an approved Erosion Control Manual.

The above erosion control measures implemented during the development of the proposed project site and, compliance with the NPDES regulations, including filing of a NOI with the RWQCB and preparation of a SWPPP containing appropriate BMPs will reduce significant impacts from erosion to a level less than significant.

Finding: Implementation of the mitigation measures identified above and listed in the MMRP, will substantially reduce the significant effect to a level that is less than significant.

Explanation: Potential nesting and foraging habitats for raptors, Swainson's Hawk, western burrowing owl, and migratory birds occur on site and adjacent to the project area. Construction activity during the breeding season resulting in the loss of or disturbance to nests is considered potentially significant impact. Pre-construction surveys and construction monitoring will confirm the results of previous surveys undertaken on the site. Generally, mitigation measures propose avoidance of candidate or special-status species during the breeding season and removal of habitat, as appropriate and necessary, during the non-breeding season. Implementation of mitigation measures 3.7-1a through 3.7-1d reduce potentially significant effects.

In addition, Mitigation Measure 3.7-1e also ensures that the appropriate plans and permits are obtained to protect water quality. The Dry Creek watershed supports populations of special-status fish species including migrating fall-run Chinook salmon and the federally threatened Central Valley steelhead. Although the project is located approximately ½-mile south of Dry Creek and is further separated from the creek by PFE road, the on site water features are tributary to Dry Creek. Mitigation Measure 3.7-1e will reduce potential water quality impacts to the Dry Creek watershed from storm water runoff and erosion to a less than significant level and no further mitigation is necessary to afford protection and preservation of special-status fish species. Specifically Mitigation Measure 3.7-1e requires the following permits or plans: a National Pollutant Discharge

Elimination System (NPDES) permit; development of a Storm Water Pollution Prevention Plan (SWPPP); and, the implementation of Best Management Practices (BMPs).

Significance After Mitigation: Less Than Significant

Impact 3.7-2: The project may have a substantial adverse effect on oak trees, riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by the CDFG or USFWS.

Mitigation Measure 3.7-2 a,b,c

Mitigation Measure 3.7-2a:

Native oak tree preservation and mitigation. This mitigation measure applies to Impact 3.7-2 and Impact 3.7-5.

The following oak tree mitigation is consistent with the Placer County Tree Ordinance.

- a. Whenever practicable, direct impact to native oak trees, including removal, pruning, and soil compaction within the dripline shall be avoided. Additionally, vehicles and heavy construction equipment shall not be parked within or adjacent to the dripline of oak trees. In order to avoid encroachment into the dripline, individual oak trees or stands shall be protected by erecting a temporary construction fence around the perimeter of the drip line prior to the onset of construction, for native trees that would subject to disturbance within 50 feet of the dripline radius.
- b. Oak trees that are removed as a result of construction shall be replaced by planting a combination of five one-gallon, three three-gallon, and one 15-gallon oak tree for each oak tree removed, from local genetic stock, preferably from genetic stock collected on site. For each tree removed, the combination diameter of the replacement trees shall be equal to the diameter of the tree removed. All oak tree mitigation plantings will be monitored for a period of five years to ensure an 80 percent success rate is achieved. If a project site cannot support the planting of all replacement trees, the applicant may pay Placer County the current market value for each tree not planted, up to 50 percent of the impacted trees, and this money will be placed in the County's Tree Preservation Fund.
- c. An Oak Tree Preservation, Mitigation, and Monitoring Plan shall be prepared by a qualified biologist or arborist prior to the onset of construction and, along with the above listed criteria, shall include an inventory of trees to be removed and/or disturbed from construction, specific protection measures for oaks during construction, replacement ratios and species, seed sources, location of replacement plantings, description of planting methods, a monitoring schedule, success criteria, and remedial measures.

Mitigation Measure 3.7-2b:

Minimize impacts to wetlands and jurisdictional WOUS, and provide compensatory mitigation for unavoidable impacts. Verification of the wetland delineation by the ACOE and coverage under a Nationwide Permit, Streambed Alteration Agreement and a Section 401 Water Quality Certification. Consultation with CDFG to determine their jurisdiction over the on site wetland features. This mitigation measure applies to Impact 3.7-2 and Impact 3.7-3.

Approval from the ACOE must be received prior to any fill activities or discharges within jurisdictional wetlands or WOUS. The ±1.532 acres of wetlands and jurisdictional WOUS associated with the PFE-36 acre parcel have been verified by the ACOE (2004); however, the wetland delineations for the Almond Ranch and PFE-14 acre parcels have not been verified. A preconstruction notification has been submitted to the ACOE as part of the project proponent's application for a Nationwide 39 permit (ECORP 2003b) in association with the impacts to waters of the U.S. for the PFE-36 acre parcel.

Prior to the onset of construction activities, all potential jurisdictional waters of the U.S. associated with the project site will need to be verified by the ACOE. Although a preconstruction notification has been submitted for a Nationwide Permit 39 application, other Section 404 permits will be required for the fill activities associated with the other WOUS associated with the Almond Ranch and PFE-14 parcels. Any WOUS that would be lost or disturbed shall be replaced or rehabilitated on a "no-net-loss" basis in accordance with the ACOE' mitigation guidelines. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods agreeable to the ACOE.

A Section 401 Water Quality Certification, or waiver thereof, shall be obtained from the Central Valley RWQCB before a Section 404 permit becomes valid. In addition, coverage under a Streambed Alteration Agreement from CDFG will be required for those activities that will affect streambed and bank areas under CDFG jurisdiction. The applicant must submit verification of compliance with CEQA requirements (i.e. preparation of a Final EIR) to both CDFG and the RWQCB before the agencies can issue a final Lake or Streambed Alteration Agreement, or Water Quality Certification.

Mitigation Measure 3.7-2c:

Minimize impacts to riparian areas. This mitigation measure applies to Impact 3.7-2.

If project construction affects the riparian vegetation along the seasonal wetland swale, and for each stream crossing and any other activities affecting the bed, bank, or associated riparian vegetation of the stream a Streambed Alteration Agreement shall be obtained from CDFG, pursuant to Section 1602 of the California Fish and Game Code. This agreement shall require minimization measures, such as minimizing impacts to riparian vegetation, revegetation, timing of construction, erosion and sediment control, maintenance of fish passages if applicable, and specifications regarding construction materials.

Finding: Implementation of the mitigation measures identified above and listed in the MMRP, will reduce the potentially significant effect to a level that is less than significant.

Explanation: Impacts to oak trees would be minimized by Mitigation Measure 3.7-2a. Oak trees that are not proposed to be removed would be protected during construction activities. Oak trees that are removed would be replaced with 9 trees for every 1 tree removed, to ensure an 80 percent success rate. In addition, an Oak Tree Preservation, Mitigation, and Monitoring Plan shall be prepared. Implementation of Mitigation Measure 3.7-2a would minimize potential impacts.

Wetland features associated with the project site are mainly seasonal wetland swales and intermittent drainages, with small areas of seasonal wetlands, seasonal marsh, and ephemeral drainages. The western portion of the site contains a large seasonal wetland swale and intermittent drainage, with additional seasonal wetland swales located in the center and eastern portions of the site. Riparian vegetation, such as willow and cottonwood species are present in the western portion of the project site.

Implementation of Mitigation Measures 3.7-2b and 3.7-2c, including approved permits from the ACOE, RWQCB, and CDFG, would ensure that potentially significant impacts to riparian habitats and other sensitive natural communities are minimized or reduced to a less than significant level.

Significance After Mitigation: Less Than Significant

Impact 3.7-3: The project will have a substantial adverse effect on federally protected wetlands (seasonal wetlands, seasonal wetland swales, seasonal marsh, and ephemeral and intermittent drainages) through direct removal, filling, hydrological interruption or other means.

Mitigation Measure 3.7-3a,b,c:

Mitigation Measure 3.7-3a: (see Mitigation Measure 3.7-2b)

Mitigation Measure 3.7-3b: (see Mitigation Measure 3.7-1e)

Mitigation Measure 3.7-3c:

Protect and avoid preserved/avoided wetland features and open space areas during construction. This mitigation measure applies to Impact 3.7-3.

