CHAPTER 1

INTRODUCTION

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1.1 Type and Purpose of the draft Environmental Impact Report

An EIR is an informational document which will inform public agency decision-makers and the public generally of the significant environmental effect of the project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. [CEQA Guidelines §15121(a)]

This Draft Environmental Impact Report (EIR) is an assessment of the impacts that reasonably could be expected from construction and implementation of the proposed Orchard at Penryn project. The project applicant proposes to construct 150 residential units and a recreation center on ±15.1 acres in the community of Penryn.

Type of EIR

The California Environmental Quality Act (CEQA) requires that consideration of the Orchard at Penryn project development proposal include preparation of an EIR. The EIR must meet the content requirements identified in CEQA Guidelines Sections (§§) 15120 through 15132. As the Orchard at Penryn project is "a specific development project," the EIR must also meet the definition of a project EIR provided in §15161. This Draft EIR evaluates the environmental effects of the proposed Orchard at Penryn project and identifies mitigation measures that will ensure significant impacts of the project, including cumulative impacts, are minimized or compensated for to the extent feasible. As discussed in Section 1.2 below, the scope of this EIR is focused on effects determined to have a potentially significant impact on the environment, in accordance with CEQA Guidelines §15128.

Purpose of an EIR

As required by CEQA, Placer County is the Lead Agency responsible for ensuring that the proposed project is evaluated for its possible effects on the environment. As Lead Agency, Placer County "is responsible for the adequacy and objectivity of the draft EIR" [CEQA Guidelines §15084(e)].

The Draft EIR has been prepared in accordance with CEQA (Public Resources Code, §21000, et seq.), CEQA Guidelines (14 California Administrative Code, §15000, et seq.) and Placer County's Environmental Review Ordinance (Chapter 18 of the *Placer County Code*). The Draft EIR is an informational document prepared to provide public disclosure of potential impacts of the project. The EIR is not intended to serve as a recommendation of either approval or denial of the project.

CEQA provides that public agencies should require implementation of all feasible means available to substantially lessen a project's significant environmental effects. CEQA allows that economic, environmental, social, and technological factors may be considered when determining if an action is "feasible." CEQA also directs that actions considered feasible should be capable of being accomplished in a successful manner within a reasonable period of time.

The Orchard at Penryn Draft EIR provides an assessment of environmental impacts associated with construction and operation of the proposed project. Through consideration of mitigation

measures and project alternatives, the EIR presents feasible means to reduce significant impacts where possible.

Development of the project site is governed by the goals and policies of the *Placer County General Plan* (Placer County 1994a), the *Horseshoe Bar/Penryn Community Plan* (Placer County 1994b), and the Placer County Zoning Ordinance, which is Chapter 17 of the *Placer County Code*. This Draft EIR incorporates by reference the analysis contained in the *Placer County General Plan EIR* (Placer County 1994c) and the *Horseshoe Bar/Penryn Community Plan EIR* (Placer County 1994d). The relevant analysis from the General Plan and Community Plan EIRs is summarized in this EIR where applicable. Copies of the plans and the associated EIRs are available from the Placer County Community Development Resource Agency at 3091 County Center Drive, Auburn, California, 95603. In addition, the *Placer County General Plan* and the *Horseshoe Bar/Penryn Community Plan* can be accessed on the Internet at:

http://www.placer.ca.gov/Departments/CommunityDevelopment/Planning/CommPlans.as px

The Placer County Code, including the Zoning Ordinance (Chapter 17) and the Environmental Review Ordinance (Chapter 18) can be accessed at:

http://qcode.us/codes/placercounty/

1.2 Scope of the Draft EIR and Effects Found Not to Be Significant

Scope

The scope of this EIR, as provided for by the CEQA Guidelines, is focused on specific resources the proposed project may affect, as determined by preliminary evaluations conducted by Placer County. Placer County prepared and circulated a Notice of Preparation (NOP) for this Draft EIR. The NOP included a general description of the project and a summary of the anticipated scope of the EIR. The project description in the NOP characterized the proposed development as residential condominiums. However, the project may also be operated as a rental community. Operation of the project as for-sale condominiums versus as a rental community would not change the required permits and approvals, County standards for project design and Improvement Plans, or environmental impact analysis.

