required to implement *Mitigation Measures 5.1* through 5.12 to ensure that the project's emissions of air pollutants remain less than significant. Additionally, as discussed in Response to Comment E-21, if the project is approved, it would be subject to additional conditions applied to the project through the Air Pollution Control District permitting process. The project would be required to obtain a Permit to Construct prior to construction of the batch plant, and an Authority to Operate permit prior to commencing operation of the batch plant. The operators of the batch plant would also be required to submit a Hazardous Materials Business Plan to Placer County Environmental Health Services Division (EHS). This plan is required to address standard handling and storage practices to minimize the risk of releases of hazardous materials. With issuance of the required permits from the Air Pollution Control District, approval of the Hazardous Materials Business Plan by EHS, and proper implementation of all mitigation measures and plans during operation of the proposed project, it is expected that hazardous materials used in concrete production would not be released into the environment and would not have a significant negative impact on air quality.

G-8 The comment questions the conclusion of the Draft EIR that the project is consistent with the land use and zoning designations for the project site given that the project proposes a tower that exceeds the height limit for the C-3 zone district. The comment notes that the Draft EIR discloses that the project would require a variance to allow the height limit to be exceeded, but that the project does not appear to meet the "hardship" provision of state law regarding variances.

The project proposes a manufacturing and processing land use, which is an allowed use under the land use and zoning designations applied to the project site. CEQA requires that an EIR consider the project's consistency with plans and policies "adopted for the purpose of avoiding or mitigating an environmental effect" (CEQA Guidelines, Appendix G). The analysis of the proposed tower height is provided in the aesthetics section of the Initial Study. Although a variance would be necessary to allow the proposed tower height, the analysis in the Initial Study found that the tower height would not result in a significant environmental impact. Because the analysis in the Initial Study found that the height of the tower would not create any significant environmental impacts, analysis of the need for a variance is not necessary in the EIR. Based on the conclusion that the aesthetic impact would be less than significant, the proposed project is determined consistent with County plans and policies as the plans and policies relate to the environmental impacts analysis. While the EIR concludes that the proposed project is considered generally consistent with the Placer County General Plan and Ophir General Plan, it is the Placer County Planning Commission who will determine whether the proposed project is consistent with adopted County plans and policies.

G-9 The comment quotes a statement in the *Auburn/Bowman Community Plan* that states a new Ophir-Newcastle Community Plan will be prepared in the future. Based on the statements in Comment G-1, it is understood that this comment indicates concern that a new Ophir-Newcastle Community Plan has not yet been prepared.

Preparation and adoption of a new community plan is a responsibility of Placer County, and not of the project applicant. The project applicant filed a complete project application, and in accordance with State law, the County must process the application at the time it is deemed complete. The County does not have any ability to place this project application on-hold pending completion of a new planning document. The project must be evaluated within the timelines set by State law, and must be evaluated under the existing *Ophir General Plan*.

G-10 The comment states that the Draft EIR should include a discussion of consistency with the *Ophir General Plan*. The comment references a goal of the *Ophir General Plan* regarding commercial growth in the area; and states that the policies that support this goal and the DC combining district zone designation for the project site assure landowners in the vicinity that development on Ophir Road would be compatible with the existing residential land uses.

As discussed in Response to Comments E-4 and E-5, the analysis in Impact 4.3 demonstrates that the proposed project is consistent with the land use and zoning designations for the site, and that uses similar to the proposed project already exist west of the site. This analysis also notes that physical impacts such as traffic, water quality, and noise, are evaluated in detail in other chapters of the Draft EIR. Based on the determinations in the other chapters that the physical impacts of the proposed project would be less than significant, the analysis of Impact 4.3 concludes that the project would not have a direct impact on nearby residential land uses and the project is considered to be compatible with all existing and planned land uses in the vicinity. While the EIR concludes that the proposed project is considered generally consistent with the *Placer County General Plan* and *Ophir General Plan* for the purposes of the environmental impact analysis, it is the Placer County Planning Commission who will determine whether the proposed project is consistent with adopted County plans and policies.

G-11 The comment states that the EIR does not address road safety, particularly at the intersection of Ophir Road and Geraldson Road. The comment states that Ophir Road is used by bicyclists and school children, and that the heavy truck traffic associated with the project could create safety impacts.