To avoid impacts to the preserved wetland habitat and open space areas of the project, orange construction fencing will be installed around the perimeter of the preserve to provide a minimum 40-foot buffer around these protected features. The orange construction fencing will remain in place until construction related impacts are no longer present and all disturbed project soils have been stabilized. In addition, silt fencing will be installed along with straw wattles around the inside perimeter of the construction fencing during the wet season (October through April) to prevent sediment movement associated with storm water and erosion into these areas. Entrenching the silt fencing, as

is recommended to provide maximum protection from sediment intrusion, could potentially impact the open space preserve area. To avoid soil impacts to the preserve boundary area the silt fencing will not be entrenched, but stabilized along the interface with the soil horizon with straw wattles secured with wooden stakes. All construction fencing, silt fencing, and straw wattles will be inspected regularly and maintained/replaced as needed to provide protection.

Finding: Implementation of the mitigation measures identified above and listed in the MMRP, will substantially reduce the significant effect to a level that is less than significant.

Explanation: The project area supports approximately 3.69 acres of potential jurisdictional waters of the U.S., which include federally protected wetlands as defined by Section 404 of the CWA. It is possible to minimize loss and/or degradation of wetlands by avoidance and/or compensation and by the employment of engineering techniques that control construction and development activities and thereby minimize potentially significant effects. The identified mitigation measures invoke such procedures. Moreover, impacts on waters of the U.S. and wetlands are generally controlled by Federal permits and State requirements that mitigate the impacts. The applicant will be required to comply with those permit review procedures and obligations. In addition, erosion control measures implemented during the development of the proposed project site and, compliance with the NPDES regulations, including filing of a NOI with the RWQCB and preparation of a SWPPP containing appropriate BMPs will reduce significant impacts from erosion to a level less than significant.

Significance After Mitigation: Less Than Significant

Impact 3.7-5: The proposed project will conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Mitigation Measure 3.7-5: (see Mitigation Measure 3.7-2a)

Finding: Implementation of the mitigation measures identified above and listed in the MMRP, will reduce the potentially significant effect to a level that is less than significant.

Explanation: Impacts to oak trees would be minimized by Mitigation Measure 3.7-5 (see Mitigation Measure 3.7-2a). Oak trees that are not proposed to be removed would be protected during construction activities. Oak trees that are removed would be replaced with 9 trees for every 1 tree removed, to ensure an 80 percent success rate. In addition, an Oak Tree Preservation, Mitigation, and Monitoring Plan shall be prepared.

Significance After Mitigation: Less Than Significant

Cultural Resources Impacts

Impact 3.8-1: Cause a substantial adverse change in the significance of an archaeological resource.

Mitigation Measure 3.8-1: Mitigation for inadvertently discovered archaeological resources. This mitigation measure applies to Impact 3.8-1. If human remains are encountered during the course of project activities, all work in that area shall halt and the County coroner and Native American Heritage Commission shall be notified immediately. In addition, a qualified professional archaeologist shall be notified immediately in order to assess the resource value as soon as possible, and develop measures to avoid, minimize or mitigate adverse effects to such properties.

If archaeological artifacts, exotic rock (non-native), or unusual amounts of shell or bone are uncovered during any on-site construction activities, all work must stop immediately within 60 feet of the area and a SOPA-certified (Society of Professional Archaeologists) and/or Register of Professional Archaeologist retained to evaluate the deposits. The Placer County Planning Department and Department of Museums must also be contacted for review of the archaeological find(s).

If the discovery consists of human remains, the Placer County Coroner and Native American Heritage Commission must also be contacted. Work in the area may only proceed after authorization is granted by the Placer County Planning Department. A note to this effect shall be provided on the Improvement Plans for the project.

Following a review of the new find and consultation with appropriate experts, if necessary, the authority to proceed may be accompanied by the addition of development requirements which provide protection of the site and/or additional mitigation measures necessary to address the unique or sensitive nature of the site.

Finding: Implementation of the mitigation measures identified above and listed in the MMRP, will minimize potentially significant effects to a level that is less than significant.

Explanation: Potentially important cultural resources can be protected by avoidance or implementation of accepted protective measures. If unknown archaeological resources are discovered during construction and grading activities, Mitigation Measure 3.8-1 will avoid, minimize, and/or mitigate potential adverse effects to the discovered resource. The Mitigation Measure is designed to address a variety of discovered resource possibilities, and the steps taken to reduce impacts will depend upon the nature of the resource discovered (i.e., discovery of human remains, archaeological artifacts, exotic rock, etc.).

Significance After Mitigation: Less Than Significant

Impact 3.8-2: Cause substantial adverse change in the significance of a historical resource.

Mitigation Measure 3.8-2: Mitigation for inadvertently discovered historical resources. This mitigation measure applies to Impact 3.8-2.

All project personnel shall be informed about potential archaeological or historical resources and procedures to follow if a discovery is made. Historic resources that may be

identified, but are not limited to house foundations, wells, privies, machine or hand solder cans, and colored bottle glass fragments. All of the resources both prehistoric and historic are considered significant until determined otherwise.

Prior to the start of any grading, construction crews shall be trained in the identification of archaeological resources prior to commencing ground-disturbing activities. This training shall include: (1) proper identification of archaeological deposits; (2) the procedures to be followed in the event of such a discovery; (3) an understanding of the importance of protecting cultural resources; and (4) an overview of applicable laws, statutes and ordinances. Training will be conducted by a SOPA-certified archaeologist in person, and written materials will be provided to each trained crew member, who will be required to sign that he or she has received the training, understands it, and agrees to abide by it.

Finding: Implementation of the mitigation measures identified above and listed in the MMRP, will minimize potentially significant effects to a level that is less than significant.

Explanation: Potentially important cultural resources can be protected by avoidance or implementation of accepted protective measures. If unknown historical resources, including prehistoric resources, are discovered during construction and grading activities, Mitigation Measure 3.8-2 will avoid, minimize, and/or mitigate potential adverse effects to the discovered resource. The Mitigation Measure is designed to address a variety of discovered resource possibilities, and the steps taken to reduce impacts will depend upon the nature of the resource discovered (i.e., house foundations, wells, privies, colored bottle glass fragments).

In addition, Mitigation Measure 3.8-2 states that grading and construction crews shall be trained in the identification of archeological resources. Potentially important cultural resources unearthed by construction activities can be protected by trained construction workers so that they are able to adequately identify discoveries, cease construction work, notify appropriate authorities, and follow their recommendations.

Significance After Mitigation: Less Than Significant

Impact 3.8-3: Damage to inadvertently exposed paleontological resources during construction.

Mitigation Measure 3.8-3: Retain a qualified professional paleontologist to inspect project weekly during grading activities and salvage fossils as necessary. This mitigation measure applies to Impact 3.8-3.

Prior to submittal of any grading or Improvement Plan, the applicant shall provide written evidence to the Planning Department that a qualified paleontologist has been retained to observe grading activities on a weekly basis during all grading activities, to salvage fossils as necessary. The paleontologist shall establish procedures for paleontological resource surveillance and shall establish, in cooperation with the project developer, procedures for temporarily halting or redirecting work to permit sampling, identification

and evaluation of fossils. If major paleontological resources are discovered, which require temporary halting or redirecting of grading, the paleontologist shall report such findings to the project developer, and to the Placer County Department of Museums and Planning Department.

The paleontologist shall determine appropriate actions, in cooperation with the project developer, which ensure proper exploration and/or salvage. Excavated finds shall be offered to a State-designated repository such as Museum of Paleontology, U.C. Berkeley, the California Academy of Sciences, or any other State-designated repository. Otherwise, the finds shall be offered to the Placer County Department of Museums for purposes of public education and interpretive displays.

These actions, as well as final mitigation and disposition of the resources shall be subject to approval by the Department of Museums. The paleontologist shall submit a follow-up report to the Department of Museums and Planning Department which shall include the period of inspection, an analysis of the fossils found and present repository of fossils.