The NOP was based on the analysis in the project's Initial Study, which provides a preliminary evaluation of possible environmental impacts resulting from construction and operation of the proposed Orchard at Penryn project. The Initial Study is provided in Appendix A to this Draft EIR. Based on the Initial Study analysis, it is expected that the proposed project may have a significant impact in the following ten environmental resource areas:

- ❖ Land Use
- Biological Resources
- Visual Resources
- Transportation and Circulation
- **❖** Air Quality

- Noise
- Geology, Soils, and Seismicity
- Hydrology and Water Quality
- Utilities
- Hazards and Hazardous Materials

The NOP was circulated for public review between March 22, 2010 and April 20, 2010. No information contradictory to any of the conclusions reached in the Initial Study and NOP was received subsequent to the public review of the NOP. The comments received during the NOP review period served to refine the focus of this EIR. The NOP and comments on the NOP are provided in Appendix A to this Draft EIR. Verbal comments were received at a public scoping meeting held on April 14, 2010. A summary of these comments is also provided in Appendix A. NOP comments (written and verbal) were received from the following State of California departments/offices: State Clearinghouse and Planning Unit, California Department of Transportation, Native American Heritage Commission, California Energy Commission, and Department of Toxic Substances Control. Comments on the NOP were also received from the Town of Loomis, the Placer County Flood Control and Water Conservation District, and the following community members: Phillip Barger, Chuck and Muriel Davis, Gordon and Judy Robbins, and Bobby Uppal.

Effects Found Not to be Significant and Excluded from EIR

The Initial Study concluded that the proposed project does not have the potential to result in significant impacts in certain resource areas. In accordance with CEQA Guidelines §15128 and §18.20.030 of the Placer County Environmental Review Ordinance, resource topics for which the project was determined to have a less-than-significant impact are not evaluated in this EIR. A brief discussion of the prior analysis of each resource topic excluded from evaluation in this EIR is given below. The discussion also reflects consideration given to NOP comments that addressed these topics.

Agricultural Resources

The project site and adjacent properties do not support any agricultural activities. The project would not result in any impacts to agricultural resources. This topic is not evaluated in the EIR.

Cultural Resources

A survey of the project site was conducted and no evidence of archeological or historical resources was observed onsite. However, there is a possibility that archeological and/or historical resources could be present below the ground surface. Standard construction conditions would apply to the project, requiring that if any archeological or historical resources are uncovered during construction, all work must stop until the resources can be properly evaluated and protected as necessary. No further analysis of these potential impacts is warranted.

Mineral Resources

The project site and adjacent properties are not known to support any mineral resources or related activities. The project would not result in any impacts to mineral resources. This topic is not evaluated in the EIR.

Population and Housing

The proposed project's residential density is consistent with the land use and zoning designations for the project site and is consistent with the Community Plan growth projections for the project area. The project does not include a request for a rezone or General Plan amendment to increase density. The project would not increase population in the Penryn

area beyond the holding capacity anticipated in the *Horseshoe Bar/Penryn Community Plan*. The population that would be expected to reside at the project site and data regarding population trends in the Community Plan area is provided in **CHAPTER 4 LAND USE**. The project would not displace any existing housing. Because the project would result in less than significant impacts related to population and housing, no further analysis of these potential impacts is warranted.

NOP comments raised concern with this conclusion, citing potential impacts related to the proposed density and associated residential population of the project site. The impacts addressed in the NOP comments are associated with the future population that would reside at the project site but are not direct impacts related to population and housing issues. The potentially significant impacts associated with the future population of the project site are evaluated in chapters 4 through 15 of this Draft EIR. The list below identifies specific issues raised in the NOP comments and where those issues are addressed in this Draft EIR:

- ❖ The compatibility of the multi-family development with existing land uses in the area is addressed in Chapter 4 Land USE;
- ❖ The consistency of the project with the *Placer County General Plan* and *Horseshoe***Bar/Penryn Community Plan is addressed in CHAPTER 4 LAND USE and in Appendix B to this Draft EIR;
- ❖ The project's effect on the rural quality of the area is addressed in CHAPTER 4 LAND USE and CHAPTER 6 VISUAL RESOURCES;
- ❖ The project's contribution to increased traffic volumes and congestion are addressed in CHAPTER 7 TRANSPORTATION AND CIRCULATION;
- ❖ The project's contribution to increased air pollution is addressed in CHAPTER 8 AIR QUALITY; and
- The projects impacts on recreation facilities, schools, increased crime, and demand for law enforcement services were determined in the Initial Study to be less than significant, as discussed below.

