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CLERK OF THE
BOARD OF SUPERVISORS

Bohemia Properties, LLC

September 19, 2007

Clerk of the Board
Placer County
175 Fulweiler Avenue
Auburn, CA 95602

To the Clerk of the Board:

We are hereby requesting that the Bohemia Subdivision hearing be taken off calendar for the October 2 meeting of the Board of Supervisors. We will reschedule at a later date.

Thank you for your consideration in this matter. If you have any questions, please feel free to contact me.

Sincerely,

James R. Conkey
Managing Member

JRC/dp

DATE 9-21-07
X Board of Supervisors - 5
X County Executive Office
X County Counsel
X Mike Boyle
X Planning

735 Sunrise Ave., Suite 200 Roseville, California 95661-4568 (916) 783-3277 FAX: (916) 783-8820

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: October 2, 2007

SUBJECT: Bohemia Subdivision: Final Environmental Impact Report/General Plan Amendment/Rezoning (PSUB-T2004 0773)

ACTION REQUESTED

The Board is being asked to consider a request for approval of a General/Community Plan Amendment from Commercial and Industrial to Medium Density Residential, 5-10 dwelling units per acre, and a Rezone from Commercial Planned Development combining Design Corridor, and Industrial Park combining Design Corridor to Single-Family Residential with a building site minimum of 3,000 square-feet, to allow for the development of a Residential Subdivision comprised of 114 single-family lots, in the North Auburn area. The Board is also being asked to certify the Environmental Impact Report that has been prepared for the project.

BACKGROUND

Project Site

The project site, which is currently undeveloped, is the former site of the Bohemia Lumber Company. All buildings and equipment previously associated with the lumber company have been removed; however, evidence of the prior use still exists on-site, including concrete slab foundations, paved and gravel surfaces and two bridges across the Wise and Fiddler Green Canals. The natural topography of the project site generally slopes westward toward Highway 49 and beyond. Past clearing, grading, and leveling of the site has resulted in current site topography consisting of a series of relatively level terraces separated by the canals. Vegetation on the project site includes volunteer grasses and brush, as well as berry bushes, brambles, and native oaks, willows, and pines.

The project site is bound on the north by Union Pacific Railroad tracks, the Placer County Water Agency's Fiddler Green Canal, and single-family residential housing; on the east by single-family residential housing; on the south by a PG&E corporation yard; and on the west by the Wise Canal with the California Hardwood site and The Plaza commercial center, which is currently under construction.

Project Description

The Bohemia Subdivision proposes the redevelopment of the former Bohemia Lumber Company site to a residential community consisting of 114 single-family residential parcels with detached single-family homes, and seven additional parcels designated for recreational open space and facilities, landscaping areas, drainage facilities, and interior roadways.

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The project site is located within the North Auburn Redevelopment Area, as defined in the Affordable Housing Element of the *Placer County General Plan*. Article 15.65 of the County Code requires that at least 15 percent of all new dwelling units in residential projects constructed in the North Auburn Redevelopment Area shall be "affordable". The Project will include 18 affordable homes that will be constructed on-site. These homes are proposed to be sold to buyers who qualify for affordable housing.

The subject parcel is located within Compatibility Zone D of the Auburn Municipal Airport, as depicted in the Placer County Airport Land Use Compatibility Plan, which requires that the project be reviewed by the Placer County Airport Land Use Commission for safety and compatibility issues. The proposed project was reviewed by the Placer County Airport Land Use Commission staff and has been found to be compatible with the existing airport facility.

Access to the proposed residential community will be from Canal Street through a single access point at the southern point of contact with Canal Street. Secondary, emergency access will be from the west across one of the two existing bridges and easements over the Wise Canal. The streets in the project will be retained in private ownership and privately maintained. A gate is proposed at the Project entrance.

A solid fence or masonry wall approximately six feet in height would be constructed on those portions of the site adjacent to the railroad tracks, Wise Canal, the PG&E corporation yard, and along Canal Street. A new fence would be erected on the property line with the existing residential area to the north. The proposed detention basin in the northwest portion of the site would be surrounded with a chain-link fence as a safety measure to discourage access.

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 November 27, 2006 and ended on January 11, 2007. Copies of the Draft EIR were made available for public review at the Planning Department, the Auburn Library and on the County's website. The County conducted a public hearing on the Bohemia Subdivision Draft EIR before the Planning Commission on December 14, 2006. A Final EIR was completed and distributed for a ten-day review period from May 8, 2007 through May 18, 2007.

ACTION OF PLANNING COMMISSION

The Planning Commission considered the Tentative Subdivision Map and Environmental Impact Report for the Bohemia Subdivision at a public hearing on May 24, 2007. Several neighboring property owners and members of the public provided public testimony to the Commission. Following is a summary of the principal issues that were presented during the public comment period at the public hearing:

- Concerns with amending the General Plan, as proposed projects should adhere to the existing land use designation and zoning.
- Concerns with the status of an existing access easement on the subject parcel and concerns with the density of the project and how it may affect the commercial real estate value in the area.
- Concern about additional traffic on Canal Street between the proposed project and Luther Road, and how it will affect residents in the immediate vicinity of the proposed project.

After considering staff's report and the public testimony provided at the May 24, 2007 hearing, the Planning Commission unanimously adopted a motion (7-0) to certify the Environmental Impact Report for the Tentative Subdivision Map, to approve the Tentative Subdivision Map and the Variance and to recommend approval of the General/Community Plan Amendment and Rezone for the project to the Board of Supervisors.

In addition to the public testimony heard by the Planning Commission, the applicant voiced concerns regarding the financial impacts of providing 15 percent of the units as affordable housing units. The applicant requested funding from the County in order to offset the impacts of the affordable housing requirement. While the Planning Commission has the authority to grant relief from development standards, the Planning Commission does not have the authority to grant financial incentives, as was requested by the applicant. The Planning Department staff also pointed out that affordable housing incentives had already been approved or recommended for approval by the Planning Commission when taking action on the project and that the applicants were eligible for processing fee reductions and reimbursement for certain sewer and drainage improvement requirements.

After considering the Redevelopment Agency's presentation and the Planning Department's staff report, the Planning Commission took action to recommend to the Board of Supervisors that additional incentives be considered for this particular project and that the redevelopment and affordable housing issues be re-examined as a matter of policy.

Subsequent to the direction provided by the Planning Commission with regards to the provision of Redevelopment Agency incentives, staff has met several times with the applicant to discuss the issue. Of greatest concern to the applicant is the cost of constructing and under-writing the affordable housing units. To this end, the applicant desires to receive some financial credits for work that he is doing, in association with the proposed project, that is over-and-above the requirements of this specific project.

To address sewer infrastructure needs in the project area, the applicant is working with the Facilities Services Department to upgrade and install new facilities. To this end, the applicant believes that the proposed improvements, which are not required by his specific project, will require him to drill under the nearby railroad right-of-way to accommodate a new pipeline. Additionally, because the new sewer facilities are being oversized (to accommodate regional needs, not impacts of this project), the proposed line will have to be placed in a deeper trench, which adds costs to the applicant. The applicant would like to receive reimbursement for these additional costs.

With regards to the intersection of Canal Street and Luther Road, the applicant has agreed to install a traffic signal, even though the traffic analysis prepared for this project only required the installation of a four-way stop sign control. The applicant would like to be reimbursed for the cost of this traffic signal.

As for the larger issue of under-writing a portion of the cost of constructing the required affordable housing units, staff could not identify a mechanism for the applicant to be reimbursed for these costs. Because the provision of 15 percent of the housing units is a requirement for any residential development within a Redevelopment Area, it is staff's assessment that this is a requirement of the applicant to comply with, and there is no rationale as to why the County should subsidize any portion of this requirement. As has been stated to the applicant, should the County desire to subsidize a portion of this applicant's affordable housing requirement, every other applicant with affordable housing requirements (most notably the Placer Vineyards project, which is required to build more than 1,300 affordable housing units) will be looking to have the County subsidize their affordable housing requirement.

It is staff's position that, whether in a Redevelopment Area or a Specific Plan, the requirement for the provision of the minimum level/number of affordable housing units is the applicant's responsibility. Should the applicant desire to construct additional units above-and-beyond the base number required, staff would be more than happy to look for opportunities to defray the costs of this additional units, as there would be a benefit to the County in receiving these additional units. However, barring the construction of additional affordable housing units, it is staff's conclusion that the cost of constructing the minimum number of affordable housing units should be borne solely by the applicant.

PROJECT DISCUSSION

General Plan Amendment/ Rezone

The proposed project includes a request for a General/Community Plan Amendment and a Rezone. The majority of the project site is designated Commercial in the *Auburn-Bowman Community Plan*, with the exception of a small triangle in the southeast corner of the Project site that is designated Industrial. Correspondingly, the majority of the Project site is zoned CPD-DC-AO (Commercial Planned Development combining Design Scenic Corridor within the Aircraft Overflight zone) with the triangle in the southeast corner zoned INP-DC (Industrial Park combining Design Scenic Corridor). The applicants are requesting a General/Community Plan Amendment to change the land use designation from Commercial and Industrial to MDR (Medium Density Residential, 5 – 10 dwelling units per acre), and a Rezone from CPD-DC-AO and INP-DC to RS-B3-AO (Single-family residential with a building site minimum of 3,000 square-feet within the Aircraft Overflight zone) to allow for single-family residences to be constructed on the proposed project site.

The Community Plan Amendment and Rezone would allow for the development of the proposed project, which includes 114 single-family homes on lots that range in size from 3,010 to 7,500 square feet, with an average lot size of 3,690 square feet.

Land surrounding the project site to the north and land to the east of the northern half of the site is designated as LMDR (Low Medium Density Residential, 2 – 5 dwelling units per acre). Land to the east of the southern half of the site is designated Industrial, with MDR beyond. Land to the south and the west of the site is designated Commercial. Parcels surrounding the project site are zoned RS-AG (Single-family residential combining Agriculture), INP-DC, CPD-DC, and RM-DL8 (Multi-family residential combining a density limitation of 8 dwelling units per acre).

The current zoning and land use designation on the site would allow for commercial development and high-density, multi-family residential development. The proposed project would provide housing at a higher density than existing residential uses to the north and east, while omitting commercial and higher-density multi-family development allowed under the current land use designation and zoning, which would otherwise allow commercial uses to be constructed directly adjacent to existing medium density residential uses. The proposed project creates a more appropriate transition between existing medium-density residential uses surrounding the project site and existing and proposed commercial development to the west of the project site. Lots within the proposed project are buffered from commercial uses to the south and west by way of project design, which places open space lots and roadways adjacent to commercial and industrial properties. Additionally, commercial uses to the west are further separated from lots within the proposed project by the Wise Canal, which runs along the western boundary of the project.

Variance

The Planning Commission took action to approve a Variance requested by the applicants to allow for reduced side and rear setbacks to provide flexibility in the development of the small lots proposed. The zone district to which the applicants are requesting a Rezone, RS-B3, requires a rear setback of 10 feet from property line for one-story structures and 20 feet from property line for two-story structures, and a side setback requirement of 5 feet from property line for one-story structures and 7 ½ feet from property line for two-story structures. The approved Variance allows for a rear setback requirement of 15 feet from property line for two-story structures and a side setback requirement of 5 feet from property line for two-story structures.

Affordable Housing Incentives

The County has the authority to grant incentives for the development of affordable housing, such as relief from development standards, and deferral of fees. County-approved incentives for this project include a recommendation of approval for a General/Community Plan Amendment and Rezone, a determination by the Planning Director that affordable housing units may be clustered rather than dispersed throughout the development, which is typically required, and approval of a Variance to allow for reduced setbacks in order to provide added flexibility and reduced cost of site development.

Emergency Vehicle Access

This project is required to provide a secondary access to assist in the evacuation of residents and to provide an alternative access route for emergency responders. The project proposes to provide an emergency access across Wise Canal over an existing canal crossing and road easement that connects to Highway 49 and is currently used for access for California Hardwoods. Although it is uncertain at this time if the existing road easement can be used for a public emergency access road, the applicant will be required to provide proof for legal use of the existing road easement as a public emergency access route prior to approval of the improvement plans or submittal of the Final Map, whichever occurs first.

Drainage and Sewage Easements

To provide adequate drainage and sewer service to the project, the applicant will be required to construct off-site public sewer and drainage facilities in order to connect to existing offsite systems. Drainage and sewer easements or permits to encroach will be required to cross Pacific Gas and Electric's (PG&E) Wise Canal. Although the public easement dedications have not been obtained, the applicant is working with PG&E to secure the easements and proof of the easements will be required prior to approval of the improvement plans.

In addition, this project will divert some areas of Country Club Estates by extending a sewer pipeline and thus reducing the total flow passing through the Highway 49 Siphon, which already has capacity issues. The sewer extension between Lots 15 and 16 will both reduce flows to the Siphon and eliminate backyard sewers in five existing lots.

