



COUNTY OF PLACER
Community Development Resource Agency

John Marin, Agency Director

PLANNING

Michael J. Johnson
Planning Director

TO: Honorable Board of Supervisors
FROM: Michael J. Johnson, Director
Community Development Resource Agency
DATE: February 10, 2009
SUBJECT: Eden Roc II – Rezoning/ Third-Party Appeal of Planning Commission Approval
(PSUB-20070571)

ACTION REQUESTED:

The Board is being asked to consider a third-party appeal of various Conditions of Approval (Conditions 22, 14, 62, and 67) as approved by the Planning Commission. The Board is also being asked to consider a request from Rancho Cortina properties, on behalf of Miller Development Corporation, to approve a Rezoning to add a Planned Residential Development designation of 0.44 (PD 0.44) to the existing RA-B-X 4.6-acre minimum zone district.

BACKGROUND:

Project Site

The site is located at the end of Walden Lane, approximately 250 feet south of Eden Oak Circle (Eden Roc subdivision) and approximately one mile east of Auburn-Folsom Road, in the Granite Bay area. The majority of the site is vegetated with interior live oak woodland and large rock outcrops are scattered throughout the site. The site abuts the Folsom Lake State Recreation Area on the southeast. Surrounding land uses include residential development to the west (Los Lagos) and north (Eden Roc), and recreational uses to the south and east.

Project Description

The project includes a Vesting Tentative Subdivision Map, a Conditional Use Permit, and Variance for a six-lot Planned Residential Development with one open space lot (4.40) acres on 39.38 acres. The Variance was approved by the Planning Commission to reduce the Planned Residential Development open space requirement from 20 percent to 11.4 percent, based upon the size of the lots within the development. A Rezoning is proposed to add a Planned Residential Development designation of 0.44 (PD 0.44) to the existing RA-B-X 4.6-acre minimum zone district.

PLANNING COMMISSION ACTION

On December 11, 2008, the Planning Commission unanimously adopted a motion (7:0) to approve a Vesting Tentative Subdivision Map, a Conditional Use Permit, and a Variance for a six-lot Planned Residential Development. The Planning Commission also forwarded a recommendation to the Board of Supervisors to approve the Rezoning request. Several issues were discussed in-depth at the Planning Commission hearing, and the Planning Commission made the following decisions: 1) to not require a road maintenance agreement to be recorded prior to the recording of the Final Map 2) to not require the Eden Roc II subdivision to have the same fire prevention measures as the Eden Roc subdivision 3) determined that the project was adequately conditioned to prevent motorized trespass into the project's open space lot and 4) added Condition 68(e) to not allow future prohibitions in the

subdivision's Conditions, Covenants, and Restrictions which would prohibit the keeping of animals, specifically horses, mules, llamas or any project sponsored by 4-H or Future Farmers of America.

DISCUSSION OF ISSUES

Rezoning

The site has two zone districts: RA-B-X 4.6-acre minimum and RA-B-X 20-acre minimum PD 0.44. The RA-B-X 4.6-acre minimum zone district is located at the center of the site. The applicant is proposing to add a Planned Residential Development designation of 0.44 (PD 0.44) to the existing RA-BX-4.6 acre minimum zone district. The intent of the proposed Rezoning is to allow the entire site to be developed as a Planned Residential Development. This Rezoning request will not increase the density beyond that allowed under the current zoning designation. Approval of the Rezoning will provide a more effective project design by providing an open space lot in which to locate a public trail easement. Additionally, the resulting lot sizes will be equal to or greater in size than surrounding lots. The Planning Commission concluded that the proposed Rezoning is consistent with the existing General Plan land use designation and unanimously supported the request.

LETTER OF APPEAL

On December 18, 2008, Bridget S. Barnes filed a third-party appeal, on behalf of the Eden Roc Homeowners Association, challenging four conditions of approval as approved by the Placer County Planning Commission. A copy of the appeal is attached as Exhibit 2. The appeal states the following regarding the various project conditions:

Condition 22: Condition 22 requires the applicant to provide evidence to Placer County that reasonable efforts have been made to enter into a road maintenance agreement prior to Improvement Plan approval. The Appellant states that this condition should be made mandatory to ensure that a road maintenance agreement between Mr. Rohe (property owner located between Eden Roc and Eden Roc II), Eden Roc Homeowners Association and the Eden Roc II developer is established and recorded. The appellant disputes the Planning Commission's determination that the resolution of dispute is exclusively private. Roads to be used by Eden Roc II include private roads which are being encumbered without Eden Roc Homeowners Association or Mr. Rohe's consent.

Conditions 14 and 62 – Condition 14 is a requirement for the developer to provide the County with a letter from the appropriate fire protection district describing the conditions under which service will be provided to the project. Condition 62 requires that any structures constructed on the site adhere to Building Code Chapter 7 (A) which regulates material and construction standards within fire hazard zones and this condition also requires the project to be subject to defensible space standards. The Appellant states that Conditions 14 and 62 are appealed for clarification. These are standard conditions applied to all projects.

Condition 67 - Condition 67 requires permanent protective fencing be installed around the open space lot. The appellant states that Condition 67 is appealed for clarification. The Eden Roc Homeowners Association also requests that this condition be expanded to provide protective fencing and bollards to prevent trespassing into adjacent open space areas.

RESPONSE TO APPEAL LETTER

The following are a specific response to each issue raised by the appellant:

Condition 22 – The appellants want a road maintenance agreement to be recorded prior to the recording to the Final Map

It has been a longstanding County position that a road maintenance agreement between private parties is a civil matter in which the County does not participate. Condition 22 is designed to encourage participation between private parties to develop a maintenance agreement since the County is not in a position to require such an agreement. In the past, the County has never required a maintenance

agreement to be recorded prior to the recording of the Final Map. If an agreement can not be reached between the private parties, civil law provides a remedy in which to address the maintenance issue. The County has reviewed the preliminary title report issued by the First American Title Company identifying the easements over Eden Oak Circle and Walden Lane and has determined that the project has adequate access.

At the Planning Commission hearing, Condition 22 was modified to include a reference to a third-party (Mr. Rohe, who owns property between Eden Roc and Eden Roc II) and to also clarify that the agreement includes the repair costs in addition to the maintenance costs. Otherwise, the Planning Commission agreed with County Counsel's opinion that the County can not require the maintenance agreement to be recorded prior to the recording of the Final Map since it is a private matter between the property owners.

Conditions 14 and 62 – The appellants want the fire protection conditions to mirror those required by Eden Roc Homeowners Association.

The Planning Commission discussed this issue at length. The responsible fire protection agencies for this area are South Placer Fire District and the Placer County Fire Department, in conjunction with the California Department of Forestry and Fire Protection (CDF). A representative from the Placer County Fire Department stated at the Planning Commission hearing that the State's fire safety and prevention requirements have become much more stringent since the time when the Eden Roc subdivision was approved, and that the new State requirements (which he believed were more stringent than the existing Eden Roc requirements) would provide sufficient fire protection for the Eden Roc II subdivision. The South Placer Fire District has reviewed the Eden Roc II subdivision and has determined that the project has adequately addressed fire safety standards including water supply, access, circulation, and emergency vehicle access. The Planning Commission concluded that existing fire safety regulations provide adequate protection for the project and surrounding development and that there was not a need to require additional fire protection measures to the project.

On January 7, 2009, the Placer County Fire Department issued a "will serve" letter for the Eden Roc II subdivision (Exhibit 9). This "will serve" letter has the following provision regarding defensible space for the project:

Defensible Space Standards shall be met pursuant to Public Resource Code 4291. This area contains heavily wooded areas with areas of dense project and annual grasses. The minimum 100-foot defensible space requirements of Public Resource Code 4291 shall be increased to 200 feet on down slope sides of structures on slopes exceeding 15 percent grade and increased to 300 feet on slopes exceeding 30 percent grade. This requirement can also be accomplished with a modified fuel break.

The primary concern the fire agencies have with the Eden Roc II subdivision is the fire danger associated with steep slopes. Consequently, the defensible space requirement for developed lots is more stringent than what is currently required for the existing Eden Roc subdivision. It should be noted that the parcel size range in Eden Roc is from one acre to 3.1 acres, and the parcel size range in Eden Roc II is from five acres to 8.1 acres. Placer County Fire Department did not establish fire safety standard for the undeveloped lots in Eden Roc II since the large parcel sizes in this subdivision would make such a requirement infeasible.

Condition 67 – The appellants wants to ensure that the permanent fencing around the open space lot will prevent trespassing into adjacent open space areas

This condition requires the Open Space lot to have permanent fencing around the perimeter so that it provides a physical demarcation to future property owners of the Open Space lot location. This condition also requires that the type and design of the fencing be reviewed and approved by the County's Development Review Committee. Since a public trail will be located within the Open Space

lot, the fence design will need to provide access to accommodate the trail. In order to prevent any type of motorized vehicles from entering into Open Space lot, the trail access/exit locations can be designed with removal bollards to prevent large vehicles from entering the Open Space lot and/or place a raised board (step-over), typically eight inches to one-foot above the ground, to prevent smaller vehicles, such as motorcycles, from entering into the open space lot. The issue of trespass by motorized vehicles was discussed at the Planning Commission hearing, and the Planning Commission determined that the permanent fencing requirement for the project's Open Space lot, as mandated by Condition 67, was sufficient to prevent motorized trespass.

GRANITE BAY MAC REVIEW

The Eden Roc II subdivision was included as an action item on the agenda of the Granite Bay Municipal Advisory Council at its November 5, 2008 and December 3, 2008 meeting. The Granite Bay Municipal Advisory Council voted unanimously to support the project at both meetings. At its December 3, 2008 meeting, the MAC recommended that the Eden Roc II subdivision (Exhibit 8) be required to include in its Conditions, Covenants & Restrictions (CC&Rs) the same Weed Control and Fire Prevention Program that is currently required by the Eden Roc subdivision. The MAC also recommended that the requirement for the applicant to provide Placer County with evidence that reasonable efforts have been made to enter into an agreement for the equitable share of maintenance for the private roads within Eden Roc be revised so that this agreement also includes repair costs. The Planning Commission took action to modify the project to require the maintenance agreement include repair costs. However, the Planning Commission did not require the Eden Roc II subdivision to be subject to the same Weed Control and Fire Prevention Program as is required by the Eden Roc subdivision.

ENVIRONMENTAL CLEARANCE

A Mitigated Negative Declaration has been prepared for this project and has been finalized pursuant to CEQA. The Mitigated Negative Declaration must be found to be adequate by the decision-making body to satisfy the requirements of CEQA, and a recommended finding for this purpose can be found at the end of this staff report.

RECOMMENDATION

Staff recommends that the Board deny the appeal and, as a separate action, approve the Eden Roc II Rezoning, subject to the findings included in the staff report and the following actions:

1. Affirm the Planning Commission's action that the adoption of a Mitigated Negative Declaration is appropriate for this project.
2. Adopt an Ordinance Rezoning a portion of the Eden Roc II property (Exhibit 3)

FINDINGS

CEQA:

The Board of Supervisors has considered the proposed Mitigated Negative Declaration, the proposed mitigation measures, the staff report and all comments thereto and hereby adopts the Mitigated Negative Declaration for the project based upon the following findings:

1. The Mitigated Negative Declaration for the Eden Roc II Subdivision project has been prepared as required by law. With the incorporation of all mitigation measures, the project is not expected to cause any significant adverse impacts. Mitigation measures include, but are not limited to: the installation of BMPs for water quality impacts; preconstruction surveys for and raptors; establishing a 100-foot setback around the elderberry bushes on Lots Three and Five. Mitigation for the loss of approximately 4.2 acres of oak woodland, establishing a Wetland Preservation Easement on Lot Two, Payment into a wetland mitigation bank for the loss of wetlands, and the payment of traffic mitigation fees to reduce transportation and circulation impacts.

2. There is no substantial evidence in the record as a whole that the project as revised and mitigated may have a significant effect on the environment.
3. The Mitigated Negative Declaration as adopted for the project reflects the independent judgment and analysis of Placer County, which has exercised overall control and direction of its preparation.
4. The mitigation plan/mitigation monitoring program prepared for the project is approved and adopted.
5. The custodian of records for the project is the Placer County Planning Director, 3091 County Center Drive, Suite 140, Auburn CA, 95603.

Rezoning

1. The zoning, as amended through this action, is consistent with applicable policies and requirements of the Granite Bay Community Plan and is consistent with the land uses in the immediate area.
2. The proposed zoning would not represent spot zoning and would not be contrary to the orderly development of the area, as the proposed zoning would allow the entire project to be developed as a Planned Residential Development.

Respectfully Submitted



Michael J. Johnson, AICP
Community Resource Development Agency Director

ATTACHMENTS:

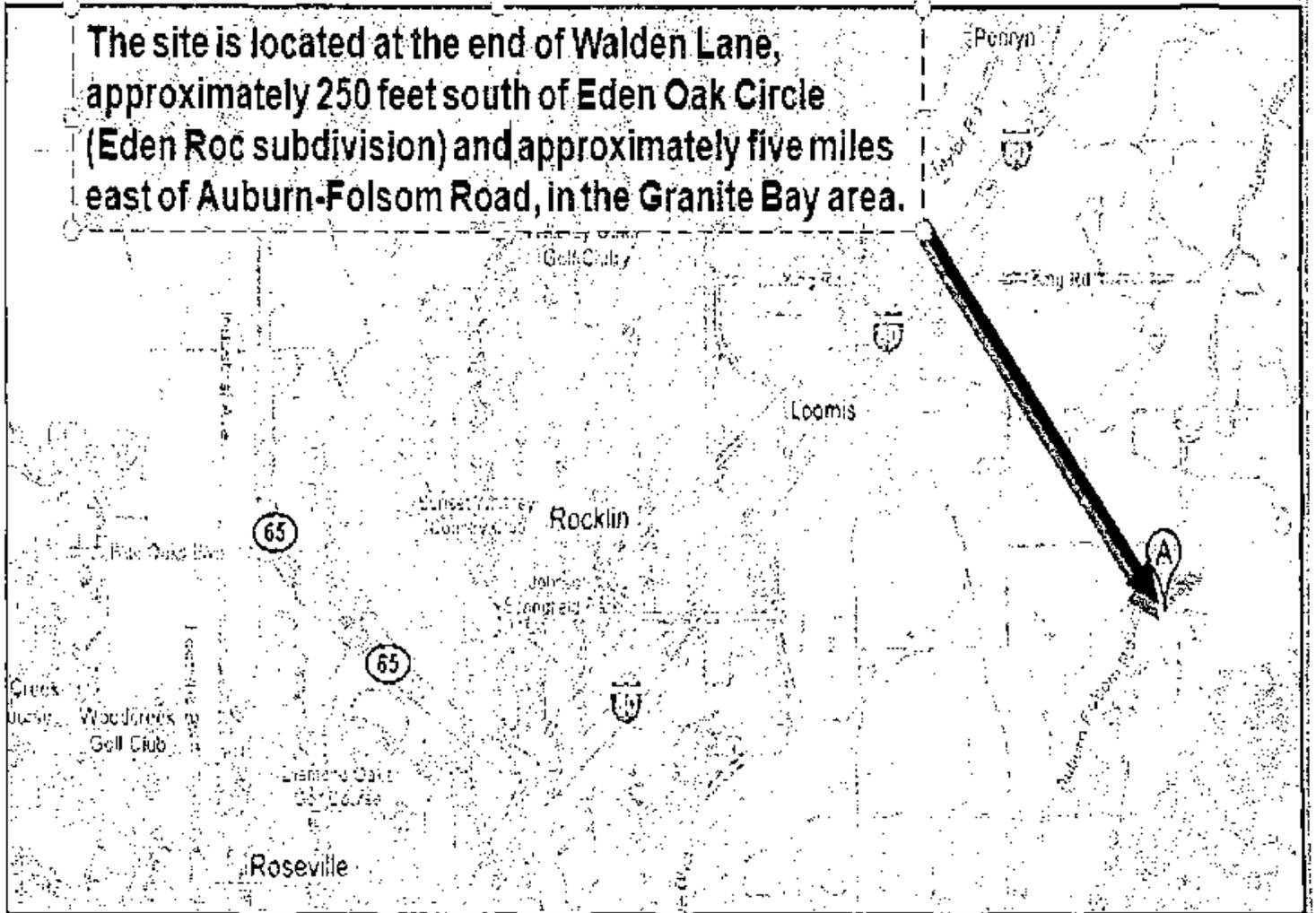
- Exhibit 1 - Vicinity Map
- Exhibit 2 – Letter of Appeal, dated December 18, 2008
- Exhibit 3 - Ordinance Amending Placer County Code, Chapter 17, Relating to the Rezoning of a portion of the Property Constituting the Eden Roc II Subdivision.
- Exhibit 4 - Approved Tentative Map
- Exhibit 5 - Conditions of Approval
- Exhibit 6 – Mitigated Negative Declaration
- Exhibit 7 – Mitigation Monitoring Plan
- Exhibit 8 – Granite Bay MAC letter
- Exhibit 9 – Placer County Fire Department will serve letter

CC: Michael Johnson - CDRA Director
Holly Heinzen - CEO Office
Karin Schwab - County Counsel
Scott Finley - County Counsel
Engineering and Surveying Department
Environmental Health
Andy Fisher - Parks Department
Air Pollution Control Department
Department of Public Works
Applicant
Appellant

Ref:\O\Plus\Pln\Project Files\PSUB20070829\SRDF BOS Eden Roc II

VICINITY MAP

The site is located at the end of Walden Lane, approximately 250 feet south of Eden Oak Circle (Eden Roc subdivision) and approximately five miles east of Auburn-Folsom Road, in the Granite Bay area.





PLACER COUNTY PLANNING DEPARTMENT

AUBURN OFFICE
3091 County Center Dr
Auburn, CA 95603
530-886-3000/FAX 530-886-3080
Web page: www.placer.ca.gov/planning

TAHOE OFFICE
565 W. Lake Blvd./P. O. Box 1909
Tahoe City CA 96145
530-581-6280/FAX 530-581-6282
E-Mail: planning@placer.ca.gov

RECEIVED
DEC 18 2008
CDRA

PLANNING APPEALS

The specific regulations regarding appeal procedures may be found in the Placer County Code, Chapters 16 (Subdivision), 17 (Planning and Zoning), and 18 (Environmental Review Ordinance).

OFFICE USE ONLY

Last Day to Appeal 12/22/08 (5 pm)
Letter
Oral Testimony
Zoning
Maps: 7-full size and 1 reduced for Planning Commission items
Appeal Fee \$ 495
Date Appeal Filed 12/18/08
Receipt # 02-055418
Received by B. Jones
Geographic Area Central South

TO BE COMPLETED BY THE APPLICANT

- 1. Project name Eden Roc 2
2. Appellant(s) Eden Roc Homeowners Association
Address c/o Mike Murray, CEO, Inc. 1220 Melody Ln, Ste 180
3. Assessor's Parcel Number(s): 036-190-070, 071
4. Application being appealed (check all those that apply):
Administrative Approval (AA-)
Use Permit (CUP/MUP-)
Parcel Map (P-)
General Plan Amendment (GPA-)
Specific Plan (SPA-)
Planning Director Interpretation (date)
Minor Boundary Line Adj. (MBR-)
Tentative Map (SUB-)
Variance (VAA-)
Design Review (DSA-)
Rezoning (REA-)
Rafting Permit (RPA-)
Env. Review (EIAQ-)
Other:
5. Whose decision is being appealed: Planning Commission (Item #5; PSUB-T20070829) - 12/11/08 Staff Report
6. Appeal to be heard by: Board of Supervisors
7. Reason for appeal (attach additional sheet if necessary and be specific):
SEE ATTACHED NARRATIVE

(If you are appealing a project condition only, please state the condition number)

Note: Applicants may be required to submit additional project plans/maps.