Finding: Implementation of the mitigation measures identified above and listed in the MMRP, will minimize potentially significant effects to a level that is less than significant.

Explanation: Regular inspections and procedures for surveillance by a qualified paleontologist can identify potentially important paleontological resources. Impacts to potentially important paleontological resources can be minimized by implementation of accepted protective measures and salvaging methods. If unknown paleontological resources are discovered during construction and grading activities, Mitigation Measure 3.8-3 will avoid, minimize, and/or mitigate potential adverse effects to the discovered resource. The Mitigation Measure is designed to address a variety of discovered resource possibilities, and the steps taken to reduce impacts will depend upon the nature of the resource discovered.

Significance After Mitigation: Less Than Significant

Geology, Soils, and Mineral Resources Impacts

Impact 3.9-2: Topographic alteration resulting from earth grading.

Mitigation Measure 3.9.2a,b,c,d,e,f,g

Topographic alterations.

- a. The applicant shall prepare and submit Improvement Plans, specifications and cost estimates (per requirements of Section II of the Land Development Manual [LDM] that are in effect at the time of submittal) to the Engineering and Surveying Department (ESD) for review and approval. The plans shall show all conditions for the project as well as pertinent topographical features both on- and off-site. All existing and proposed utilities and easements, on-site and adjacent to the project, which may be affected by planned construction, shall be shown on the plans. All

landscaping and irrigation facilities within the public right-of-way (or public easements), or landscaping within sight distance areas at intersections, shall be included in the Improvement Plans. The applicant shall pay plan check and inspection fees. (NOTE: prior to plan approval, all applicable recording and reproduction cost shall be paid). The cost of the above-noted landscape and irrigation facilities shall be included in the estimates used to determine these fees. It is the applicant's responsibility to obtain all required agency signatures on the plans and to secure department approvals. If the Design/Site Review process and/or DRC review is required as a condition of approval for the project, said review process shall be completed prior to submittal of Improvement Plans. Record drawings shall be prepared and signed by a California Registered Civil Engineer at the applicant's expense and shall be submitted to the ESD prior to acceptance by the County of site improvements.

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

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

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

If at any time during construction, a field review by County personnel indicates a significant deviation from the proposed grading shown on the Improvement Plans, specifically with regard to slope heights, slope rations, erosion control, winterization, tree disturbance, and/or pad elevations and configurations, the plans shall be reviewed by the DRC/ESD for a determination of substantial conformance to the project approvals prior to any further work proceeding. Failure of the DRC/ESD to make a

determination of substantial conformance may serve as grounds for the revocation/modification of the project approval by the appropriate hearing body.

- c. Submit to ESD, for review and approval, a geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer. The report shall address and make recommendations on the following:
 - A) Road, Pavement, and parking area design
 - B) Structural foundations, including retaining wall design (if applicable)
 - C) Grading practices
 - D) Erosion/winterization
 - E) Special problems discovered on-site, (i.e., groundwater, expansive/unstable soils, etc.)
 - F) Slope stability

Once approved by the ESD, two copies of the final report shall be provided to the ESD and one copy to the Building Department for their use. If the soils report indicates the presence of critically expansive or other soils problems which, if not corrected, could lead to structural defects, a certification of completion of the requirements of the soils report will be required for subdivisions, prior to issuance of Building Permits. This certification may be completed on a Lot by Lot basis or on a Tract basis. This shall be noted in the CC&Rs and on the Informational Sheet filed with the Final Map(s). It is the responsibility of the developer to provide for engineering inspection and certification that earth work has been performed in conformity with recommendations contained in the report.

- d. Staging Areas: Stockpiling and/or vehicle staging areas shall be identified on the Improvement Plans and located as far as practical from existing dwellings and protected resources in the area.
- e. Any proposed subdivision grading beyond that necessary for construction of streets, utilities and drainage improvements (i.e., mass grading, residential pad grading) must be approved by DRC prior to approval of project Improvement Plans. The intent of this condition is to allow detailed DRC review of lot or contour grading impacts, and to ensure that grading activities do not exceed those indicated on the preliminary grading plan for this project. Grading plans, of a suitable scale and providing specific engineering detail, including limits of grading, identification of trees, existing and proposed contours, drainage patterns, etc., shall be prepared and submitted for DRC review. If grading, beyond that indicated on the preliminary grading plan, and/or environmental documents is proposed with subdivision construction, the matter shall be referred back to the Planning Commission for consideration

- f. In order to protect site resources, no grading activities of any kind may take place within the 100-year floodplain of the stream/drainage way, nor within the watershed of the vernal pool(s), unless otherwise approved as part of this project.
- g. If blasting is required for the installation of site improvements, the developer will comply with applicable County Ordinances that relate to blasting and use only State licensed contractors to conduct these operations.

Finding: Implementation of the mitigation measures will reduce the potentially significant impact to less than significant.

Explanation: The grading associated with project development would result in changes the site's existing topography. However, the impact is of a nature that can be mitigated through appropriate engineering requirements and by employing grading techniques that blend with the natural topography. In addition, mitigation measures propose erosion control, slope stability, and revegetation measures that minimize grading impacts.

Significance After Mitigation: Less Than Significant

Impact 3.9.3: Potential for increased erosion during and after construction.

Mitigation Measure 3.9-3 a,b,c,d,e,f,g,h,i,j:

Project design and erosion control measures.

- a. The applicant shall prepare and submit Improvement Plans, specifications and cost estimates (per requirements of Section II of the Land Development Manual [LDM] that are in effect at the time of submittal) to the Engineering and Surveying Department (ESD) for review and approval. The plans shall show all conditions for the project as well as pertinent topographical features both on- and off-site. All existing and proposed utilities and easements, on-site and adjacent to the project, which may be affected by planned construction, shall be shown on the plans. All landscaping and irrigation facilities within the public right-of-way (or public easements), or landscaping within sight distance areas at intersections, shall be included in the Improvement Plans. The applicant shall pay plan check and inspection fees. (NOTE: prior to plan approval, all applicable recording and reproduction cost shall be paid). The cost of the above-noted landscape and irrigation facilities shall be included in the estimates used to determine these fees. It is the applicant's responsibility to obtain all required agency signatures on the plans and to secure department approvals. If the Design/Site Review process and/or DRC review is required as a condition of approval for the project, said review process shall be completed prior to submittal of Improvement Plans. Record drawings shall be prepared and signed by a California Registered Civil Engineer at the applicant's expense and shall be submitted to the ESD prior to acceptance by the County of site improvements.
- b. All proposed grading, drainage improvements, vegetation and tree removal shall be shown on the Improvement Plans and all work shall conform to provisions of the

County Grading Ordinance (Ref. Article 15.48, formerly Chapter 29), Placer County Code) that are in effect at the time of submittal. No grading, clearing, or tree disturbance shall occur until the Improvement Plans are approved and all temporary construction fencing has been installed and inspected by a member of the DRC. All cut/fill slopes shall be at 2:1 (horizontal:vertical) unless a soils report supports a steeper slope and ESD concurs with said recommendation.

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

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

If at any time during construction, a field review by County personnel indicates a significant deviation from the proposed grading shown on the Improvement Plans, specifically with regard to slope heights, slope rations, erosion control, winterization, tree disturbance, and/or pad elevations and configurations, the plans shall be reviewed by the DRC/ESD for a determination of substantial conformance to the project approvals prior to any further work proceeding. Failure of the DRC/ESD to make a determination of substantial conformance may serve as grounds for the revocation/modification of the project approval by the appropriate hearing body.

- c. Submit to ESD, for review and approval, a geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer. The report shall address and make recommendations on the following:
 - A) Road, Pavement, and parking area design
 - B) Structural foundations, including retaining wall design (if applicable)
 - C) Grading practices
 - D) Erosion/winterization
 - E) Special problems discovered on-site, (i.e., groundwater, expansive/unstable soils, etc.)