Public Services

The proposed project is consistent with the existing land use and zoning designations for the project site. While the residential population supported by the project would increase demands for public services, it is expected that the demand for public services generated by the proposed project would be within the level of demand anticipated under the Community Plan and that the project would not result in significant impacts to the provision of these services.

NOP comments raised concern that the project site residents would increase demands for law enforcement services and questioned whether law enforcement demand would change if the project's proposed residential units are offered for sale or are operated as a rental community. The Sherriff's Department Community Services Officer indicated that there typically is no difference in law enforcement demand between "for-sale" and "for-rent" developments. Rather, law enforcement demand for a residential project is more influenced by the economic demographics of a project. Affordable housing projects tend to generate a higher volume of law enforcement calls than market-rate projects. The proposed project is a market-rate project. As stated above, the project would increase demands for law enforcement services, but the increase

would be consistent with the Community Plan projections and would not constitute a significant impact.

NOP comments also raised concern that the project would increase enrollment at area schools. The project would be required to pay school impact fees, which are collected prior to issuance of building permits. Each school district's school impact fees provide funding for school facilities and services. The fees are based on the school district's identified costs and facility needs for serving each student. Each school district also has determined student generation rates, which estimate the number of students that would be housed in a residential project. The total fee amount is then calculated based on the number of students that would reside in a given project. Thus, while the project would increase enrollment at area schools, the payment of impact fees would ensure that the increased enrollment does not create any significant impacts.

NOP comments raised concern that the project site residents' demands for recreation facilities would not be met onsite and that the project site residents' would increase use of parks and recreational facilities in the project area. The project site plan includes a tot lot, recreation center (including a pool and gym), and turf areas throughout the site. In addition, the project is required to pay in-lieu fees for development and maintenance of county-owned recreation facilities in the vicinity. With provision of onsite recreation facilities and payment of the in-lieu fees, the increased demand for recreational facilities in the project area would have a less than significant impact on those facilities.

1.3 BASELINE CONDITIONS

Pursuant to CEQA Guidelines §15125(a), the EIR must include a description of the "physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published." This setting constitutes the "baseline physical conditions by which a lead agency determines whether an impact is significant." Impacts can include direct and indirect physical changes to the baseline conditions. In this EIR, the baseline conditions for the project site and region are identified in CHAPTER 3 PROJECT DESCRIPTION and in the Environmental Setting section of each individual resource chapter.

1.4 IMPACT SIGNIFICANCE

The analysis of project impacts relies on background information (including the *Horseshoe Bar/Penryn Community Plan* and Community Plan EIR), the project application and proposed plans, technical reports, memos, surveys, and consultation with experts in pertinent resource areas. Supporting material is cited throughout the document and listed in **CHAPTER 17 EIR PREPARERS AND REFERENCES**. The severity of each impact is evaluated in light of identified significance criteria, which identify conditions under which the proposed project would have a significant environmental impact. The significance criteria used in this Draft EIR were developed based on Appendix G of the CEQA Guidelines, Placer County policies established in the *Placer County General Plan* and the *Horseshoe Bar/Penryn Community Plan*, and ordinances identified in each chapter of this Draft EIR. Evaluation of impacts against the established significance criteria has been based on the conclusions of technical reports, memos, surveys, and consultation with experts prepared and conducted for this project.

1.5 MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation measures are included throughout this Draft EIR to mitigate impacts by avoiding them, reducing them to less than significant levels, or providing compensation for unavoidable impacts. **CHAPTER 16 MITIGATION MONITORING AND REPORTING PROGRAM** (MMRP) has been prepared in accordance with §21081.6 of the Public Resources Code. The MMRP describes the implementation program for each mitigation measure included in this EIR and in the Initial Study for this project. In accordance with §18.28 of the Environmental Review provisions of the Placer County Code, mitigation measures shall be included in the Conditions of Approval for this project. The County monitors compliance with conditions of approval through a variety of permit processes as listed below.

- Design Review Committee Approval
- Improvement Plan Approval
- Improvement Construction Inspection
- Encroachment Permit
- Building Permit Approval
- Certification of Occupancy

Before the County issues a permit or approval, the County will verify that certain Conditions of Approval and/or mitigation measures have been met. The issuance of any of the listed County approvals or permits facilitates monitoring of those Conditions of Approval and/or mitigation measures that are identified as prerequisites for a particular approval or permit.