Mitigation Measure 5.3a requires the project applicant to construct a Class II bike lane along the project site frontage on Ophir Road. As discussed in Response to Comment E-34, the analysis of Impact 5.3 concludes that with implementation of Mitigation Measure 5.3a the project's impacts to bicycle and pedestrian travel (including safety) are expected to remain less than significant. Requiring the project applicant to improve Ophir Road only along the project site frontage on this road is consistent with Placer County policy. Because the impact is determined to be less than significant with implementation of Mitigation Measure 5.3a, the EIR cannot require the applicant to fund the improvements along the full length of Ophir Road as a mitigation measure. Such a measure would violate constitutional law, as expressed in CEQA Guidelines §15126.4(4)(B), which states that mitigation measures must be roughly proportional to the impacts of the proposed project.

In addition, Impact 5.4 in CHAPTER 5 TRANSPORTATION AND CIRCULATION of the Draft EIR analyzes whether the design of the project (specifically the proposed dual driveways accessing Ophir Road) would result in an increase in traffic hazards from design features. The EIR finds the impact to be potentially significant, however, with implementation of *Mitigation Measure 5.4a* which requires the project applicant to construct a left-turn lane to facilitate access to the "entrance" driveway, the impact is expected to be less than significant.

G-12 The comment notes that while the Draft EIR is well prepared, this comment letter identifies deficiencies that should be corrected to ensure full disclosure of all potentially significant impacts of the proposed project. The comment also questions whether Placer County has guidelines for implementation of CEQA, whether the Planning Commission or Board of Supervisors is considered the Lead Agency, whether a decision of the Planning Commission can be appealed to the Board, and whether the Planning Commission will hold a public hearing on the Response to Comments.

Responses to the detailed comments regarding specific deficiencies in the Draft EIR are provided above. All Responses to Comments in this Final EIR demonstrate how the Draft EIR complies with all applicable CEQA requirements and adequately discloses the environmental impacts of the proposed project.

As noted on page 1-1 of the Draft EIR, Placer County has adopted an Environmental Review Ordinance. This ordinance is codified in Chapter 18 of the Placer County Code, which is available online at http://qcode.us/codes/placercounty/. This chapter incorporates and is consistent with the CEQA statutes and CEQA Guidelines.

Page 1-1 of the Draft EIR also states that the Lead Agency for this project is Placer County. The Planning Commission and Board of Supervisors are both decisionmaking bodies of the county, but neither serves independently as the CEQA Lead Agency. The entitlements and approvals that would be necessary to allow the proposed project to proceed are listed in *Table 3.1* on page 3-11 of the Draft EIR. The Planning Commission will determine whether to approve the variance and Use Permit, while Improvement Plan Approval and issuance of grading and building permits would come from the Community Development Resource Agency department staff. As provided in Section 18.32.010 B of the Placer County Code, decisions of the Planning Commission may be appealed to the Board of Supervisors, and "decisions of the lead department may be appealed to the approving authority that will first consider the project (unless otherwise indicated); decisions of the zoning administrator, Design Review Committee or Parcel Review Committee may be appealed to the Planning Commission." The Planning Commission will hold a public hearing to consider the adequacy of the EIR (including the Responses to Comments provided in this Final EIR) and to consider the merits of the proposed project. Public notice of all public hearings will be provided in accordance with state law.



Draft EIR Comments

More information of http://www.placer.ca.	on the project is available on the County web sit	te: //cs/EnvDocs/EIR.aspx
Project Title:	Livingston's Concrete Batch Plant (PE	IR T20050072)
	e: February 28, 2008	
Public Review Peri	od: February 1, 2008—March 17, 2008	
Your comments	must be postmarked by <u>March 17, 2008</u>	
	t be written legibly with complete contact infor	mation in order to be considered.
• Comments may	• 🖟	
By Fax	530-745-3003	
By Email	cdraecs@placer.ca.gov	RECEIVED
By Mail	Environmental Coordination Services	MAR 1 3 2008
 Please attach a 	Placer County Community Development Reso 3091 County Center Drive, Suite 190 Auburn CA 95603 additional pages if more space is needed.	ENVIRONMENTAL COORDINATION SERVICES .
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Submitted by:

Robert and Jennifer Allen

H-1 The comment expresses concern regarding the project's proposed use of large amounts of water in an area where existing residential wells have gone dry.