F) Slope stability

Once approved by the ESD, two copies of the final report shall be provided to the ESD and one copy to the Building Department for their use. If the soils report indicates the presence of critically expansive or other soils problems which, if not corrected, could lead to structural defects, a certification of completion of the requirements of the soils report will be required for subdivisions, prior to issuance of Building Permits. This certification may be completed on a Lot by Lot basis or on a Tract basis. This shall be noted in the CC&Rs and on the Informational Sheet filed with the Final Map(s). It is the responsibility of the developer to provide for engineering inspection and certification that earth work has been performed in conformity with recommendations contained in the report.

- d. Staging Areas: Stockpiling and/or vehicle staging areas shall be identified on the Improvement Plans and located as far as practical from existing dwellings and protected resources in the area.
- e. Prepare and submit with the project Improvement Plans, a drainage report in conformance with the requirements of Section 5 of the LDM and the Placer County Storm Water Management Manual that are in effect at the time of submittal, to the ESD for review and approval. The report shall be prepared by a Registered Civil Engineer and shall, at a minimum, include: A written text addressing existing conditions, the effects of the improvements, all appropriate calculations, a watershed map, increases in downstream flows, proposed on- and off-site improvements and drainage easements to accommodate flows from this project. The report shall identify water quality protection features and methods to be used both during construction and for long-term post-construction water quality protection. "Best Management Practice" (BMP) measures shall be provided to reduce erosion, water quality degradation, and to prevent the discharge of pollutants to storm water to the maximum extent practicable.
- f. Projects with ground disturbance exceeding one-acre that are subject to construction stormwater quality permit requirements of the National Pollutant Discharge Elimination System (NPDES) program shall obtain such permit from the State Regional Water Quality Control Board, and shall provide to ESD evidence of a state-issued WDID number or filing of a Notice of Intent and fees prior to start of construction.
- g. Any proposed subdivision grading beyond that necessary for construction of streets, utilities and drainage improvements (i.e., mass grading, residential pad grading) must be approved by DRC prior to approval of project Improvement Plans. The intent of this condition is to allow detailed DRC review of lot or contour grading impacts, and to ensure that grading activities do not exceed those indicated on the preliminary grading plan for this project. Grading plans, of a suitable scale and providing specific engineering detail, including limits of grading, identification of trees, existing and proposed contours, drainage patterns, etc., shall be prepared and submitted for DRC review. If grading, beyond that indicated on the preliminary grading plan, and/or

environmental documents is proposed with subdivision construction, the matter shall be referred back to the Planning Commission for consideration

- h. In order to protect site resources, no grading activities of any kind may take place within the 100-year floodplain of the stream/drainage way, nor within the watershed of the vernal pool(s), unless otherwise approved as part of this project.
- i. If blasting is required for the installation of site improvements, the developer will comply with applicable County Ordinances that relate to blasting and use only State licensed contractors to conduct these operations.
- j. Water quality treatment facilities (BMPs) shall be designed according to the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction and for New Development/Redevelopment (or other similar source as approved by the ESD). BMPs for the project include, but are not limited to: Silt Fence (SE-1), Fiber Rolls (SE-5), Hydroseeding (EC-4), Stabilized Construction Entrance (TC-1), Storm Drain Inlet Protection (SE-10), and revegetation techniques.

Finding: Implementation of the mitigation measures will reduce the potentially significant impact to less than significant.

Explanation: The impacts are of a nature that can be addressed through engineering requirements such as those that the mitigation measures impose.

Significance After Mitigation: Less Than Significant

Hazards & Hazardous Materials Impacts

Impact 3.10-2: Potential contact with contaminated soils or ground water during and after construction.

Mitigation Measure 3.10-2: Implementation of a Preliminary Endangerment Assessment in accordance with California DTSC protocols. This mitigation measure applies to impact 3.10-2.

To address the potentially significant health and environmental risks associated with the current concentrations of arsenic and lead detected in the soils assessments conducted for the Project Site that are above the most recently developed PRGs, and the trace amounts of chlorinated pesticides (DDT) detected, a Preliminary Endangerment Assessment (PEA) will be conducted in accordance with California DTSC protocols prior to grading plan or improvement plan approval. DTSC will evaluate the PEA as part of the Voluntary Cleanup Agreement and provide additional project specific requirements. These requirements can include contaminated soils removal, encapsulation, deed restrictions on use, or no further action. This will reduce the potentially significant impact from arsenic, lead, and DDT levels present in the project soils to a less than significant level.

Finding: Implementation of the Mitigation Measure will reduce the significant impact to a level that is less than significant.

Explanation: Results of the soil testing conducted on the property indicate that current concentrations of arsenic in one area of the site exceed the Preliminary Remediation Goals (PRGs) set by the California Environmental Protection Agency. Low levels of DDT, an organochlorine pesticide (OCP) were detected in one of nine composite samples collected. This detected level of OCPs was below the PRGs. However, any detected chlorinated pesticide requires a Preliminary Endangerment Assessment (PEA) be conducted in accordance with DTSC protocols. The concentrations of arsenic were consistent with or slightly elevated with respect to background levels. Placer County EHS reviewed these results and concurred with the conclusions establishing the "footprint" of elevated arsenic levels. This footprint is approximately 15 by 22 feet. Areas outside of this footprint do not indicate arsenic and lead concentrations above background levels. Grading and excavation activities have the potential to spread contaminated soil across the site or allow particles to become airborne, creating a potentially significant impact. Mitigation Measure 3.10-2 requires the preparation of a Preliminary Endangerment Assessment which would be submitted to the California Department of Toxic Substances Control (DTSC) for review and approval. In addition, the DTSC would provide additional project specific requirements to ensure that potential hazards are minimized to a level that is less than significant.

Significance After Mitigation: Less Than Significant

Impact 3.10-3: Storage and accidental release of hazardous substances during construction.

Mitigation Measure 3.10-3 a,b:

Mitigation Measure 3.10-3a:

Comply with CDF and Placer County Fire District requirements for temporary storage of combustible-flammable liquids at construction sites. This mitigation measure applies to Impact 3.10-3.

Construction activities will involve the use of hazardous materials including fuels, oils, lubricants, paints and paint thinners, glues, and various solvents and cleaners. However, due to the residential nature of the project, the quantities of these materials are expected to be minimal. The Applicant will comply with the requirements provided by CDF and the Placer County Fire District-Dry Creek Battalion 100 Fire Department for the temporary storage of combustible/flammable liquids for construction sites. These requirements include inspection to verify maintenance of vegetation breaks and identification of emergency shut-off valves and switches. If electrical connections are required to power these facilities, the required permits will be obtained through the Placer County Building Department. During the entire construction phase of the project site, the Applicant is required to have a Storm Water Pollution Prevention Plan (SWPPP) onsite at all times. Within the SWPPP will be measures to control the use of hazardous substances

to ensure that not only storm water, but also soils are protected from accidental spills, fires or other damaging incidents.

As a precaution to avoid impacts to the environment in the case of accidental release of these materials, the applicant will store all fuel reserve supplies and hazardous materials in a confined area, such as a designated construction staging area, that is designed to retain any liquid materials accidentally released. Any refueling or maintenance activities will be restricted to the staging area as well, and construction vehicles will be inspected daily for leaks. A spill kit that can accommodate the accidental release of stored materials will be kept onsite in the staging area, and be easily accessible in the event of accidental release of hazardous materials. Any transportation, use and storage of any hazardous materials will be in compliance with applicable codes and regulations. These include, but are not limited to, Title 8 and 22 of the Code of California Regulations, Uniform Fire Code, and Chapter 6.95 of the California Health and Safety Code. Implementation of this mitigation measure will reduce environmental impacts related to the temporary storage of hazardous liquids on the project site to a less than significant level.

Mitigation Measure 3.10-3b:

Comply with County and CDF requirements for reporting releases of hazardous materials. This mitigation measure applies to Impact 3.10-3.