The MMRP also identifies any mitigation measures which cannot be monitored through the County's standard monitoring program. For such measures, the MMRP identifies specific implementation and monitoring requirements and procedures.

1.6 Organization of the EIR and Definition of Terms

Each resource chapter in the EIR includes the following four sections:

- **Environmental Setting** This section describes existing conditions and resources in the project area that could be affected by the proposed project.
- * *Regulatory Framework* This section identifies federal, state, and local policies, regulations, and laws that are applicable to the proposed project.
- ❖ Impacts This section provides the significance criteria applicable to the resources being addressed, identifying those criteria for which impacts were determined in the Initial Study to be less than significant and those criteria for which impacts are further evaluated in the EIR. The impacts section then describes the potential impacts of the project on the existing environment and determines the level of significance of the impact before and after implementation of mitigation measures.
- ❖ *Mitigation Measures* This section provides the full text of each mitigation measure required to be implemented as discussed in the Impacts section.

In the Impacts section, each impact is numbered with the chapter number followed by the impact number. For example, the first impact in the Biological Resources chapter is Impact 5.1. The mitigation measures specifically associated with that impact carry the same number, and multiple mitigation measures for the same impact are denoted by a letter. For example, the first two mitigation measures for Impact 5.1 would be numbered *Mitigation Measure 5.1a* and *Mitigation Measure 5.1b*. The impact numbers and mitigation measures for each are identified in a table format that lists the impact number and title, the significance before mitigation is implemented, the proposed and recommended mitigation measures (refer to definition of terms below), and the impact significance after implementation of all mitigation measures. If a mitigation measure applies to more than one impact, it is repeated and/or referenced for each impact.

The following are the definitions of the terms used to denote the significance of each impact:

- **❖** *No Impact:* No change in existing conditions is anticipated if the project is implemented.
- **❖** *Less than Significant:* No substantial adverse environmental change is anticipated. Mitigation for a less than significant impact is usually not necessary.
- ❖ *Potentially Significant:* Substantial environmental change may result from implementing the project. Mitigation is identified to reduce the magnitude of the impact, or to avoid or compensate for the impact.
- ❖ *Significant:* Adverse environmental change is likely to occur. Mitigation is identified to reduce the magnitude of this impact, or to avoid or compensate for the impact.
- ❖ *Significant and Unavoidable:* Substantial adverse environmental change will occur. This impact cannot be avoided. While the magnitude may be reduced with implementation of mitigation, there is no feasible mitigation that would reduce the impact to a less-than-significant level.

The EIR includes mitigation measures intended to reduce identified impacts. Mitigation measures may be proposed by the project applicant or they may be recommended by the County. The proposed mitigation measures are those that have been incorporated into the project design or have been agreed to by the project applicant, while the recommended mitigation measures are additional measures that have been identified by Placer County and the EIR preparers as necessary to reduce impacts to less-than-significant levels. If the EIR is certified and the project approved (refer to Section 1.7 below), the project applicant/developer would be required to implement all mitigation measures included in the EIR as certified. As discussed in CEQA Guidelines §15370, mitigation strategies can include:

- ❖ Avoiding the impact altogether by not taking a certain action or parts of an action.
- Minimizing the impact by limiting the degree of magnitude of the project and its implementation.
- Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- * Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the project.

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

1.7 PROJECT REVIEW AND CEQA PROCESS

CEQA Statute

CEQA was adopted in 1970 with the goal of protecting the environment.

It is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activities so that major consideration is given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian. [CEQA Statutes, §21000(g)]

This legislative intent is met through the preparation of comprehensive, multi-disciplinary analyses of environmental impacts. The analyses must disclose the significant impacts to the environment of proposed activities and identify feasible alternatives and mitigation measures to avoid or reduce impacts. Section 21002 of the CEQA Statutes directs that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental impacts of such projects."

CEQA Guidelines

In addition to the requirements expressed in the CEQA Statutes, the State Office of Planning and Research developed the CEQA Guidelines (Guidelines) to direct public agencies in the appropriate implementation of the CEQA Statutes. The Guidelines were adopted by the State Resources Agency at the direction of the Legislature, as expressed in §21083 of the CEQA Statutes. They are updated regularly in response to legislative actions and case law.