Traffic

Development of the Bohemia Subdivision project would generate new vehicle trips and potentially affect traffic operations at intersections within the immediate vicinity of the proposed project both during construction and after occupancy of the residential units.

During construction of the Bohemia Subdivision project, new vehicle trips would include construction workers, delivery of construction materials and movement of construction equipment. The number, type and schedule of trips will vary on a daily basis, depending on the activities on-site. Construction traffic will be required to utilize Luther Road and Canal Street for access and construction workers will be required to park on-site to minimize impacts to the neighborhood. The most noticeable impact of the project development on the general public will be during the construction of the traffic signal at the intersection of Luther Road and Canal Street This work will take several months to complete and will be constructed with the first phase of improvements.

Once fully built out, the number of vehicle trips that are expected to be generated by the proposed development is estimated at 1,192 daily trips of which 123 trips would be generated during the p.m. peak hour. Traffic operating conditions associated with development of the proposed project under "Existing with Project" conditions were estimated by superimposing project-related trips onto current background traffic. The traffic study analyzed impacts to Luther Road, from Highway 49 to Dairy Road, and along Highway 49 from Luther Road to New Airport Road The analysis anticipated the completion of the

improvements currently under construction along Highway 49 and showed that all three intersections will operate at Level of Service (LOS) C.

The Luther Road intersections will continue to operate at acceptable LOS with the exception of the Luther Road/Canal Street intersection. The developer has agreed to the proposed mitigation, construction of a signal, as recommended in the EIR. Once improvements are completed, this intersection will operate at a LOS B. The newly created intersection of Canal Street/Project Access Roadway would operate at LOS A.

RECOMMENDATION

Staff brings forward the Planning Commission's recommendation that the Board of Supervisors approve the General/Community Plan Amendment and 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 E

GENERAL PLAN AMENDMENT

1. The change in the Auburn Bowman Community Plan Designation from Commercial and Industrial to Medium Density Residential, 5-10 dwelling units per acre would not result in the degradation of the character of the area in which the project is located.

REZONING

1. The change in zoning from Commercial Planned Development to Single-Family Residential with a building site minimum of 3,000 square-feet minimum would be consistent with the goals and policies of the Placer County General 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 – General Plan Amendment Resolution
Exhibit B – Rezone Ordinance
Exhibit C – Vicinity Map
Exhibit D – Site Plan
Exhibit E – Statement of Findings and Statement of Overriding Considerations

Exhibit F – Letter to applicant from Michael Johnson dated July 3, 2007
Exhibit G – August 23, 2007 Planning Commission Staff Report re: Affordable Housing Incentives

cc: Jim Conkey - Applicant

Copies Sent by Planning:
Rick Eiri – Engineering and Surveying
Dana Wiyninger – 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

O:\PLUS\PLN\Leah\GPAs & REAs\Bohemia doc

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

In the matter of: A RESOLUTION AMENDING THE AUBURN/BOWMAN COMMUNITY PLAN - BOHEMIA SUBDIVISION (PSUB20040773)

Resolution No. _____

The following resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held October 2, 2007, by the following vote:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Attest:

_____
Ann Holman
Clerk of said Board

_____
Bruce Kranz, Chairman

WHEREAS, on May 24, 2007, the Placer County Planning Commission ("Planning Commission") held a public hearing to consider the Bohemia Subdivision, including certain proposed amendments to the Land Use Designations set forth in the Auburn Bowman Community Plan (the "Community Plan"), and the Planning Commission has made recommendations to the Board of Supervisors ("Board") related thereto, and

WHEREAS, on October 2, 2007, the Board held a public hearing to consider the recommendations of the Planning Commission and to receive public input regarding the proposed amendments to the Land Use Designations set forth in the Community Plan, and

WHEREAS, the Board has reviewed the proposed amendments to the Community Plan, considered the recommendations of the Planning Commission, received and considered the written and oral comments submitted by the public thereon, and has adopted Resolution No. _____ certifying the Final Environmental Impact Report for the Bohemia Subdivision, and

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

WHEREAS, the Board further finds the proposed amendments are consistent with the provisions of the General Plan and other provisions of the Community Plan and are in compliance with applicable requirements of State law, and

EXHIBIT A 27

WHEREAS, notice of all hearings required has been given and all hearings have been held as required by County ordinance and State law, and

WHEREAS, the Board finds that the foregoing recitals setting forth the actions of the County are true and correct,

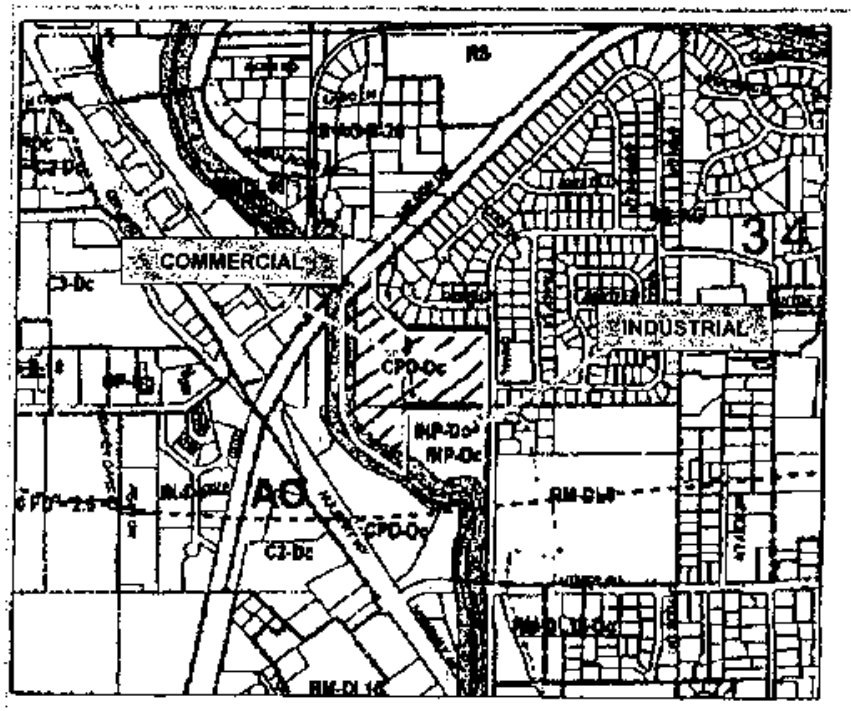
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER that the Land Use Designation for the project site (Assessor's Parcel Numbers 052-102-012, 013, 017, and 053) set forth in the Auburn Bowman Community Plan is hereby amended as shown on the Amended Land Use Designation Exhibit A, attached hereto and incorporated herein by reference.

AMENDED LAND USE DESIGNATION EXHIBIT A

BOHEMIA SUBDIVISION

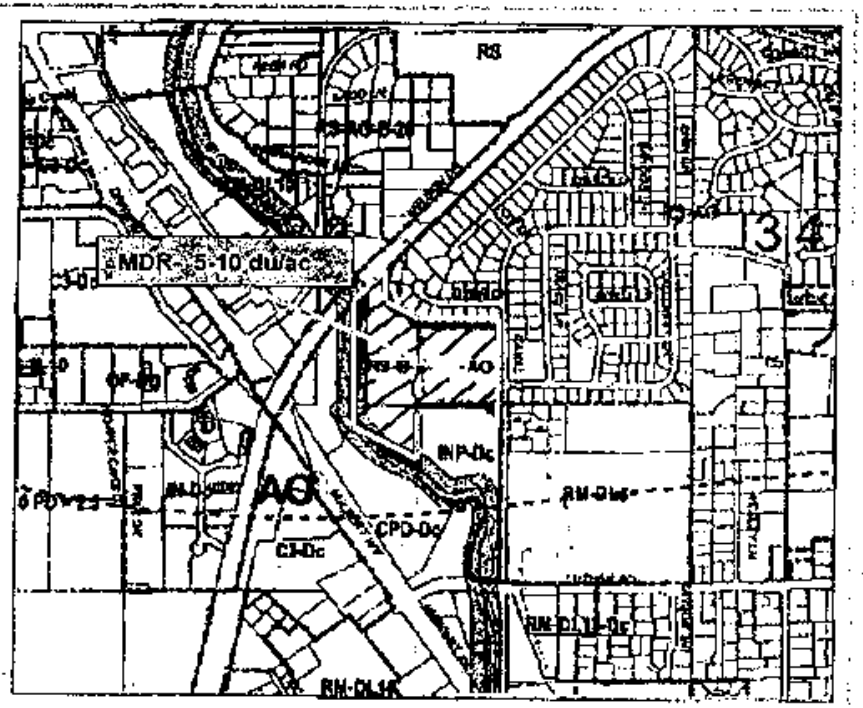
EXISTING LAND USE DESIGNATION:

CPD-DC AND INP-DC



PROPOSED LAND USE DESIGNATION:

MDR- 5-10 du/ac



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 F-4 RELATING TO THE REZONING IN THE AUBURN AREA – BOHEMIA SUBDIVISION (PSUB 20040773)

The following **Ordinance** was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held October 2, 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:

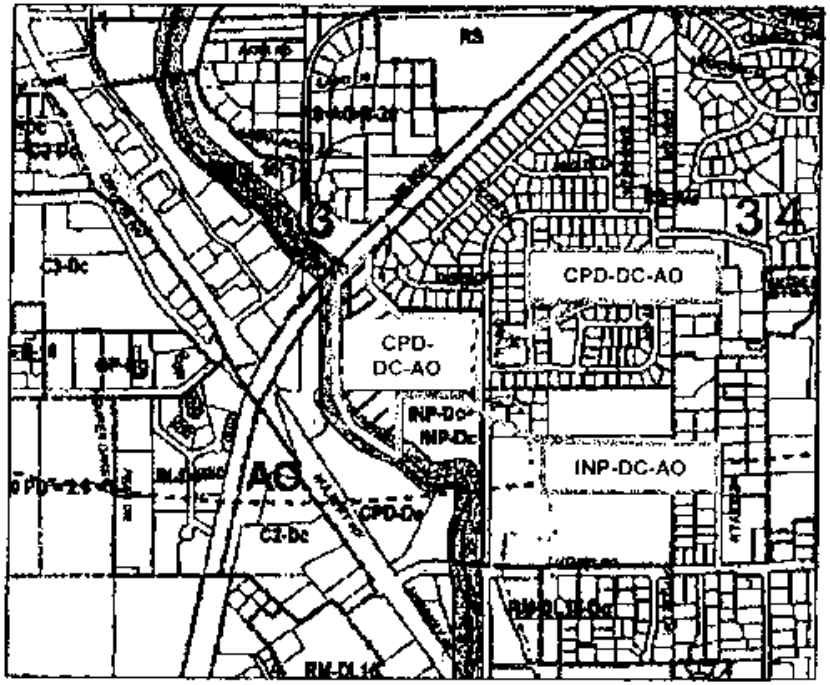
The Placer County Code, Chapter 17, Map F-4, relating to Rezoning in the Auburn area, is amended from CPD-DC and INP-DC to RS-B3 as shown on the Rezone Exhibit A, attached hereto and incorporated herein by reference; The Board finds that assignment of the new zone district is compatible with the objectives, policies, and general land uses specified by the Auburn Bowman Community Plan (as amended by PSUB 20040773) adopted pursuant to the State Planning and Zoning Law, and will best serve the public's welfare.