The Applicant will comply with CDF and Placer County regulations and requirements regarding reporting of releases of hazardous materials. In the event of accidental release of hazardous materials during construction, the spill will be contained and reported to the Placer County Environmental Health Services and CDF immediately. Any impacted soils would be excavated and disposed of per County requirements.

Finding: Implementation of the Mitigation Measures will reduce the potentially significant impact to a level that is less than significant.

Explanation: The issue is one commonly encountered in connection with construction projects and can be controlled through the proper storage of flammable/combustible materials. The Mitigation Measure requires that construction activities comply with proper storage and use of hazardous substances.

Significance After Mitigation: Less Than Significant

Hydrology/Water Quality Impacts

Impact 3.11-1: Increased runoff leading to localized or downstream flooding.

Mitigation Measure 3.11-1 a,b,c,d,e

Implement Mitigation measure 3.9-3e listed in Geology, Soils & Minerals section. This Mitigation Measure also applies to Impact 3.11-1.

Mitigation Measure 3.11-1a:

Show finished house pad elevations 2' above the 100-year floodplain line (or finished floor 3' above) for Lots 13, 16, 17, 18, 29, 30, 41, 42, 43, 44, 45, 46, 47, 48, 56, 90, 91, 92, 95, and 96 on the Improvement Plans and Informational Sheet filed with the Final Map. Pad elevations shall be certified by the project engineer on "As-Built" plans submitted to the ESD following project construction. Benchmark elevation and location shall be shown on the Improvement Plans and Informational Sheet to the satisfaction of DRC.

Mitigation Measure 3.11-1b:

Drainage facilities, for purposes of collecting runoff on individual lots, shall be designed in accordance with the requirements of the County Storm Water Management Manual that are in effect at the time of submittal, and to the satisfaction of ESD. These facilities shall be constructed with subdivision improvements and easements provided as required by ESD. Maintenance of these facilities shall be provided by the homeowners' association.

Mitigation Measure 3.11-1c:

The following off-site drainage facilities shall be evaluated in the drainage report for condition and capacity and shall be upgraded, replaced, or mitigated as specified by ESD:

- A) Existing culvert crossings on PFE Road (located to the west of the project at APN 023-260-033 and the east side of the project, nearest Cook-Riolo Rd.)
- B) Existing downstream drainage facilities

Mitigation Measure 3.11-1d:

This project is subject to the one-time payment of drainage improvement and flood control fees pursuant to the "Dry Creek Watershed Interim Drainage Improvement Ordinance" (Ref. Article 15.32, formerly Chapter 4, subchapter 20, Placer County Code). The current estimated development fee is \$200 per single-family residence, payable to ESD prior to Building Permit issuance. The actual fee shall be that in effect at the time payment occurs.

Mitigation Measure 3.11-1e:

This project is subject to payment of annual drainage improvement and flood control fees pursuant to the "Dry Creek Watershed Interim Drainage Improvement Ordinance" (Ref. Article 15.32, formerly Chapter 4, subchapter 20, Placer County Code). Prior to Building Permit issuance, the applicant shall cause the subject property to become a participant in the existing Dry Creek Watershed County Service Area for purposes of collecting these annual assessments. The current estimated annual fee is \$35 per single-family residence.

Finding: Implementation of the mitigation measures identified above and listed in the MMRP, will reduce the potentially significant effect to a level that is less than significant.

Explanation: Control of stormwater runoff is an issue of project engineering that is directly addressed in the Placer County Stormwater Management Manual. The project site is located where there are no recommendations for local detention so that peak flows from the project site and area will pass downstream prior to the higher peak flows from the upper watershed. The mitigation measures provide feasible and effective programs that minimize additional runoff generated by the project in order to avoid downstream flood hazards.

Significance After Mitigation: Less Than Significant

Impact 3.11-2: Ongoing storm water runoff impacts on water quality.

Mitigation Measure 3.11-2 a,b,c,d

Mitigation Measure 3.11-2a:

Water quality "Best Management Practices" (BMPs) shall be applied according to guidance of the California Stormwater Quality Association (CASQA) Stormwater Best Management Practice Handbooks for Construction, for New Development/Redevelopment, or for Industrial and Commercial (or other similar sources as approved by the ESD). BMPs shall be designed to mitigate (minimize, infiltrate, filter, or treat) storm water runoff. Flow or volume based post-construction BMPs shall be designed at a minimum in accordance with the Placer County Guidance Document for Volume and Flow-Based Sizing of Permanent Post-Construction Best Management Practices for Stormwater Quality Protection. BMPs for the project include, but are not limited to: Vortex Separators (MP-51), Vegetated Swale (TC-30) and rock outfall protection. All BMPs shall be maintained as required to insure effectiveness. Proof of on-going maintenance, such as contractual evidence, shall be provided to ESD upon request.

Mitigation Measure 3.11-2b:

Storm drainage from on and off-site impervious surfaces (including roads) shall be collected and routed through specially designed catchbasins, vaults, filters, etc. for entrapment of sediment, debris and oils/greases as approved by ESD. Maintenance of these facilities shall be provided by the project owners/permittees unless, and until, a County Service Area is created and said facilities are accepted by the County for maintenance. Contractual evidence of a monthly parking lot sweeping and vacuuming, and catchbasin cleaning program shall be provided to ESD upon request. Failure to do so will be grounds for discretionary Permit revocation. Prior to Improvement Plan or Final Map approval, easements shall be created and offered for dedication to the County for maintenance and access to these facilities in anticipation of possible County maintenance. No water quality facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals.

Mitigation Measure 3.11-2c:

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

Mitigation Measure 3.11-2d:

The following source controls shall be made part of the project:

All storm drain inlets and catch basins within the project area shall be permanently marked/embossed with prohibitive language such as "No Dumping! Flows to Creek" or other language as approved by the ESD and/or graphical icons to discourage illegal dumping. Message details, placement, and locations shall be included on the Improvement Plans. ESD-approved signs and prohibitive language and/or graphical icons, which prohibit illegal dumping shall be posted at public access points along channels and creeks within the project area. The Homeowners' Association is responsible for maintaining the legibility of stamped messages and signs.

Applicant or Homeowners' Association shall distribute printed educational materials highlighting information regarding the stormwater facilities/BMPs, recommended maintenance, and inspection requirements, as well as conventional water conservation practices and surface water quality protection, to future buyers. Copies of this information shall be included in the Development Notebook.

Finding: Implementation of the mitigation measures identified above and listed in the MMRP, will reduce the potentially significant effect to a level that is less than significant.

Explanation: The quality of stormwater runoff from development projects can be controlled by accepted engineering solutions and "Best Management Practices." The mitigation measures provide for the implementation of practices that minimize impacts to water quality to a level that is considered less than significant.

Significance After Mitigation: Less Than Significant

Public Services and Utilities Impacts

Impact 3.12-1: Increased demand for treated surface water.

Mitigation Measure 3.12-1a,b:

Mitigation Measure 3.12-1a: Provide water pipeline improvements. This mitigation measure applies to Impact 3.12-1.

The Applicant proposes to design and construct a 16-inch and a 24-inch off site water supply pipeline in accordance with Cal-Am and/or PCWA standards. These standards specify acceptable pipe materials and joint types and require that all treated water pipelines are pressure tested for leakage and breakage at 150 PSI or 150 percent of line pressure, whichever is higher, assuring that there can be no "loose joints" in these lines. Air Vacuum Release Valves are required to be installed at high points in pipelines to automatically expel air from the pipeline and should a loss of pressure occur to automatically let air back into the pipeline so that negative pressures do not occur. This mitigation measure would reduce the impact to a less-than-significant level.

Mitigation Measure 3.12-1b: Confirm that sufficient wheeling capacity exists within City of Roseville's system or that an alternative system is available. This mitigation measure applies to Impact 3.12-1.