Signature of Appellant(s)

By Robert G. Barnes for Eden Roc Homeowners Association
3462 PENRYN RD. SUITE 200
ROCKY HILLS, CA 95230: 916-660-9525

JOHN MARIN
MICHAEL JOHNSON
CHARLENE DANIELS
ENG & SURV
ENVIRO HEALTH
APCD
PARKS
APPLICANT
FAX - COB
FAX - COCO
FILE
EXHIBIT 2 100

APPEAL NARRATIVE
Planning Commission (Item #5; PSUB-T20070829)

CONDITION #22:

Condition #22 as should be made mandatory to ensure that a road maintenance agreement between Mr. Rohe, Eden Roc Homeowners Association, and developer is established and recorded. Appellant disputes staff's determination that resolution of dispute is exclusively private. Roads to be used by Eden Roc 2 include private roads which are being encumbered without Eden Roc Homeowners Association or Mr. Rohe's consent.

CONDITIONS #14 AND #62:

Conditions #14 and #62 are appealed for clarification. Staff accommodated appellant's request that fire protection conditions mirror those of Eden Roc Homeowners Association. The Planning Commission instead reversed the staff recommendation applying district standards only; even though, the project is located in a high fire hazard area. A copy of the Eden Roc Homeowners Association's Weed Control and Fire Prevention Program recommended by the Granite Bay Municipal Advisory Council for inclusion is attached hereto.

CONDITION #67:

Condition #67 is appealed for clarification. Eden Roc Homeowners Association also requested conditions to expand protective fencing and ballards to prevent trespassing into adjacent open space areas.

EDEN ROC HOMEOWNERS ASSOCIATION

1220 MELODY LANE, SUITE 180 ♦ ROSEVILLE, CA 95678 ♦ (916) 786-6000 EXT. 330

Architectural Review Program Policy and Procedures

Weed Control and Fire Prevention Program

Article 2, Section 9 of the Association's Declaration of Covenants, Conditions and Restrictions (CC&Rs), requires Owners to keep their Lots in a safe, sanitary and attractive condition.

Below are the Weed Control and Fire Prevention Program requirements as approved by the Board of Directors on October 4, 2007.

1. Each Owner shall clear their Lots of fire fuel as follows:
 - Developed Lots with Structure:
 - Remove fire fuel 50 feet from the road.
 - Remove fire fuel 100 feet from any property line that abuts a neighboring Lot that contains a residence.
 - All areas not landscaped shall be cleared of all fire fuel and grasses cut not to exceed 3 inch stubble.
 - All tree branches in areas not landscaped shall be trimmed to at least 8 feet above the ground.
 - Undeveloped Lots:
 - Remove all fire fuel from the Lot.
 - All grasses on the undeveloped Lot shall be cut not to exceed 3 inch stubble.
 - All tree branches shall be trimmed to at least 8 feet above the ground.
2. Weed abatement shall be a year-round requirement. The Management Company or a Board designated individual will be directed to visit the Community quarterly to evaluate the weed abatement and fire prevention program.

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

In the matter of: AN ORDINANCE AMENDING
PLACER COUNTY CODE CHAPTER 17,
RELATING TO THE REZONING OF THE
PROPERTY CONSTITUTING THE
EDEN ROC II SUBDIVISION (PSUB 20070829)

Ordinance No. _____

The following Ordinance was duly passed by the Board of Supervisors
of the County of Placer at a regular meeting held February 10, 2009,
by the following vote:

Ayes:

Noes:

Absent:

Signed by me after its passage.

, Chair
Board of Supervisors

Attest:

Ann Holman
Clerk of said Board

**THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER HEREBY
FINDS THE FOLLOWING RECITAL IS TRUE AND CORRECT:**

1. The proposed rezoning of APNs 036-190-070 and 036-190-071, the property comprising the Eden Roc II, to add PD 0.44 (Combining Planned Residential Development of 0.44 units per acre) to the existing RA-B-X-4.6 (Residential Agricultural, combining a minimum Building Site of 4.6 acres) zone district and the proposed rezoning is compatible with the objectives, policies, and general land uses specified by the Granite Bay Community Plan, and is otherwise consistent with the existing uses in the immediate area surrounding the project site.

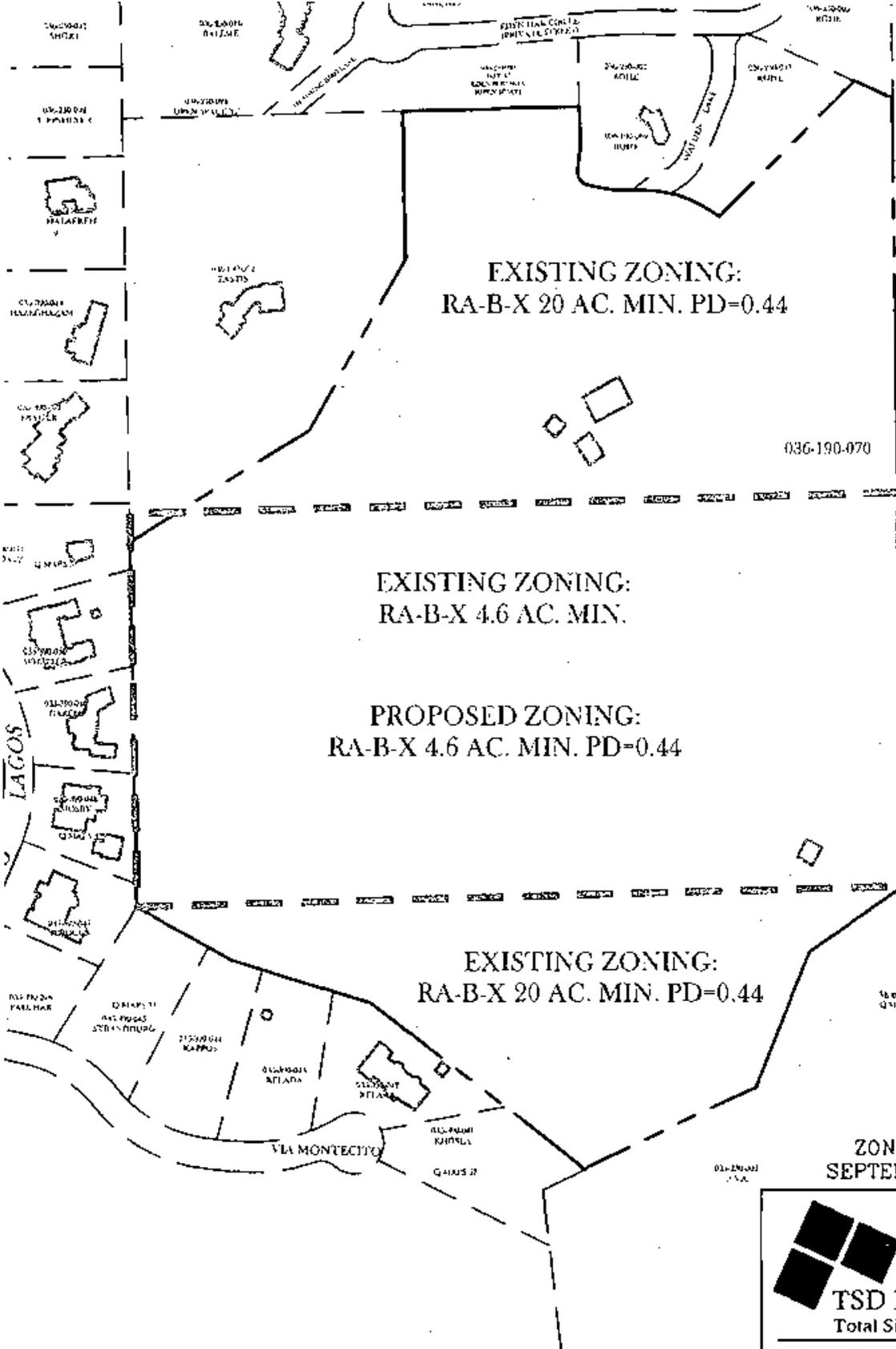
2. Notice of all hearings required by statute and ordinance has been given and all hearings have been held as required by statute and ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER:

Section 1: That portion of Chapter 17 of the Placer County Code relating to the zoning of APNs 036-190-070 and 036-190-071, the property constituting the Eden Roc II Subdivision, is hereby amended to add PD 0.44 (Combining Planned Residential Development of 0.44 units per acre) to the existing RA-B-X-4.6 (Residential Agricultural, combining a minimum Building Site of 4.6 acres) zone district, as shown on Exhibit A, attached hereto and incorporated herein by reference.

Section 2: This ordinance shall take effect and be in full force and effect upon thirty (30) days after its passage. The Clerk is directed to publish a summary of this ordinance within fifteen (15) days in accordance with Government Code Section 25124.

ZONING EXHIBIT EDEN ROC II PLACER COUNTY, CA



ZONING EXHIBIT
SEPTEMBER 12, 2008



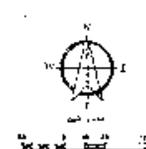
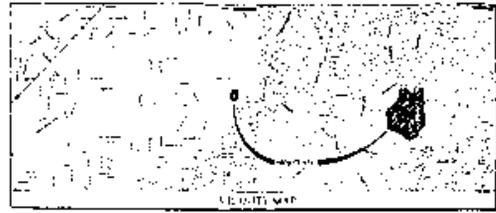
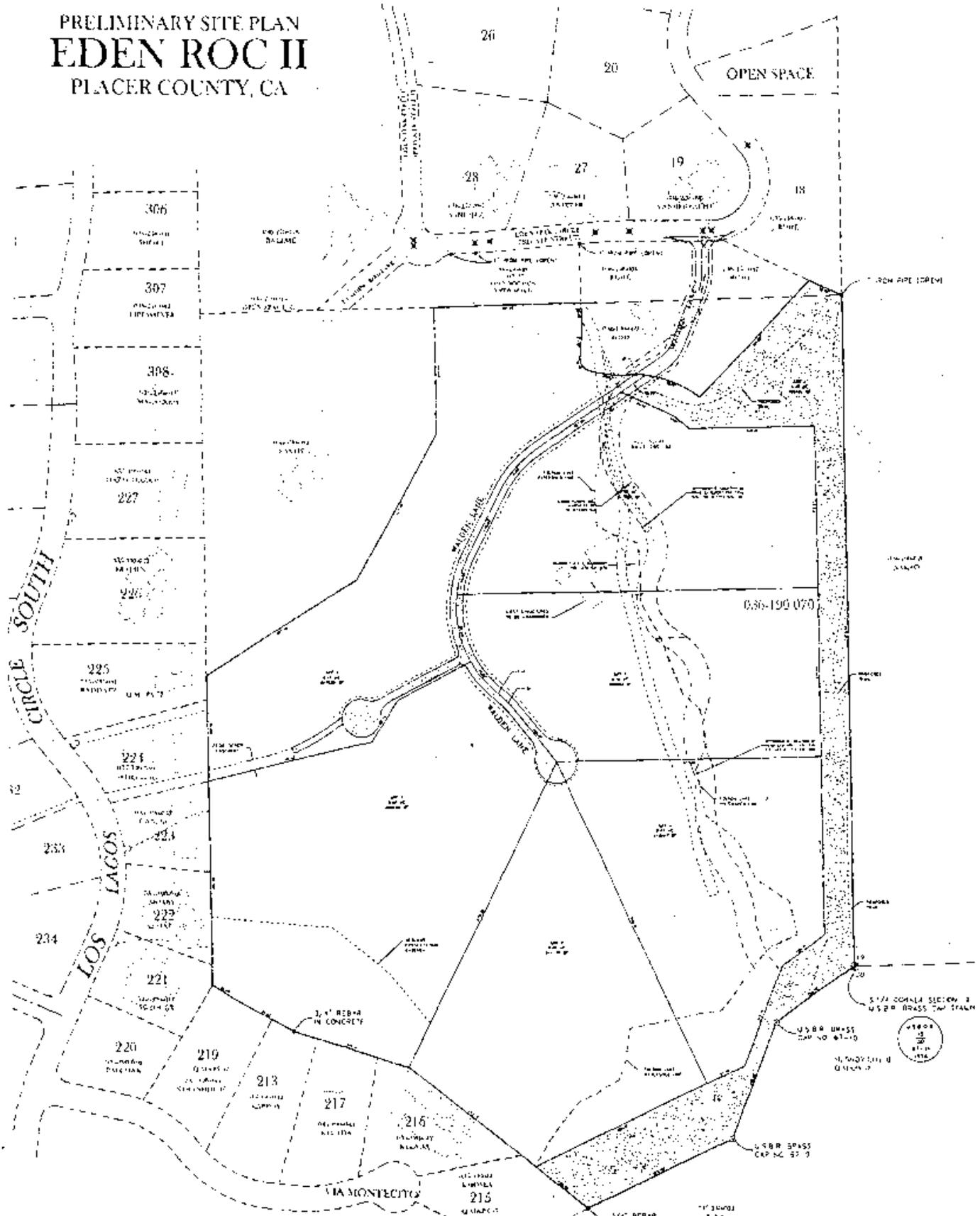
TSD Engineering, Inc.
Total Site Design

31 Natoma Street, Suite #160
Folsom, CA 95630
TEL. 916-608-0707 FAX. 916-608-0701

105

P:\Projects\145-001\01 dwd\AB - Planning\FIG\Zoning Exhibit.dwg, Casey, 11/18/14, 09-12-08

PRELIMINARY SITE PLAN
EDEN ROC II
 PLACER COUNTY, CA



PRELIMINARY COLORED SITE PLAN
 OCTOBER 27, 2008

TSD Engineering, Inc.
 Civil Engineer
 11111 ...
 916-938-1111

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PLANNING COMMISSION RECOMMENDED CONDITIONS OF APPROVAL - VESTING TENTATIVE MAP/CONDITIONAL USE PERMIT/VARIANCE - "EDEN ROC II" (PSUB 20070829)

THE FOLLOWING CONDITIONS SHALL BE SATISFIED BY THE APPLICANT, OR AN AUTHORIZED AGENT. THE SATISFACTORY COMPLETION OF THESE REQUIREMENTS SHALL BE DETERMINED BY THE DEVELOPMENT REVIEW COMMITTEE (DRC), COUNTY SURVEYOR, AND/OR THE PLANNING COMMISSION.

1. The Vesting Tentative Map (SUB20070829) and Conditional Use Permit are approved to subdivide a 39.38 acre parcel into six single-family residential lots, ranging in size from 5 to 8.05 acres, with a 4.49 acre open space lot. A Variance is also approved to reduce the Planned Residential Development open space requirement from 20 percent to 11 percent. Approval of this Vesting Tentative Subdivision Map is subject to the approval by the Board of Supervisors of a Rezoning to add a Planned Residential Development designation of 0.44 (PD 0.44) to the existing RA-BX-4.6 acre minimum zone district.
2. Following Tentative Map approval, but before submittal of Improvement Plans, the applicant shall provide the Planning Department with five full-size prints of the approved Tentative Map for distribution to other County departments, if the approval of the project requires changes to the map. (CR) (PD)

IMPROVEMENT PLANS

3. The project is subject to review and approval by the Development Review Committee (DRC). Such a review shall be conducted prior to the submittal of the Improvement Plans for the project and shall include, but not be limited to : Landscaping; irrigation; signs; exterior lighting; fences and walls; all open space amenities; tree impacts, tree removal, tree replacement areas, entry features, trails, and wetland impacts (PD)
4. Equestrian/Pedestrian Trails: The Improvement Plans shall provide details of the location and specifications of all proposed equestrian/pedestrian trails -- for the review and approval of the DRC and Parks Division. Said trails shall be installed prior to the County's acceptance of the subdivision's improvements and all easements shall be shown on the Final Map. (PD/DFS)
5. 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, 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 in both electronic and printed hard copy format as required by the ESD prior to acceptance by the County of site improvements.

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

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 for initial technical review.

(MM VI.1) (ESD)

6. Staging Areas: Stockpiling and/or vehicle staging areas shall be identified on the Improvement Plans and located as far as practical from existing dwellings and protected resources in the area.

(MM VI.4) (ESD)

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

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

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

If, at any time during construction, a field review by County personnel indicates a significant deviation from the proposed grading shown on the Improvement Plans, specifically with regard to slope heights, slope 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. (MM VI.2) (ESD)

8. Prepare and submit with the project Improvement Plans, a drainage report in conformance with the requirements of Section 5 of the LDM and the Placer County Storm Water Management Manual that are in effect at the time of submittal, to the 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. (MM VIII.1) (ESD)

9. Water Quality Best Management Practices (BMPs) shall be designed according to the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New Development / Redevelopment, and/or for Industrial and Commercial, (and/or other similar source as approved by the Engineering and Surveying Department (ESD)).

Construction (temporary) BMPs for the project include, but are not limited to: Fiber Rolls (SE-5), Hydroseeding (EC-4), Stabilized Construction Entrance (LDM Plate C-4), Silt Fence (SE-1), revegetation techniques, diversion swales, dust control measures, and limiting the soil disturbance.

Storm drainage from on- and off-site impervious surfaces (including roads) shall be collected and routed through specially designed catch basins, vegetated swales, vaults, infiltration basins, water quality basins, filters, etc. for entrapment of sediment, debris and oils/greases or other identified pollutants, as approved by the ESD. 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. Post-development (permanent) BMPs for the project include, but are not limited to sedimentation basins and vegetated swales. No water quality facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals.