EXHIBIT B

REZONE EXHIBIT A -- BOHEMIA SUBDIVISION

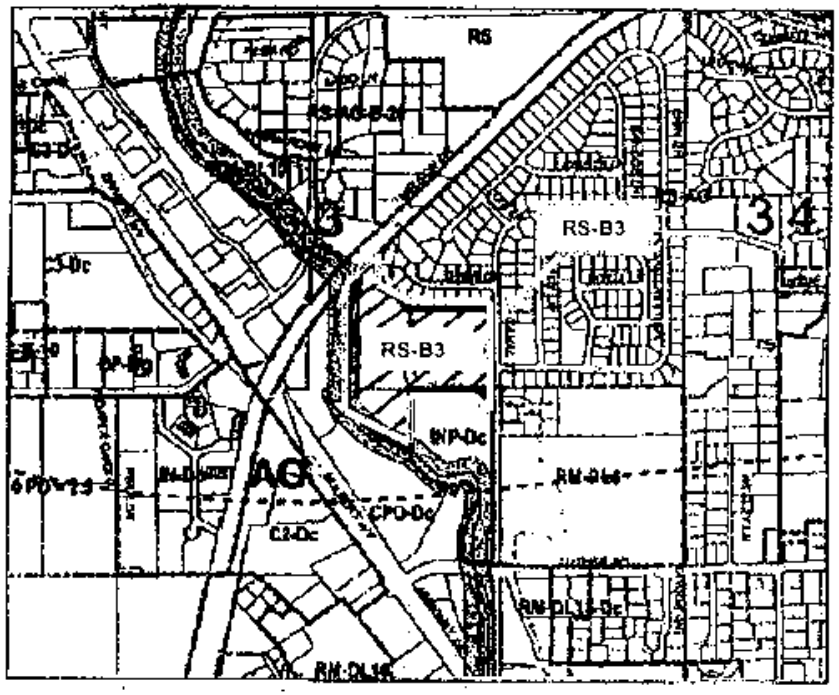
EXISTING ZONING:

CPD-DC-AO AND INP-DC-AO



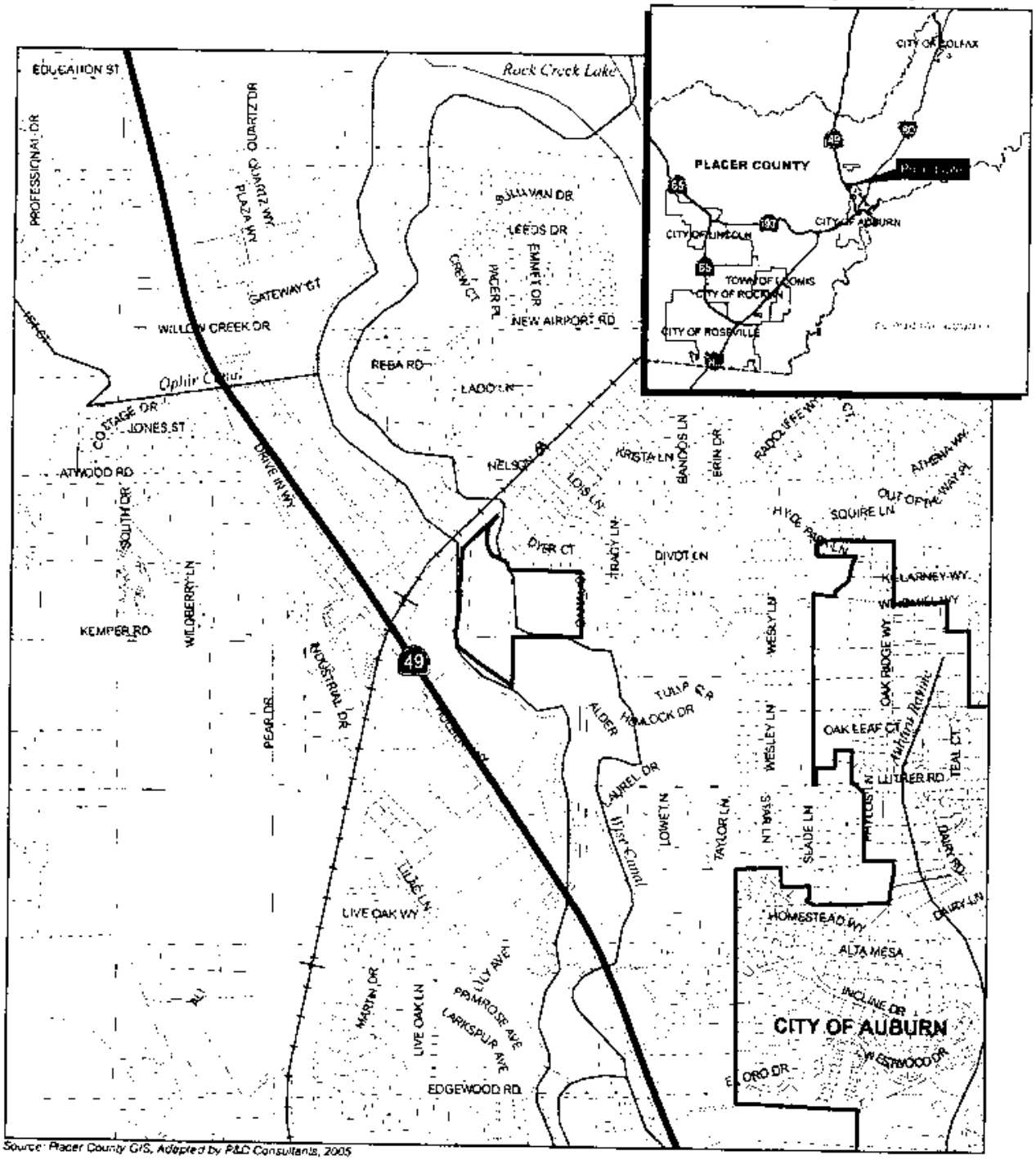
PROPOSED ZONING:

RS-B3



BOHEMIA SUBDIVISION

Regional Location and Local Vicinity Map



Source: Placer County GIS, Adapted by P&D Consultants, 2005

Project Site

0 430 860 1,720 2,580 3,440 Miles

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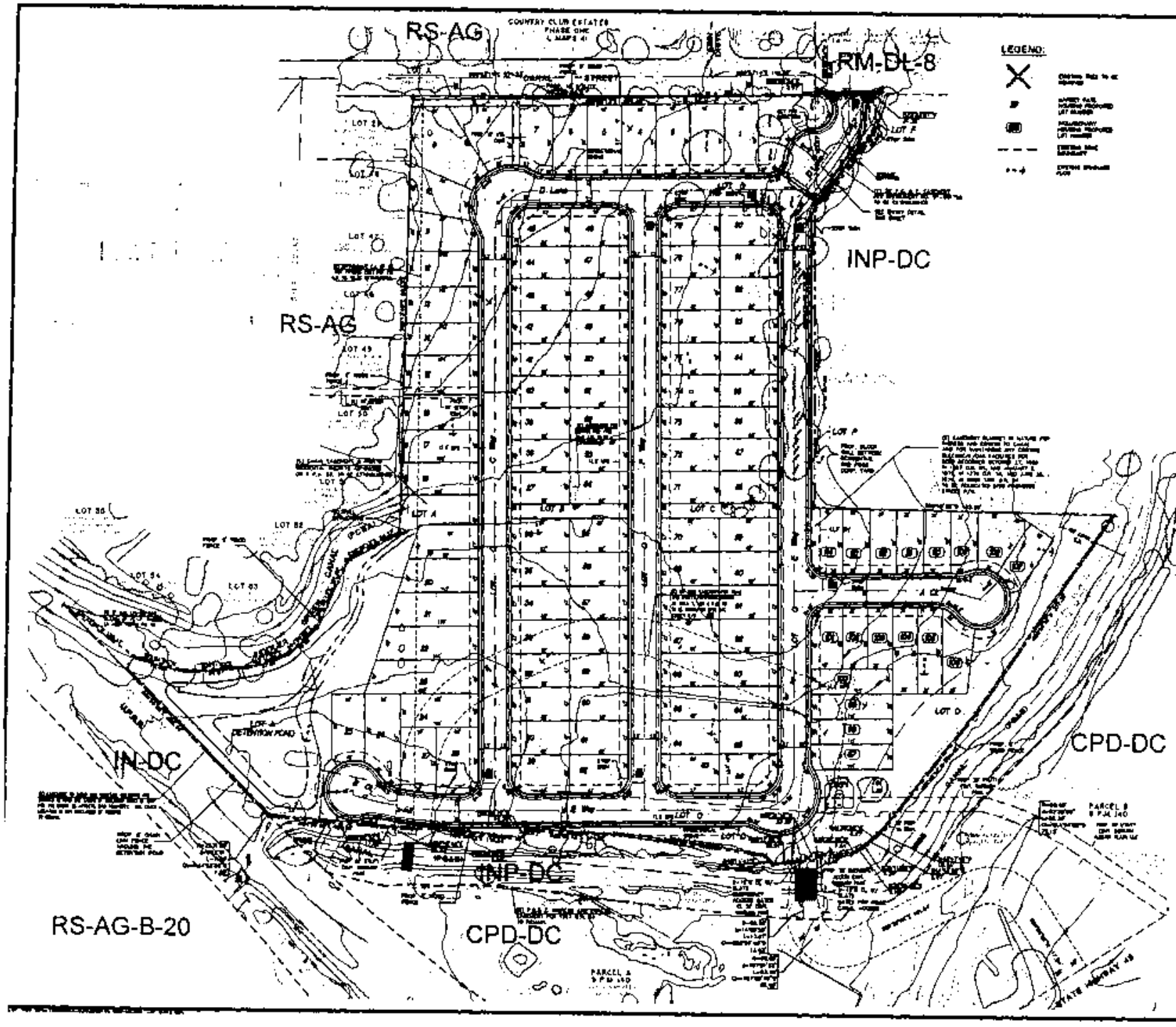
EXHIBIT C

EXHIBIT D


RS-AG
RM-DL-8
INP-DC
RS-AG
IN-DC
CPD-DC
INP-DC
CPD-DC
RS-AG-B-20
LEGEND:
VICINITY MAP
GENERAL NOTES
N
SCALE OF FEET
Scale: 1" = 50'
Rezone and
General Plan Amendment
Exhibit
Bohemia Subdivision
APN:052-102-012, 033, 017 and 053
County of Placer, California
Scale: 1" = 50' November 20, 2006
Sheet 1 of 1
PSOMAS

Bohemia Subdivision

Statement of Findings
and
Statement of Overriding Considerations

Prepared for:
Placer County Planning Department
SCH # 2005042135
April 2007

Submitted by:
P&D Consultants

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EXHIBIT E

I. Overview and Introduction

This Statement of Findings is made with respect to the "Project Approval" (as defined below) for the Bohemia Subdivision Project (the "Project") and states the findings of the Board of Supervisors (the "Board") 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 the Mitigation Monitoring and Reporting Plan.

2. Approval of the Tentative Subdivision Map.

3. General Plan Amendment

4. Rezone

5. Variance

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 Board.

II. Procedural History

WHEREAS, the need for additional housing in Western Placer County has been identified in the County General Plan and Auburn/Bowman Community Plan; and

WHEREAS, the applicant proposes to construct 114 single family residential units on 18.5 acres within the Community Plan area of western Placer County; and

WHEREAS, the County issued a notice of preparation to prepare an environmental impact report (EIR) in April 25, 2005; prepared a Draft EIR and released it for public comment on November 27, 2006; took the public comments on the Draft EIR until January 11, 2007, and a public hearing was duly held before the Commission on December 14, 2006;

WHEREAS, the Board gave notice of a public hearing to consider and act upon the Final EIR (FEIR) for the Project, and a public hearing was duly held before the Board on October 2, 2007; and

WHEREAS, after holding public hearings, the Board duly considered the FEIR as prepared for the Project (which includes the Draft EIR, dated November 2006 and the FEIR, dated March 2007), the recommendations of the Planning Commission with respect thereto, the comments of the public, both oral and written, and all written materials in the record connected therewith, and fully informed thereon; and

WHEREAS, the APPLICANT has submitted revised project plans which have been analyzed by the Planning Department and determined to be within the scope of analysis of the Draft EIR and Final EIR.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors 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 Board. The FEIR was prepared under the supervision by the County and reflects the independent judgment of the County. The Board 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 Board 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 Board 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. 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 Bohemia 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 rational 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 (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 with the Placer County Board of Supervisor's formal approval of 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.)

"Community Plan" means the Auburn/Bowman Community Plan.

"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 November, 2006 for the proposed Bohemia 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.

"ESD" means the Department of Engineering and Surveying.

"FEIR" means the Final EIR as prepared for the Project (which includes the Draft EIR dated November, 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 Bohemia 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 Auburn/Bowman Community Plan, adopted by the Placer County Board of Supervisors, 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 site is designated by this Plan as medium 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:

2. Locate urban and suburban development in areas where urban services, commercial facilities, and transportation facilities are readily available.

3. Encourage the construction of new housing to meet future needs anticipated in current population projections for all economic segments of the population.

4. Provide for residential development which creates functional, attractive, cohesive neighborhoods which are closely tied to adjoining neighborhoods.

5. Provide a sufficient mix of neighborhood, regional, and highway commercial facilities to serve the residents of the Auburn/Bowman region as well as those visiting the area.

The Project Site consists of Assessor's Parcel Numbers 052-102-012, 013, 017 and 053.

VI. Project Objectives and Description

Project Objectives

The objectives of the proposed Project include the following:

- Provision of housing of a density and type that responds to market demand.

- Creation of a medium-density residential development that takes advantage of the relative lack of environmental constraints affecting the Project site.
- Creation of a residential development that can be adequately served by available public infrastructure and services.
- Achieve compatibility with a variety of adjoining land use.
- To the extent feasible, implement SACOG's Blueprint growth principles: Transportation Choices, Mixed-Use Developments, Compact Development, Housing Choice and Diversity, Use of Existing Assets, Quality Design, and Natural Resources Conservation.

Project Description

The proposed Project described in the Draft and Final EIR proposes the development of a 114-lot residential subdivision on Assessor's Parcel Numbers 052-102-012, 013, 017 and 053.

There will be 96 market-rate lots, which will have a minimum size of 3,690 square feet (45 feet by 82 feet). The 18 inclusionary housing lots will have a minimum size of 3,010 square feet (35 feet by 86 feet). While the homes have not been designed, they are anticipated to range in size from 1,300 to 2,500 square feet with single- and double-car garages.