Prior to approving a final map for the project or any phase of the project, the County shall confirm that sufficient capacity exists within the City of Roseville's system, or that PCWA has an alternative source of water which does not depend upon the City of Roseville's system, to enable PCWA to supply Cal-Am with a permanent source of water for the Whisper Creek project. PCWA should perform an analysis of the remaining wheeling capacity in the City of Roseville's system. This analysis shall consider all of the previously committed demand to Morgan Creek, Placer Vineyards, Regional University or other projects within southwest Placer County that rely on water from the wheeling agreement. The analysis shall be submitted to both Placer County and to the City of Roseville for verification.

Level of Significance After Mitigation: Less Than Significant

Finding: Implementation of the mitigation measures identified above and listed in the MMRP, will reduce the potentially significant effect to a level that is less than significant.

Explanation: The Placer County Water Agency currently has surface water entitlements and an existing surface water supply that is more than adequate to supply the project site and proposed uses. However, water pipeline improvements would need to be constructed to serve the site. Mitigation Measure 3.12-1a addresses this issue by requiring the design and construction of the water supply pipeline. Mitigation Measure 3.12-1b will ensure that an analysis of the available City of Roseville wheeling capacity occurs prior to final map approval so that delivery capacity through that system can be confirmed or that an alternative source is available.

Significance After Mitigation: Less Than Significant

Impact 3.12-2: Increased demand for sewage conveyance to wastewater treatment plant.

Mitigation Measure 3.12-2: Mitigation Measure 3.12-2: Design off site sewer pipeline per Placer County requirements. This mitigation measure applies to impact 3.12-2.

The Applicant is responsible for designing and constructing portions of the off site sewer in accordance with design standards set forth by Placer County, including standards in the

Placer County Land Development Manual. This mitigation measure would reduce potential impacts related to wastewater conveyance to less than significant.

Finding: Implementation of the mitigation measures identified above and listed in the MMRP, will reduce the potential effect to a level that is less than significant.

Explanation: Sewage would be transported from the project site to treatment facilities via six-inch sanitary sewer routed through the project's internal roadway system. The project will need to construct approximately 700 feet of eight-inch sewer pipeline within PFE Road to connect to an existing eight-inch sewer that was constructed by the Morgan Creek project. The other portion of the project will connect to another existing line in PFE Road constructed as part of the Willow Park project. From these connections, existing off site sewer pipelines would convey project sewage to the existing City of Roseville wastewater treatment facilities. Mitigation Measure 3.12-2 provides for the design and construction of necessary off-site sewage conveyance pipelines that would connect the project to existing treatment facilities.

Significance After Mitigation: Less Than Significant

Impact 3.12-9: Increased demand for public schools.

Mitigation Measure 3.12-9: Pay statutory fees to existing school district(s). This mitigation measure applies to Impact 3.12-9.

The Applicant will pay its pro-rata share of statutory school fees to support upgrade of existing facilities or new facilities to serve the proposed project.

Finding: Implementation of the mitigation measure identified above and listed in the MMRP, will reduce the potentially significant effect to a level that is less than significant.

Explanation: The project would increase the demand for school facilities and, thus, the school districts may require payment of school fees to support upgraded or new facilities to serve the additional school-age population in the project area. School fees are statutory and are required to be paid at the time of building permit application.

Significance After Mitigation: Less Than Significant

Impact 3.12-13: Increased demand for vector control.

Mitigation Measure 3.12-13: Establish a Vector Prevention and Control Program. The applicant shall submit a Vector Prevention and Control Program for the project. This program shall be coordinated with and reviewed by the Placer County Mosquito Abatement District. This plan shall include applicable prevention and control measures, and address both existing and created (e.g. storm drainage features) vector habitat. Responsible parties for implementation and on-going maintenance shall be identified. Coordination with additional agencies with jurisdiction over preserved wetland features (e.g. U.S. Army Corps of Engineers, RWQCB) may be required. This program must be

approved by Placer County Environmental Health Services as part of improvement plan approval.

Finding: Implementation of the mitigation measure identified above and listed in the MMRP, will reduce the potentially significant effect to a level that is less than significant.

Explanation: There would be two potential sources of vector habitat on the project site. One is the existing wetland features which will be largely preserved. These features are seasonal but may provide potential habitat during portions of the year. The second source would be created by the implementation of water quality BMPs designed to handle project storm water runoff. These BMPs could either be storm drain vaults and/or vegetated swales. These potential sources for vectors could require services from Placer County that would be considered potentially significant. As mitigation, the project shall be required to establish a Vector Prevention and Control program and obtain approval of this program from Placer County Environmental Health Services. This program will include coordination with the Placer County Mosquito Abatement District.

Significance After Mitigation: Less Than Significant

IX. Unavoidable Significant Impacts

The FEIR identified the following significant impact that cannot be mitigated to a less-than-significant impact level even though the Planning Commission finds that all feasible mitigation measures have been identified and incorporated into the Proposed Project.

Air Quality Impacts

Impact 3.5-1: Construction-related emissions of ROG, NO_x, and PM₁₀ may exceed significance thresholds on a temporary basis during construction.

Mitigation Measure 3.5-1: The PCAPCD has established the following construction mitigation measures that shall be implemented during project construction to reduce emissions of ROG, NO_x, PM₁₀, and other criteria pollutants to a less than significant level:

1. Fugitive Dust:
 - a) The applicant shall submit to the District and receive approval of a Construction Emission / Dust Control Plan prior to groundbreaking.
 - b) Suspend all grading operations when fugitive dusts exceed District Rule 228 Fugitive Dust limitations. An applicant representative, CARB-certified to perform Visible Emissions Evaluations (VEE) shall routinely evaluate compliance to Rule 228, Fugitive Dust. Fugitive dust is not to exceed 40 percent opacity and not go beyond property boundary at any time.

2. Construction equipment exhaust emissions shall not exceed District Rule 202 Visible Emission limitations.
3. An Environmental Coordinator, CARB-certified to perform Visible Emissions Evaluations (VEE), shall routinely evaluate project related off-road and heavy-duty on-road equipment emissions for compliance with this requirement. Operators of vehicles and equipment found to exceed opacity limits will be notified and the equipment must be repaired within 72 hours.
4. The prime contractor shall submit to the District a comprehensive inventory (i.e. make, model, year, emission rating) of all the heavy-duty off-road equipment (50 horsepower or greater) that will be used an aggregate of 40 or more hours for the construction project. The project representative shall provide the District with the anticipated construction timeline including start date, and name and phone number of the project manager and on site foreman. The project shall provide a plan for approval by the District demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average. Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available. Contractors can access the Sacramento Metropolitan Air Quality Management District's web site to determine if their off-road fleet meets the requirements listed in this measure:
http://www.airquality.org/ceqa/Construction_Mitigation_Calculator.xls.
5. No open burning of removed vegetation during infrastructure improvements. Vegetative material should be chipped or delivered to waste to energy facilities.
6. Spread soil binders on unpaved roads and employee/equipment parking areas.
7. Apply approved chemical soil stabilizers according to manufacturer's specifications, to all-inactive construction areas (previously graded areas which remain inactive for 96 hours).
8. Wet broom or wash streets daily if silt is carried over to adjacent public thoroughfares.
9. Traffic speeds on all unpaved surfaces shall not exceed 15 miles per hour.
10. Install wheel washers or wash all trucks and equipment leaving the site.
11. Suspend all grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour and dust is impacting adjacent properties.
12. Minimize idling time to 5 minutes.

13. Use low sulfur fuel for stationary construction equipment.
14. An operational water truck shall be onsite at all times. Apply water to control dust as needed to prevent dust impacts off site.
15. Utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary diesel power generators.
16. Use low emission on site stationary equipment.
17. Use low VOC coatings per District Rule 218 Architectural Coatings.

Finding: Implementation of the mitigation measures identified above and listed in the MMRP, will reduce emissions of ROG and PM₁₀ to less than significant levels. However, temporary NO_x emissions will NOT be reduced to a level that is less than significant. The impact remains **Significant and Unavoidable**.