All BMPs shall be maintained as required to insure effectiveness. The applicant shall provide for the establishment of vegetation, where specified, by means of proper irrigation. Proof of on-going maintenance, such as contractual evidence, shall be provided to ESD upon request. Maintenance of these facilities shall be provided by the project owners/permittees. (MM VI.6, MM VIII.6) (ESD)

10. Roof drainage, driveway drainage, and runoff from other lot improvements shall not flow into the Folsom Lake watershed. (ESD)

11. Storm water run-off shall be reduced to pre-project conditions for both the 10-year and 100-year storm events through the installation of detention facilities. Detention facilities shall be designed in accordance with the requirements of the Placer County Storm Water Management Manual that are in effect

at the time of submittal, and to the satisfaction of the Engineering and Surveying Department (ESD). No detention facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals. (MM VIII.2) (ESD)

12. The project's ground disturbance exceeds one acre and is subject to construction stormwater quality permit requirements of the National Pollutant Discharge Elimination System (NPDES) program. The applicant shall obtain such permit from the State Regional Water Quality Control Board and shall provide to the Engineering and Surveying Department evidence of a state-issued WDID number or filing of a Notice of Intent and fees prior to start of construction. (MM VI.7) (ESD)

13. 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). (MM VIII.7) (ESD)

14. Provide the Engineering and Surveying Department with a letter from the appropriate fire protection district describing conditions under which service will be provided to this project. Said letter shall be provided prior to the approval of Improvement Plans, and a fire protection district representative's signature shall be provided on the plans. (ESD)

15. Extend a pressurized water system into the subdivision to County (Section 7 of the LDM) or fire district standards, whichever are greater. (ESD)

16. Prior to approval of Improvement Plans, 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 the CC&Rs and on the Informational Sheet filed with the Final Map(s). It is the responsibility of the developer to provide for engineering inspection and certification that earthwork has been performed in conformity with recommendations contained in the report. (MM VI.3) (ESD)

17. The Improvement Plans shall be approved by the water supply entity for water service, supply, and maintenance. The water supply entity shall submit to the Department of Environmental Health Services and the Engineering and Surveying Department a "will-serve" letter or a "letter of availability" from the water district indicating that the agency has the ability and system capacity to provide the project's domestic and fire protection water quantity needs. **(ESD/EHS)**

18. An agreement shall be entered into between the developer and the utility companies specifically listing the party(ies) responsible for performance and financing of each segment of work relating to the utility installation. A copy of this agreement or a letter from the utilities stating such agreement has been made shall be submitted to the Engineering and Surveying Department prior to the filing of the Final Map(s). Under certain circumstances, the telephone company may not require any agreement or financial arrangements be made for the installation of underground facilities. If so, a letter shall be submitted which includes the statement that no agreement or financial arrangements are required for this development. **(ESD)**

19. Install cable TV conduit(s) in accordance with company or County specifications, whichever are appropriate. **(ESD)**

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

21. Prior to Improvement Plan approval, the applicant shall submit an engineer's estimate detailing costs for facilities to be constructed with the project which are intended to be County-owned or maintained. County policy requires the applicant prepare their cost estimate(s) in a format that is consistent with the Governmental Accounting Standards Board, 34th Standard (GASB 34). The engineer preparing the estimate shall use unit prices approved by the Engineering and Surveying Department for line items within the estimate. The estimate shall be in a format approved by the County and shall be consistent with the guidelines of GASB 34. **(ESD)**

22. Prior to Improvement Plan approval, the applicant shall provide to Placer County evidence of reasonable efforts made to enter into a three party agreement (Eden Roc, Eden Roc II and Rohe property) for the equitable share of the costs of maintenance and repairs for private roads within Eden Roc I and Rohe's property proportionate to the usage by the residents of Eden Roc II. **(ESD)**

23. Non-Motorized Trails: The Improvement Plans shall provide details of the location and specifications of all proposed non-motorized trails -- for the review and approval of the DRC and Parks Division. Said trails shall be installed prior to the County's acceptance of the subdivision's improvements, and all easements shall be shown on the Final Map. **(PD/DFS)**

GRADING

24. If blasting is required for the installation of site improvements, the developer will comply with applicable County Ordinances that relate to blasting and use only State licensed contractors to conduct these operations. (MM VI.5)(ESD)

25. Dedicate to Placer County a blanket public multi-use trail easement across the entirety of Lot A to be shown on the Final Map. (DPW)

ROADS/TRAILS

26. Construct a subdivision road on- and off-site to a modified Rural Minor Residential (Plate R-3 LDM) standard with two 13-foot travel lanes. The road(s) and storm drainage shall be maintained by the homeowner's association. All subdivision streets shall be designed to meet a minimum 15 mph design speed criteria, as specified in the latest version of the Caltrans Highway Design Manual unless otherwise approved by the ESD. The roadway structural section(s) shall be designed for a Traffic Index of 5.5 (Ref. Section 4, LDM). (ESD)

27. Construct a road connection onto Eden Oak Circle with radii and tapers designed to a Major Plate R-17 LDM standard. The design speed of Eden Oak Circle shall be 25 mph, unless an alternate design speed is approved by the DPW. The improvements shall begin at the outside edge of any future lane(s) as directed by the DPW and the Engineering and Surveying Department. Modify the existing access from Walden Lane onto Eden Oak Circle to alleviate potential safety impacts of limited sight distance in the eastern direction. Construct a raised right-in/right-out "pork chop" limitation within the roadway with rolled curbing to allow for emergency vehicles to drive over this if necessary. The design shall be shown on the Improvement Plans and shall conform to criteria specified in the latest version of the Caltrans Highway Design Manual for a design speed of 25 mph, unless an alternative is approved by DPW. Additional widening and/or reconstruction may be required to improve existing structural deficiencies, accommodate auxiliary lanes, intersection geometrics, or conform to existing improvements. The roadway structural section shall be designed for a Traffic Index of 5.5, but said section shall not be less than 3 inches asphalt concrete over 8 inches Class 2 aggregate base, unless otherwise approved by the DPW and the ESD. The intersection shall be signed for right turning movements only. (MM XV.2) (ESD)

28. On lots where subdivision roadway cuts/fills exceed 4 feet in vertical height (as measured from finished road grade) or driveway grades would exceed 12% at any reasonable access location, the driveways shall be shown on the Improvement Plans and constructed with subdivision improvements, or specific development standards for that lot shall be established for inclusion in the Development Notebook and with appropriate CC&R restrictions and notification to the satisfaction of DRC. Said driveways shall have a paved width of not less than 10 feet, a minimum structural section of 2 inches AC over 4 inches AB, and shall extend from the roadway edge not less than 50 feet into the lot, or as deemed appropriate by the Engineering and Surveying Department (ESD). These driveways shall be constructed such that the slope between the street and building site does not exceed 16%, or as otherwise approved by the servicing fire district. (MM) (ESD)

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29. The driveway for Lot 2 shall be located off of Walden Lane (not off of the sewer access road) and the driveway location shall be shown on the Improvement Plans.

30. Construct paved access to all sanitary sewer manholes in accordance with County standard Plate U-21 and County standard Plate U-22.1 turnarounds for service vehicles. The minimum structural section shall not be less than 3" AC over 8" AB. The northern radius for the sewer access road entrance/driveway from Lot 1 onto Walden Lane shall meet the Plate U-22.1, LDM standard radius. (ESD)

31. Final approval of on-site and off-site waterline, sewerline, storm drain routes, and road locations must be obtained from the DRC. (ESD/PD)

32. Prior to the recordation of the Final Map, the applicant shall be responsible for obtaining approval from all off site property owners affected by any address number and/or road name changes that occur with the approval of this project to the satisfaction of the Engineering and Surveying Department. (ESD)

33. Public multi-use trails shall be provided in conjunction with the project as follows. Maintenance of all trails shall be by the existing Granite Bay Parks, Trails and Open Space Maintenance and Recreation Improvement District.

A) A blanket multi-use non motorized trail easement shall be provided over the entirety of Lot A as conceptually shown on the Tentative Map and approved by the DRC, in consultation with the Parks Division. The trail shall be constructed to the following standards, unless otherwise approved by the Parks Division: A trail tread, drainage appurtenances, clearing, seeding, and planting as necessary for erosion control. Tread width shall be a minimum of 6' (out slope at 3%). The trail tread shall be graded and compacted and not exceed 12% slope. Clearing should be 10' above ground, and 1' on each side of the trail tread. Excessive clearing is undesirable. Occasionally widen the cleared area to allow for passing. Water must be diverted from the trail's surface before it builds up to erosive force. To divert water, use grade reversals, out slopes, grade dips, water bars, and lead ditches, in conjunction with in slopes, culverts or bridges. Switchbacks may be required to achieve trail standards in steep terrain.

Coordinate with the California Department of Parks and Recreation, Goldfields Office, or other appropriate management authority representing the Folsom Lake State Recreation Area, as to issues of trail connection and public access between the project and the Folsom Lake State Recreation Area.

The crossing of any wetland areas shall also be reviewed and approved by the DRC, Parks Division, the Department of Fish and Game, US Army Corps of Engineers, and the Central Valley Regional Water Quality Control Board and shall be bridged (or culvert if approved) to provide public safety while preserving the existing wetlands habitat. (DPW/PD/DFS)

PUBLIC SERVICES

34. Provide to DRC "will-serve" letters from the following public service providers prior to Improvement Plan and Final Map approvals, as required:

A) P.G. & E.

B) Placer County SMD #2 (see Will Serve Requirements Letter dated June 4, 2008)

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- C) Placer County Water Agency
- D) Auburn Placer Disposal Service
- E) AT&T

If such "will serve" letters were obtained as a part of the environmental review process, and are no older than one year, they shall not be required again. (ESD)

35. Prior to the approval of the Improvement Plans, provide the DRC with proof of notification (in the form of a written notice or letter) of the proposed project to:

- A) Loomis Elementary School District
- B) Placer Union High School District
- C) The Placer County Sheriff's Office (ESD)

36. Prior to the approval of the Improvement Plans, confer with local postal authorities to determine requirements for locations of cluster mailboxes, if required. The applicant shall provide a letter to DRC from the postal authorities stating their satisfaction with the development box locations, or a release from the necessity of providing cluster mailboxes prior to Improvement Plan approval. If clustering or special locations are specified, easements, concrete bases, or other mapped provisions shall be included in the development area and required improvements shall be shown on project Improvement Plans. (ESD)

37. Concurrent with the approval of the final map by the Board of Supervisors, the developer shall establish a new Zone of Benefit (ZOB) within an existing County Service Area (CSA) or annex to a pre-existing ZOB, as directed by County, to provide adequate funding for services to the project. The ZOB shall be created in accordance with the procedures required by Proposition 218 and related statutory provisions. With the proposed final map, the developer shall submit to the County for review and approval a complete and adequate engineer's report supporting the level of assessments necessary for the establishment of the ZOB. The report shall be prepared by a registered engineer in consultation with a qualified financial consultant and shall establish the basis for the special benefit appurtenant to each lot to be established by the final map.

In the event the ZOB is for any reason is abolished or otherwise unable to provide the necessary funding to support the services, a homeowners association shall be established and shall be responsible for providing all services previously funded by the ZOB.

The ZOB shall fund the following services at a service level defined by County: (DFS)

- A) Road maintenance for Eden Rock Drive.
- B) Storm drainage maintenance for facilities located within public easements including structural stormwater quality enhancement facilities (BMPs). Maintenance of BMP facilities shall be provided by the HOA unless the facilities are accepted by the County for maintenance. The CSA assessments for BMPs shall only be charged if the HOA fails to provide the required maintenance. (MM)

- C) Collection of fees for regional storm drainage facilities and maintenance pursuant to the "Dry Creek Watershed Interim Drainage Improvement Ordinance", including any future revisions thereof.

ADVISORY COMMENT: Maintenance of detention facilities by the homeowners' association will be required. (MM VIII.2)

GENERAL DEDICATIONS/EASEMENTS

38. Dedicate a Wetlands Preservation Easements (WPE) to the homeowners' association. Said easements shall be for the protection of wetland habitats and shall be established as shown on the vesting tentative map for Lot 2. A complete description of the uses/restrictions of the easement shall be included. Specific provisions of the easement restrictions shall be contained within the project CC&Rs as deemed appropriate by the DRC. (MM) (ESD)

39. Provide the following easements/dedications on the Improvement Plans and Final Map to the satisfaction of the Engineering and Surveying Department (ESD) and DRC: (ESD)

a. An Irrevocable Offer of Dedication to Placer County for a 40 foot wide highway easement (Ref. Chapter 16, Article 16.08, Placer County Code) along on-site subdivision roadways for road and utility purposes. Said roads shall be privately maintained until such time as the County Board of Supervisors accepts the offer of dedication. (ESD)

b. A 40 foot wide private road, public utility, and emergency access easement (Ref. Chapter 16, Article 16.08, Placer County Code) along all on-site subdivision roadways. (ESD)

c. Public utility easements as required by the serving utilities, excluding wetland preservation easements (WPE). (ESD)

d. Dedicate 12.5' multi-purpose easements adjacent to all highway easements. (ESD)

e. Slope easements for cuts and fills outside the highway easement. (ESD)

f. Drainage easements as appropriate. (ESD)

g. An Irrevocable Offer of Dedication for easements as required for access to, and protection and maintenance of, storm drainage detention facilities, as well as post-construction water quality enhancement facilities (BMPs). Said facilities shall be privately maintained until such time as the Board of Supervisors accepts the offer of dedication. (MM VIII.3) (ESD)

h. Easements as required for installation and maintenance of neighborhood identification/entrance structures, soundwalls, fences and/or gates by the homeowners' association. (ESD/PD)

i. Landscape easements as appropriate. (ESD/PD)

j. Easements as required for installation and maintenance of fuel reduction areas by the homeowners' association. (ESD)

k. Dedicate to Placer County a minimum 20-foot wide public sewer easement as shown on the Tentative Map dated July 30, 2008 from Walden Lane to the western property line at the location of the existing public sewer easement between Lots 223 and 224 within the Los Lagos subdivision. (ESD)

l. Provide private easements for existing or relocated water lines, service/distribution facilities, valves, etc., as appropriate. (ESD)

VEGETATION AND OTHER SENSITIVE NATURAL AREAS

40. Prior to any grading or tree removal activities, during the raptor nesting season (March 1 - September 1), a focused survey for raptor nests shall be conducted by a qualified biologist. A report summarizing the survey shall be provided to Placer County and the California Department of Fish & Game within 30 days of the completed survey. If an active raptor nest is identified appropriate mitigation measures shall be developed and implemented in consultation with California Department of Fish & Game. If construction is proposed to take place between March 1st and September 1st, no construction activity or tree removal shall occur within 500 feet of an active nest (or greater distance, as determined by the California Department of Fish & Game). Construction activities may only resume after a follow up survey has been conducted and a report prepared by a qualified raptor biologist indicating that the nest (or nests) is no longer active, and that no new nests have been identified. A follow up survey shall be conducted two months following the initial survey, if the initial survey occurs between March 1st and July 1st. Additional follow up surveys may be required by the Design Review Committee, based on the recommendations in the raptor study and/or as recommended by the California Department of Fish & Game. Temporary construction fencing and signage as described herein shall be installed at a minimum 500 foot radius around trees containing active nests. If all project construction occurs between September 1st and March 1st no raptor surveys will be required. Trees previously approved for removal by Placer County, which contain stick nests, may only be removed between September 1st and March 1st. A note which includes the wording of this condition of approval shall be placed on the Improvement Plans. Said plans shall also show all protective fencing for those trees identified for protection within the raptor report. (MM IV.1) (PD)

41. A 100-foot setback shall be established around the elderberry plant on Lots Three and Five, as shown on the tentative map. This setback shall be shown on the final map. A sign shall also be erected near the elderberry plant which states that the elderberry plant is a protected species and any disturbance or removal may result in legal penalties and/or fines. This information shall be shown on the improvement plans. MM IV.2 (PD)

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42. The applicant shall mitigate the loss of oak trees (4.2 acres) through one, or a combination of the following:

- Purchase off-site conservation easements at a location approved by Placer County to mitigate the loss of oak woodlands at a 2:1 ratio
- Provide for a combination of payment to the Tree Preservation Fund and creation of an off-site Oak Preservation Easement
- Plant and maintain an appropriate number of trees in restoration of an approved former oak woodland (tree planting is limited to half the mitigation requirement)
- Single trunk trees within the project impact area that are greater than 24 inches diameters at breast height shall be mitigated for an inch for inch basis. Multi-stemmed trees with trunks less than 12 inches diameters at breast height shall not be included in this calculation
- Submit payment of fees for oak woodland conservation at a 2:1 ratio in accordance with Chapter 12.16.080 (C), Placer County Tree Ordinance-Replacement Programs and Penalties. These fees shall be calculated based upon the current market value for similar oak woodland acreage preservation and an endowment to maintain the land in perpetuity. (MM IV.3) (PD)

43. Temporary Construction Fencing: The applicant shall install a 4' tall, brightly colored (usually yellow or orange), synthetic mesh material fence (or an equivalent approved by the DRC) at the following locations prior to any construction equipment being moved on-site or any construction activities taking place:

- 1) Adjacent to any and all wetland preservation easements that are within 50' of any proposed construction activity;
- 2) At the limits of construction, outside the dripline of all trees 6" dbh (diameter at breast height), or 10" dbh aggregate for multi-trunk trees, within 50' of any grading, road improvements, underground utilities, or other development activity, or as otherwise shown on the Tentative Map;
- 3) Around all Open Space lots within 50 feet of any development activity.

No development of this site, including grading, will be allowed until this condition is satisfied. Any encroachment within these areas, including driplines of trees to be saved, must first be approved by the DRC. Temporary fencing shall not be altered during construction without written approval of the DRC. No grading, clearing, storage of equipment or machinery, etc., may occur until a representative of the DRC has inspected and approved all temporary construction fencing. This includes both on-site and off-site improvements. Efforts should be made to save trees where feasible. This may include the use of retaining walls, planter islands, pavers, or other techniques commonly associated with tree preservation.

Said fencing and a note reflecting this Condition shall be shown on the Improvement Plans. (MM IV.4) (PD/ESD)

44. Wetland Preservation Easement: Areas located on Lot 2 as depicted on the Tentative Map shall be defined and monumented as "Wetland Preservation Easements" on behalf of the homeowners association, and shown on the project Improvement/Grading Plans and Final Map.

The purpose of said easements is for the protection and preservation of on-site wetland/stream corridor habitats. A note shall be provided on the Final Map prohibiting any disturbances within said easements (with the exception of the detention pond), including the placement of fill materials, lawn

clippings, oil, chemicals, or trash of any kind within the easements; nor any grading or clearing activities, vegetation removal, or domestic landscaping and irrigation, including accessory structures, swimming pools, spas, and fencing (excepting that specifically required by these conditions). Trimming or other maintenance activity is allowed only for the benefit of fish, wildlife, fire protection, and water quality resources, and for the elimination of diseased growth, or as otherwise required by the fire department, and only with the written consent of DRC. A provision for the enforcement of this restriction by the homeowners' association shall be provided. (MM IV.5) (PD/ESD)

45. The wetlands report shall be field verified by the U.S. Army Corps of Engineers, the U. S. Fish and Wildlife Service, and the California Department of Fish & Game as deemed necessary by DRC prior to the filing of the Final Map. If significant discrepancies arise between the report and the field investigation of these agencies, the DRC shall schedule a hearing before the Planning Commission to consider revocation or modification of the project's permit approvals. (MM IV.6) (PD)

46. Lot A shall be defined and monumented as common area lots to be owned and maintained (including the removal of unauthorized debris) by the homeowners' association.

The purpose of Lot A is to: (1) Provide private recreational facilities for a public trail; (2) Protect wildlife and, (3) Protect existing oak groves.

A note shall be provided in the Information Sheet prohibiting any disturbances within said easements, including the placement of fill materials, lawn clippings, oil, chemicals, or trash of any kind within the easements; nor any grading or clearing activities, vegetation removal, or domestic landscaping and irrigation, including accessory structures, swimming pools, spas, and fencing (excepting that specifically required by these conditions). Trimming or other maintenance activity is allowed only for the benefit of fish, wildlife, fire protection, and water quality resources, and for the elimination of diseased growth, or as otherwise required by the fire department, and only with the written consent of DRC. A provision for the enforcement of this restriction by the homeowners' association shall be provided. (PD/ESD)

47. Provide written evidence that compensatory habitat has been established through the purchase of mitigation credits at a County-qualified wetland mitigation bank. The amount of money required to purchase credits shall be equal to the amount necessary to replace wetland or riparian habitat acreage and resource values including compensation for temporal loss. The total amount of habitat to be replaced is .08 acres of wetland habitat. Evidence of payment, which describes the amount and type of habitat purchased at the bank site, must be provided to the County prior to issuance of Improvement Plans or Building Permits which would result in the degradation or loss of the habitat. The amount to be paid shall be the fee in effect at the time the Final Map is recorded or Use Permit is exercised (for guidance, if the map were recorded today, the fee would be \$162,500 per acre for permanent and seasonal wetlands \$325,000 per acre for vernal pools and/or \$225,000 per acre riparian habitat). (MM IV.7) (PD)

CULTURAL RESOURCES

48. If any archaeological artifacts, exotic rock (non-native), or unusual amounts of shell or bone are uncovered during any on-site construction activities, all work must stop immediately in the area and a

SOPA-certified (Society of Professional Archaeologists) archaeologist retained to evaluate the deposit. The Placer County Planning Department and Department of Museums must also be contacted for review of the archaeological find(s).