The Project also includes street improvements at the project entrance on Canal Street, on site stormwater detention, and encasement of Fiddler Green Canal.

The Project would require approval of a tentative subdivision map, a General Plan Amendment and rezone. The site is currently zoned CPD-Dc (Commercial Planned Development, Design Review Combining District. Rezoning to the RS-B3 zone is proposed, which will allow single family detached dwellings on 3,000 square foot minimum lots.

Planning Department staff has determined the revised Project is within the scope of analysis of the Draft EIR and Final EIR.

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 (November, 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 Auburn/Bowman 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 Board 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 the following impacts:

Aesthetics: Impact AVR-4 - Change in Visual Character of Project Site

Air Quality: Impact AQ-4 - Localized Carbon Monoxide Concentrations

Air Quality: Impact AQ-5 - Exposure to Odors

Biological Resources: Impact BIO-6 - Common Plant and Wildlife Species

Geology, Soils, and Mineral Resources: Impact GEO-2 - Earthquake or Other Major Geologic Event

Land Use Planning: Impact LAN-1 - Consistency with Land Use Policy

Noise: Impact N-4 - Cause Traffic Noise to Exceed 60 dB CNEL at Existing Noise-Sensitive Land Uses

Public Services, Utilities, and Recreation: Impact PUB-4 - Fire Protection Services

Public Services, Utilities, and Recreation: Impact PUB-5 - Law Enforcement Services

Public Services, Utilities, and Recreation: Impact PUB-6 - School Services

Public Services, Utilities, and Recreation: Impact PUB-7 - Recreational Facilities and Services

Public Services, Utilities, and Recreation: Impact PUB-8 - Solid Waste Collection

Safety: Impact SAFE-2 - Release of Hazardous Materials into Environment

Safety: Impact SAFE-3 - Potential Airport Hazards

Safety: Impact SAFE-4 - Potential Wildland Fire Hazard

Safety: Impact SAFE-5 - Interference with Emergency Response Plans and Evacuation Routes

Transportation: Impact T-3 - Parking Demand

Transportation: Impact T-4 - Conflicts with Alternative Transportation Modes

Cumulative Aesthetics Impact

Cumulative Carbon Monoxide Concentrations Impact

Cumulative Biological Resources Impact

Cumulative Cultural Resources Impact

Cumulative Geology and Soils Impact

Cumulative Public Services Impact

Cumulative Surface Hydrology and Water Quality Impact

Growth Inducing Impact

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.

Potentially-Significant Impacts Reduced to Less-Than-Significant Through Mitigation Measures

Aesthetics Impacts

Impact AVR-2: Nighttime Light Spillage and Glare Produced by Project

Mitigation Measure AVR-2a: Prior to final site plan approval, the developer shall submit plans and specifications for all exterior materials to the County Planning Department for review and approval to ensure that no exterior building materials or window glass treatments would create uncomfortable light or glare impacts to any public or private roadways or surrounding property improvements. No exterior building surface shall consist of any reflective metallic surfaces.

Mitigation Measure AVR-2b: All new lighting features shall be directed away from the adjacent residential uses and highly finished surfaces that could generate glare. The developer shall submit a lighting plan, including any lighting proposed for signage or landscape accents, for review by the County. This plan shall be approved by the

Planning Department and determined to be sufficient to mitigate any adverse lighting effects prior to the issuance of occupancy permits.

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: This mitigation measure will result in the Project's compliance with Community Plan aesthetics policies.

Significance After Mitigation: Less Than Significant

Impact AVR-3: Impact on Views from Areas Surrounding Project Site

Mitigation Measure AVR-3: The applicant shall submit a tree planting plan to the Placer County Planning Department that will include tree plantings that will, within several years time, result in views of the Project site from surrounding residences and from State Highway 49 that include more tree canopies than rooftops.

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: This mitigation measure will result in the Project's compliance with Community Plan aesthetics policies.

Significance After Mitigation: Less Than Significant

Air Quality Impacts

Impact AQ-2: Operational Air Pollutant Emissions

Mitigation Measure AQ-2:

- Open burning shall be prohibited through covenants, codes, and restrictions (CC&Rs) on all lots.
- Only natural gas fireplaces will be allowed and shall be stated as such in the CC&Rs.

HVAC units shall be equipped with PremAir (of 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.

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: This mitigation measure reduces on-site, stationary air emissions at the source.

Significance After Mitigation: Less Than Significant

Impact AQ-3: Exposure of Sensitive Receptors to Harmful Air Pollutant Emissions

Mitigation Measure AQ-3: During site preparation/grading, the Project applicant shall retain the services of a qualified geologist approved by the County to conduct sampling and mineralogic testing of rock samples collected on-site that may contain asbestos during site preparation/grading. Should concentrations of NOA minerals occur in any rock samples, work shall stop while ATCM measures and other County directed asbestos control measures are implemented and until the County and the Air District direct work to continue.

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: Through on-site monitoring and testing, the potential for asbestos to be released into the air is reduced to a level that is less than significant.

Significance After Mitigation: Less Than Significant

Biological Impacts

Impact BIO-1: Raptors and Migratory Birds

Mitigation Measure BIO-1: A preconstruction survey is required by CDFG and USFWS for birds, if Project activities occur within the breeding season window. The CDFG considers the breeding season to be January 1 to August 31. If construction activities are scheduled to begin during the breeding season, a preconstruction survey must be conducted no more than 30 days prior to ground disturbance. The Project applicant must coordinate with CDFG in conducting this survey and implementing any measures required to avoid disturbance. If any active nests or burrows are found, construction activities shall not occur within 500 feet of the nest until the young have fledged. Some restrictions on construction activities may be required in the vicinity of the nests or burrows until the site is no longer active, as determined by a qualified biologist. If construction activities are scheduled to occur during the non-breeding season (September 1 to December 31), a survey is not required.

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: This mitigation measure ensures that construction activities do no disturb raptor nests during breeding season.

Significance After Mitigation: Less Than Significant

Impact BIO 2: Impacts on Oak and Heritage Trees

Mitigation Measure BIO-2: The blue oak woodland on the Project site is subject to the Placer County Tree Preservation Ordinance Chapter 12. Article 12.16 PCC). A tree permit shall be required per Section 12.16.060 of the Placer County Tree Preservation Ordinance prior to the removal of oak and heritage trees on the Project site. Additionally, Section 12.16.080 Replacement Program and Penalties outlines the replacement ratio and subsequent mitigation program required for mitigation of impacts. If on-site restoration of oak and heritage trees is not possible, two options may apply. As determined by the Placer County Development Review Committee (DRC), an off-site location for restoration may be selected. A Mitigation and Monitoring Implementation Program will be required.

Preparation of a Mitigation Monitoring Implementation Program prior to the submittal of the Project's development plans for review and approval by the DRC, the Project applicant shall submit to the Placer County Planning Department a Mitigation Monitoring Implementation Program (MMIP) for the replacement of removed or impacted oaks and heritage trees. The MMIP shall be prepared by a certified International Society Arborist, Registered Forester, or Landscape Architect. It shall provide for an inch-by-inch replacement of native trees to be planted by the Project developer within Common Area Lots and any other areas, including off-site locations, determined appropriate by the DRC. The MMIP shall also include a site plan that indicates the location of trees, installation and irrigation requirements, and other standards to ensure the successful planting and continued growth of these trees. Installation of all trees and irrigation systems must be completed prior to the County's acceptance of the subdivision's improvements. It is the applicant's responsibility to ensure compliance with the MMIP.

An annual monitoring report for a minimum period of five years from the date of installation, prepared by the above-cited professional, shall be submitted to the DRC for review and approval. Any corrective action shall be the responsibility of the applicant. Prior to the approval of the Project's improvement plans, a Letter of Credit, Certificate of Deposit, or cash deposit in the amount of 100 percent of the accepted proposal shall be deposited with the Placer County Planning Department to assure ongoing performance of the monitoring program. Evidence of this deposit shall be provided to the satisfaction of the DRC prior to the approval of improvement plans. For the purposes of administrative and program review by the County, an additional 25 percent of the estimated cost of the monitoring program shall be paid to the County, in cash, at the time the 100 percent deposit is made. With the exception of the 25 percent administrative fee, 100 percent of the estimated costs of implementing the monitoring program shall be returned to the Project applicant once the applicant has demonstrated that all five (5) years of monitoring

have been completed to the satisfaction of the DRC. Refunds will be available only at the end of the entire review period.

Violation of any components of the approved MMIP may result in enforcement activities per Placer County Environmental Review Ordinance, Article 18.28.080 (formerly Section 31.870). If a monitoring report is not submitted for any one year, or combination of years, as outlined in these conditions, the County has the option of utilizing these funds and hiring a consultant to implement the MMIP. Failure to submit annual monitoring reports also could result in forfeiture of all or a portion of the deposit. An agreement between the applicant and the County shall be prepared, which meets DRC approval that allows the County use of this deposit to assure performance of the MMIP in the event the homeowners' association fails to meet the obligation.

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: This mitigation requires tree replacement in accordance with County policy.

Significance After Mitigation: Less Than Significant

Impact BIO-3: Jurisdictional Wetland

Mitigation Measure BIO-3a: The Project applicant must mitigate for impacts incurred by Project development to jurisdictional waters by restoring or preserving on-site resources, if possible. If on-site restoration or preservation is not possible due to Project design, then concurrence with ACOE and CDFG for an approved in-lieu fee program, such as a local resource conservation bank, may be recommended and acceptable in mitigating impacts. Water quality basins, such as that designed in the northern portion of the Project site, will not be considered on-site restoration by the ACOE. The required ratio for restoration of impacts to these resources will be determined by the resource agencies as part of the permitting process.

Mitigation Measure BIO-3b: The applicant shall file for an ACOE Nationwide 39 permit and all development and activity on site shall abide by the requirements of the permit as granted. Subsequently, the applicant shall apply for an ACOE pre-construction notification, and all development and activity on site shall abide by any further requirements of this notification as granted.

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: An isolated seasonal wetland area measuring 0.05 acres in size will be filled as a result of project implementation. These mitigation measures mitigate for the fill of wetlands in accordance with accepted practices and jurisdictional requirements.

Significance After Mitigation: Less Than Significant

Impact BIO-4: Special-Status Plant Species

Mitigation Measure: BIO-4: Focused surveys for Brandegee's clarkia shall be performed during the spring blooming period to determine presence or absence of this species on the Project site. If present, the Project applicant shall notify the California Department of Fish & Game for their expertise and recommendation of further action. The Project applicant shall coordinate with the California Department of Fish & Game, which may require a mitigation plan prior to construction.

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: The spring blooming survey is the prescribed method for determining the presence of, and ensuring protection for, this special-status plant species.

Significance After Mitigation: Less Than Significant

Impact BIO-5: Special-Status Wildlife Species

Mitigation Measure BIO-5: Focused surveys for California horned lizard and western pond turtle shall be performed prior to site development to determine presence or absence of this species on the Project site. If present, the Project applicant shall coordinate with the California Department of Fish & Game, which may require a mitigation plan. These surveys shall follow the focused protocol survey methodology for each species.

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: The focused survey is the prescribed method for determining the presence of, and ensuring protection for, this special-status wildlife species.

Significance After Mitigation: Less Than Significant

Cultural Resources Impacts

Impact CR-1: Accidental Exposure of an Unidentified Resource During Construction

Mitigation Measure CR-1:

- If, during site preparation or construction activities, unusual amounts of non-native stone (obsidian, fine-grained silicates, basalt), bone, shell, or prehistoric or historic period artifacts (purple glass, etc.) are revealed, or if dark-colored sediments that do not appear to have been created through natural processes are discovered, work shall cease in the immediate area of discovery and a qualified archeologist shall be contacted immediately for an on-site inspection of the discovery.
- If any bone is uncovered that appears to be human, the County Coroner must be contacted to determine the origin. If the coroner determines that the bone most likely represents a Native American interment, the Native American Heritage Commission in Sacramento shall be contacted to identify the most likely descendants.

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 CR-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

Geology, Soils, and Mineral Resources Impacts

Impact GEO-1: Erosion or Loss of Topsoil

Mitigation Measure GEO-1a:

In accordance with the Standard Conditions for development projects, as established by the County's Engineering and Surveying Department (ESD), the following measures shall be implemented:

- All proposed grading, drainage improvements, vegetation, tree impacts and tree removal shall be shown on the Grading Plans and all work shall conform to provisions of the County Grading Ordinance (Section 15.48, Placer County Code) and the Placer County Flood Control District's Stormwater Management Manual. The applicant shall pay plan check fees and inspection fees. No grading, clearing, or tree disturbance shall occur until the Grading Plans are approved and any required 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 the Engineering and Surveying Department (ESD) concurs with said recommendation.

- All facilities and/or easements dedicated or offered for dedication to Placer County or to other public agencies which encroach on the project site or within any area to be disturbed by the project construction shall be accurately located on the Grading Plans. The intent of this requirement is to allow review by concerned agencies of any work that may affect their facilities.