Explanation: Construction related activities would generate emissions of ROG and NO_x that would temporarily increase concentrations in the project vicinity and exceed PCAPCD standards. However, the PCAPCD has established construction mitigation measures that would reduce potentially significant emissions. Implementation of Mitigation Measure 3.5-1, which outlines PCAPCD mitigation requirements and Best Available Control Technology, would reduce construction related ROG and PM₁₀ emissions to below the significance thresholds set by the PCAPCD and therefore these emissions would be reduced to less than significant levels. However, after the implementation of this Mitigation Measure, temporary NO_x emissions during construction would remain Significant and Unavoidable.

Significance After Mitigation: Significant and Unavoidable

X. Project Alternative Findings

Feasibility of Project Alternatives

The CEQA Guidelines require that an EIR describe a reasonable range of alternatives that would feasibly obtain most of the basis project objectives but would avoid or substantially lessen any of the significant environmental affects of the project and evaluate the comparative merits of the alternatives. (Guidelines §15126(a). Case law has indicated that the lead agency has the discretion to determine how many alternatives constitute a reasonable range (Citizens of Goleta Valley v. Board of Supervisors (1990), 52 C.3d 553, 566). CEQA Guidelines note that alternatives discussed should be able to obtain most of the basic objectives of the project (Guidelines §15126.6(a). An EIR need not present alternatives that are incompatible with fundamental project objectives (Save San Francisco Bay Association vs. San Francisco Bay Conservation & Development Commission (1992), 10 Cal. App.4th 908). The Guidelines provide that an EIR need not

consider alternatives that are infeasible. (CEQA Guidelines §15126.6(a)). The Guidelines provide that among the factors that may be taken into account when addressing the feasibility of alternatives are “site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulator limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.” (CEQA Guidelines §15126.6(f)(1)). The range of alternatives required in an EIR is governed by a “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice (CEQA Guidelines §15126.6(f)).

Based upon guidance contained in the CEQA Guidelines, the Draft EIR considered three alternatives to the project: No Project Alternative, Whisper Creek Subdivision with Easement for Don Julio Boulevard Extension Alternative, and the Base Zoning Alternative with Removal of the Don Julio Boulevard Extension Easement Alternative.

No Project Alternative

Description: CEQA Guidelines Section 15126.6(e) requires every EIR to include a “No Project Alternative.” Specifically, “The purpose of describing and analyzing a No Project Alternative is to allow decision makers to compare impacts of approving the proposed project with the impacts of not approving the proposed project. The “no project” analysis “shall discuss the existing conditions at the time the notice of preparation is published ... as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.”

Finding: The Planning Commission finds that the No Project Alternative is not feasible in that it would not meet any of the Project Objectives described in Section 2.5 of Draft EIR.

Explanation: The No Project Alternative does not meet the Project Objectives, specifically:

1. This alternative would not contribute to the housing supply in Western Placer County. This lack of additional housing would hinder the County’s ability to meet its housing goals, which call for providing additional housing to meet the needs of a growing population in unincorporated Placer County.
2. This alternative would not be consistent with the land use designations of the Placer County General Plan and Dry Creek-West Placer Community Plan. The minimum density in the range of development densities permitted under the Low Density Residential designation in the Dry-Creek/West Placer Community Plan would be approximately two units per acre.
3. This alternative would not provide infrastructure improvements (i.e., roadway, sewer service, and water service) necessary to support the development of the project. A maximum of four single-family residential units (developable by right)

could be constructed on the 60.6 acre Project Site under the No Project Alternative. Additional infrastructure improvements would not be required.

4. This alternative would not assist in the reduction of future traffic increases from the Antelope area that uses PFE Road between Cook Riolo Road and Walerga Road and move through traffic to regional through routes such as Walerga Road and Antelope North Road.

Whisper Creek Subdivision with Easement for Don Julio Boulevard Extension Alternative

Description: This Alternative is identical to the Proposed Project except that the easement currently reserved for the future extension of Don Julio Boulevard (and planned for removal in the Proposed Project) would remain available for the potential boulevard extension. As part of this alternative, an amendment to the Placer County Dry Creek-West Placer Community Plan would not be required. The future extension of Don Julio Boulevard would remain included in the Dry Creek/West Placer Community Plan as it currently does and would remain in the planned future circulation system of Placer County.

Finding: The Planning Commission finds that this alternative is not feasible and does not meet the objective of the community plan amendment component of the project. Specifically, it does not provide for reduction of future traffic increases from the Antelope area that uses PFE Road between Cook Riolo Road and Walerga Road and would not facilitate the moving of through traffic to regional through routes such as Walerga Road and Antelope North Road.

Explanation: Although the Whisper Creek Subdivision with Easement for Don Julio Boulevard Extension Alternative would meet the housing supply, land use consistency, and infrastructure objectives of the project, it does not provide for reduction of future traffic increases from the Antelope area that uses PFE Road between Cook Riolo Road and Walerga Road and would not facilitate the moving of through traffic to regional through routes such as Walerga Road and Antelope North Road.

Base Zoning Alternative with Removal of the Don Julio Boulevard Extension Easement

Description: This alternative is similar to the proposed project in many details. As with the Proposed Project, Placer County would propose an amendment to the Dry Creek-West Placer Community Plan that would eliminate the Irrevocable Offer of Dedication (I.O.D.) that currently exists through the project site for the future extension of Don Julio Boulevard from the Sacramento County line to PFE Road. However, instead of 104 single-family residences, this alternative would provide for the construction of approximately 70 single-family residences after the designated open space and streets are taken into consideration. The resulting density of development would be approximately two units per buildable acre, which is the minimum density in the range of development densities permitted under the Low Density Residential designation in the Dry-Creek/West Placer Community Plan.

Finding: The Planning Commission finds that this alternative is not feasible and does not meet the County's goal of providing additional housing to meet the needs of a growing population in unincorporated areas of the County. Initially the development of 70 residences would contribute to the housing needs; however, the Planning Commission has determined that the County's housing demands warrant the higher density development.

Explanation: Although the Base Zoning Alternative with Removal of the Don Julio Boulevard Extension Easement would meet Project Objectives, as described in Section 2.5 of the Draft EIR, the addition of the project's 34 residential units would further the County's goal of providing additional housing to meet the needs of a growing population in unincorporated areas of the County. In addition, although incrementally reduced, potential impacts associated with aesthetics, transportation/traffic, air quality, noise, biological resources, cultural resources, geology/soils/minerals, hazards and hazardous materials, hydrology and water quality, public services and utilities would be similar to the project.

XI. Growth Inducement Finding

Description: An EIR must discuss the ways in which a proposed project could foster economic or population growth or the construction of additional housing in the vicinity of the project, and how that growth will, in turn, affect the surrounding environment (CEQA Guidelines Section 15126.2(d)). Included in this are projects which would remove obstacles to population growth (i.e., a major expansion of a wastewater treatment plant, which might allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. The Draft EIR discusses the characteristics of the proposed project which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

Finding: The Planning Commission finds that the project would not be considered growth inducing because it would not facilitate or induce growth in areas not accounted for in the Dry Creek-West Placer Community Plan and would not create shortfalls in necessary services.

Explanation: The adoption of the Dry Creek-West Placer Community Plan and EIR in 1990, and subsequent amendment (Resolution No. 94-238), called for the eventual development of 9,200 acres within the Plan area. Analysis and findings for all of the growth inducing impacts for development occurred with the adoption of the Dry Creek-West Placer Community Plan and establishment of the Dry Creek-West Placer Community Facilities District. In addition, infrastructure improvements including the extension of sewer, enlargement of sewer treatment facilities, and road widening have either been constructed, or are identified in adopted capital improvement plans. Because build-out of the project's proposed 104 single family dwellings was anticipated under the Community Plan and Community Facilities District EIRs, implementation of the project is not considered growth inducing.

XII. Cumulative Impacts Findings

Placer County staff reviewed the proposed Project to determine the appropriate approach to the cumulative analysis. The Project is consistent with the Placer County General Plan and does not require a land use amendment. The County also recently prepared a General Plan Update that analyzed the cumulative impacts associated with development throughout the county. Therefore, the previously approved General Plan Update EIR is incorporated by reference.