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

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

FEES

49. Pursuant to Section 21089 (b) of the California Public Resources Code and Section 711.4 et. seq. of the Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified fees are paid. The fees required are \$2,656.75 for projects with Environmental Impact Reports and \$1,926.75 for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination is not operative, vested or final and shall not be accepted by the County Clerk. **NOTE: The above fee shall be submitted to the Planning Department within 5 days of final project approval.** (PD)

50. This project will be subject to the payment of traffic impact fees that are in effect in this area (Granite Bay Fee District), pursuant to applicable Ordinances and Resolutions. The applicant is notified that the following traffic mitigation fee(s) will be required and shall be paid to Placer County DPW prior to issuance of any Building Permits for the project:

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

The current total combined estimated fee is \$7,512.06 per single-family residence. The fees were calculated using the information supplied. If the use or the square footage changes, then the fees will change. The actual fees paid will be those in effect at the time the payment occurs. (MM XV.1) (ESD)

51. This project is subject to the one-time payment of drainage improvement and flood control fees pursuant to the "Dry Creek Watershed Interim Drainage Improvement Ordinance" (Ref. Chapter 15, Article 15.32, Placer County Code.) The current estimated development fee is \$775 per single-family residence, payable to the Engineering and Surveying Department (ESD) prior to each Building Permit issuance. When and if additional entitlements or Building Permits are sought for each parcel, that property will become subject to this Ordinance requirement. The actual fee shall be that in effect at the time payment occurs. (MM VIII.4) (ESD)

52. This project is subject to payment of annual drainage improvement and flood control fees pursuant to the "Dry Creek Watershed Interim Drainage Improvement Ordinance" (Ref. Article 15.32, formerly Chapter 4, Subchapter 20, Placer County Code). Prior to Building Permit issuance, each applicant shall cause each subject parcel to become a participant in the existing Dry Creek Watershed County Service Area for purposes of collecting these annual assessments. The current estimated annual fee is \$117 per single-family residence. (MM VIII.5) (ESD)

53. Pursuant to County Code Sections 15.34.010, 16.08.100 and/or 17.54.100 (D), a fee must be paid to Placer County for the development of park and recreation facilities. The fee to be paid is the fee in effect at final map recordation/building permit issuance. (For reference, the fee currently is \$615 (adjust if multi-family housing where there is no final map) per lot to be paid at final map and \$3,240 per unit due when a building permit is issued.) (PD)

Pursuant to Article 17.54.100(D) of the Placer County Code, this project's Planned Development status requires that it provide onsite recreation facilities. The applicant may either provide the proposed onsite recreation facilities (identify facilities), or chose to opt out of this requirement and instead pay an additional park fee. If this option were chosen, the net result would be that the project pays the equivalent of double the applicable park fee. (For reference, the current fee for this option would be \$1,230 at final map and \$6,480 per unit at building permit issuance.) (PD/DFS)

ENVIRONMENTAL HEALTH

54. Prior to Final Occupancy approval, structures within the project, whose well(s) and/or septic system(s) are abandoned/destroyed shall be appropriately connected to on-site or public replacement facility to the satisfaction of EHS. (EHS)

55. Prior to Improvement Plan approval, the project owner or authorized managing entity shall insure that all construction vehicles or equipment, fixed or mobile, operated within close proximity of a residential dwelling shall be equipped with properly operating and maintained mufflers at all times during project construction. It is the owner's responsibility to obtain the services of a qualified acoustical professional to verify proper equipment mufflers if concerns relating to the issue arise. A note to this effect shall be added to the Improvement Plans where applicable. (EHS)

56. 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 only occur:

- a) Monday through Friday, 6:00 am to 8:00 pm (during daylight savings)
- b) Monday through Friday, 7:00 am to 8:00 pm (during standard time)
- c) Saturdays, 8:00 am to 6:00 pm

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.

Please Note: Essentially, quiet activities, which do not involve heavy equipment or machinery, may occur at other times. Work occurring within an enclosed building, such as a house under construction with the roof and siding completed, may occur at other times as well.

The Planning Director is authorized to waive the time frames based on special circumstances, such as adverse weather conditions. **(MM XI-3) (EHS/ESD/PD)**

57. Prior to Final Map approval, complete or provide for the proper destruction under permit and inspection, of the existing well(s) and septic system(s) located within the project site. **(MM) (EHS)**

58. Prior to Improvement Plans approval, a Note shall be placed on Improvement Plans to indicate that if at any time during the course of constructing the proposed project, evidence of soil 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 to the Central Valley RWQCB. **(EHS)**

59. **Please Note:** If Best Management Practices are required by the Engineering and Surveying for control of urban runoff pollutants, then any hazardous materials collected during the life of the project shall be disposed of in accordance with all applicable hazardous materials laws and regulations. **(EHS)**

MISCELLANEOUS CONDITIONS

60. No lot shall be further divided. **(PD)**

61. No Lot shall be divided by a tax district boundary. **(PD)**

62. Any structures constructed on this site shall adhere to Building Code Chapter 7(A) which regulates materials and construction standards within designated fire hazard zones to reduce the potential wildland fire hazard for structures. The project shall also be subject to defensible space standards which are designed to reduce the fuel load surrounding residential structures. **(MM VII.1) (PD)**

63. Any entrance structure proposed by the applicant shall be reviewed and approved by the DRC, shown on the project Improvement Plans, and shall be located such that there is no interference with driver sight distance as determined by the Engineering and Surveying Department, and shall not be located within the right-of-way. **(PD)**

64. Any future gated entry feature proposed by the applicant shall be returned to the Development Review Committee for approval of a modification of the discretionary permit. **(PD)**

65. During project construction, staking shall be provided pursuant to Section 5-1.07 of the County General Specifications. **(ESD)**

66. All existing structures shall be removed prior to the recording of the final map.

67. Permanent Protective Fencing: The applicant shall install permanent fencing, as may be approved by the DRC, with upright posts embedded in concrete between Lot(s) 3, 4, 5, 6, and ~~an~~ Open Space lot A, and around all detention facilities to the satisfaction of the DRC. Such fencing shall provide a physical demarcation to future homeowners of the location of protected easement areas or Open Space lots as required by this/ and/ or other conditions of this project. Such fencing shall be shown on the Information Sheet recorded concurrently with the Final Map as well as on the project Improvement Plans. (PD)

CONDITIONS, COVENANTS, & RESTRICTIONS

68. Prior to approval of the Final Map, Conditions, Covenants, and Restrictions (CC&Rs) shall be prepared and submitted to and approved by the Engineering and Surveying Department, County Counsel, and other appropriate County Departments. They shall be recorded concurrently with the filing of the Final Map and shall contain provisions/notifications for:

- a. The applicants shall create or annex into an existing Homeowners' Association with certain specified duties/responsibilities including the enforcement of all of the following notifications.
- b. Maintenance of the private roadway, including the off-site portion between Eden Oaks Circle and the project boundary, and sewer access road by the Homeowner's Association.
- c. Maintenance of common areas and landscaping by the Homeowner's Association.
- d. Maintenance of stormwater detention and water quality enhancement basins by the Homeowner's Association.
- e. No prohibition shall be allowed to be included as part of any Conditions, Covenants, and/or Restrictions recorded against any lot within the Eden Roc II subdivision which would prohibit the keeping of animals, specifically sheep, horses, mules, llamas or any project sponsored by 4-H or Future Farmers of America (FFA).

None of the provisions required by this condition of approval shall be altered without the prior written consent of Placer County. (PD/ESD/EHS/APCD)

NOTIFICATION TO FUTURE BUYERS

69. Applicant or homeowners' association shall distribute printed educational materials highlighting information regarding the stormwater facilities/BMPs, recommended maintenance, and inspection requirements, as well as conventional water conservation practices and surface water quality protection, to future buyers. (ESD/EHS)

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70. Inspections of stormwater facilities/BMPs shall be conducted by the homeowners association at least annually and maintenance records and proof of inspections shall be retained. (ESD)

DEVELOPMENT STANDARDS

71. The structural setbacks for this Planned Residential Development are as follows:

- A) Front (street) - 75' centerline of roadway
- B) Sides - 30' from property line
- C) Rear - 30' from property line
- D) Accessory structures/pools/spas per Zoning Ordinance Section 10.082 B (5). (PD)

72. The maximum building height for this Planned Residential Development is 36'. (PD)

73. The maximum building coverage per residential lot in this Planned Residential Development is per Zoning Ordinance Article 17.54.100, formerly Section 10.064 A. 2. C. (PD)

74. An "Informational Sheet" identifying general and specific lot development restrictions, setbacks, easements, tree protection, architectural guidelines, water conservation, etc., as defined within the conditions herein, shall be prepared, filed, and recorded with the subdivision Final Map. The specific content and form of this information shall be subject to DRC approval. (PD/ESD)

EXERCISE OF PERMIT

75. The applicant shall prepare and submit to the Engineering and Surveying Department (ESD), a Final Subdivision Map which is in substantial conformance to the approved Tentative Map in accordance with Chapter 16 of the Placer County Code; pay all current map check and filing fees. (ESD)

76. The applicant shall have 36 months to exercise this Vesting Tentative Map/Conditional Use Permit/Variance). Unless exercised, this approval shall expire on January 27, 2011 (PD)



COUNTY OF PLACER
Community Development Resource Agency

**ENVIRONMENTAL
COORDINATION
SERVICES**

John Marin, Agency Director

Gina Langford, Coordinator

MITIGATED NEGATIVE DECLARATION

In accordance with Placer County ordinances regarding implementation of the California Environmental Quality Act, Placer County has conducted an Initial Study to determine whether the following project may have a significant adverse effect on the environment, and on the basis of that study hereby finds:

- The proposed project will not have a significant adverse effect on the environment; therefore, it does not require the preparation of an Environmental Impact Report and this **Negative Declaration** has been prepared.
- Although the proposed project could have a significant adverse effect on the environment, there will not be a significant adverse effect in this case because the project has incorporated specific provisions to reduce impacts to a less than significant level and/or the mitigation measures described herein have been added to the project. A **Mitigated Negative Declaration** has thus been prepared.

The environmental documents, which constitute the Initial Study and provide the basis and reasons for this determination are attached and/or referenced herein and are hereby made a part of this document.

PROJECT INFORMATION

Title: Eden Roc 2	Plus# PSUB T20070829
Description: Project proposes approval of a Vesting Tentative Subdivision Map, a Conditional Use Permit, and Variance for a six-lot residential Planned Development with one open space lot (4.40) acres on 39.38 acres.	
Location: Eden Roc Drive and Folsom-Auburn Road, Granite Bay, Placer County	
Project Owner: Miller Development Company, PO Box 121 Burlingame, CA 94011	
Project Applicant: Rancho Cortina Properties, Inc., 9575 Cramer Road, Auburn CA 95602 (530) 887-8877	
County Contact Person: Charlene Daniels	530-745-3073

PUBLIC NOTICE

The comment period for this document closes on **November 21, 2008**. A copy of the Negative Declaration is available for public review at the County's web site <http://www.placer.ca.gov/Departments/CommunityDevelopment/EnvCoordSvc/EnvDocs/NegDec.aspx>, Community Development Resource Agency public counter, and at the Granite Bay Public Library. Property owners within 300 feet of the subject site shall be notified by mail of the upcoming hearing before the Planning Commission. Additional information may be obtained by contacting the Environmental Coordination Services, at (530) 745-3075 between the hours of 8:00 am and 5:00 pm at 3091 County Center Drive, Auburn, CA 95603.

If you wish to appeal the appropriateness or adequacy of this document, address your written comments to our finding that the project will not have a significant adverse effect on the environment: (1) identify the environmental effect(s), why they would occur, and why they would be significant, and (2) suggest any mitigation measures which you believe would eliminate or reduce the effect to an acceptable level. Regarding item (1) above, explain the basis for your comments and submit any supporting data or references. Refer to Section 18.32 of the Placer County Code for important information regarding the timely filing of appeals.

Recorder's Certification

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EXHIBIT 6



COUNTY OF PLACER
Community Development Resource Agency

**ENVIRONMENTAL
COORDINATION
SERVICES**

John Marin, Agency Director

Gina Langford, Coordinator

3091 County Center Drive, Suite 190 • Auburn • California 95603 • 530-745-3132 • fax 530-745-3003 • www.placer.ca.gov/planning

INITIAL STUDY & CHECKLIST

This Initial Study has been prepared to identify and assess the anticipated environmental impacts of the following described project application. The document may rely on previous environmental documents (see Section C) and site-specific studies (see Section I) prepared to address in detail the effects or impacts associated with the project.

This document has been prepared to satisfy the California Environmental Quality Act (CEQA) (Public Resources Code, Section 21000 et seq.) and the State CEQA Guidelines (14 CCR 15000 et seq.) CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority before acting on those projects.

The Initial Study is a public document used by the decision-making lead agency to determine whether a project may have a significant effect on the environment. If the lead agency finds substantial evidence that any aspect of the project, either individually or cumulatively, may have a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial, the lead agency is required to prepare an EIR, use a previously-prepared EIR and supplement that EIR, or prepare a Subsequent EIR to analyze the project at hand. If the agency finds no substantial evidence that the project or any of its aspects may cause a significant effect on the environment, a Negative Declaration shall be prepared. If in the course of analysis, the agency recognizes that the project may have a significant impact on the environment, but that by incorporating specific mitigation measures the impact will be reduced to a less than significant effect, a Mitigated Negative Declaration shall be prepared.

A. BACKGROUND:

Project Title: Eden Roc 2	Plus# PSUB T20070829
Entitlements: Vesting Tentative Subdivision Map, Conditional Use Permit, Rezone and Variance	
Site Area: 39.38 acres	APN: 036-190-070, 071
Location: The site is located at the end of Walden Lane, approximately 250 feet south of Eden Oak Circle (Eden Roc I subdivision) and approximately five miles east of Auburn-Folsom Road, in the Granite Bay area, Placer County.	

Project Description:

The applicant is requesting approval of a Vesting Tentative Subdivision Map, a Conditional Use Permit, and Variance for a six-lot residential Planned Development with one open space lot (4.40) acres on 39.38 acres. The Variance is proposed to reduce the Planned Development open space requirement from 20 percent to 11.4 percent. The residential lots range in size from 5.0 acres to 8.05 acres with an average lot size of 5.81 acres. A rezoning is also proposed to add a Planned Development designation of 0.44 (PD.44) to the existing RA-BX-4.6 acre minimum zone district. The site has two zone districts: RA-BX-4.6 and RA-BX-20-PD.44. A public trail is proposed within Open Space lot A.

Project Site:

The majority of the site is vegetated with interior live oak woodland and large rock outcrops are scattered throughout the site. Two very short ephemeral drainages are located on the western and southern sides of the property. Over the years, property owners have dug ponds at several locations. These ponds were supplied from water by a now defunct water irrigation system. As a result, the ponds receive their water supply from winter rains and currently function as seasonal wetlands. Topography of the site ranges from gentle to moderate slopes with 30 to 50 percent slopes occurring near the eastern, western and southern edges. Elevations range from 555 to 620

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feet above sea level. There is an existing residential structure and several outbuildings on the site. These structures will be removed as a result of project construction.

The site abuts the Folsom Lake State recreation area on the southeast. Surrounding land uses include residential development to the west (Los Lagos) and north (Eden Roc), and recreational uses to the south and east.

B. ENVIRONMENTAL SETTING:

Location	Zoning	General Plan/Community Plan	Existing Conditions and Improvements
Site	(RA-BX 4.6 acre min, RA-BX 20 acre min PD 0.44) Residential Agriculture combining building site 4.6 acre minimum, and Residential Agriculture combining building site 20 acre minimum, Planned Residential Development .44 acres	Rural Residential (2.3 to 4.6 acre min)	A residence and several out buildings
North	(RA-BX 20 acre min PD 0.44) Residential Agriculture combining building site 20 acre minimum, Planned Residential Development .44 acres	Same as project site	Eden Roc Subdivision
South	(RA-BX 4.6 acre min PD 0.44) Residential Agriculture combining building site 20 acre minimum, Planned Residential Development .44 acres	Rural Residential (2.3 to 4.6 acre min) and Open Space	Los Lagos Subdivision and Open Space
East	(RA-BX 4.6 acre min PD 0.44) Residential Agriculture combining building site 20 acre minimum, Planned Residential Development .44 acres	Rural Residential (2.3 to 4.6 acre min) and Open Space	Undeveloped
West	(RA-BX-20 acre min PD 0.44) Residential Agriculture combining building site 20 acre minimum, Planned Residential Development .44 acres	Rural Low Density Residential (4.6 to 20 acre min)	Los Lagos Subdivision

C. PREVIOUS ENVIRONMENTAL DOCUMENT:

The County has determined that an Initial Study shall be prepared in order to determine whether the potential exists for unmitigatable impacts resulting from the proposed project. Relevant analysis from the County-wide General Plan and Community Plan Certified EIRs, and other project-specific studies and reports that have been generated to date, were used as the database for the Initial Study. The decision to prepare the Initial Study utilizing the analysis contained in the General Plan and Specific Plan Certified EIRs, and project-specific analysis summarized herein, is sustained by Sections 15168 and 15183 of the CEQA Guidelines.

Section 15168 relating to Program EIRs indicates that where subsequent activities involve site-specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity, to determine whether the environmental effects of the operation were covered in the earlier Program EIR. A Program EIR is intended to provide the basis in an Initial Study for determining whether the later activity may have any significant effects. It will also be incorporated by reference to address regional influences, secondary effects, cumulative impacts, broad alternatives, and other factors that apply to the program as a whole.

The following documents serve as Program-level EIRs from which incorporation by reference will occur:

- ➔ Placer County General Plan EIR
- ➔ Granite Bay Community Plan EIR

Section 15183 states that "projects which are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified shall not require additional environmental review, except as may be necessary to examine whether there are project-specific significant effects which are peculiar to the project or site." Thus, if an impact is not peculiar to the project or site, and it has been addressed as a significant effect in the prior EIR, or will be substantially mitigated by the imposition of uniformly applied development policies or standards, then additional environmental documentation need not be prepared for the project solely on the basis of that impact.

The above stated documents are available for review Monday through Friday, 8am to 5pm, at the Placer County Community Development Resource Agency, 3091 County Center Drive, Auburn, CA 95603. For Tahoe projects, the document will also be available in our Tahoe Division Office, 565 West Lake Blvd., Tahoe City, CA 96145.

D. EVALUATION OF ENVIRONMENTAL IMPACTS:

The Initial Study checklist recommended by the State of California Environmental Quality Act (CEQA) Guidelines is used to determine potential impacts of the proposed project on the physical environment. The checklist provides a list of questions concerning a comprehensive array of environmental issue areas potentially affected by the project (see CEQA Guidelines, Appendix G). Explanations to answers are provided in a discussion for each section of questions as follows:

- a) A brief explanation is required for all answers including "No Impact" answers.
- b) "Less Than Significant Impact" applies where the project's impacts are insubstantial and do not require any mitigation to reduce impacts.
- c) "Less Than Significant with Mitigation Measures" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The County, as lead agency, must describe the mitigation measures, and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from earlier analyses may be cross-referenced).
- d) "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- e) All answers must take account of the entire action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts [CEQA Guidelines, Section 15063(a)(1)].
- f) Earlier analyses may be used where, pursuant to the tiering, Program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration [CEQA Guidelines, Section 15063(c)(3)(D)]. A brief discussion should be attached addressing the following:
 - ➔ **Earlier analyses used** – Identify earlier analyses and state where they are available for review.
 - ➔ **Impacts adequately addressed** – Identify which effects from the above checklist were within the scope of, and adequately analyzed in, an earlier document pursuant to applicable legal standards. Also, state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - ➔ **Mitigation measures** – For effects that are checked as "Less Than Significant with Mitigation Measures," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- g) References to information sources for potential impacts (i.e. General Plans/Community Plans, zoning ordinances) should be incorporated into the checklist. Reference to a previously-prepared or outside document should include a reference to the pages or chapters where the statement is substantiated. A source list should be attached and other sources used, or individuals contacted, should be cited in the discussion.