CEQA Implementation

CEQA applies to all discretionary activities of public agencies. A discretionary activity is one in which the public agency has the authority to approve or deny issuance of permits or project approvals. Section 15002(i) of the Guidelines defines a discretionary action as one in which "a governmental agency can use its judgment in deciding whether and how to carry out or approve a project." In formulating the decisions of "whether and how" to act, the public agency must adhere to the CEQA requirements for evaluating the potential environmental impacts of the action and identifying feasible alternatives and/or mitigation measures to lessen those impacts.

A primary goal of CEQA is to inform decision-makers and the public of the potential environmental impacts of discretionary actions, and to disclose to the public the reasoning used by the agency to reach their decision. To facilitate this disclosure, both the CEQA Statutes and Guidelines establish requirements for public notice and review of CEQA documents, as discussed below.

CEQA requires that governmental agencies establish standards and procedures by which to conduct the required environmental review of their actions. Placer County's Environmental Review Ordinance, Chapter 18 of the *Placer County Code*, serves this function.

The contents of the EIR are governed by §§21100 and 21100.1 of the CEQA Statutes and by §§15120 through 15132 of the Guidelines. In short, the EIR must describe the proposed project and the existing environmental setting of the project area; evaluate the potential environmental impacts of the project, including cumulative impacts to which the project would contribute; and consider mitigation measures and alternatives to the project that could avoid or reduce those impacts.

CEQA Process and Public Review Opportunities

Public and agency review of documents prepared pursuant to the mandates of CEQA is an integral part of the CEQA process. The following discussion provides details of the overall CEQA process for this project, as well as information on the opportunities for public review and public comment and where to submit comments on this Draft EIR. Refer to CEQA Statute §21105, and CEQA Guidelines §§15082, 15083, and 15087 for additional details.

Notice of Preparation

When the Lead Agency identifies potentially significant environmental impacts of a proposed project or action, an NOP is prepared pursuant to CEQA Guidelines §15082. The NOP, which includes a description of the project and its probable environmental effects, is circulated to the public and to agencies that may have jurisdiction over some aspect of the project or the resources that would be affected by the project. As stated above, the NOP for the Orchard at Penryn project was circulated between March 22, 2010 and April 20, 2010. A public scoping meeting to inform the public of the CEQA process and the proposed scope of the EIR was conducted on April 14, 2010. The public and agencies were thus provided the opportunity to comment on the scope and content of the EIR. CEQA Guidelines §15084(c) requires that "the Lead Agency must consider all information and comments received" during the scoping process in preparation of the EIR. Consideration of the comments generated in response to circulation of the NOP is reflected in Section 1.2 above and in chapters 4 through 15 of this Draft EIR. Those comments are included in Appendix A of this Draft EIR.

Draft EIR

In accordance with CEQA Guidelines §15087 the County has provided public notice of availability of this Draft EIR and submitted this Draft EIR to the State Clearinghouse for distribution to State agencies. This Draft EIR is being circulated for a 45-day public comment period.

A public hearing regarding the information contained in this Draft EIR will be held during the public comment period, during which verbal comments on the Draft EIR will be accepted. Public notice of the hearing will be provided.

Public comment on the Draft EIR will be accepted in written form and shall be limited to the scope and content of the EIR. All comments or questions regarding the Draft EIR should be addressed to:

Maywan Krach Placer County Community Development Resource Agency 3091 County Center Drive Auburn, CA 95603

Email: mkrach@placer.ca.gov

Response to Comments/Final EIR

The Final EIR will be prepared upon completion of the Draft EIR review period. The Final EIR will provide direct responses to each comment submitted on the Draft EIR. Should responding to comments require revisions to the text of the Draft EIR, those revisions will also be presented in the Final EIR. The Final EIR will be made available for review by the agencies, organizations, and individuals who commented on the Draft EIR, as well as by the general public.

Certification of the EIR/Project Consideration

The County will review and consider the Final EIR. If the County finds that the Final EIR is "adequate and complete," the County may certify the Final EIR in accordance with CEQA Guidelines §15090. As discussed above, an MMRP would also be adopted to ensure that mitigation measures required by the EIR to reduce or avoid significant impacts are carried out during project implementation. Upon review and consideration of the Final EIR, the County may take action to approve, revise, or reject the project.