Refer to Response to Comment E-11, which discusses the data used to evaluate the project's potential impacts to groundwater. To evaluate the feasibility of the project's proposed use of up to 10,000 gallons of water per day, a 72-hour pump test was conducted. Results of the pump test indicated the proposed pumping rate would sustainable and would not result in significant impacts to groundwater in the project vicinity.

H-2 The comment states that additional trucks on Ophir Road would tear up the road which is already in poor condition.

As noted in the Cultural Resources section of the Initial Study, the Placer County Department of Museums determined that the proposed project is not expected to damage Ophir Road because Ophir Road was constructed to support heavy truck traffic. It currently supports heavy truck traffic associated with the existing heavy commercial development in the vicinity.

H-3 The comment states the project will create excess noise and would adversely affect aesthetics in the area.

Noise impacts of the proposed project are disclosed in **CHAPTER 7 NOISE** of the Draft EIR. Pages 7-11 through 7-13 provide analysis of potential impacts associated with the peak noise levels generated by the concrete plant. The analysis in the EIR concludes that impacts from operation of the batch plant would be less than significant. Refer to Responses to Comments E-15, E-31, and F-7 for additional discussion of the noise impacts analysis.

As discussed in Response to Comment E-21, the Initial Study determined that the project would have a less than significant impact on aesthetic resources. The analysis in the Initial Study acknowledged that the project site is visible from several residences in the area as well as from Ophir Road, which is an historic highway and highly traveled corridor between Ophir and Auburn. The Initial Study also stated that the project site is located in proximity to existing light industrial and heavy commercial land uses, thus the project vicinity is not a pristine natural landscape. The Initial Study explains that the setback of structures from Ophir Road, provision of a 30-foot wide landscaped buffer along the road, and completion of the Design Review process will ensure that the project's affect on the aesthetics of the area viewed from Ophir Road would remain less than significant. In addition to the proposed landscaping, the project would preserve an existing cluster of vegetation

(including oak and willow trees) located in the northwest corner of the site.

The Initial Study also acknowledged that the proposed tower would exceed the height limit in the C-3 zone district and would be visible from portions of Ophir Road, Interstate 80 (I-80), and surrounding properties. However, the project is located in an industrial/heavy commercial area and views of the tower would not significantly change the existing viewshed conditions in the area. The other structures proposed for the project site are not expected to be visible from I-80 because they will be at a lower elevation than the road. Portions of the structures may be visible from residences on the top of the bluff overlooking I-80 and the project site, however, as noted above, other light industrial and heavy commercial land uses are already present in the project area and the proposed project would be similar in appearance to those existing businesses. Existing trees between the southern project site boundary and I-80 pavement would not be affected by this project and would provide limited screening of views of the project site from the south. Construction of the proposed project would not result in a significant change from the existing conditions.

H-4 The comment expresses concern regarding safety issues relating to the increase in traffic generated by the project.

Impact 5.4 in Chapter 5 Transportation and Circulation of the Draft EIR analyzes whether the design of the project (specifically the proposed dual driveways accessing Ophir Road) would result in an increase in traffic hazards from design features. The EIR finds the impact to be potentially significant, however, with implementation of *Mitigation Measure 5.4a* which requires the project applicant to construct a left-turn lane to facilitate access to the "entrance" driveway, the impact is expected to be less than significant. In addition, Impact 5.3 evaluated the potential for the project to negatively affect bicycle and pedestrian travel in the project vicinity. With implementation of *Mitigation Measure 5.3a* which requires the project applicant to construct a Class II bike lane along the project site frontage on Ophir Road, the project's impacts to bicycle and pedestrian travel (including safety) are expected to remain less than significant. Impacts 5.1 and 5.2 evaluate the potential for the project to affect traffic operations in the project vicinity. Under Impact 5.1, the project is not expected to have a significant impact on traffic operations in the short-term conditions and no mitigation is required. Under Impact 5.2 implementation of Mitigation Measure 5.2a is necessary to ensure that the project would have a less than significant impact on traffic operations in the long-term. Mitigation Measure 5.2a requires the project applicant to contribute a fair share of the funding necessary to complete traffic improvements to accommodate future (year 2025) traffic volumes. Based on the acceptable levels of service that would occur in the project vicinity, the traffic generated by the proposed project is not expected to result in any decrease in roadway safety or any increase in accident rates.