I. AESTHETICS – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Have a substantial adverse effect on a scenic vista? (PLN)			X	
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, within a state scenic highway? (PLN)				X
3. Substantially degrade the existing visual character or quality of the site and its surroundings? (PLN)			X	
4. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (PLN)			X	

Discussion- Item I-1:

A small portion of the site will be visible from the Folsom Lake Recreation Area. Any structures located towards the rear area of Lots Three and Four could be visible from Folsom Lake, depending upon the ultimate height of the structures. There is a significant amount of vegetation between the future home sites and the recreation area which will help screen any structures located towards the rear of these lots. Since the ultimate change to the existing vista will be minimal, the impact is less than significant. No mitigation measures are required.

Discussion- Item I-2:

The project is not located near a state scenic highway.

Discussion- Item I-3:

The site is 39.38 acres in size and it is estimated that approximately 4.2 acres of oak woodland will be impacted as a result of project construction. The road system has been designed to avoid existing rock outcrops. Since the majority of the site will remain undisturbed after project construction, the impact is less than significant. No mitigation measures are required.

Discussion- Item I-4:

The potential for six new homes on 39.38 acres to create a new source of substantial light or glare is minimal. The existing vegetation on the site will screen potential light sources from surrounding properties. The impact is less than significant and no mitigation measures are necessary.

II. AGRICULTURAL RESOURCE – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide or Local Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (PLN)				X
2. Conflict with General Plan or other policies regarding land use buffers for agricultural operations? (PLN)				X
3. Conflict with existing zoning for agricultural use, or a Williamson Act contract? (PLN)				X

4. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland (including livestock grazing) to non-agricultural use? (PLN)				X
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Discussion- All Items:

The site has not been historically used for agriculture and is not designated as prime, unique, statewide or local farmland as shown on maps pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. The property is not under a Williamson Act contract.

III. AIR QUALITY – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Conflict with or obstruct implementation of the applicable air quality plan? (APCD)			X	
2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (APCD)			X	
3. Result in a cumulatively considerable net increase of any criteria for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (APCD)			X	
4. Expose sensitive receptors to substantial pollutant concentrations? (APCD)			X	
5. Create objectionable odors affecting a substantial number of people? (APCD)				X

Discussion- Item III-1:

The project will not conflict with the Sacramento Valley Air Quality Management Plan. No mitigation measures are required.

Discussion- Items III-2,3:

The proposed project is located in the Sacramento Valley Air Basin portion of Placer County. This area is designated as non-attainment for the federal and state ozone standard and non-attainment for the state particulate matter standard. According to the analysis, the project will be below the District's threshold for construction and operation and thus would not have a significant impact on air quality.

The Air Pollution Control District governing Board approved a rule amendment for wood burning appliance requirement (*Rule 225 Woodburning Appliance*) on December 14, 2007. If any wood burning fireplace/stove will be installed within the planning area, the device shall meet the Environmental Protection Agency Phase II Particulate Matter emission standard or equivalent. This requirement for new construction will be effective on January 2009. No mitigation measures are required.

Discussion- Items III-4,5:

Based upon the analysis, the project would not expose sensitive receptors to substantial pollutant concentrations. In addition, the project would not create objectionable odors affecting a substantial number of people. No mitigation measures are required.

IV. BIOLOGICAL RESOURCES – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish & Game or U.S. Fish & Wildlife Service? (PLN)		X		
2. Substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number of restrict the range of an endangered, rare, or threatened species? (PLN)		X		
3. Have a substantial adverse effect on the environment by converting oak woodlands? (PLN)		X		
4. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations or by the California Department of Fish & Game or U.S. Fish & Wildlife Service? (PLN)		X		
5. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (PLN)		X		
6. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (PLN)			X	
7. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (PLN)			X	
8. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (PLN)				X

Discussion- Items IV-1,2:

Two biological studies were conducted on the site by North Fork Associates and by Sycamore Environmental Consultants. One was conducted in spring 2004 and a follow-up study was conducted in spring 2008. No special status plants were found to occur on-site during either of these surveys. Special status plant surveys were conducted at the appropriate time of the year for species known to occur in the regions. The site does not have vernal pools or gabbro soil, and species restricted to those habitats were not expected or observed. Consequently, no further special status plant surveys are recommended.

The project site provides nesting habitat for birds of prey and other migratory birds. During the 2008 survey, two Red-shouldered hawks were observed actively circling the site. A Red-shouldered hawk was also observed during the 2004 biological survey. Since there is a potential to disrupt nesting raptors during project construction, mitigation is required to reduce this impact to a level that is less than significant.

The updated survey identified two elderberry bushes on the site which both contained exit holes indicative of the Valley Longhorn Elderberry Beetle. These plants are located on Lot Five (5.10 acres) and Lot Three (5.58 acres). Since the Valley Longhorn Elderberry Beetle is listed as a Special Status Species and could be impacted by project construction, mitigation is required to reduce this impact to a level that is less than significant.

Mitigation Measures- Items IV-1,2:

MM IV.1 Prior to any grading or tree removal activities, during the raptor nesting season (March 1 - September 1), a focused survey for raptor nests shall be conducted by a qualified biologist. A report summarizing the survey shall

be provided to Placer County and the California Department of Fish & Game within 30 days of the completed survey. If an active raptor nest is identified appropriate mitigation measures shall be developed and implemented in consultation with California Department of Fish & Game. If construction is proposed to take place between March 1st and September 1st, no construction activity or tree removal shall occur within 500 feet of an active nest (or greater distance, as determined by the California Department of Fish & Game). Construction activities may only resume after a follow up survey has been conducted and a report prepared by a qualified raptor biologist indicating that the nest (or nests) is no longer active, and that no new nests have been identified. A follow up survey shall be conducted two months following the initial survey, if the initial survey occurs between March 1st and July 1st. Additional follow up surveys may be required by the Design Review Committee, based on the recommendations in the raptor study and/or as recommended by the California Department of Fish & Game. Temporary construction fencing and signage as described herein shall be installed at a minimum 500 foot radius around trees containing active nests. If all project construction occurs between September 1st and March 1st no raptor surveys will be required. Trees previously approved for removal by Placer County, which contain stick nests, may only be removed between September 1st and March 1st. A note which includes the wording of this condition of approval shall be placed on the Improvement Plans. Said plans shall also show all protective fencing for those trees identified for protection within the raptor report.

MM IV.2 A 100-foot setback shall be established around the elderberry plant on Lots Three and Five, as shown on the Vesting Tentative Map. This setback shall be shown on the final map. A sign shall also be erected near the elderberry plant which states that the elderberry plant is a protected species and any disturbance or removal may result in legal penalties and/or fines. This information shall be shown on the improvement plans.

Discussion- Item IV-3:

The predominant vegetation cover type (covering approximately 95 percent) of the land area is a dense, closed canopied, interior live oak woodland, with trees mostly in the 8-inch to 12-inch diameter class lacking any large-diameter species. However, individual or small groupings of foothill pines in the 18-inch to 24-inch diameter class are scattered throughout the site. The entire stand of interior live oaks on the property appears to represent a single age class, having regenerated from stump sprouts as a result of a single stand-replacing event occurring over roughly 40 to 60 years past. Other tree species present include a small amount of blue oaks and localized areas and periodic groupings of a non-native pine tentatively identified as Coulter pine, which were likely planted on-site, but may have naturalized over time. A portion of this site borders on the Folsom Lake Recreation Area and is connected to a continuously intact woodland community. The total build-out of the project will result in impacts to approximately 4.2 acres of oak woodland. Effective January 1, 2005, Senate Bill 1334 established Public Resources Code Section 21083.4, the state's first oak woodlands conservation standards for CEQA. This new law creates two requirements for counties: 1) counties must determine whether or not a project that results in the conversion of oak woodlands will have a significant effect; and 2) if there may be a significant effect, counties must employ one or more of the following mitigation measures:

- Conserving oaks through the use of conservation easements
- Planting and maintaining an appropriate number of trees either on-site or in restoration of a former oak woodlands (tree planting is limited to half the mitigation requirement)
- Contributing funds to the Oak Woodlands Conservation Fund for the purpose of purchasing conservation easements or
- Other mitigation measures developed by the County

The County has determined that implementation of the following measures, either singularly or in combination, will provide mitigation consistent with the requirements of CEQA Section 21083.4:

Mitigation Measures- Item IV-3:

MM IV.3 The applicant shall mitigate the loss of oak trees through one, or a combination of the following:

- Purchase off-site conservation easements at a location approved by Placer County to mitigate the loss of oak woodlands at a 2:1 ratio
- Provide for a combination of payment to the Tree Preservation Fund and creation of an off-site Oak Preservation Easement
- Plant and maintain an appropriate number of trees in restoration of an approved former oak woodland (tree planting is limited to half the mitigation requirement)
- Single trunk trees within the project impact area that are greater than 24 inches diameters at breast height shall be mitigated for an inch for inch basis. Multi-stemmed trees with trucks less than 12 inches diameters at breast height shall not be included in this calculation
- Submit payment of fees for oak woodland conservation at a 2:1 ratio in accordance with Chapter 12.16.080 (C), Placer County Tree Ordinance-Replacement Programs and Penalties. These fees shall be

calculated based upon the current market value for similar oak woodland acreage preservation and an endowment to maintain the land in perpetuity

MM IV.4 Temporary Construction Fencing: The applicant shall install a four foot tall, brightly colored (usually yellow or orange), synthetic mesh material fence (or an equivalent approved by the Design Review Committee) at the following locations prior to any construction equipment being moved on-site or any construction activities taking place:

- Adjacent to any and all wetland preservation easements that are within 50 feet of any proposed construction activity
- At the limits of construction, outside the dripline of all trees six inch diameter at breast height, or 10 diameter at breast height aggregate for multi-trunk trees, within 50 feet of any grading, road improvements, underground utilities, or other development activity, or as otherwise shown on the Vesting Tentative Map
- Around all Open Space lots within 50 feet of any development activity

Discussion- Items IV-4,5:

A wetland delineation of the project site was prepared by North Fork Associates on April 8, 2004. This report identified that the site contains 0.112 acres of jurisdictional wetlands and 0.08 acres of non-jurisdictional wetlands. No intermittent or perennial drainages occur on the site, and ephemeral drainages are limited to a few short stretches. Several ponds have been excavated at various locations, but they are no longer functioning ponds. Rather, they retain enough water to form shallow inundated seasonal wetlands. The ponds comprise 0.08 acres of "isolated seasonal wetlands". Given the low habitat value of the ponds and their potential to be disturbed during the ultimate construction of the home sites, these ponds are not intended to be protected. In order to comply with Placer County General Plan policy 6.B.2 which states that there shall be "no net loss" of wetland area, mitigation is proposed to reduce this impact to less than significant level.

A long wetland swale (0.11 acres) is located in the western portion of the site. This feature appears to have flowing water during rainfall events, but it functions as a seasonal swale rather than a stream system. The applicant proposes to protect this feature within a Wetland Preservation Easement on lot two (8.05 acres). It is County policy that residential lots, 2.3 acres or greater, may use easements on residential lots for resource protection. Since lot two is 8.05 acres and the wetland area is located down slope towards the rear of the property where development is highly unlikely to occur, an easement will provide sufficient protection of this resource.

Two ephemeral drainages (.002 acres) are located on-site and are characterized by having a defined incised channel. Both are very short and arise from upland swales. The upper ends of the drainages are broad upland swales that lack hydrological and other wetland characteristics. The ephemeral drainages are designated as Meandering Drainage Easements on the site plan.

Mitigation Measures- Items IV-4,5:

MM IV.5 Areas located on Lot Two as depicted on the Vesting Tentative Map shall be defined and monumented as "Wetland Preservation Easements" on behalf of the Eden Roc 2 Homeowners Association, and shown on the project Improvement/Grading Plans and Final Map.

The purpose of said easements is for the protection and preservation of on-site wetland/stream corridor habitats. A note shall be provided on the Final Map prohibiting any disturbances within said easements, including the placement of fill materials, lawn clippings, oil, chemicals, or trash of any kind within the easements; nor any grading or clearing activities, vegetation removal, or domestic landscaping and irrigation, including accessory structures, swimming pools, spas, and fencing (excepting that specifically required by these conditions). Trimming or other maintenance activity is allowed only for the benefit of fish, wildlife, fire protection, and water quality resources, and for the elimination of diseased growth, or as otherwise required by the fire department, and only with the written consent of Design Review Committee. A provision for the enforcement of this restriction by the homeowners' association shall be provided.

MM IV.6 The wetlands report shall be field verified by the U.S. Army Corps of Engineers, the U. S. Fish and Wildlife Service, and the California Department of Fish & Game as deemed necessary by Design Review Committee prior to the filing of the Final Map. If significant discrepancies arise between the report and the field investigation of these agencies, the Design Review Committee shall schedule a hearing before the Planning Commission to consider revocation or modification of the project's permit approvals.

MM IV.7 Provide written evidence that compensatory habitat has been established through the purchase of mitigation credits at a County-qualified and U.S. Army Corps of Engineer approved wetland mitigation bank. The amount of money required to purchase credits shall be equal to the amount necessary to replace wetland or riparian habitat acreage and resource values including compensation for temporal loss. The total amount of habitat to be replaced is .08 acres of wetland habitat

Discussion- Item IV-6:

The project will not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Given the large size of the residential lots, it is highly unlikely that solid fencing will be erected around the perimeter of each lot. There should be sufficient room within Open Space Lot A and the undeveloped areas to the east and south for highly mobile mammals to migrate. No mitigation measures are required.

Discussion- Item IV-7:

The project does not conflict with any local policies or ordinances protecting biological resources. The potential impacts to biological, wetland, special status species and oak woodlands are discussed in items one through six and mitigation measures have been proposed to reduce any potential impacts to a level that is less than significant and to ensure compliance with County regulations regarding biological resources. No mitigation measures are required.

Discussion- Item IV-8:

The site is not located within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

V. CULTURAL RESOURCES – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Substantially cause adverse change in the significance of a historical resource as defined in CEQA Guidelines, Section 15064.5? (PLN)				X
2. Substantially cause adverse change in the significance of a unique archaeological resource pursuant to CEQA Guidelines, Section 15064.5? (PLN)			X	
3. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (PLN)			X	
4. Have the potential to cause a physical change, which would affect unique ethnic cultural values? (PLN)				X
5. Restrict existing religious or sacred uses within the potential impact area? (PLN)				X
6. Disturb any human remains, including those interred outside of formal cemeteries? (PLN)			X	

Discussion- Items V-1,2,4,5,6:

A Cultural Resource report, dated January 2007, was completed on the project site. This report referenced several Native American consultations that occurred in 1997, 2004 and 2007. These consultations did not identify any cultural resources on the site. In 2004, a field survey was performed and no cultural/historical sites were discovered.

The project site does not contain any known historical resources as defined in the CEQA Guidelines, Section 15064.5. Additionally, religious or sacred uses do not occur on the project site.

The impact to cultural resources is less than significant. However, the following standard Condition of Approval will be placed on the Minor Use Permit in the event that previously unknown resources are discovered during project construction:

If any archaeological artifacts, exotic rock (non-native), or unusual amounts of shell or bone are uncovered during any on-site construction activities, all work must stop immediately in the area and an archaeologist retained to evaluate the deposit. The Placer County Planning Department and Department of Museums must also be contacted for review of the archaeological find(s).

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

Following a review of the new find and consultation with appropriate experts, if necessary, the authority to proceed will be accompanied by the addition of development requirements which provide protection of the site and/or additional mitigation measures necessary to address the unique or sensitive nature of the site. No mitigation measures are required.

Discussion- Item V-3:

According to the Granite Bay Community Plan Environmental Impact Report, the rock unit for this area is Penryn Quartz Diorite. This rock unit has a low paleontological sensitivity rating and therefore the potential impact to paleontological resources is less than significant. No mitigation measures are required.

VI. GEOLOGY & SOILS – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Expose people or structures to unstable earth conditions or changes in geologic substructures? (ESD)		X		
2. Result in significant disruptions, displacements, compaction or overcrowding of the soil? (ESD)		X		
3. Result in substantial change in topography or ground surface relief features? (ESD)		X		
4. Result in the destruction, covering or modification of any unique geologic or physical features? (ESD)				X
5. Result in any significant increase in wind or water erosion of soils, either on or off the site? (ESD)		X		
6. Result in changes in deposition or erosion or changes in siltation which may modify the channel of a river, stream, or lake? (ESD)		X		
7. Result in exposure of people or property to geologic and geomorphological (i.e. Avalanches) hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? (ESD)			X	
8. Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? (ESD)			X	
9. Be located on expansive soils, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property? (ESD)				X

Discussion- Items VI-1,2,3:

The project proposal would result in the disturbance of approximately 4.2 acres of the 39 acre site for the development of six custom build single-family residential lots and associated roadway improvements. The six lots will not be pad graded as a part of this project. Including residential home construction on each lot, approximately 4.2 acres of the 39 acre site will be disturbed by grading activities. The site is located south of the existing Eden Roc subdivision and east of the existing Los Lagos subdivision. Access is through the Eden Roc subdivision private roadways over the Walden Lane private road easement. This rural residential property currently contains one old vacant home that will be removed as a part of this project. Several man-made ponds are on the property. Site topography slopes south and east towards Folsom Lake which is located approximately 500 feet to the east of the property. Ground surface elevations vary from about 525 to 640 feet.

According to a preliminary geotechnical engineering report by Raney Geotechnical, Inc. dated August 12, 2004, the surface soils consist of medium dense, brown fine sandy silts underlain by medium dense to very dense, silty fine to coarse sands. Strength and compressibility properties of the undisturbed native soils and rock generally are indicated to be favorable in support of the planned construction. Soft, saturated near surface soils may be present around the man-made ponds. These soils will require over excavation and compaction. Grading activities are

associated with the establishment of the subdivision roadway, sewer access road, and berms for detention areas. The proposed maximum height of any excavation/cut is 12 feet and the proposed maximum height of any fill is 13 feet. The average depth of cut/fill is two to three feet. All resulting finished grades are proposed to be no steeper than 2:1 at locations identified on the preliminary grading plan. The project grading is estimated at approximately 4,900 cubic yards of cut and 5,300 cubic yards of fill. The project earthwork is expected to balance on-site. The geotechnical report concluded that the construction of the proposed roadway and driveway improvements are feasible from a geotechnical standpoint given that the recommendations of a registered civil engineer are incorporated into the design plans and implemented during construction.

The project proposes a new 26 foot wide paved roadway with two foot wide shoulders on either side extending approximately one quarter mile from existing Eden Oak Circle in a southerly direction along a portion of the existing Walden Lane. The finished road grade will not exceed the County maximum of 15 percent. Berms will be formed in the path of two drainageways in order to detain flows back to pre-development peak flow rates. These are changes in site topography which may cause potentially significant environmental impacts if not properly designed and constructed as specified by a registered civil engineer.

The proposed project's impacts associated with unstable earth conditions, soil disruptions, displacements, compaction of the soil, and changes to topography and ground surface relief features will be mitigated to a less than significant level by implementing the following mitigation measures:

Mitigation Measures- Items VI-1,2,3:

MM VI.1 The applicant shall prepare and submit Improvement Plans, specifications and cost estimates (per the requirements of Section II of the Land Development Manual that are in effect at the time of submittal) to the Engineering and Surveying Department for review and approval. The plans shall show all conditions for the project as well as pertinent topographical features both on- and off-site. All existing and proposed utilities and easements, on-site and adjacent to the project, which may be affected by planned construction, shall be shown on the plans. All landscaping and irrigation facilities within the public right-of-way (or public easements), or landscaping within sight distance areas at intersections, shall be included in the Improvement Plans. The applicant shall pay plan check and inspection fees. Prior to plan approval, all applicable recording and reproduction costs 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 Design Review Committee 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 Engineering and Surveying Department in both electronic and hard copy versions in a format to be approved by the Engineering and Surveying Department prior to acceptance by the County of site improvements.