The General Plan EIR concludes that in eight major areas of the General Plan, taken as a whole, will result in potentially significant or significant adverse impacts. These impacts are considered the cumulative impacts of development as allowed under the General Plan Update:

- land use
- traffic congestion
- cultural resources
- loss of farmland
- loss of agricultural production
- habitat conversion and habitat quality reduction
- increase in air pollutant emissions
- traffic noise

The Board's findings regarding cumulative impacts of the General Plan Update are incorporated by reference into these Findings.

In 1990, the Placer County Board of Supervisors certified and adopted an EIR for the Dry Creek-West Placer Community Plan. In adopting Community Plan and certifying its corresponding EIR, the Placer County Board of Supervisors identified six areas the Community Plan, taken as a whole, would result in potentially significant or significant adverse impacts. Subsequently the Board made findings and overriding considerations for those significant effects. These impacts are considered the cumulative impacts of development as identified in the Community Plan:

- population
- traffic
- air quality
- increased run-off
- surface and sub-surface water quality
- loss and conversion of agricultural lands

The Board's findings regarding cumulative impacts of the Dry Creek-West Placer Community Plan are incorporated by this reference into these Findings.

Cumulative Impacts

Cumulative Impacts Finding: The Planning Commission finds that the methodology used to determine cumulative impacts complies with CEQA in that it assumed growth in accordance with the Placer County General Plan Update and the Dry Creek- West Placer Community Plan and other projects that have come forth within the region that are likely to contribute significantly to regional growth and cumulative impacts.

The Planning Commission finds that implementation of the mitigation measures identified in the FEIR pertaining to Air Quality and Transportation/Traffic will avoid or substantially lessen the significant environmental effects to a less than significant level.

Explanation: Cumulative impacts are an inevitable consequence of growth. The County General Plan and Dry Creek-West Placer Community Plan contemplate growth and includes the project site as an area in which to provide residential development. Implementation of identified mitigation measures for cumulative air quality and transportation and traffic would reduce potential effects to less than significant.

Cumulative Air Quality

Cumulative Air Quality Impact: Long-term air quality impacts are associated with the operational characteristics of the project after build out, and typically are the result of mobile emissions related to employee trips to work and home, the use of non-electric landscaping equipment in residential areas, and the use of equipment that directly generates pollutants (i.e. diesel powered water pump or electrical generators). The expected project emissions from these sources are below the PCAPCD's daily 82 lbs/day thresholds. However the PCAPCD considers long-term operational emissions greater than 10 lbs/day of ROG and/or NOx as cumulatively significant when considered with emissions from other current and expected projects in the area. The emissions of ozone precursors (NOx and ROG) are of particular concern due to the region being classified as "serious non-attainment" for the federal eight-hour ozone standard.

Cumulative Air Quality Mitigation 4.3-1:

1. Only natural gas/propane fired, fireplace appliances are allowed.
2. The project shall implement an offsite mitigation program, coordinated through the Placer County Air Pollution Control District, to offset the project's long-term ozone precursor and PM10 emissions. The applicant's mitigation program must be approved by the Placer County Air Pollution Control District. In lieu of this project implementing its own offsite mitigation program, the applicant can choose to pay an equivalent amount of money into the PCAPCD's Offsite Mitigation Program. The District provides monetary incentives to sources of air pollutant emissions within the projects general vicinities that are not required by law to reduce their emissions. Therefore, the emission reductions are real, quantifiable and implement provisions of the 1994 State Implementation Plan. The off-site mitigation program has been implemented by a number of projects in Placer

County and is considered a feasible mitigation measure for this project to implement.

3. HVAC units shall be equipped with PremAir (or other manufacturer) catalyst system if available and economically feasible at the time building permits are issued. The PremAir catalyst can convert up to 70 percent of ground level ozone that passes over the condenser coils into oxygen. The PremAir system is considered feasible if the additional cost is less than 10 percent of the base HVAC system.
4. Open burning shall be prohibited through CC&Rs on all lots.

Finding: The Planning Commission finds that implementation of the mitigation measures identified in the FEIR pertaining to cumulative air quality impacts will avoid or substantially lessen the significant environmental effects to a less than significant level.

Explanation: Cumulative impacts are an inevitable consequence of growth. The County General Plan and Dry Creek-West Placer Community Plan contemplate growth and include the project site as an area in which to provide residential development. Implementation of identified mitigation measures for cumulative air quality would reduce potential effects to less than significant.

Significance After Mitigation: Less Than Significant

Cumulative Transportation/Traffic

Cumulative Transportation/Traffic Impact: The project's incremental increase in traffic could potentially result in impacts to the Dry Creek/West Placer Community area traffic, contributing to the need for Capital Improvement Plan (CIP) projects as identified in the Dry Creek/West Placer Community Plan. Because the project's cumulative impacts to traffic are consistent with the Community Plan assumptions, impacts have been addressed by, and would be partially mitigated by the payment of traffic impact fees as specified in the Placer County Code.

Cumulative Transportation/Traffic Mitigation 4.3-2: The project will be subject to the payment of traffic impact fees that are in effect in the Dry Creek Fee District, pursuant to applicable Ordinances and Resolutions. Traffic mitigation fee(s) will be required and shall be paid to the Placer County Department of Public Works prior to issuance of any Building Permits for the project.

Finding: The Planning Commission finds that implementation of the mitigation measures identified in the FEIR pertaining to cumulative transportation/traffic impacts will avoid or substantially lessen the significant environmental effects to a less than significant level.

Explanation: Cumulative impacts are an inevitable consequence of growth. The County General Plan and Dry Creek-West Placer Community Plan contemplate growth and include the project site as an area in which to provide residential development.

Implementation of identified mitigation measures for cumulative transportation/traffic impact would minimize potential effects to less than significant.

Significance After Mitigation: Less Than Significant

XIII. Statement of Overriding Considerations

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable risks when determining whether to approve a project. If the specific economic, legal, social, technological or other benefits of the project outweigh the unavoidable adverse environmental effects, those effects may be considered acceptable (CEQA Guidelines Section 15093(a)). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the FEIR or elsewhere in the administrative records (CEQA Guidelines Section 15093(b)).

In accordance with the requirements of CEQA and CEQA Guidelines, the Planning Commission finds that the mitigation measures identified in the FEIR and the Mitigation and Monitoring and Reporting Program, when implemented, avoid or substantially lessen virtually all of the significant effects identified in the FEIR. Nonetheless, one significant impact of the project is unavoidable even after incorporation of all feasible mitigation measures. This significant unavoidable impact (temporary air quality impact) is identified and discussed in Section IX – Unavoidable Significant Impacts, of these findings.

For this impact, the Planning Commission hereby finds that notwithstanding the disclosure of this significant unavoidable impact, the benefits of the project outweigh its unavoidable adverse environmental effects. These benefits include:

- Implementation of the Dry Creek West Placer Community Plan
- Increase in the housing supply in western Placer County
- Construction of regionally beneficial roadway improvements along PFE Road, including pedestrian and bicycle pathways.

The Planning Commission finds that there are specific economic, legal, social, technological, and other considerations associated with the project that serve to override and outweigh the project's significant and unavoidable temporary air quality impact, thus, the adverse effects are considered acceptable.



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Northern California

Sacramento Area

655 Menlo Drive, Suite 100, Rocklin, CA 95765-3718
Phone (916) 435-1202 Fax (916) 435-1205

Chico

140 Yellowstone Drive, Suite 100, Chico, CA 95973-5873
Phone (530) 893-6700 Fax (530) 893-6705

Southern California

Los Angeles

24961 The Old Road, Suite 102, Stevenson Ranch, CA 91381
Phone (661) 284-3078 Fax (661) 284-2829

San Diego

10509 Vista Sorrento Parkway, Suite 120, San Diego, CA 92121
Phone (658) 552-8885 Fax (658) 552-8886

Nevada

Reno

1610 Montclair Avenue, Suite C, Reno, NV 89509-3453
Phone (775) 348-9800 Fax (775) 348-9801

www.foothill.com

60