Draft EIR Comments

More information	on the project is available on the County web site:	
	a.gov/Departments/CommunityDevelopment/EnvCoordSvcs/Er	vDocs/EIR.aspx
Project Title:	Livingston's Concrete Batch Plant (PEIR T2	0050072)
Public Hearing Da	te:February 28, 2008	<u> </u>
Public Review Per	riod:February 1, 2008—March 17, 2008	
Your comment	s must be postmarked by <u>March 17, 2008</u>	
• Comments mu	st be written legibly with complete contact informati	on in order to be considered.
• Comments ma	y be sent:	
By Fax	530-745-3003	
By Email	cdraecs@placer.ca.gov	:
By Mail	Environmental Coordination Services	PENCAN
	Placer County Community Development Resource 3091 County Center Drive, Suite 190	Agency O(ECEI)(VEI)
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Your Name Lina Mailing Address 1740	Applegate			
City Newcastle		State CA	 Zip 95658	

Issues

Livingston's plan on pumping 10,000 gallons of water a day from an existing domestic well.
 Installing a residential septic system (not a public sewer)
 This plant will create excess noise, environmental pollutants

I-4

I-5

- 3. This plant will create excess noise, environmental pollutants and an eyesore on the scenic corridor (the tower will be 57 feet high). These items go against the Ophir General Plan.
- 4. 60 trips a day with concrete trucks and additional 60 trips a day of gravel trucks delivering raw materials.

The above issues are just a few of the items the County of Placer is choosing to overlook in the draft Environmental Impact Report (EIR).

We must turn our written concerns into Placer County Planning no later than March 17, 2008. Please bring your written comments to the meeting. If you can't attend the meeting we have included the form for you to list your concerns. If you mail this form IT MUST BE POSTMARKED BY 3/17/08.

Submitted by:

Nina Applegate

I-1 The comment expresses objection to the project and suggests that it would be located too close to children going to and from school. The comment also introduces a list of additional concerns.

As discussed in Response to Comment E-34, the analysis of Impact 5.3 concludes that with implementation of *Mitigation Measure 5.3a*, which requires the project applicant to construct a Class II bike lane along the project site frontage on Ophir Road, the project's impacts to bicycle and pedestrian travel (including safety) are expected to remain less than significant. Response to Comment H-4 also summarizes the analysis of Impacts 5.1, 5.2, and 5.4 with respect to traffic safety. With implementation of mitigation measures, the project is not expected to create any significant traffic hazards. Responses to the additional concerns are provided below.

I-2 The comment indicates concern with project's proposed pumping of 10,000 gallons of water daily from the existing domestic well.

Refer to Responses to Comments E-5 and E-11, which discuss potential impacts related to the project's proposed daily use of up to 10,000 gallons of water from the existing onsite well. Response to Comment E-11 provides a detailed summary of the data and analysis used to support the conclusion that the 10,000 gallons of well water used daily for plant operations would not negatively impact surrounding groundwater supply. The analysis of Impact 6.3 in Chapter 6 Hydrology and Water Quality of the Draft EIR demonstrates that use of a daily maximum of 10,000 gallons of water would have a less than significant impact was based on the results of the 72-hour pump test and compliance with state guidance regarding groundwater use for public water systems drilled in bedrock fracture flow formations. As noted in Response to Comment E-5, the state guideline that was used to evaluate this impact was codified in state law in March 2008.

The analysis of Impact 6.3 also notes that there is expected to be minimal or no connection between the onsite well and existing wells in the vicinity. This determination was based on review of the Well Completion Reports for the onsite well and other wells in the vicinity as well as observation of a neighboring well throughout the 72-hour pump test.

I-3 The comment indicates concern with the proposed installation of a septic system.