MM VI.2 All proposed grading, drainage improvements, vegetation and tree removal shall be shown on the Improvement Plans and all work shall conform to provisions of the County Grading Ordinance (Ref. Article 15.48, Placer County Code) that are in effect at the time of submittal. No grading, clearing, or tree disturbance shall occur until the Improvement Plans are approved and all temporary construction fencing has been installed and inspected by a member of the Design Review Committee. 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 concurs with said recommendation.

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

Submit to the Engineering and Surveying Department 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 Improvement Plan approval to guarantee protection against erosion and improper grading practices. Upon the County's acceptance of improvements, and satisfactory completion of a one-year maintenance period, unused portions of said deposit shall be refunded to the project applicant or authorized agent.

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

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

MM VI.3 Submit to the Engineering and Surveying Department, 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 Engineering and Surveying Department, two copies of the final report shall be provided to the Engineering and Surveying Department 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 the CC&Rs and on the Informational Sheet filed with the Final Map(s). It is the responsibility of the developer to provide for engineering inspection and certification that earthwork has been performed in conformity with recommendations contained in the report.

MM VI.4 Staging Areas: Stockpiling and/or vehicle staging areas shall be identified on the Improvement Plans and located as far as practical from existing dwellings and protected resources in the area.

MM VI.5 If blasting is required for the installation of site improvements, the developer shall comply with applicable County Ordinances that relate to blasting and use only State licensed contractors to conduct these operations.

Discussion- Item VI-4:

Based on the preliminary geotechnical report by Raney Geotechnical, Inc. dated August 12, 2004, there are no identified unique geologic or physical features at the site that will be destroyed, covered, or modified by this project.

Discussion- Items VI-5,6:

The project proposal would result in the construction of a subdivision roadway to serve the proposed six custom-build single family residential lots. Including residential home construction on each lot, approximately 11 percent of the 39 acre site will be disturbed by grading activities. The disruption of soils on this primarily undeveloped property increases the risk of erosion and creates a potential for contamination of stormwater runoff with disturbed soils or other pollutants introduced through typical grading practices. The construction phase will create significant potential for erosion as disturbed soil may come in contact with wind or precipitation that could transport sediment to the air and/or adjacent waterways. The eastern third of the site is within the sensitive Folsom Lake watershed and approximately 225 feet of the proposed subdivision roadway will be constructed within this watershed. Erosion and water quality impacts from site grading activities have the potential for causing a direct negative influence on Folsom Lake. Discharge of concentrated runoff in the post-development condition could also contribute to the erosion potential impact in the long-term. Erosion potential and water quality impacts are always present and occur when protective vegetative cover is removed and soils are disturbed. This disruption of soils on the site has the potential to result in significant increases in erosion of soils both on- and off-site. The proposed project's impacts associated with soil erosion will be mitigated to a less than significant level by implementing the following mitigation measures:

Mitigation Measures- Item VI-5,6:

Refer to text in MM VI.1

Refer to text in MM VI.2

Refer to text in MM VI.3

Refer to text in MM VI.4

MM VI.6 Water quality Best Management Practices shall be designed according to the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New Development/Redevelopment, and/or for Industrial and Commercial, (and/or other similar source as approved by the Engineering and Surveying Department).

Construction (temporary) Best Management Practices for the project include, but are not limited to: Fiber Rolls (SE-5), Hydroseeding (EC-4), Stabilized Construction Entrance (LDM Plate C-4), Silt Fence (SE-1), revegetation techniques, diversion swales, dust control measures, and limiting the soil disturbance.

MM VI.7 The project's ground disturbance exceeds one acre and is subject to the construction stormwater quality permit requirements of the National Pollutant Discharge Elimination System program. The applicant shall obtain such permit from the State Regional Water Quality Control Board and shall provide to the Engineering and Surveying Department evidence of a state-issued WDID number or filing of a Notice of Intent and fees prior to start of construction.

Discussion- Item VI-7:

The site is located within Seismic Zone 3 on the California Building Code Seismic Zone Map. The site may experience moderate ground shaking caused by earthquakes occurring along off-site faults. The structures will be constructed according to the current edition of the California Building Code, which includes seismic design criteria, so the likelihood of severe damage due to ground shaking is minimal. No mitigation measures are required.

Discussion- Item VI-8:

According to the preliminary geotechnical report by Raney Geotechnical, Inc. dated August 12, 2004, the potential for site liquefaction and surface rupture are considered negligible due to the absence of a permanent elevated groundwater table, relatively low seismicity of the area, and the relatively dense nature of the site materials. No mitigation measures are required.

Discussion- Item VI-9:

According to the preliminary geotechnical report by Raney Geotechnical, Inc. dated August 12, 2004, the near surface soils were observed to consist of sands and silts. These materials are expected to be virtually nonexpansive. Soil expansion is not expected to have a significant effect on the proposed construction.

VII. HAZARDS & HAZARDOUS MATERIALS – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Create a significant hazard to the public or the environment through the routine handling, transport, use, or disposal of hazardous or acutely hazardous materials? (EHS)			X	
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (EHS)			X	
3. Emit hazardous emissions, substances, or waste within one-quarter mile of an existing or proposed school? (APCD)				X
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (EHS)			X	
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (PLN)				X
6. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing in the project area? (PLN)				X
7. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (PLN)		X		

8. Create any health hazard or potential health hazard? (EHS)			X	
9. Expose people to existing sources of potential health hazards? (EHS)			X	

Discussion- Items VII-1,2:

Construction of the proposed project would involve the short-term use and storage of hazardous materials typically associated with grading, such as fuel and other substances. All materials would be used, stored, and disposed of in accordance with applicable federal, state, and local laws including California Occupational Safety and Health Administration requirements and manufacturer's instructions. The proposed project does not pose a risk of accident or upset conditions involving the release of hazardous materials. Therefore, the proposed project does not pose a risk of accident or upset conditions involving the release of hazardous materials. No mitigation measures are required.

Discussion- Item VII-3:

Based upon the analysis, the project is not expected to emit hazardous emissions.

Discussion- Items VII-4,9:

A Phase I Environmental Site Assessment (dated February 2, 2004) was conducted by Raney Geotechnical. The Phase I indicated that a 550 gallon underground heating oil tank was present on the property. The heating oil tank was removed from the property under permit through Environmental Health Services in March 2005. No contaminated soil was present on-site. Thus, this project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and will not create a significant hazard to the public or the environment.

Additionally, the Phase I indicated that there was the existing homes on the property were served by an existing septic tank system and domestic water well. Both the domestic water well and the existing septic tank will be required to be destroyed properly via permit from Environmental Health Services. The proper destruction of the septic tank and domestic water well represent typical requirements which this office handles routinely and does not represent significant hazard to the public or the environment. No mitigation measures are required.

Discussion- Item VII-5:

The project is not located within an airport land use plan or within two miles of a public airport or public use airport and therefore, the project should not result in a safety hazard for people residing or working in the project area.

Discussion- Item VII-6:

The project is not located within the vicinity of a private airstrip and therefore, the project will not result in a safety hazard for people residing in the project area.

Discussion- Item VII-7:

The project site is located within a "moderate fire hazard zone" and therefore, has a potentially significant impact for wildland fires. The following mitigation measures will reduce this impact to a less than significant level.

Mitigation Measures- Item VII-7:

MM VII.1 Any structures constructed on this site shall adhere to Building Code Chapter 7(A) which regulates materials and construction standards within designated fire hazard zones to reduce the potential wildland fire hazard for structures. The project shall also be subject to defensible space standards which are designed to reduce the fuel load surrounding residential structures.

Discussion- Item VII-8:

Existing sources of potential health hazards that people may be exposed to as a result of the project is limited to mosquitoes, if conditions exist that allow for the breeding of mosquitoes. Mosquitoes are potential vectors of diseases; therefore, they are a health hazard. Conditions that allow for the breeding of mosquitoes include standing water, which may occur as a result of overwatering of landscaping. The use of drip irrigation for landscaped areas where shrubbery and trees are located will prevent the ponding of water and a habitat for mosquitoes. The lawn areas of the property shall be properly graded to prevent the ponding of water and to allow for effective irrigation methods. Standard conditions of approval will be included that address these issues. No mitigation measures are required.

VIII. HYDROLOGY & WATER QUALITY – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Violate any potable water quality standards? (EHS)			X	
2. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lessening of local groundwater supplies (i.e. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (EHS)			X	
3. Substantially alter the existing drainage pattern of the site or area? (ESD)		X		
4. Increase the rate or amount of surface runoff? (ESD)		X		
5. Create or contribute runoff water which would include substantial additional sources of polluted water? (ESD)		X		
6. Otherwise substantially degrade surface water quality?(ESD)		X		
7. Otherwise substantially degrade ground water quality? (EHS)			X	
8. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard boundary or Flood Insurance Rate Map or other flood hazard delineation map? (ESD)				X
9. Place within a 100-year flood hazard area improvements which would impede or redirect flood flows? (ESD)				X
10. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (ESD)				X
11. Alter the direction or rate of flow of groundwater? (EHS)			X	
12. Impact the watershed of important surface water resources, including but not limited to Lake Tahoe, Folsom Lake, Hell Hole Reservoir, Rock Creek Reservoir, Sugar Pine Reservoir, French Meadows Reservoir, Combie Lake, and Rollins Lake? (EHS, ESD)		X		

Discussion- Item VIII-1:

The project will utilize a publicly provided potable water system (Placer County Water Agency) for its domestic water supply. An existing domestic water well currently serves the existing residence on the subject parcel which has the potential to violate potable water quality standards. An unused and unmaintained water well can function as an open conduit to ground water and a means of entry for contamination resulting from surface water runoff including irrigation water, roadway runoff, and other types of pollution. As a condition of the project, the domestic water well will be required to be properly destroyed via permit through Environmental Health Services. This is a typical requirement that Environmental Health Services conducts on a routine basis. No mitigation measures are required.

Discussion- Items VIII-2,11:

The project proposes the use of public treated surface water supplies, so there are no direct impacts to groundwater quantity or direction due to well withdrawals. However, the introduction of residential uses and impervious surfaces can have indirect groundwater recharge capability impacts in some areas. The soil types in the

project area are not conducive to recharge, except perhaps along major drainage ways. As this project does not involve disturbance of major drainage ways, impacts related to groundwater recharge are less than significant. No mitigation measures are required.

Discussion- Items VIII-3,4:

The project will consist of road improvements per Placer County standards for the road extension of Walden Lane and infrastructure facilities to serve six single family lots with lot sizes ranging from five to eight acres. A preliminary drainage report was prepared by Domenichelli and Associates dated November 2007. The existing watershed is comprised of 44 acres. Approximately 33 acres is conveyed to the west side of the property through natural drainage swales that route through the forested landscape. Runoff leaving the west project boundary is then conveyed to the neighboring Los Lagos development where it is combined within the existing storm water drainage system. Runoff from the remaining 11 acres is conveyed southeast towards Folsom Lake through natural drainage swales. The proposed project will alter the existing drainage pattern such that the majority of site runoff will be conveyed away from Folsom Lake and towards the western project boundary.

The project will create new impervious surfaces on a property that is currently undeveloped except for one rural residence and thus potentially increase the rate and amount of surface runoff from the site. However, the additional impervious areas of the paved roadway, sewer maintenance road/Lot One driveway, and homesites created by the project are small compared to the size of the overall watershed. A small pond is located near the center of the site at elevation 595 feet. This pond was originally designed to deliver water to surrounding parcels for irrigation, however, the pond is no longer functioning. The project proposes three small detention basins, including utilizing this existing pond, for attenuating post development peak flow conditions. The lower two detention basins will require new earth embankments to be constructed. Due to the small amount of flow entering these basins and the need to attenuate runoff to pre-project conditions, a modified discharge structure will be used. The structure will consist of a concrete riser with a smaller opening near the bottom of the structure and a higher larger opening to be used as water surface elevations increase in the pond. The riser will then connect to the discharge pipe crossing the embankment or roadway. Detention will reduce peak flows well below the pre-project condition in order to minimize the amount of ponding that currently occurs at the neighboring properties to the west. The proposed drainage system design and detention basins for the new development will meet the attenuation requirements for the two, ten, and 100-year storm event conditions. A final drainage report will be required with submittal of the improvement plans for County review and approval to substantiate the preliminary report drainage calculations.

Furthermore, the property proposed for development is within the Dry Creek Watershed Flood Control Plan area. Flooding along Dry Creek and its tributaries (this property is in the Miners Ravine watershed) is well documented. Cumulative downstream impacts were studied in the Dry Creek Watershed Flood Control Plan in order to plan for flood control projects and set flood control policies. Mitigation measures for development in this area include local, on-site detention to reduce post-development flows from the two, ten, and 100-year storms to pre-development levels and flood control development fees to fund regional detention basins to reduce flooding on major streams in the Dry Creek watershed. If fees are not collected on a project by project basis to fund regional detention facilities, these types of capital improvements may not be realized and flooding impacts to properties within the Dry Creek Watershed area will persist. Staff considers these cumulative flood control impacts to be potentially significant impacts.

The proposed project's impacts associated with altering drainage patterns and increasing rate or amount of surface runoff will be mitigated to a less than significant level by implementing the following mitigation measures:

Mitigation Measures- Item VIII-3,4:

Refer to text in MM VI.1

Refer to text in MM VI.2

MM VIII.1 Prepare and submit with the project Improvement Plans, a drainage report in conformance with the requirements of Section 5 of the Land Development Manual 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" measures shall be provided to reduce erosion, water quality degradation, and prevent the discharge of pollutants to stormwater to the maximum extent practicable.

MM VIII.2 Storm water run-off shall be reduced to pre-project conditions through the installation of detention facilities. Detention facilities shall be designed in accordance with the requirements of the Placer County Storm

Water Management Manual that are in effect at the time of submittal, and to the satisfaction of the Engineering and Surveying Department. No detention facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals.

MM VIII.3 Provide an Irrevocable Offer of Dedication on the Improvement Plans and Final Map to the satisfaction of the Engineering and Surveying Department and Design Review Committee for easements as required for access to, and protection and maintenance of, storm drainage retention/detention facilities, as well as post-construction water quality enhancement facilities (Best Management Practices). Said facilities shall be privately maintained until such time as the Board of Supervisors accepts the offer of dedication.

MM VIII.4 The project is subject to the one-time payment of drainage improvement and flood control fees pursuant to the "Dry Creek Watershed Interim Drainage Improvement Ordinance" (Ref. Chapter 15, Article 15.32, Placer County Code.) The current estimated development fee is \$775 per single-family residence, payable to the Engineering and Surveying Department prior to Building Permit issuance. The actual fee shall be that in effect at the time payment occurs.

MM VIII.5 The project is subject to payment of annual drainage improvement and flood control fees pursuant to the "Dry Creek Watershed Interim Drainage Improvement Ordinance" (Ref. Chapter 15, Article 15.32, Placer County Code). Prior to Building Permit issuance, the applicant shall cause the subject property to become a participant in the existing Dry Creek Watershed County Service Area for purposes of collecting these annual assessments. The current estimated annual fee is \$117 per single-family residence.

Discussion- Items VIII-5,6,12:

Approximately 11 percent of the 39 acre site will be covered with impervious surfaces including structures and pavement. Approximately two-thirds of the property is within the Miners Ravine watershed while the remaining one-third of the property is located within the Folsom Lake watershed. Folsom Lake is located approximately 500 feet south of the site and any contaminated runoff from this portion of the site has the potential for causing negative direct influence on the water quality of Folsom Lake. The water quality of all natural waterways is important to maintain for public health and safety and the health of the ecosystem. Potential water quality impacts are present both during project construction and after project development. Construction activities will disturb soils and cause potential introduction of sediment into stormwater during rain events. Through the implementation of Best Management Practices for minimizing contact with potential stormwater pollutants at the source and erosion control methods, this potentially significant impact will be reduced to less than significant levels. In the post-development condition, the project could potentially introduce contaminants such as oil and grease, sediment, nutrients, metals, organics, pesticides, and trash from activities such as roadway runoff, outdoor storage, landscape fertilizing and maintenance, and refuse collection. According to the preliminary drainage report dated November 2007 by Domenichelli and Associates, drainage from the project roadways will be captured treated via the proposed sedimentation basins and vegetated swales. Suspended sediment and pollutants will have time to settle out prior to stormwater runoff discharging from the site. A final drainage report will be required with submittal of the improvement plans for County review and approval to substantiate the preliminary report drainage and Best Management Practice sizing calculations. The proposed project's impacts associated with water quality degradation will be mitigated to a less than significant level by implementing the following mitigation measures:

Mitigation Measures- Item VIII-5,6,12:

Refer to text in MM VI.1

Refer to text in MM VI.2

Refer to text in MM VI.4

Refer to text in MM VI.6

Refer to text in MM VI.7

Refer to text in MM VIII.1

MM VIII.6 Water quality Best Management Practices shall be designed according to the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New Development/ Redevelopment, and/or for Industrial and Commercial, (and/or other similar source as approved by the Engineering and Surveying Department).

Storm drainage from on- and off-site impervious surfaces (including roads) shall be collected and routed through specially designed catch basins, vegetated swales, vaults, infiltration basins, water quality basins, filters, etc. for entrapment of sediment, debris and oils/greases or other identified pollutants, as approved by the Engineering and Surveying Department. Best Management Practices 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. Post-development (permanent) Best Management Practices for the project include, but are not limited to: sedimentation basins and vegetated swales. No water quality facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals.

All Best Management Practices shall be maintained as required to ensure effectiveness. The applicant shall provide for the establishment of vegetation, where specified, by means of proper irrigation. Maintenance of these facilities shall be provided by the project owners/permittees.

MM VIII.7 The project is located within the area covered by Placer County's municipal stormwater quality permit, pursuant to the National Pollutant Discharge Elimination System Phase II program. Project-related stormwater discharges are subject to all applicable requirements of said permit. Best Management Practices shall be designed to mitigate (minimize, infiltrate, filter, or treat) stormwater runoff in accordance with "Attachment 4" of Placer County's National Pollutant Discharge Elimination System Municipal Stormwater Permit (State Water Resources Control Board National Pollutant Discharge Elimination System General Permit No. CAS000004).

Discussion- Item VIII-7:

There is an existing septic system on site which has the potential to degrade groundwater quality. The septic system currently serves the existing single family dwelling on-site. An on-site sewage disposal system unless properly designed has the ability to degrade groundwater quality. In this case, the surrounding area is utilizing public utilities for sewer and water. The density of on-site sewage disposal is very low and it is unlikely that the septic tank serving this single family dwelling will degrade the groundwater. Since this project is within 600 feet of a sewer system, it is required by County Ordinance to connect to the public sewer system. Thus, the septic system serving this single family dwelling will be required to be properly destroyed through permit from Environmental Health Services as a condition of approval. No mitigation measures are required.

Discussion- Item VIII-8:

A 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map is not present on this property.

Discussion- Item VIII-9:

Improvements are not proposed which would impede or redirect flood flows. The property does not contain a 100-year flood hazard area.

Discussion- Item VIII-10:

People or structures will not be exposed to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, as a result of this project. The site is located approximately 500 feet from Folsom Lake, however, the property is elevated well above lake level. A failure of the Folsom Lake dam would not flood this project, as the project is located upstream of the dam.

IX. LAND USE & PLANNING – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Physically divide an established community? (PLN)				X
2. Conflict with General Plan/Community Plan/Specific Plan designations or zoning, or Plan policies adopted for the purpose of avoiding or mitigating an environmental effect? (EHS, ESD, PLN)			X	
3. Conflict with any applicable habitat conservation plan or natural community conservation plan or other County policies, plans, or regulations adopted for purposes of avoiding or mitigating environmental effects? (PLN)			X	
4. Result in the development of incompatible uses and/or the creation of land use conflicts? (PLN)			X	

5. Affect agricultural and timber resources or operations (i.e. impacts to soils or farmlands and timber harvest plans, or impacts from incompatible land uses)? (PLN)				X
6. Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? (PLN)				X
7. Result in a substantial alteration of the present or planned land use of an area? (PLN)			X	
8. Cause economic or social changes that would result in significant adverse physical changes to the environment such as urban decay or deterioration? (PLN)				X

Discussion- Items IX-1,6:

The proposed project will not physically divide an established community. The project will create five new residential units in the area. The one existing residence will be removed and replaced. This existing residence is currently vacant and was never used to provide low-income housing.