- 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 Grading Plans. It is the applicant's responsibility to assure proper installation and maintenance of erosion control/winterization during project construction. 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% of an approved engineer's estimate for winterization and permanent erosion control work prior to Grading 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 Grading Plans, specifically with regard to slope heights, slope ratios, 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.

Mitigation Measure GEO-2b: In accordance with the Engineering and Surveying Department (ESD) Standard Conditions for development projects, the applicant shall prepare and submit with the project Improvement Plans, a drainage report in conformance with the requirements of Section 5 of the Land Development Manual (LDM) and the Placer County Storm Water Management Manual that are in effect at the time of submittal, to the Engineering and Surveying Department 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 prevent the discharge of pollutants to stormwater to the maximum extent practicable.

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 the Engineering and Surveying Department:

a) Existing culvert at State Route 49.

Mitigation Measure GEO-1c: In accordance with the ESD Standard Conditions for development projects, the applicant shall Submit to the Engineering and Surveying Department (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 so noted in Project Covenants, Codes, and Restrictions (CC&Rs) and on the Informational Sheet filed with the Final Map(s). It is the responsibility of the Project developer to provide for engineering inspection and certification that earthwork has been performed in conformity with recommendations contained in the report.

Mitigation Measure GEO-1d: The applicant shall prepare and submit Improvement Plans, specifications and cost estimates (per the 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, including the off-site extensions for sewer and drainage, 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.

ADVISORY COMMENT: Conceptual landscape plans submitted prior to project approval may require modification during the Improvement Plan process to resolve issues of drainage and traffic safety.

ADVISORY COMMENT: Technical review of the Final Map may not commence until the Improvement Plans are approved by the ESD. The applicant shall provide 5 copies of the approved Tentative Map and 2 copies of the approved conditions with the plan check application. After the 1st Improvement Plan submittal and review by the ESD, the applicant may submit the Final Map to the ESD.

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

Explanation: The earth-related 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

Impact GEO-3: Soil Suitability for Development

Mitigation Measure: See Mitigation Measure GEO 1c.

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

Significance After Mitigation: Less Than Significant

Impact GEO-4: Impacts of Construction on Topography and Soils

Mitigation Measure: See mitigation measures GEO-1a, GEO-1b, GEO-1c.

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

Explanation: The earth-related 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

Noise Impacts

Impact N-1: Construction Noise

Mitigation Measure N-1:

- Construction noise emanating from any construction activities for which a Grading or Building Permit is required is prohibited on Sundays and Federal Holidays, and shall occur only occur: Monday through Friday, 6am to 8pm (during daylight savings); Monday through Friday, 7am to 8pm (during standard time); and Saturdays, 8am to 6pm.

- In addition, temporary signs 4' x 4' shall be located throughout the project, as determined by the DRC, at key intersections depicting the above construction hour limitations. Said signs shall include a toll free public information phone number where surrounding residents can report violations and the developer/builder will respond and resolve noise violations. This condition shall be included on the Improvement Plans and shown in the development notebook.

- Construction activities shall conform to the following standards: (a) there shall be no start-up of machines or equipment, no delivery of materials or equipment, no cleaning of machines or equipment, and no servicing of equipment except during the permitted hours of construction identified above; (b) radios played at high volume, loud talking, and other forms of communication constituting a nuisance shall not be permitted; and, (c) there shall be no construction legal holidays.

- Noisy construction equipment shall not idle for more than 10 minutes.

- Construction equipment, including trucks used for construction, shall utilize the best available noise control techniques (including mufflers, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds) in order to minimize construction noise impacts on nearby noise-sensitive uses and be maintained in good working order.

- Loaded trucks used in construction shall not travel at speeds higher than 25 miles per hour in the Project vicinity, shall avoid driving over bumps, and shall reduce speed while driving over bumps that cannot be avoided in order to reduce the incidence and intensity of vibration as experienced by adjacent residents.

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

Explanation: Mitigation Measure N-1 would impose limitations on noise-producing construction activities.

Significance After Mitigation: Less Than Significant

Impact N-2: Mobile Noise Sources - Exposure of Proposed Noise Sensitive Land Uses to Noise in Excess of County Standards

Mitigation Measure N-2a: A solid noise wall (e.g. block) measuring no less than six feet in height above existing Project grade is required at select locations along the western and northern borders of the Project site facing S.R. 49 and the Union Pacific

railroad tracks (see Figure 3.7-2 for location of recommended noise barriers). This barrier will also sufficiently mitigate noise from the hardwood and firewood facility.

Mitigation Measure N-2b: In order to ensure the ongoing function of the required sound walls, one of the following is required: (1) In order for the Homeowners' Association to provide maintenance of the required sound walls on-site, the Project shall dedicate a minimum eight-foot wide ingress-egress access easement on one side of the sound wall along each portion of the sound wall that is not accessible through a public right-of-way already included as part of the Project; or, (2) The homeowners association with covenants, codes, and restrictions (CC&Rs) or any other mechanism acceptable to the County established in conjunction with the Project shall be responsible for maintenance of the required sound walls. (This mitigation measure applies to Impact N-3, as well.)

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: These mitigation measures serve to reduce potential noise impacts on future project residents through construction and maintenance of structural sound barriers.

Significance After Mitigation: Less Than Significant

Impact N-3: Stationary Noise Sources - Exposure of Proposed Noise Sensitive Land Uses to Noise in Excess of County Standards

Mitigation Measure N-3a: A solid noise wall (e.g. block) measuring no less than six feet in height above existing Project grade shall be constructed along the portions of the south and east property boundary near the PG&E construction yard. This barrier is anticipated to provide approximately five dB noise level reduction, thus reducing expected worst-case hourly noise exposure to 60 dB Leq or less. In addition, the Project developer shall disclose the potential for moderate noise exposure at all proposed homes directly adjacent to the PG&E construction yard (see Figure 3.7-2 for location of recommended noise barriers).

Mitigation Measure N-3b: A detailed acoustical analysis shall be prepared for the proposed commercial development (The Plaza) to determine appropriate noise-mitigating construction once detailed information pertaining to this Project is known. This study shall include analysis of the impacts of the operation of the Project, as well as the potential shielding effects of the Plaza project for proposed on-site homes relative to S.R. 49. The acoustical analysis would be completed to ensure that noise exposure from the commercial development complies with the applicable noise criteria at the closest project homes.

Mitigation Measure N-3c: The project developer shall incorporate sound transmission class (STC) 35 or higher windows at second-floor building facades with line-of-sight to the PG&E construction yard. This construction improvement should be completed at the proposed homes directly adjacent to the construction yard.

Finding: Implementation of the mitigation measure will reduce the potentially significant impact to less than significant, except relative to noise from the PG&E corporation yard

Explanation: These mitigation measures serve to reduce potential noise impacts on future project residents through construction and maintenance of structural sound barriers. This applies to noise from existing industrial uses and existing and proposed commercial uses near the project site, but not the PG&E facility.

Significance After Mitigation: Less Than Significant

Public Services, Utilities, and Recreation Impacts

Impact PUB-1: Water Supply System

Mitigation Measure: PUB-1a: During construction of the proposed Project, no drainage may be discharged into the Fiddler Green Canal and all feasible measures should be applied to prevent people, animals, and debris from entering the Canal.

Mitigation Measure PUB-1b: Since the Fiddler Green Canal transports water to a water treatment plant, a trash rack and spillway with drainage to an acceptable storm drain and associated easements shall be reviewed and approved on the Project's improvement plans.

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: These mitigation measures serve to protect a raw water source during project construction activities.

Significance After Mitigation: Less Than Significant

Impact PUB-2: Sewage Collection and Treatment

Mitigation Measure: PUB-2: The Project will divert some areas of Country Club Estates by extending a sewer pipelines that will reduce the total flow passing through the Highway 49 Siphon, which already has capacity issues. The construction of sewer line extension to the existing County Club Estates Subdivision to divert some or all of this sewer shed will serve as mitigation for potential downstream impacts.

Prior to issuance of building permits, the applicant will submit improvement plans for review and approval by the County's Special Districts Division to ensure that adequate service and applicable codes are met. Paved access is required to all sewer manholes, and this detail will be included on the utility plan(s). The Project applicant will pay all applicable sewer connection fees and upgrade any existing wastewater facilities on site as required by the County.

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: This mitigation measure will ensure proper functioning of the sewage conveyance system in the area.

Significance After Mitigation: Less Than Significant

Impact PUB-3: Impacts Related to Off-Site Sewer Line

Mitigation Measure PUB-3: The location, design, and construction of the proposed pipeline shall be to the satisfaction of Placer County, Placer County Water Agency (canal owner), PG&E, Union Pacific Railroad, and any private property owner affected by this pipeline, where applicable. Easements and encroachment permits shall be obtained to the satisfaction of Placer County, the Placer County Water Agency (canal owner), PG&E, and Union Pacific Railroad, where applicable. County Planning staff shall be responsible for reviewing the proposed alignment of the pipeline in order to identify any potential biological impacts.

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: This mitigation measure will ensure proper functioning of the sewage conveyance system in the area.

Significance After Mitigation: Less Than Significant

Safety Impacts

Impact SAFE-1: Exposure of Construction Workers, Residents, and Others to Hazardous Materials

Mitigation Measure SAFE-1:

- A risk assessment shall be completed prior to the approval of improvement plans or equivalent approval. Risk assessments shall include a DTSC Preliminary Endangerment Assessment or no further action determination, or equivalent. Any

required remediation shall include a DTSC Remedial Action Workplan or equivalent, and can include a range of activities, including restrictions on use, soil excavation and disposal off-site, or encapsulation. If required, the remedial action shall be completed and certified by DTSC prior to the recordation of the subdivision final map.

- If during site preparation and construction activities previous undiscovered or unknown evidence of hazardous materials contamination is observed or suspected through either obvious or implied measures (i.e., stained or odorous soil), construction activities shall immediately cease in the area of the find.

- Placer County Environmental Health Services staff shall be immediately consulted, and the project applicant shall contract with a qualified consultant registered in DTSC's Registered Environmental Assessor Program to assess the situation. If necessary, risk assessments shall include a DTSC Preliminary Endangerment Assessment or no further action determination, or equivalent. Any required remediation shall include a DTSC Remedial Action Workplan or equivalent. Based on consultation between the Registered Environmental Assessor and DTSC, remediation of the site shall be conducted consistent with all applicable regulations.

- Prior to Improvement Plan approval, a Note shall be placed on the Improvement Plans to indicate that if at any time during the course of constructing the proposed project, evidence of soils and/or groundwater contamination with hazardous material is encountered, the applicant shall immediately stop the project and contact the EHS Hazardous Materials Section. The project shall remain stopped until there is resolution of the contamination problem to the satisfaction of EHS and the Central Valley RWQCB.

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: Because of the past industrial activities that occurred on the project site, there is a potential for hazardous materials to be found which could have adverse health effects. This mitigation measure mitigates potential hazards to a level that is less than significant.

Significance After Mitigation: Less Than Significant

Impact SAFE-6: Canal and Railroad Hazards

Mitigation Measure SAFE-6: Six-foot high chain link fences shall be erected around the detention basin, between the Wise Canal and residential sections of the site, and between the UPRR and residential sections of the site. Ongoing maintenance shall be the responsibility of the Homeowners' Association.

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: This mitigation measure is intended to reduce safety hazards associated with the railroad tracks that abut the project site, the detention basin, and Wise Canal by providing a barrier to humans.

Significance After Mitigation: Less Than Significant

Impact SAFE-7: Mosquito and Insect Hazards

Mitigation Measure SAFE-7: The applicant shall coordinate with Placer Mosquito Abatement District (PMAD) in the construction and operations phases of the Project. The applicant will be responsible for coordination with PMAD regarding mosquito control measures for the Project area following completion of Project construction. Consultation and coordination with PMAD shall include the following actions:

- Consult with PMAD during the Project design phase to incorporate design elements of detention basins to reduce the mosquito production potential of the Project. Measures considered should include designing water delivery and drainage systems.
- Consult with PMAD to develop and implement feasible measures to reduce the likelihood of ponding of surface water in the Project area during the construction period and to implement other mosquito abatement measures that are compatible with construction activities.
- Permit PMAD to have access to the Project area to monitor or control mosquito populations.
- Regularly consult with PMAD to identify mosquito management problems, mosquito monitoring and abatement procedures, and opportunities to adjust water management practices in detention basins to reduce mosquito production during problem periods.

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: This mitigation measure will ensure that stormwater that is detained on the project site will not provide habitat for mosquitoes, a public health hazard.

Significance After Mitigation: Less Than Significant

Surface Hydrology and Water Quality Impacts

Impact SHWQ-1: Impacts to Water Quality as a Result of Grading, Excavation, and Other Construction Activities

Mitigation Measures: AQ-1, GEO-1a, GEO-1b and GEO-1d. See above

Mitigation Measure SHWQ-1a: 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.