Refer to Response to Comment E-5, which summarizes the Draft EIR analysis of Impact 6.2. Specifically, Impact 6.2 considers whether reliance an onsite septic system instead of public sewage treatment would impact surface water or groundwater. This analysis finds that if the septic system provides an effective

infiltration rate into the receiving soils, wastewater will be contained within the soil, and will not enter surface drainage. With proper design and maintenance as required by *Mitigation Measures 6.2a* and *6.2b*, the proposed septic system use would not adversely impact the physical environment.

I-4 The comment states the project would create excess noise and environmental pollutants and would adversely affect aesthetics in the project area. The comments states that these impacts would conflict with the *Ophir General Plan*.

Noise impacts of the proposed project are disclosed in **CHAPTER 7 NOISE** of the Draft EIR. Pages 7-11 through 7-13 provide an analysis of potential impacts from the proposed project associated with peak noise levels from operation of the concrete plant. The analysis in the EIR concludes that impacts from operation of the batch plant would be less than significant.

The Initial Study found that the project will contribute to significant cumulative air quality impacts within the County. However, with implementation of the mitigation measures identified in the Initial Study, the project's contribution to short term and cumulative air quality impacts would remain less than significant. Refer to Response to Comment G-7 for additional discussion of potential impacts to air quality.

As discussed in Responses to Comments E-21 and H-3, the Initial Study also determined all impacts to aesthetics are expected to remain less than significant. The analysis in the Initial Study acknowledged that the project site is visible from several residences in the area as well as from Ophir Road. The Initial Study discloses that the proposed tower would exceed the maximum height allowed by the Zoning Ordinance and would be visible from I-80 (both eastbound and westbound) but would be partially obscured by existing trees in the freeway right-of-way. The Initial Study also stated that the project site is located in proximity to existing light industrial and heavy commercial land uses. The project vicinity is not a pristine natural landscape, and the proposed project would not significantly change the existing viewshed conditions in the area. Other light industrial and heavy commercial land uses are already present in the project area and the proposed project would be similar in appearance to those existing businesses. The addition of the proposed plant to this viewshed is considered a less than significant impact because it would not substantially change the existing character of the area.

As discussed in Response to Comment E-4, CHAPTER 4 LAND USE of the Draft evaluates the consistency of the proposed project with the *Placer County General Plan* and *Ophir General Plan* and the compatibility of the proposed project with existing land uses in the vicinity, including residential land uses. Land use and zoning designations for the project site and surrounding parcels are shown in *Figure 4-2* on page 4-5. The analysis in Impact 4.3 demonstrates that the proposed project is consistent with the land use and zoning designations for the site, and that uses similar to the proposed project already exist west of the site. No change to land use or zoning designations is proposed or necessary. The analysis in Impact 4.3 also notes that physical impacts such as traffic, water quality, and noise, are evaluated in detail in other chapters of the Draft EIR. Based on the determinations in the other

chapters that the physical impacts of the proposed project would be less than significant, the analysis of Impact 4.3 concludes that the project would not have a direct impact on nearby residential land uses and the project is considered to be compatible with all existing and planned land uses in the vicinity. While the EIR concludes that the proposed project is considered generally consistent with the *Placer County General Plan* and *Ophir General Plan* with respect to the environmental impact analysis, it is the Placer County Planning Commission who will determine whether the proposed project is consistent with adopted County plans and policies.

I-5 The comment indicates concern with truck traffic. The comment asserts that the project would generate 60 daily trips made by concrete trucks and an additional 60 daily trips made by gravel trucks delivering raw materials. The comment includes a summary statement that this comment letter addresses only a few of the issues that the comment considers to have been overlooked by the Draft EIR, and notes the deadline for submittal of comments on the Draft EIR.