Discussion- Items IX-2,3:

The proposed project is consistent with the Rural Residential (2.3 to 4.6 acre minimum lot) land use designation by providing residential lots ranging in size from five acres to 8.05 acres. The applicant is proposing a Rezoning to add a Planned Development (PD) designation of 0.44 units per acres, consistent with the PD designation on the remainder of the site, to the RA-BX-4.6 to allow the site to be developed as a Planned Residential Development. The proposed Rezoning will not increase the number of permitted residential units beyond that already permitted by the base zone district. Mitigation measures have been proposed in the Biological section of the initial study to reduce biological impacts and to also conform to existing County policies and regulations. No mitigation measures are required.

Discussion- Item IX-4:

The proposed project is consistent with the Rural Residential (2.3 to 4.6 acre minimum lot) land use designation by providing residential lots ranging in size from five acres to 8.05 acres. The applicant is proposing a Rezoning to add a Planned Development (PD) designation to the RA-BX-4.6 zone district to allow the site to be developed as a Planned Residential Development. The proposed Rezoning will not increase the number of permitted residential units beyond that already permitted by the base zone district. The proposed project provides a transition from the smaller residential lots in Los Lagos and Eden Roc (one acre+) to the larger zoned lots to the east of the project site. The project has been redesigned so that the proposed public trail easement is located within Open Space Lot A and not within the residential lots. The potential land use conflict of a public trail located within residential lots has been eliminated. This impact is less than significant and no mitigation measures are required.

Discussion- Item IX-5:

The site does not currently have any existing agricultural operations (farming, grazing, etc) nor has the site been historically used for agricultural uses. The proposed residential subdivision has a similar and therefore compatible land use with the adjacent residential subdivisions to the north and west. This project also provides an effective transition to the large lot zoned property to the east and the Folsom Lake Recreation area to the south east of the site.

Discussion- Item IX-7:

The proposed Rezoning will allow the center portion of the property to be developed as a Planned Development, which currently does not have a Planned Development combining zoning designation. The existing zoning on the northern and southern sections of the property have a Planned Development designation of 0.44 units per acre. The project density is significantly less than the maximum number that could be provided with the Planned Development designation of 0.44 units per acre under the existing zoning designations. No mitigation measures are required.

Discussion- Item IX-8:

The proposed project is a rural subdivision in which the minimum lot size exceeds five acres. The proposed project will not cause economic or social changes that would result in significant adverse physical changes to the environment.

X. MINERAL RESOURCES – Would the project result in:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. The loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (PLN)				X
2. The loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (PLN)				X

Discussion- All Items:

No valuable, locally important mineral resources have been identified by the Department of Conservation's "Mineral Land Classification of Placer County dated 1995" on the project site. Implementation of the proposed project will not result in impacts to mineral resources.

XI. NOISE – Would the project result in:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Exposure of persons to or generation of noise levels in excess of standards established in the local General Plan, Community Plan or noise ordinance, or applicable standards of other agencies? (PLN)			X	
2. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (PLN)			X	
3. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (PLN)		X		
4. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (PLN)				X
5. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (PLN)				X

Discussion- Items XI-1,2:

The project is not located near any significant noise generators such as highways, railroad tracks, or airports. The addition of five new residential homes on 39.38 acres will not increase the existing noise levels in the immediate area in a significant manner. The potential noise impacts are less than significant. No mitigation measures are required.

Discussion- Item XI-3:

Temporary construction noise associated with the project could result in higher noise levels, at inappropriate time periods, for nearby residential uses. Limits on the construction hours will reduce this potential impact to a less than significant level.

Mitigation Measures- Item XI-3:

MM XI.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 only occur:

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- a) Monday through Friday, 6:00 am to 8:00 pm (during daylight savings)
- b) Monday through Friday, 7:00 am to 8:00 pm (during standard time)
- c) Saturdays, 8:00 am to 6:00 pm

In addition, temporary signs four feet by four feet shall be located throughout the project, as determined by the Design Review Committee, 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 mitigation measure shall be included on the Improvement Plans and shown in the development notebook.

Discussion- Items XI-4,5:

The project is not located within an airport land use plan or within two miles of a public airport, public use airport, or private airport which would expose people residing or working in the project area to excessive noise levels.

XII. POPULATION & HOUSING – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Induce substantial population growth in an area, either directly (i.e. by proposing new homes and businesses) or indirectly (i.e. through extension of roads or other infrastructure)? (PLN)			X	
2. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (PLN)				X

Discussion- Item XII-1:

The proposed project may induce a negligible population growth by adding five additional residences to the area, though this impact will be very minimal. The proposed road is not designed to be extended beyond the project boundaries and therefore no mitigation measures are required.

Discussion- Item XII-2:

Although one residence will be removed as a result of project construction, this unit is vacant and was not used as affordable housing; therefore replacement housing will not be required.

XIII. PUBLIC SERVICES – Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental services and/or facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Fire protection? (EHS, ESD, PLN)			X	
2. Sheriff protection? (EHS, ESD, PLN)			X	
3. Schools? (EHS, ESD, PLN)			X	
4. Maintenance of public facilities, including roads? (EHS, ESD, PLN)			X	
5. Other governmental services? (EHS, ESD, PLN)			X	

Discussion- Items XIII-1,2,3,5:

As the proposed project is consistent with the underlying land use designations, the project development will result in a negligible additional demand on the need for public services and therefore, will result in less than significant impacts. "Will Serve" letters will be required from these public service providers as a condition of approval for the project. No mitigation measures are required.

Discussion- Items XIII-4:

The existing road that this project takes access from, Eden Oak Circle, is not maintained by Placer County. This road is privately maintained by the existing Eden Roc Homeowner's Association. The homeowners of the proposed six residential lots will maintain the private access road, Walden Lane, and enter into an agreement with the Eden Roc Homeowner's Association to pay their fair share of maintenance obligation for existing private roadway maintenance. No mitigation measures are required.

XIV. RECREATION – Would the project result in:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (PLN)			X	
2. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (PLN)			X	

Discussion- Item XIV-1:

The addition of five new residences (the site currently has a residential structure) will increase the demand for existing park facilities, but the increased demand will be negligible and less than significant. No mitigation measures are required.

Discussion- Item XIV-2:

The proposed project will include a public trail in Open Space Lot A. The trail will be constructed with a native surface and the earth disturbance will be minimal. The trail will be designed to avoid existing trees and rock formations. The physical impact of the trail construction on the environment is less than significant. No mitigation measures are required.

XV. TRANSPORTATION & TRAFFIC – Would the project result in:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. An increase in traffic which may be substantial in relation to the existing and/or planned future year traffic load and capacity of the roadway system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? (ESD)		X		
2. Exceeding, either individually or cumulatively, a level of service standard established by the County General Plan and/or Community Plan for roads affected by project traffic? (ESD)			X	
3. Increased impacts to vehicle safety due to roadway design features (i.e. sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (ESD)		X		

4. Inadequate emergency access or access to nearby uses? (ESD)			X	
5. Insufficient parking capacity on-site or off-site? (ESD, PLN)				X
6. Hazards or barriers for pedestrians or bicyclists? (ESD)				X
7. Conflicts with adopted policies supporting alternative transportation (i.e. bus turnouts, bicycle racks)? (ESD)				X
8. Change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (ESD)				X

Discussion- Item XV-1:

The project proposal would result in the construction of five additional single family rural residential homesites on property that currently contains one rural single family residence. The proposed project will generate approximately 50 new average daily trips, with approximately five PM peak hour trips. The proposed project creates site-specific impacts on local transportation systems that are less than significant when analyzed against the existing baseline traffic conditions and roadway segment/intersection existing Level of Service, however, the cumulative effect of an increase in traffic has the potential to create significant impacts to the area's transportation system. Article 15.28.010 of the Placer County Code establishes a road network Capital Improvement Program. The project is subject to this code and, therefore, required to pay traffic impact fees (currently estimated to be approximately \$7,512.06 per single family residence) to fund the Capital Improvement Program for area roadway improvements. With the payment of traffic mitigation fees for the ultimate construction of the Capital Improvement Program improvements, the traffic impacts are less than significant.

Mitigation Measures- Item XV-1:

MM XV.1 The project will be subject to the payment of traffic impact fees that are in effect in this area (Granite Bay Fee District), pursuant to applicable Ordinances and Resolutions. The applicant is notified that the following traffic mitigation fee(s) will be required and shall be paid to Placer County Department of Public Works prior to issuance of any Building Permits for the project:

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

The current total combined estimated fee is \$7,512.06 per single family residence. The fees were calculated using the information supplied. If the use or the square footage changes, then the fees will change. The actual fees paid will be those in effect at the time the payment occurs.

Discussion- Item XV-2:

The project proposal would result in the creation of five additional single family rural residential lots. The level of service standard established by the County General Plan and/or Community Plan for roads affected by project traffic will not be exceeded as a result of this project. Cumulative impacts of increased traffic in the Granite Bay area will be mitigated by the payment of traffic impact fees. No mitigation measures are required.

Discussion- Item XV-3:

The project proposes an extension of an existing unimproved private road named Walden Lane as the only site access. Walden Lane connects to Eden Oak Circle at an existing intersection. Currently only two residences take access off of Walden Lane and the project proposes an additional five residences to enter Eden Oak Circle from Walden Lane at this intersection. This access point does not meet Placer County sight distance standards in the eastern direction for a design speed of 25 miles per hour. Due to the addition of project traffic at this access point, staff considers the impact to vehicle safety due to inadequate sight distance to be potentially significant unless mitigation measures are applied. The proposed project's impacts associated with impacts to vehicle safety due to design features will be mitigated to a less than significant level by implementing the following mitigation measure:

Mitigation Measures- Item XV-3:

MM XV.2 Modify the existing access from Walden Lane onto Eden Oak Circle to alleviate potential safety impacts of limited sight distance in the eastern direction. Construct a raised right-in/right-out "porkchop" limitation within the roadway with rolled curbing to allow for emergency vehicles to drive over this if necessary. The design shall be shown

on the Improvement Plans and shall conform to criteria specified in the latest version of the Caltrans Highway Design Manual for a design speed of 25 miles per hour, unless an alternative is approved by Department of Public Works. Additional widening and/or reconstruction may be required to improve existing structural deficiencies, accommodate auxiliary lanes, intersection geometrics, or conform to existing improvements. The roadway structural section shall be designed for a Traffic Index of 5.5, but said section shall not be less than three inches aggregate concrete over eight inches Class 2 aggregate base, unless otherwise approved by the Department of Public Works and the Engineering and Surveying Department. The intersection shall be signed for right turning movements only.

Discussion- Item XV-4:

Based on staff communication with a representative of the South Placer Fire Protection District during environmental review of this project, the proposed 26 foot wide paved roadway with two foot shoulders on both sides is acceptable for emergency response purposes. The Engineering and Surveying Department requires that the South Placer Fire Protection District review and sign the Improvement Plans. No mitigation measures are required.

Discussion- Item XV-5:

The minimum residential lot size in the proposed project is five acres. There is sufficient on-site parking capacity to accommodate the parking needs of each residential unit.

Discussion- Item XV-6:

The proposed project will not cause hazards or barriers to pedestrians or bicyclists.

Discussion- Item XV-7:

The project will not conflict with any existing, or preclude anticipated future policies, plans, or programs supporting alternative transportation.

Discussion- Item XV-8:

The residential subdivision project will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.

XVI. UTILITIES & SERVICE SYSTEMS – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (ESD)				X
2. Require or result in the construction of new water or wastewater delivery, collection or treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (EHS, ESD)			X	
3. Require or result in the construction of new on-site sewage systems? (EHS)				X
4. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (ESD)			X	
5. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (EHS)			X	
6. Require sewer service that may not be available by the area's waste water treatment provider? (EHS, ESD)			X	
7. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs in compliance with all applicable laws? (EHS)				X

Discussion- Item XVI-1:

The type of wastewater expected to be produced by this development is typical of wastewater already collected and treated within Sewer Maintenance District # 2. The treatment facility is capable of handling and treating this additional volume of wastewater without overwhelming the existing system.

Discussion- Item XVI-2:

The project will require and result in the construction of new water and wastewater delivery systems for the project. The project will connect to the existing sewer service line from the Los Lagos subdivision. Also, the project will connect to the existing water service located in Eden Oak Circle for Placer County Water Agency water service. The project will not create significant environmental effects and will not result in the construction of treatment facilities or create an expansion of an existing facility. Thus, it will not cause significant effects to the environment and the construction and connection of this subdivision to the existing sewer and public water service is less than significant. No mitigation measures are required.

Discussion- Item XVI-3:

The project will not require or result in the construction of new on-site sewage disposal systems.

Discussion- Item XVI-4:

The project proposes storm drainage collection and conveyance for the on-site roadway. Runoff will be collected in detention basins to be constructed with the project improvements. The grading impacts of constructing berms for runoff detention have been included in the analysis of the project's grading impacts. No mitigation measures are required.

Discussion- Items XVI-5,6:

The project will require public potable water and sewer service. The agencies charged with providing treated water and sewer services have indicated their requirements to serve the project. These requirements are routine in nature and do not represent significant impacts. Typical project conditions of approval require submission of "Will Serve" letters from each agency. No mitigation measures are required.

Discussion- Item XVI-7:

The project is served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs in compliance with the local and state regulations for solid waste disposal.

E. MANDATORY FINDINGS OF SIGNIFICANCE:

Environmental Issue	Yes	No
1. Does the project have the potential to degrade the quality of the environment, substantially impact biological resources, or eliminate important examples of the major periods of California history or prehistory?		X
2. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)		X
3. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?		X

F. OTHER RESPONSIBLE AND TRUSTEE AGENCIES whose approval is required:

<input checked="" type="checkbox"/> California Department of Fish and Game	<input type="checkbox"/> Local Agency Formation Commission (LAFCO)
<input type="checkbox"/> California Department of Forestry	<input type="checkbox"/> National Marine Fisheries Service

<input type="checkbox"/> California Department of Health Services	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> California Department of Toxic Substances	<input checked="" type="checkbox"/> U.S. Army Corp of Engineers
<input type="checkbox"/> California Department of Transportation	<input checked="" type="checkbox"/> U.S. Fish and Wildlife Service
<input type="checkbox"/> California Integrated Waste Management Board	<input type="checkbox"/> _____
<input checked="" type="checkbox"/> California Regional Water Quality Control Board	<input type="checkbox"/> _____

G. DETERMINATION – The Environmental Review Committee finds that:

Although the proposed project **COULD** have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because the mitigation measures described herein have been added to the project. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

H. ENVIRONMENTAL REVIEW COMMITTEE (Persons/Departments consulted):

- Planning Department, Charlene Daniels, Chairperson
- Engineering and Surveying Department, Rebecca Taber, P.E.
- Engineering and Surveying Department, Wastewater, Ed Wydra
- Department of Public Works, Transportation
- Environmental Health Services, Grant Miller
- Air Pollution Control District, Yu-Shuo Chang
- Flood Control Districts, Andrew Darrow
- Facility Services, Parks, Vance Kimbrell
- Placer County Fire/CDF, Bob Eicholtz/Brad Albertazzi

Signature *Gina Langford* Date October 21, 2008
 Gina Langford, Environmental Coordinator

I. SUPPORTING INFORMATION SOURCES:

The following public documents were utilized and site-specific studies prepared to evaluate in detail the effects or impacts associated with the project. This information is available for public review, Monday through Friday, 8am to 5pm, at the Placer County Community Development Resource Agency, Environmental Coordination Services, 3091 County Center Drive, Suite 190, Auburn, CA 95603. For Tahoe projects, the document will also be available in our Tahoe Division Office, 565 West Lake Blvd., Tahoe City, CA 96145.

County Documents	<input checked="" type="checkbox"/> Community Plan
	<input checked="" type="checkbox"/> Environmental Review Ordinance
	<input checked="" type="checkbox"/> General Plan
	<input checked="" type="checkbox"/> Grading Ordinance
	<input checked="" type="checkbox"/> Land Development Manual
	<input checked="" type="checkbox"/> Land Division Ordinance
	<input checked="" type="checkbox"/> Stormwater Management Manual
	<input checked="" type="checkbox"/> Tree Ordinance
<input type="checkbox"/> _____	
Trustee Agency Documents	<input type="checkbox"/> Department of Toxic Substances Control
	<input type="checkbox"/> _____
	<input type="checkbox"/> _____
Site-Specific Studies	Planning Department
	<input type="checkbox"/> Acoustical Analysis
	<input checked="" type="checkbox"/> Biological Study
	<input checked="" type="checkbox"/> Cultural Resources Pedestrian Survey
	<input type="checkbox"/> Cultural Resources Records Search

		<input type="checkbox"/> Lighting and Photometric Plan
		<input type="checkbox"/> Paleontological Survey
		<input checked="" type="checkbox"/> Tree Survey and Arborist Report
		<input type="checkbox"/> Visual Impact Analysis
		<input checked="" type="checkbox"/> Wetland Delineation
		<input type="checkbox"/> _____
	Engineering & Surveying Department, Flood Control District	<input type="checkbox"/> Phasing Plan
		<input checked="" type="checkbox"/> Preliminary Grading Plan
		<input checked="" type="checkbox"/> Preliminary Geotechnical Report
		<input checked="" type="checkbox"/> Preliminary Drainage Report
		<input checked="" type="checkbox"/> Stormwater and Surface Water Quality BMP Plan
		<input type="checkbox"/> Traffic Study
		<input type="checkbox"/> Sewer Pipeline Capacity Analysis
		<input type="checkbox"/> Placer County Commercial/Industrial Waste Survey (where public sewer is available)
		<input type="checkbox"/> Sewer Master Plan
		<input type="checkbox"/> Utility Plan
		<input type="checkbox"/> _____
		<input type="checkbox"/> _____
	Environmental Health Services	<input type="checkbox"/> Groundwater Contamination Report
		<input type="checkbox"/> Hydro-Geological Study
		<input checked="" type="checkbox"/> Phase I Environmental Site Assessment
		<input type="checkbox"/> Soils Screening
		<input type="checkbox"/> Preliminary Endangerment Assessment
		<input checked="" type="checkbox"/> Acoustical Analysis
	<input type="checkbox"/> _____	
	Air Pollution Control District	<input type="checkbox"/> CALINE4 Carbon Monoxide Analysis
		<input type="checkbox"/> Construction Emission and Dust Control Plan
		<input type="checkbox"/> Geotechnical Report (for naturally occurring asbestos)
<input type="checkbox"/> Health Risk Assessment		
<input type="checkbox"/> URBEMIS Model Output		
<input type="checkbox"/> _____		
<input type="checkbox"/> _____		
Fire Department	<input type="checkbox"/> Emergency Response and/or Evacuation Plan	
	<input type="checkbox"/> Traffic and Circulation Plan	
Mosquito Abatement District	<input type="checkbox"/> Guidelines and Standards for Vector Prevention in Proposed Developments	
	<input type="checkbox"/> _____	

**Mitigation Monitoring Program –
Mitigated Negative Declaration PLUS # PSUB20070829
for Eden Roc II**

Section 21081.6 of the Public Resources Code requires all public agencies to establish monitoring or reporting procedures for mitigation measures adopted as a condition of project approval in order to mitigate or avoid significant effects on the environment. Monitoring of such mitigation measures may extend through project permitting, construction, and project operations, as necessary.

Said monitoring shall be accomplished by the county's standard mitigation monitoring program and/or a project specific mitigation reporting program as defined in Placer County Code Chapter 18.28, Mitigation Monitoring and Reporting Program.