Mitigation Measure SHWQ-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 shall be in compliance with applicable stormwater quality standards, to the satisfaction of the Engineering and Surveying Department (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 HWQ-1c: Water quality treatment facilities (BMPs) shall be designed according to the guidance of the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New Development / Redevelopment, and for Industrial and Commercial (or other similar source as approved by the Engineering and Surveying Department (ESD)). BMPs shall be designed to mitigate (minimize, infiltrate, filter, or treat) stormwater 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: vegetated swales, vortex separators, and velocity dissipaters. All BMPs shall be maintained as required to ensure effectiveness. Proof of on-going maintenance, such as contractual evidence, shall be provided to ESD upon request.

Mitigation Measure SHWQ-1d: This Project is located within the area covered by Placer County's municipal stormwater quality permit, pursuant to the National Pollutant Discharge Elimination System (NPDES) Phase II program. Project-related stormwater discharges are subject to all applicable requirements of said permit. BMPs shall be designed to mitigate (minimize, infiltrate, filter, or treat) stormwater runoff in accordance with "Attachment 4" of Placer County's NPDES Municipal Stormwater Permit (State Water Resources Control Board NPDES General Permit No. CAS000004).

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: The potential construction-related water quality impacts are of a nature that can be addressed through standard best practice engineering requirements such as those embodied in the above mitigation measures.

Significance After Mitigation: Less Than Significant

Impact SHWQ-2: Increased Stormwater Runoff Volumes

Mitigation Measures: PUB-1a and PUB-1b, GEO-1a through 1d. See above

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

Explanation: The potential water quality impacts are of a nature that can be addressed through standard best practice engineering requirements such as those embodied in the above mitigation measures.

Significance After Mitigation: Less Than Significant

Impact SHWQ-3: Ongoing Stormwater Runoff Impacts on Water Quality

Mitigation Measure SHWQ-3a: In accordance with the Standard Conditions of ESD, Storm drainage from on-and off-site impervious surfaces (including roads) shall be collected and routed through specially designed water quality treatment facilities (BMPs) for removal of pollutants of concern (i.e. sediment, oil/grease, etc.), as approved by the Engineering and Surveying Department. With the Improvement Plans, the applicant shall verify that proposed BMPs are appropriate to treat the pollutants of concern from this project. The applicant shall provide for the establishment of vegetation, where specified, by means of proper irrigation, for effective performance of BMPs. 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. 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 SHWQ-3b: Water quality treatment facilities (BMPs) shall be designed according to the guidance of the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New Development / Redevelopment, and for Industrial and Commercial (or other similar source as approved by the Engineering and Surveying Department (ESD)). BMPs shall be designed to mitigate (minimize, infiltrate, filter, or treat) stormwater 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: vegetated swales, vortex separators, and velocity dissipaters. 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.

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

Explanation: The potential on-going water quality impacts are of a nature that can be addressed through standard best practice engineering requirements such as those embodied in the above mitigation measures.

Significance After Mitigation: Less Than Significant

Impact SHWQ-4: Exposure of Persons to Flood Hazards

Mitigation Measures: SHWQ-2 and GEO 1b.

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: The proposed on-site detention basin, when full of water, creates a potential drowning hazard. The above listed mitigation measures reduce the potential hazard to a level that it less than significant.

Significance After Mitigation: Less Than Significant

Transportation Impacts

Impact T-2: Emergency Access/Design Hazard

Mitigation Measure T-2:

- The Project shall have stop sign control at all "T" intersections, with stop signs on minor approaches.
- The Project shall provide directional signage for internal residential streets that operate as "L"-shaped turns (only permitted under the "without Hulbert Way" connection scenario, as no non-MUTCD [Manual on Uniform Control Devices] signs are permitted with County right-of-way).

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

Explanation: The potential traffic safety impacts are of a nature that can be addressed through standard best practice engineering requirements such as those embodied in the above mitigation measure.

Significance After Mitigation: Less Than Significant

Cumulative Regional Air Quality Impact

Mitigation Measure Cumulative-AQ-1:

- Project shall use only low nitrogen oxide (NOX) hot water heaters.
- Project shall require installation of 120-volt outlets on the exterior walls of both the front and back of residence units to accommodate the use of electric landscape maintenance equipment.
- Open burning shall be prohibited on all lots and this prohibition shall be included as part of the Project CC&Rs.
- The Project shall implement an offsite mitigation program, coordinated through the Placer County Air Pollution Control District, to offset the Project's long-term ROG, NO_X, and PM_{10} emissions. The applicant's mitigation program must be approved by the Placer County Air Pollution Control District. In-lieu of the applicant implementing their own off-site mitigation program, the applicant can choose to participate in the Placer County Air Pollution District Off-site Mitigation Program by paying an equivalent amount of money into the District program.[1]

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: Air pollutants produced on-site by future project residents will be reduced to less-than-significant levels through application of this mitigation measure.

Significance After Mitigation: Less Than Significant

Cumulative Noise Impact

Mitigation Measures: N-1, N-2, N-3. See above

Explanation: The mitigation measures described above will reduce the cumulative noise contribution of the proposed project to a level that is less than significant.

Significance After Mitigation: Less Than Significant

Cumulative Traffic Impact

Mitigation Measure Cumulative-T-1:

- The Project shall participate on a pro-rata basis in converting the S.R. 49/Airport Road/Kemper Road shared through-right lane in the northbound direction to an exclusive through lane and right turn lane.

- The Project shall participate on a pro-rata basis in converting the S.R. 49/Airport Road/Kemper Road shared through-right lane in the eastbound direction to an exclusive through lane and right turn lane.

- The Project shall participate on a pro-rata basis in providing overlap signal phasing to the eastbound right-turns along Kemper Road at the S.R. 49/Airport Road/Kemper Road intersection.

- U-turns shall be prohibited along the northbound S.R. 49 approach at the S.R. 49/Airport Road/Kemper Road intersection.

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: The mitigation measure described above will reduce the cumulative traffic contribution of the proposed project to a level that is less than significant.

Significance After Mitigation: Less Than Significant

Impacts Determined to be Significant and Unavoidable

The Final EIR identifies the following significant impact which cannot be avoided by mitigation measures which can be assured by Placer County. Except as stated otherwise in certain cases below, the Board agrees with the characterization in the FEIR with respect to all Impacts initially identified as **significant and unavoidable**.

Aesthetics

Impact AVR-1: Consistency with the Community Plan and Placer County Design Guidelines Aesthetic Policies

Mitigation Measure AVR-1: Prior to final site plan approval, the Project applicant shall submit a final landscaping plan to the County for its review and approval. In compliance with Placer County General Plan Policy 6.D.2, the final landscaping plan shall include the use of native and compatible non-native species, especially drought-tolerant plant species where possible. The County may attach conditions of approval to the landscaping plans deemed necessary to mitigate potential adverse visual impacts. The landscaping plan, with any attached conditions, shall be incorporated within the Project.

Finding: Pursuant to CEQA Guidelines Section 15091(a)(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. Potential impacts remain significant and unavoidable.

Explanation: No mitigation measures were identified that would cause the proposed project to be consistent with Goal G of the Auburn/Bowman Community Plan relative to preservation of important vistas.

Significance After Mitigation: Significant and Unavoidable

Air Quality

Impact AQ-1: Short-Term Construction Related Air Pollutant Emissions

Mitigation Measure AQ-1:

- The prime Project contractor shall submit a comprehensive inventory (i.e., make, model, year, emission rating) of all the heavy-duty (50 horsepower or greater) off-road equipment that will be used an aggregate of 40 or more hours for the construction phase of the Project to the Placer County Air Pollution Control District. The Project shall provide a plan for approval by the Air District demonstrating that the heavy-duty off-road vehicles to be used in the construction of the Project, including owned, leased, and subcontractor vehicles, will achieve a Project-wide fleet-average 30 percent NO_X reduction and 45 percent particulate reduction compared to the most recent CARB fleet average. The Air District should be contacted for average fleet emission data. 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.[ii] In lieu of or in addition to this requirement, the Project applicant can use other measures to reduce particulate matter and nitrogen oxide emissions from the Project through the use of emulsified diesel fuel and/or particulate matter traps. The Placer County Air Pollution Control District should be contacted to discuss this measure.

- An enforcement plan shall be established to weekly evaluate Project-related on-and-off- road heavy-duty vehicle engine emission opacities, using standards as defined in California Code of Regulations, Title 13, Sections 2180-2194. An applicant representative, 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.

- There shall be no open burning of vegetation removed for site preparation or installation of infrastructure. Any removed vegetative material shall be chipped or delivered to a waste-to-energy facility.

- The Project applicant shall submit for review and approval a "Construction Emission, Asbestos Dust, Fugitive Dust, and Erosion Control Plan" to the Placer County Air Pollution Control District and Placer County Department of Public Works prior to the issuance of any grading permits. The following measures or those determined in advance by the Air District to be equally effective or more effective shall be included in the Construction Emission, Asbestos Dust, Fugitive Dust, and Erosion Control Plan and construction contracts:

  - An operational water truck shall be on-site during all construction phases. Water shall be applied as needed to prevent dust impacts off-site, including applying water to the existing concrete pads during demolition.

  - Clean earth moving construction equipment with water once per day.

  - Install wheel washers or wash all trucks and equipment leaving the site.

  - Traffic speeds on all unpaved surfaces on the construction site shall not exceed 15 miles per hour.

  - Streets adjacent to the Project site shall be kept clean of dirt, mud, materials, and debris during the construction and demolition periods.

  - Construction activities shall be suspended during periods of high winds (25 miles per hour gusts or stronger).

  - Grading operations shall be suspended when fugitive dusts exceed District Rule 228 Fugitive Dust limitations.

  - Keep active storage piles adequately wet or covered with tarps.

  - Inactive disturbed surface areas and storage piles shall be controlled for erosion by: keeping surfaces adequately wet, establishing and maintaining surface crusting, applying chemical dust suppressants or chemical stabilizers, covering with tarp or vegetative cover, installing wind barriers of 50 percent porosity around three sides of a storage pile, or installing wind barriers across open areas.

  - Following ground disturbance phases of site preparation, disturbed areas shall be re-vegetated or paved.

  - An applicant representative, CARB-certified to perform Visible Emissions Evaluations (VEE), shall routinely evaluate Project compliance to Rule 228, Fugitive Dust. Fugitive dust is not to exceed 40 percent opacity and is not to go beyond the site boundary at any time.

- Construction equipment shall be maintained according to equipment manufacturer's recommendations.
- Contractors shall not operate pre-1996 heavy-duty diesel off-road and stationary source equipment on forecast Spare the Air Days.
- No diesel-powered equipment used on-site during construction shall idle unused for more than five minutes.
- California diesel fuel exclusively shall be used for mobile and stationary construction equipment used on-site.
- The applicant shall use existing power sources (e.g., power poles) or clean fuel generators rather than temporary diesel power generators. If Project construction requires diesel powered generators greater than 50 horsepower, a Permit to Operate is required from the Air District.

Finding: Pursuant to CEQA Guidelines Section 15091(a)(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. Potential impacts of construction-related emissions remain significant and unavoidable.

Explanation: Construction related activities would generate emissions of ROG and NOX that would temporarily increase concentrations in the project vicinity and exceed PCAPCD standards. However, the PCAPD has established construction mitigation measures that would reduce potentially significant emissions. Implementation of Mitigation Measure AQ-1, which outlines PCAPCD mitigation requirements and Best Available Control Technology, would reduce construction related ROG and NOX emissions. However, neither this Mitigation Measure nor any other feasible solution would reduce construction-related ROG and NOx emissions to a less-than-significant level.

Significance After Mitigation: Significant and Unavoidable

Noise

Impact N-3: Stationary Noise Sources: Exposure of Proposed Noise Sensitive Land Uses to Noise in Excess of County Standards

Mitigation Measure N-3a: A solid noise wall (e.g., block) measuring no less than six feet in height above existing Project grade shall be constructed along the portions of the south and east property boundary near the PG&E construction yard. This barrier is anticipated to provide approximately five dB noise level reduction, thus reducing expected worst-case hourly noise exposure to 60 dB Leq or less. In addition, the Project developer shall disclose the potential for moderate noise exposure at all proposed homes directly adjacent to the PG&E construction yard (see Figure 3.7-2 for location of recommended noise barriers).

Mitigation Measure N-3b: A detailed acoustical analysis shall be prepared for the proposed commercial development (The Plaza) to determine appropriate noise-mitigating construction once detailed information pertaining to this Project is known. This study shall include analysis of the impacts of the operation of the Project, as well as the potential shielding effects of the Plaza project for proposed on-site homes relative to S.R. 49. The acoustical analysis would be completed to ensure that noise exposure from the commercial development complies with the applicable noise criteria at the closest project homes.

Finding: Pursuant to CEQA Guidelines Section 15091(a)(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. Potential impacts of noise from the PG&E facility remain significant and unavoidable.