Standard Mitigation Monitoring Program (pre project implementation):

The following mitigation monitoring program (and following project specific reporting plan, when required) shall be utilized by Placer County to implement Public Resources Code Section 21081.6. Mitigation measures adopted for discretionary projects must be included as conditions of approval for that project. Compliance with conditions of approval is monitored by the county through a variety of permit processes as described below. The issuance of any of these permits or county actions which must be preceded by a verification that certain conditions of approval/mitigation measures have been met, shall serve as the required monitoring of those condition of approval/mitigation measures. These actions include design review approval, improvement plan approval, improvement construction inspection, encroachment permit, recordation of a final map, acceptance of subdivision improvements as complete, building permit approval, and/or certification of occupancy.

The following mitigation measures, identified in the Mitigated Negative Declaration, have been adopted as conditions of approval on the project's discretionary permit and will be monitored according to the above Standard Mitigation Monitoring Program verification process:

Mitigation Measures #'s: MM IV.1, MM IV.2, MM IV.3, MM IV.4, MM IV.5, MM IV.6, MM IV.7, MM VI.1, MM VI.2, MM VI.3, MM VI.4, MM VI.5, MM VI.6, MM VI.7, MM VII.7, MM VIII.1, MM VIII.2, MM VIII.3, MM VIII.4, MM VIII.5, MM VIII.6, MM VIII.7, MM XI.1, MM XV.1, and MM XV.2.



County of Placer

GRANITE BAY MUNICIPAL ADVISORY COUNCIL

P. O. Box 2451, Granite Bay, CA 95746-2451

County Contact: Brian Jagger, District Director (916) 787-8950

Dear Placer County Planning Commission,

On December 3rd, 2008 the Granite Bay Municipal Advisory Council (MAC) voted seven to zero in favor of approving the Eden Roc II subdivision, with two special recommended conditions. The first was that Eden Roc II adopt the same fire abatement and protection plan as exists at Eden Roc I. The second recommended condition of approval was that Eden Roc II be required to make a similar arrangement with Eden Roc I regarding roads, adding road repair to the existing recommendation they do so for maintenance. The intent of the motion is to ensure that pre-development conditions include an agreement as to damage repair as well as the ongoing joint maintenance of the road.

Best Regards,

A handwritten signature in black ink that reads "Walter A. Pekarsky". The signature is written in a cursive style with a long horizontal stroke at the beginning.

Walter A. Pekarsky
Chairman, Granite Bay MAC



PLACER COUNTY FIRE DEPARTMENT *In Cooperation With:*
DEPARTMENT OF FORESTRY AND FIRE PROTECTION
NEVADA-YUBA-PLACER UNIT
Placer County Office of Fire Protection Planning
3091 County Center Drive, Suite 160
Auburn, California 95603
(530) 745-3574 Fax (530) 745-3058

Wednesday, January 07, 2009

To: Placer County CDRA

From: Bob Eicholtz, Placer County Fire Protection Planner

Subject: Will Serve Letter for Eden Roc 2 Subdivision

PSUB T20070829

The project listed above has been reviewed and approved with the following conditions

1. This project is within South Placer Fire Protection District (SPFD) and within the area identified as State Responsibility Area (SRA)
2. Security gates for driveways shall be provided with Fire Department access locks or switches. Please contact SPFPD prior to installing gates on driveways or access roads, which may hamper Fire Department Access
3. Emergency access shall also be provided to all areas including equipment storage yards, sales trailers and temporary structures during all construction phases of the project.
4. Lumber and other combustible construction materials shall be stored in areas of in-service fire hydrants providing the fire flows stated below or other approved water sources. These storage areas shall be free of combustible vegetation.
5. Fire suppression appurtenances shall be visible from driving surface with no vegetation exceeding 6 inches in height within 36 inches of any hydrant, post indicator valve, fire department connection or other fire service related device
6. The fire hydrant system shall be determined by SPFPD. An example of required fire flow is: 1,500 gallons per minute at 20 psi for one and two family dwellings up to 3,600 square feet. Dwellings exceeding 3,600 square feet and commercial properties shall have a water flow supply to meet California Fire Code Appendix III-B
7. Fire hydrants shall be spaced no more than 500 feet apart with no parcel greater than 250 feet from a hydrant. The location of the fire hydrants shall be approved by SPFD.
8. Building numbers shall be visible from the Access Street or road fronting the property, clearly visible from both directions of travel on the road/street. Said numbers shall be a minimum 3 inch letter height, 3/8 inch stroke, reflectorized, and contrast with their background, or may be a minimum 5 inches high and contrast with their background
9. Defensible Space Standards shall be met pursuant to PRC 4291. This area contains heavily wooded areas with areas of dense brush and annual grasses. The minimum 100' defensible space requirements of PRC 4291 shall be increased to 200' on down slope sides of structures on slopes exceeding 15% grade and increased to 300' on slopes exceeding 30% grade. This can be accomplished with a modified Shaded fuel break.

Modified Shaded Fuel Break Prescription:

Implementation consists of removing or pruning trees, shrubs, brush, and other vegetative growth on the project area. For site protection, all work is encouraged to be completed by use of a masticator and/or hand crews supported by chippers and/or burning. Heavy equipment with blades is not recommended to be utilized for fuel reduction work.

Understory Fuels

Understory fuels over 1 foot in height are to be removed in order to develop vertical separation and low horizontal continuity of fuels. Individual plants or groups of plants up to 10 feet in canopy diameter may be retained provided there is a horizontal separation between plants of 3 times the height for low volatility brush or 5 times the height for high volatility brush of the residual plants and the residual plants are not within the drip lines of an overstory tree.

For rare and endangered species concerns, elderberry trees shall not be removed or treated within the shaded fuel breaks in elevations below 3000 feet

Mid-story Fuels

Only trees up to the 10-inch diameter class (at breast height (dbh)) may be removed. Exception to this size limit shall be trees that have significant defect and/or which do not have a minimum of a 16-foot saw log. Live but defective trees larger than the 10-inch diameter class providing cavities or obvious wildlife use will be retained.

Trees shall be removed to create horizontal distances between residual trees from 20 feet between trunks up to 8 to 15 feet between tree crown drip lines. Larger overstory trees (> 10 inches dbh) do count as residual trees and, in order to reduce ladder fuels, shall have vegetation within their drip lines removed. Prune branches off of all residual trees from 8 to 10 feet off the forest floor, not to reduce the live crown ratio below 1/2 of the height of the tree.

For rare and endangered species concerns, elderberry trees shall not be removed or treated within the shaded fuel breaks below the 3000 feet elevation level.

Criteria for residual trees (< 10 inch diameter class (dbh))

Conifers

Leaf trees that have single leaders and thrifty crowns with at least 1/3 live crown ratio.

Conifer leaf tree species in descending order:

Ponderosa pine

Sugar pine

Douglas fir

White fir

Incense cedar

Intolerant to shade species have a higher preference as leaf trees because their seed will be less likely to germinate in the understory.

Snags

Snags are a conduit for fire spread during a wildfire. However, they also provide excellent wildlife habitat in their natural state. The following is the criteria of when snags shall be retained:

18-inch diameter class or larger and not more than 30 feet in height which are not capable of reaching a road, structure or utility provided there is a separation of least 100 feet between snags.

Hardwood trees:

Leave trees that have vertical leaders and thrifty crowns with at least 1/3 live crown ratio. Retain all elderberry trees.

Hardwood leaf tree species in descending order:

Big Leaf Maple - Riparian area, less common

Blue Oak - least leaf surface area, less volatile when burning

Black Oak - higher leaf surface area

Madrone - more volatile when burning

Live Oaks - most volatile when burning, branches closest to ground.

Brush:

It is desirable to remove as much brush as possible within the shaded fuel break area. However, if individual plants or pairs of plants are desired to be left, leave plants with the following characteristics: young plants less than 5 feet tall and individual or pairs of plants that are no more than 5 feet wide. Retain all elderberry trees.

If you have any questions, please contact my office at 530-745-3574.

Brad Harris
Unit Chief

Bob Eicholtz
Placer County Fire Protection Planner

REZONING/ THIRD PARTY APPEAL OF VARIOUS
CONDITIONS APPROVED BY THE PLANNING
COMMISSION EDEN ROC II (PSUB 20070829)
MITIGATED NEGATIVE DECLARATION (SCH #
2008092106)

CORRESPONDENCE

RECEIVED BY
Clerk of the Board

AS OF 1/29/08

**Brigit S.
Barnes &
Associates,
Inc.**

A Law Corporation

Brigit S. Barnes, Esq.
Susan M. Vergne, Esq.

RECEIVED

MAR 04 2008

CLERK OF THE
BOARD OF SUPERVISORS

March 3, 2008

Via Facsimile, Regular Mail and Email

Gerry Haas, Principal Planner
Mike Johnson, Planning Director
Community Development Resource Agency
3091 County Center Drive
Auburn, CA 95603

Facsimile: 530-745-3080
Email: mjohnson@placer.ca.gov
ghaus@placer.ca.gov

RECEIVED			
BOARD OF SUPERVISORS			
3 BOS Rec'd	MB	DW	
Other	TS	COB	
MAR - 4 2008			
Sup D1	Sup D4	Aide D1	Aide D4
Sup D2	Sup D5	Aide D2	Aide D5
Sup D3		Aide D3	*

Via Regular Mail Only
Ann Holman, Clerk of the Board
Placer County Board of Supervisors
175 Fulweiler Avenue
Auburn, CA 95603



Re: Request for Special Notice re Gov't Code §65092
Eden Roc II PSUB-T20070829; Applicant Otto J Miller
Our Client: Eden Roc Homeowners Association
Our File No.: 2472

*Land Use and
Environmental
Paralegal*
Jaenayn Jarvis

Dear Mr. Haas, Mr. Johnson, and Ms. Holman:

This letter is a follow up to my letter to Charlene Daniels dated February 12, 2008, and the letter dated January 15, 2008 sent to Mr. Johnson and Ms. Daniels by Mike Murray, Community Association Manager for Eden Roc Homeowners Association, copies of the referenced correspondence is attached.

Legal Assistants
Noreen Patrignani
Jenna Porter

As you can see from these letters, Eden Roc has attempted on several occasions to advise the Community Development Resource Agency that it is very concerned about the access identified on the proposed map for Eden Roc II and that the board explicitly requested formal notice of all hearings. In addition, I asked two weeks ago to be allowed access to the file so that copies of all submittals relevant to access to the Eden Roc II application could be made because the early proposed maps for Eden Roc II showed access through Eden Roc to which the developer is not entitled.

3262 Penryn Road
Suite 200
Loomis, CA 95650
Phone (916) 660-9555
FAX (916) 660-9554
Website:
landlawbybarnes.com

The Eden Roc HOA discovered after the fact that the Granite Bay MAC held a meeting on February 6 to discuss the Eden Roc II application, even though notice of the Eden Roc

Asset Preservation	•	Commercial Real Estate	•	Environmental
General Business	•	Real Estate Financing	•	Litigation

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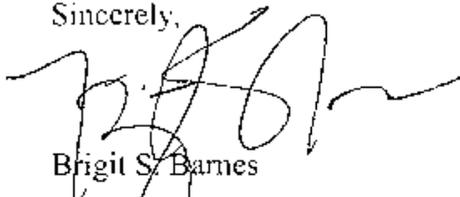
Gerry Haas
Michael Johnson
Ann Holman
March 3, 2008
Page 2

Homeowner's Association's concern over the application had been sent to the County on January 15. Like the HOA, I never received a response to my letter. Since the HOA's consent to such access plans is essential to Placer County's approval of the proposed project, it would be entitled to written notice 10 days prior to any hearing per Gov't Code §65091(3). Please also note that the property owners immediately adjacent to the proposed project, well within the 300 foot limit per Gov't Code §65091(4), are not receiving advance notice of meetings such as the MAC meeting. Mr. Jeff Anixter, one of the Board members, lives at 9139 Eden Oak Circle, Granite Bay, CA 95746, immediately adjacent to the proposed project but received no notice of the MAC meeting. I will separately notify the MAC and request an additional hearing on this issue to make sure the MAC is aware of Eden Roc HOA's concerns. I am taking these extraordinary steps to ensure that Placer County understands Eden Roc's concerns because we have reason to believe that the developer and his agent have assured County staff and other surrounding associations, such as Los Lagos, that Eden Roc has approved the access plan. Such assertions are not true. The applicant has previously proposed annexation to Eden Roc, but the proposal has not been accepted. A copy of my most recent letter to Mr. Miller dated February 13th is also attached].

After my letter, I spoke with Ms. Daniels who advised me that another set of County comments were due which would address the access issues. Despite our prior requests, no documents were made available. I left a voice mail for Gerry on Friday, February 29, 2008 as a follow up request to immediately review the file.

I hope to receive a call from you very soon so that I can be sure the HOA's concerns will be addressed and no further maps showing access through Eden Roc are distributed.

Sincerely,



Brigit S. Barnes

Enclosures: (1) Mike Murray letter of January 15, 2008
(2) BSB letter of February 12, 2008 to Placer County
(3) BSB letter of February 13, 2008 to Otto Miller

cc: Annie Embree, President, and Board Members of Eden Roc HOA *[via email]*
Mike Murray, Manager, Eden Roc HOA *[via email]*

EdenRoc:Haas.101

**Brigit S.
Barnes &
Associates,
Inc.**

A Law Corporation

February 12, 2008

Charlene Daniels, Planner
Community Development Resource Agency
3091 County Center Drive
Auburn, CA 95603

Brigit S. Barnes, Esq.
Susan M. Vergne, Esq.

Re: Eden Roc II PSUB-T20070829; Applicant Otto J Miller
Our Client: Eden Roc Homeowners Association
Our File No.: 2472

Dear Ms. Daniels:

This letter is intended to confirm my prior phone call with you of February 4, 2008. The Board of Directors for Eden Roc Homeowners Association has retained this office to advise it on the validity of assertions made by representatives of the Applicant that the proposed subdivision has rights of access through the Eden Roc Subdivision. Our investigation is continuing. Since the County's comments on Eden Roc II are due tomorrow, please provide this office with a copy of that letter. Please contact our office when the file can be made available for review and copying of relevant information and also add this office to all communications regarding scoping sessions, proposed public meetings and the like.



*Land Use and
Environmental
Paralegal*
Jaenialyn Jarvis

Sincerely,

Brigit S. Barnes

cc: Annie Embree, President, Eden Roc HOA *[via email]*
Mike Murray, Manager, Eden Roc HOA *[via email]*

Legal Assistants
Noreen Patrignani
Jenna Porter

EdenRoc\Daniels.L01

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landlawbybarnes.com

Asset Preservation
General Business

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Litigation

**Brigit S.
Barnes &
Associates,
Inc.**

A Law Corporation

Brigit S. Barnes, Esq.
Susan M. Vergne, Esq.

February 13, 2008

Otto J. Miller
Miller Properties
P. O. Box 121
Burlingame, CA 94011

Rancho Cortina Properties
9575 Cramer Road
Auburn, CA 95602
Attention: Camille Courtney

Re: Eden Roc II PSUB-T20070829; Applicant Otto J Miller
Loan #17-412284-2
Our Client: Eden Roc Homeowners Association
Our File No.: 2472



*Land Use and
Environmental
Paralegal*
Jaenelyn Jarvis

Legal Assistants
Noreen Patrignani
Jenna Porter

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FAX (916) 660-9554
Website:
landlawbybarnes.com

Dear Mr. Miller and Mrs. Courtney:

This office has been retained by the Eden Roc Homeowners Association Board of Directors to advise the Board as to the viability of certain claims that the property held by Mr. Miller and generally described in the proposed vesting tentative subdivision map for Eden Roc II has rights of access through Eden Roc over the private roads located within that subdivision. Although our title research is ongoing, our preliminary review indicates that no rights of access presently exist. Please provide this office with any and all documentation which supports your claim of access, so that we can ensure that any opinion rendered to the Board properly takes into account the basis for your claims.

To the extent that you can provide that information quickly, it would be very helpful as the Board is anxious that we advise Placer County of our position regarding access rights.

Sincerely,

Brigit S. Barnes

cc: Annie Embree, President, Eden Roc HOA [via email]
Mike Murray, Manager, Eden Roc HOA [via email]
Charlene Daniels, Placer County Planning Department
First Republic Bank

EdenRocMiller.L01

Asset Preservation	•	Commercial Real Estate	•	Environmental
General Business	•	Real Estate Financing	•	Litigation

EDEN ROC HOMEOWNERS ASSOCIATION

1220 MELODY LANE, SUITE 180 ♦ ROSEVILLE, CA 95678 ♦ (916) 786-6000 EXT. 330

January 15, 2008

Michael Johnson, Planning Director
Charlene Daniels, Supervising Planner
Placer County Planning Department
3091 Country Center Drive
Auburn, CA. 95603

Re: Eden Roc II Application

Dear Mr. Johnson and Ms. Daniels:

By way of introduction my name is Mike Murray and I am the association manager for the Eden Roc Community in Granite Bay. It has come to my attention that an application is in process to develop property immediately adjacent to Eden Roc, tentatively called "Eden Roc II". As the association manager, I would like to be kept apprised of all matters pertaining to this proposed development as it proceeds through the County application process. To that end, please send a copy of the complete application and all other pertinent information to my attention at the address listed above. In addition to myself, please place the Eden Roc Board of Directors on the "notice" list. Their names and addresses are on the attached page.

While we have not yet received a copy of the formal application, the Board understands that access is proposed through Eden Oaks Circle and over Eden Roc open space. Please be advised that Eden Oaks Circle is a private road and no permission has been granted to the applicant for use of this road or through Eden Roc open space. We further understand that access is proposed through Walden Road, a private easement. It is the Board's understanding that this easement was granted for the sole purposes of providing access to the three existing homes on Walden Road and was not intended for further use. Permission to use this easement above and beyond the current use has not been established to the Board's satisfaction.

In addition to concerns over access rights, the Eden Roc Board is primarily concerned with road maintenance, safety, and security issues, including but not limited to fire, vandalism, and trespassers. As way of example, Eden Roc experienced three grass fires this summer. It is well known that Granite Bay is in an area deemed to be at an extremely high risk for fire. In response to the recent fires, Eden Roc executed an aggressive fuel abatement effort in consultation with the South Placer Fire District. Eden Roc also amended its governing documents to include some of the strictest fuel abatement requirements in the area. A copy of the new standard is attached. Eden Roc has already brought all of its open space into compliance with the new standard. We believe that the fire risk to the area is of the utmost priority and that any new development should

EDEN ROC HOMEOWNERS ASSOCIATION

1220 MELODY LANE, SUITE 180 ♦ ROSEVILLE, CA 95678 ♦ (916) 786-6000 EXT. 330

include, at minimum, a fire fuel maintenance obligation similar to Eden Roc's and secondary emergency access.

Eden Roc also has a high incident of trespassers crossing Eden Roc open space to access the "Nakao" property and Folsom Lake. Any new development should take into consideration the high propensity for trespassers in the area and limit illegal access where possible.

Lastly, Eden Roc is concerned about construction and traffic impacts inherent with the construction of a new subdivision. To that end, any development should be tailored to limit traffic, noise, and construction impacts to the existing community. While these impacts cannot be eliminated, careful consideration should be given to mitigation during and after construction of the project.

This letter is not exhaustive, but merely meant to raise some of the initial and more pressing concerns of the Board with respect to the proposed development. The Board has received a very preliminary annexation proposal from the developer and will be setting a special meeting of the HOA to consider it. We will advise you of our further response and that time. Thank you for your initial consideration and we look forward to working with the County in this process.

FOR THE BOARD OF DIRECTORS

Mike Murray
Community Association Manager
CEO Inc.
mmurray@ccoinc-cam.com