Explanation: Even with mitigation measures listed above, noise impacts from the PG&E facility on certain project residents cannot be fully mitigated.

Significance After Mitigation: Significant and Unavoidable

Transportation

Impact T-1: Reduction in Level of Service

Mitigation Measure: T-1:

- The Project shall construct a full-phase traffic signal at the intersection of Luther Road and Canal Street.
- Construction activity, such as delivery of building materials and equipment that could affect adjacent traffic operations shall be scheduled for off-peak hours.

ADVISORY COMMENT: The current County Capital Improvement Program (CIP) for the Auburn/Bowman community plan area includes the above mentioned signal project. Article 15.28 of County Code provides the Director of Public Works with the ability to reconsider credit against fee obligation for construction of improvements from the capital improvement program by new development. The Director has considered the specifics of the traffic signal's construction with the proposed development and agrees to apply "fee credit" to the future traffic mitigation fees required by County Code Article 15.28 for the Bohemia Subdivision. The fee credit applied to future building permits, associated with the subdivision construction, shall be limited to the amount identified in the most recent CIP; currently $204,700 (updated July 2006).

Finding: Pursuant to CEQA Guidelines Section 15091(a)(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. Potential impacts of remain significant and unavoidable.

Explanation: Highway 49 segments north and south of Luther Road are projected to operate at unacceptable LOS F on a daily basis regardless of the mitigation described above.

Significance After Mitigation: Significant and Unavoidable

Cumulative Traffic Impact

Mitigation: Cumulative T-2: The Project shall participate on a pro-rata basis in signalizing the Luther Road / Dairy Road intersection.

Finding: Pursuant to CEQA Guidelines Section 15091(a)(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. Potential impacts of remain significant and unavoidable.

Explanation: There are no feasible mitigation measures identified that would improve the level of service on the Highway 49 corridor.

Significance After Mitigation: Significant and Unavoidable

IX. 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 regulatory 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 two alternatives to the project: No Project Alternative and Base Zoning 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 Board finds that the No Project Alternative is not feasible in that it would not meet any of the Project Objectives described in Section 2.0 of the Draft EIR.

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

The No Project Alternative proposes no residential development, site improvements, or changes to existing conditions on and around the site. As such, the alternative meets none of the stated Project objectives, except possibly one:

The project would remain a vacant lot. While this would not be consistent with the development patterns in the immediate vicinity, this alternative would retain the existing open space uses of the Project site. Some residents in the vicinity may consider this as an amenity, particularly since there are few open spaces in the developed residential areas. Therefore, land uses on the Project site under the No Project Alternative may be compatible with adjoining land uses in this regard.

Current Base Zoning

This alternative would place multi-family residential dwellings on the eastern half of the site, between the current alignment of Fiddler Green Canal and Canal Street, as is allowed under the Community Plan and zoning designations on-site. There would be no loss in the number of dwelling units, just an increase in density. The area between Fiddler Green Canal and Wise Canal would be designated for a mixture of retail commercial and office uses. An open space band would be provided between the residential and commercial portions of the site.

Another feature of this alternative is that a full-service (not emergency only) street connection would be provided across a new bridge over Wise Canal through the adjacent, proposed commercial development to the west called The Plaza to Highway 49 at the Hulbert Way intersection. Entry gates, as proposed on Canal Street for the proposed Project, would not be provided in this alternative.

Finding: The Board finds that this alternative is not feasible in that it does not meet one of the Project objectives, failing to achieve compatibility with adjoining land uses.

Explanation: This alternative would introduce multi-family uses in an area that is predominantly single-family residential.

Tree Preservation/Park Plan

The primary purpose of this alternative is to preserve as many of the existing trees as possible, provide park land, and provide buffering to adjacent land uses to the north and south. This alternative would include mostly parcels for single family detached dwellings; however, some duet-style dwellings could also be included.

In this alternative the access point at Canal Street remains unchanged; however, the road would immediately veer to the north in order to avoid the trees at the project entrance. The road would then go in a westerly direction parallel with, and approximately 100 feet from, the site boundary with PG&E. This would avoid removal of the trees along the boundary with the PG&E site. The rear yards of these deeper lots would abut the PG&E yard and the trees would be included in the rear yards as a visual buffer to the PG&E site. The parallel street on the north edge would be moved southward by approximately 50 feet so that the lots abutting the existing residential development to the north would be deeper, thus providing more separation.

Finding: The Board finds that this alternative is feasible in that it meets all of the Project objectives.

Explanation: Residential development would occur at medium and higher densities, providing a range of housing opportunities, while protecting environmental features of the site.

X. 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 Board finds that, while the project redesignates land to allow residential development and adds residents beyond that included in regional population projections contained within the Placer County General Plan or Sacramento Council of Governments estimates, the project would not be considered growth inducing because it constitutes an infill development surrounded by developed or developing lands, does not include any employment-generating land uses, does not involve extension of the infrastructure network (including roads, sewer facilities, water facilities, or related utilities) to a previously unserved portion of the County not designated for urban development; and does not involve establishment of urban uses adjacent to ongoing agricultural operations in a way that encourages their conversion

Explanation: The project will not facilitate development of adjoining lands.

XI. Cumulative Impacts Findings

Placer County staff reviewed the proposed Project to determine the appropriate approach to the cumulative analysis. The Project requires an amendment to the Placer County General Plan and Auburn/Bowman Community, as well as rezoning.

The Board 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 provides an analysis of potential environmental impacts of those elements of the proposed project that are inconsistent with the Auburn/Bowman Community Plan in light of other projects that have come forth within the region that are likely to contribute significantly to regional growth and cumulative impacts.

Finding: The Board finds that implementation of the mitigation measures identified in the FEIR pertaining to aesthetics, air quality (construction impacts), noise (stationary, long-term), and traffic (Highway 49 level of service) will lessen the significant environmental effects, but not to a less-than-significant level.

Explanation: Cumulative impacts are an inevitable consequence of growth. The County General Plan and Auburn/Bowman Community Plan contemplate growth and include the Project site as an area that will be intensively developed.

Significance After Mitigation: Cumulatively considerable and significant and unavoidable.

XII. STATEMENT OF OVERRIDING CONSIDERATIONS

As discussed in Section VII of these CEQA findings, the Final EIR concludes that the proposed Project, even with incorporation of all feasible mitigation measures and consideration of alternatives, will nonetheless cause significant direct and unavoidable impacts on the following resources:

- Consistency with the Community Plan and Placer County Design Guidelines aesthetic policies
- Short-Term construction related air pollutant emissions
- Stationary noise sources: exposure of proposed noise sensitive land uses to noise in excess of County standards
- Reduction of traffic level of service
- Cumulative traffic impact

Placer County has adopted all feasible mitigation measures with respect to these impacts, which may have substantially lessened the impacts, but have not been successful in reducing them below a level of significance.

Under CEQA, before a project which is determined to have significant, unmitigated environmental effects can be approved, the public agency must consider and adopt a "statement of overriding considerations" pursuant to CEQA Guidelines 15043 and 15093. As the primary purpose of CEQA is to fully inform the decision makers and the public as to the environmental effects of a Proposed Project and to include feasible mitigation measures and alternatives to reduce any such adverse effects below a level of significance, CEQA nonetheless recognizes and authorizes the approval of projects where not all adverse impacts can be fully lessened or avoided. However, the agency must explain and justify its conclusion to approve such a project through the statement of overriding considerations, setting forth the Proposed Project's general social, economic, policy or other public benefits which support the agency's informed conclusion to approve the Proposed Project.

Placer County finds that the Proposed Project meets the following stated project objectives - which have substantial social, economic, policy and other public benefits - justifying its approval and implementation, notwithstanding the fact that not all environmental impacts were fully reduced below a level of significance:

The proposed Project will provide for the following:

- Provision of housing of a density and type that responds to market demand.
- Creation of a medium-density residential development that takes advantage of the relative lack of environmental constraints affecting the Project site.

- Creation of a residential development that can be adequately served by available public infrastructure and services.

- Achieve compatibility with a variety of adjoining land use.

- To the extent feasible, implement SACOG's Blueprint growth principles: Transportation Choices, Mixed-Use Developments, Compact Development, Housing Choice and Diversity, Use of Existing Assets, Quality Design, and Natural Resources Conservation.

XIII. CONCLUSION

The mitigation measures listed in conjunction with each of the findings set forth above, as implemented through the Mitigation Monitoring Program, have eliminated or reduced, or will eliminate or reduce to a level of insignificance, all adverse environmental impacts, except the one impact identified herein.

Taken together, the Final Environmental Impact Report, the mitigation measures, and the Mitigation Monitoring Program provide an adequate basis for approval of the Bohemia Subdivision Project.

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[i] The Placer County Air Pollution Control District has an operational off-site mitigation program, which is partially funded by development projects within Placer County, and partially funded by a surcharge on vehicle registration of $4. The Air District has approximately $3 million in the mitigation program, though the amount fluctuates quickly as incentive projects are implemented. With the funding, the Air District works with local business and property owners to encourage NOx emissions reductions through updating of vehicle fleets, converting vehicles or equipment to alternative clean or cleaner burning equipment, and many other methods. The program focuses on mobile sources and attempts to achieve emissions reduction in the same geographic area as the contributor to achieve as direct a relationship as is possible between development projects that contribute to the fund and the emissions reduction provided by the program.

Notes and References

[ii] 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 at www.airquality.org/ceqa/Construction_Mitigation_Calculator.xls.

Identification of Project Alternatives

No Project – Alternative 1

Section 15126.6(e)(1) of the Government Code provides the following direction relative to the No Project Alternative:

> The specific alternative of "no project" shall also be evaluated along with its impact. The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The no project alterative analysis is not the baseline for determining where the proposed project's environmental impacts may be significant, unless it is identical to the existing environmental setting analysis which does establish that baseline (see Section 15125).

The No Project Alternative assumes that the site would remain mostly vacant, with the exception of the canal infrastructure present on-site.

Current Base Zoning – Alternative 2

As shown in **Figure 4-1**, this alternative would place multi-family residential dwellings on the eastern half of the site, between the current alignment of Fiddler Green Canal and Canal Street, as is allowed under the Community Plan and zoning designations on-site. There would be no loss in the number of dwelling units, just an increase in density. The area between Fiddler Green Canal and Wise Canal would be designated for a mixture of retail commercial and office uses. An open space band would be provided between the residential and commercial portions of the site.

Another feature of this alternative is that a full-service (not emergency only) street connection would be provided across a new bridge over Wise Canal through the adjacent, proposed commercial development to the west called The Plaza to Highway 49 at the Hulbert Way intersection. Entry gates, as proposed on Canal Street for the proposed Project, would not be provided in this alternative.

This alternative is designed to provide residential development at approximately the same yield as is proposed under the proposed Project, but at higher density. The retail commercial and office portion is intended to provide a transitional land use between the multi family residential development and the retail commercial shopping center proposed to the west of Wise Canal.

The access point to Canal Street remains unchanged in this alternative. A detention basin is proposed in the northwest corner of the site, as in the proposed Project.

Tree Preservation/Park Plan – Alternative 3

The primary purpose of this alternative is to preserve as many of the existing trees as possible, provide park land, and provide buffering to adjacent land uses to the north and south. This alternative would include mostly parcels for single family detached dwellings; however, some duet-style dwellings could also be included. See **Figure 4-2**.

In this alternative the access point at Canal Street remains unchanged; however, the road would immediately veer to the north in order to avoid the trees at the project entrance. The road would then go in a westerly direction parallel with, and approximately 100 feet from, the site boundary with PG&E. This would avoid removal of the trees along the boundary with the PG&E site. The rear yards of these deeper lots would abut the PG&E yard and the trees would be included in the rear yards as a visual buffer to the PG&E site. The parallel street on the north edge would be moved southward by approximately 50 feet so that the lots abutting the existing residential development to the north would be deeper, thus providing more separation.

This plan includes a neighborhood park in a central location of the site between two parallel streets. The proposed detention basin location would be unchanged from the proposed Project.

The larger, deeper lots on the north and south edges of the site could result in a loss of single-family lots. Lost density could be compensated with the inclusion of common-wall (duet) lots.

Another feature of this alternative is that a full-service (not emergency only) street connection would be provided across a new bridge over Wise Canal through the adjacent, proposed commercial development to the west called The Plaza to Highway 49 at the Hulbert Way intersection. Entry gates, as proposed on Canal Street for the proposed Project, would not be provided in this alternative.

COUNTY OF PLACER
Community Development Resource Agency
John Marin, Agency Director

PLANNING
Michael J. Johnson, AICP
Planning Director

July 3, 2007

Jim Conkey
Conkey Real Estate Development, LLC
735 Sunrise Avenue, Suite 200
Roseville, CA 95661

SUBJECT: **Proposed Incentives for the Bohemia Residential Development – North Auburn**

Dear Jim:

As a follow-up to our meetings with County Executive Officer Tom Miller and District 3 Supervisor Jim Holmes, the purpose of this letter is to provide you information regarding current and potential affordable housing incentives available to your project known as the Bohemia Development in North Auburn. Staff has looked into the affordable housing incentives that have already been provided to your project, as well as additional affordable housing incentives you may desire pursuing and incorporating into your project. A detailed discussion of these incentives is provided below.

Background

At its May 28, 2007, the Planning Commission approved a General Plan Amendment, Rezone and Tentative Subdivision Map for the development of 114 single-family detached residences on the project site located on the south side of Canal Street, north of Luther Road in North Auburn. Of the 114 residential units approved with the project, 96 residences were approved as market-rate units, and 18 units were approved as affordable housing units. As part of the project approval, the County Facilities Department received an easement from you to accommodate wastewater flow and minor sewer upgrades in the project area.

In recommending to the Board of Supervisors the proposed General Plan Amendment and associated Rezone request, the Planning Commission, as recommended by staff, supported an increase in density for the project site above-and-beyond that allowed by the current General Plan land use designation. With the proposed General Plan/Zoning designations, lots as small as 3,000 square feet in area can be developed on the project site. Additionally, the Planning Commission also gave special consideration to allow you to locate your affordable housing units in a cluster as opposed to the prevalent policy of dispersing affordable units throughout the subdivision. Finally, the Planning Commission also approved a Variance request to allow for reductions in the required setbacks for two-story structures (allowing a rear yard setback of 15 feet, when 20 feet would normally be required and a side yard setback of 5 feet, when 7.5 feet would normally be required). The granting of the General Plan Amendment/Rezone, placement of the affordable housing units and Variances to setbacks are all affordable housing incentives available to the County to encourage

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the development of affordable housing units throughout the County. By providing these incentives to you in the approval of your project, it was the desire of the County to help defray some of the costs associated with the ultimate construction of the project.

In our meetings, you have raised questions regarding the County's ability to provide additional incentives, above-and-beyond those incentives described above, to assist you in defraying or offsetting your costs associated with the construction of the affordable housing units. The additional incentives available to you are discussed below.

Additional Incentives

Based upon your desire to consider additional affordable housing incentives for the Bohemia project, staff has identified the following incentives that you may want to consider incorporating into the project.

1. Because your project is located within a Redevelopment Area and therefore contains an affordable housing obligation, you are entitled to receive a 50 percent reduction in permit application fees related to those affordable housing units, as well as priority processing through the plan check process. As provided for in the County General Plan, this reduction in permit application fees can be accommodated at the staff level – no Board action is required.

2. The Board of Supervisors may defer payment of your traffic and sewer impact fees until such time that building permits for the individual residences are finaled. Should you desire to pursue this incentive, staff can accommodate such a request in conjunction with the Board's consideration of the General Plan Amendment/Rezone application for your project.

3. The Placer County Redevelopment Agency can provide a low-interest loan toward the cost of your street and infrastructure improvements; however, pursuant to California law, any public funding into this project, for infrastructure or housing, will trigger prevailing wages on the entire project.

4. The Redevelopment Agency has stated it is willing to make application for Federal and State grants and loans that will assist in off-setting the cost of providing of the affordable housing units. However, the Agency is precluded by Redevelopment Agency Board Guidelines to use local public funds to subsidize a developer's housing obligation. As with No. 3 above, the use of these public monies would also trigger the use of prevailing wages for the entire project.

5. The Redevelopment Agency has stated it is willing to provide an incentive to the project by funding a development appraisal that will show the value of the site before the General Planning Amendment, the value of the lots without restriction, the value of the lots with restriction, and the total value of the development with all lots and all restrictions. This type of appraisal is very useful in marketing and financing a development.

6. While many of the incentives identified in Section 65915 (Density Bonuses and Other Incentives) of the State Government Code and the County's recently adopted Density Bonus ordinance have already been provided to the project (i.e., a General Plan Amendment/Rezone to allow for higher density, modification to building setbacks, allowing the affordable housing units to be clustered on the project site), there are additional incentives that you may want to consider including in the project. These additional incentives include:

   a. Allow for additional units to be constructed on the project site in exchange for the provision of additional affordable housing units.

   b. An additional density bonus that is an amount of square feet of residential floor area equal to allow for the construction of an on-site child care facility.

   While implementation of the incentives set forth in 6a and 6b above would most likely require a redesign of your project (and reconsideration by the Planning Commission), staff is ready and willing to assist with such an incentive request, should that be your desire.

In addition to the incentives described above, it is important that you know that when you sell the affordable units, you will be partially compensated by the buyers down payment and first deed of trust loan, which are estimated at $80,000 for the Very-Low Income units and $290,000 for the Moderate Income units—or an estimated total reimbursement of $3,750,000.

Conclusion

As you can see from the various incentives described above, there are many options available to you to consider when looking for additional incentives to be incorporated into your project. As always, County staff is anxious to assist you in seeing how these additional incentives can be worked into your project. To this end, County staff remains committed to assisting you in moving forward with the construction of your project. If you have any questions regarding the various incentives described above, or should you have project-specific questions, please do not hesitate to contact Senior Planner Leah Rosasco at (530) 745- 3091 or Housing Program Coordinator Joanne Auerbach at (530)745-3164. The County staff looks forward to working cooperatively with you to see this important project move forward to the development/construction stage.

Sincerely,

MICHAEL J. JOHNSON, AICP
Director of Planning

cc: Tom Miller, County Executive Officer
District 3 Supervisor Jim Holmes
Ruth Alves, Aide to Supervisor Holmes
Rich Colwell, Chief Assistant County Executive Officer
John Marin, Community Development Resources Agency Director
Rae James, Redevelopment Deputy Director
Christa Darlington, Deputy County Counsel
Joanne Auerbach, Housing Program Coordinator
Melanie Heckel, Assistant Planning Director
Leah Rosasco, Senior Planner

COUNTY OF PLACER
Community Development Resource Agency
John Marin, Agency Director

PLANNING
Michael J. Johnson, AICP
Planning Director

HEARING DATE: August 23, 2007
ITEM NO.: 3
TIME: 10:25 am

TO: Placer County Planning Commission

FROM: Placer County Planning Department and Redevelopment Agency

DATE: August 23, 2007

SUBJECT: **Bohemia Subdivision (PSUB-2004 0773) – Affordable Housing Incentives**

STAFF: Melanie Heckel, Assistant Planning Director

BACKGROUND:
During the June 28, 2007 Planning Commission hearing on the Bohemia Subdivision residential project, questions were raised about the provisions of Article 15.65 of the County Code and the Planning Commission's role in reviewing and approving projects within Redevelopment areas with Affordable Housing provisions. The Planning Commission asked staff to arrange a presentation by the Redevelopment Agency outlining Article 15.65, with particular focus on the duties and responsibilities of the Planning Commission. That information is being presented at this Planning Commission meeting. In addition, the Planning Commission directed staff to work with the Bohemia Subdivision applicants to develop affordable housing incentives that could be brought back for consideration by the Planning Commission.

Attached please find a letter sent to the applicant, Jim Conkey, by Michael Johnson, Planning Director, outlining affordable housing incentives that had already been approved by the County with project approval, as well as additional types of incentives that could be provided, pursuant to Article 15.65 or other County and State legislative provisions. In response to that letter, Mr. Conkey submitted a letter dated July 16, 2007, also attached. In his letter, he requested County financial assistance for a total of $1,733,038.

BASIS OF REQUEST FOR FINANCIAL ASSISTANCE:
The basis for his request is as follows:

1. Because the proposed residential project is within the North Auburn Redevelopment, the applicant is required to provide 15 percent affordable units, of which 40 percent, or in this

case seven units, must be provided as very low income units. Mr. Conkey believes that his net loss will be $1,267,000, and he is requesting to be reimbursed for this cost.

2. Off-site drainage improvements have been required for this project and Mr. Conkey is requesting reimbursement for $157,943 of his total estimated cost of $535,250.
3. Off-site sewer improvements have been required for this project and Mr. Conkey is requesting reimbursement of $194,449 of his total estimated cost of $274,350.

DISCUSSION OF ISSUES:

Affordable Housing Incentives

Section 15.65.140 of the County Code allows the Commission to provide additional incentives that are found in the Housing Element or otherwise provided for by law on a case-by-case basis. This allows the Commission to use county or state affordable housing subsidy programs. It does not, however, authorize the expenditure of General Fund money without the express delegation of such authority by the Board of Supervisors *through* a duly approved program.

There are two provisions by which fee reductions can be obtained through the current county framework. The first way is through the County's housing element's Section 12, which, as supported by a Resolution of the Board of Supervisors, allows for processing fee reductions of fifty percent for the entire development if the affordable housing component is made up of 10% or more of very low housing, or 20% low income housing. The Bohemia Subdivision includes 7% very low affordable housing, and therefore does not qualify for this fee reduction.

The second avenue for a fee reduction is through Chapter 15.65.140 of the County Code, which allows for a fifty percent discount for processing fees related to the actual affordable units when at least 40% of the affordable housing required will be very low income and the remaining 60% must be available at low to moderate income prices. The project does qualify for this fee reduction, and as such will be receiving a fee reduction of approximately $19,312. This figure is based on the fifty percent reduction in permit processing fees for the 18 affordable units as outlined on the attached fee reduction chart. Permit processing fees include Tentative Map, Building Plan Check, Final Map, and all Building Permit fees. The Planning Commission does not need to authorize the fee reduction because it is authorized by County Code.

There are also other incentive programs available that involve loan subsidies or alternative design options, as described in the letter from the Planning Director dated July 3, 2007.

Off-Site Drainage Improvements

Conditon 23 of the project's conditions of approval requires the construction of a drainage system extension to the recreation and detention area of Country Club Estates which is in excess of the typical requirements for this project. When these improvements are completed by the applicant and accepted by the County, the applicant may request to enter into an agreement with the County for reimbursement for any improvements that may be in excess of the project's needs (condition 64). A Memorandum of Understanding, dated July 1992 between Placer County and the applicant is the agreement in effect at this time and establishes in detail the requirements for this drainage infrastructure and compensation (see attachment). Any drainage improvements provided by this

project that conveys more than 18 cubic feet per second for the upstream development may be subject to a reimbursement over and above the $52,109.20 specified in the current MOU.

Off-Site Sewer Improvements

Certain Sewer District No. 1 (SMD No. 1) facilities are currently experiencing capacity issues, including the Highway 49 Siphon and the Highway 49 Trunkline. The proposed 114 unit residential project would burden these facilities. Therefore, project proponents have been required to install off-site improvements as outlined in the attached memo from Facility Services, which include diverting sewage from the subject site and some of the Country Club Subdivision to the sewer line in New Airport Road. This reduces impacts to the Highway 49 Siphon as well as the Highway 49 trunkline. This involves the installation and upsizing of sewer lines, installation of two 6-inch connections to Country Club Estates and a new manhole that will allow the District to re-route a portion of the flows from Country Club Estates through the Bohemia project, as outlined in the attached Facility Services Memo. The attached memo also indicates that the District has agreed to reimburse the developer $61,750 for the sewer connections and pipe upsizing.

RECOMMENDATION:

Staff recommends that the Planning Commission conduct the public hearing as requested by the Bohemia Subdivision developer Jim Conkey, and find that he is eligible for permit processing fee reductions in an amount estimated to be $19,312 and is eligible for certain reimbursement costs by Sewer District No. 1 in the amount of $61,750 and reimbursement from the County for off-site drainage improvements in the amount of $52,109.20 or more, as outlined in the attached MOU between the County and Auburn 49 Associates. None of these possible fee reductions/reimbursements require Planning Commission actions. The additional financial assistance requested by Mr. Conkey goes beyond the statutory framework that has been established by the County to support affordable housing projects. Article 15.65 does not create any additional authority that would allow the Planning Commission to go beyond the established programs as described in this staff report and the July 3, 2007 letter from the Planning Director. Additionally, there is no legal authority for the Planning Commission to approve the expenditure of General Fund money. Therefore, approval of any payment would be an inappropriate allocation of public funds.

Respectfully submitted,

Melanie Heckel

Melanie Heckel, Assistant Planning Director

MH:KH

ATTACHMENTS:

Attachment A – July 3, 2007 letter from Michael Johnson to Jim Conkey
Attachment B – July 16, 2007 letter from Jim Conkey to Michael Johnson
Attachment C – Memo from Facility Services
Attachment D- Memorandum of Understanding for Drainage Improvements
Attachment E – Permit Processing Fee Reduction Chart

cc:

Joanne Auerbach – Redevelopment Agency
Christa Darlington - County Counsel
Karin Schwab – County Counsel
Holly Heinzen – CEO Office
John Marin – CDRA Director
Melanie Heckel – Assistant Planning Director
Michael Johnson - Planning Director
Richard Eiri – Engineering and Surveying
Ed Wydra – Engineering and Surveying

t/pln/melanie/SUBs/bohemia pc 7-26-07-ESD