As discussed in Response to Comments E-7 and E-8, the trip generation rates for the proposed project were derived from data collected at other concrete batch plants owned and operated by Livingston's Concrete Service Incorporated. As described in CHAPTER 5 TRANSPORTATION AND CIRCULATION of the Draft EIR, the traffic consultants conducted traffic counts at existing Livingston's Concrete Batch Plants in the greater Sacramento area. The counts were conducted during the AM and PM peak hours that currently occur on Ophir Road. The traffic counts at existing Livingston's Concrete Batch Plants included all vehicles entering and leaving the sample sites, including employees, vehicles delivering raw materials, and concrete delivery trucks. The trip generation data is presented for AM and PM peak hours, not a daily or weekly total. To evaluate project impacts, the 70th percentile trip generation rate for similar sites was used, as required by the County. The 70th percentile represents the number of peak hour trips that are expected to occur 70 percent of the time. Based on the data collected from the three existing Livingston's Concrete Batch Plant sites, the 70th percentile trip generation for the proposed project is expected to be 26 AM peak hour trips and 12 PM peak hour trips during every day of operation. This includes trips from employees, raw material delivery, and concrete delivery trucks. Weekday peak hours were analyzed since those hours typically have the highest volume of traffic and therefore, the highest likelihood of impact. The EIR found impacts under existing traffic conditions plus the project conditions would be less than significant, and requires implementation of mitigation to ensure that the project's contribution to cumulative impacts would be reduced to a less than significant level.



http://www.placer.c	on the project is available on the County we a.gov/Departments/CommunityDevelopment/EnvCo	ordSvcs/EnvDocs/EIR.aspx						
Project Title: Livingston's Concrete Batch Plant (PEIR T20050072) Public Hearing Date: February 28, 2008 Public Review Period: February 1, 2008—March 17, 2008								
						,	ts must be postmarked by <u>March 17, 20</u>	
							ust be written legibly with complete contact	information in order to be considered.
Comments ma		RECEIVED						
By Fax	530-745-3003	MAR 1 3 2008						
By Email	cdraecs@placer.ca.gov							
By Mail	Environmental Coordination Services	ENVIRONMENTAL COORDINATION SERVICES						
	Placer County Community Development F 3091 County Center Drive, Suite 190 Auburn CA 95603	Resource Agency						
 Please attach 	additional pages if more space is needed.							
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Your Name	Curtiss M. Bailey 881 Vineyard Hill Drive	M. 3-6-68						
Mailing Address_ City	Newcastle, California 95658	Zip						

RESPONSE TO COMMENT LETTER J

Submitted by:

Curtiss M. Bailey

J-1 The comment states the project should not be approved under any circumstances.

No specific comments on the EIR are provided. The EIR does not recommend approval or denial of the project. The Placer County Planning Commission will consider this comment, with all other comments made on the project and the EIR, as part of their deliberations regarding the project.

J-2 The comment states the Ophir area is a peaceful, rural residential area. The comment states the project should be located in an industrial area. The comment also indicates concern that the project would create a public nuisance.

Refer to Response to Comment E-4, which discusses the project's compatibility with surrounding land uses. This response states that the analysis in Impact 4.3 demonstrates that the proposed project is consistent with the land use and zoning designations for the site, and that uses similar to the proposed project already exist west of the site. This analysis also notes that physical impacts such as traffic, water quality, and noise, are evaluated in detail in other chapters of the Draft EIR. Based on the determinations in the other chapters that the physical impacts of the proposed project would be less than significant, the analysis of Impact 4.3 concludes that the project would not have a direct impact on nearby residential land uses and the project is considered to be compatible with all existing and planned land uses in the vicinity. Based on the determinations that the project would not result in any significant and unavoidable impacts to the existing land uses in the vicinity, the project is not expected to create a public nuisance.

Also refer to Response to Comment E-3, which discusses the alternatives analysis in the EIR. The alternatives analysis includes a discussion of alternative locations for the proposed project. It was determined that an offsite alternative was not feasible because the offsite parcels that were identified as potential locations for the proposed project would not adequately support the project, or would result in greater environmental impacts than the proposed site.

From:

Diana Bruno

To:

Placer County Environmental Coordination Services;

Subject:

Draft EIR Comments

Date:

Friday, March 14, 2008 5:26:57 PM

I strongly oppose the development of the proposed Livingston Concrete Batch Plant (PEIR T20050072) on Ophir Road and Geraldson because of the negative impact it will have to the area. The concrete batch plant would better located in another area that is more conducive to commercial/industrial types of business rather than in a rural area such as the proposed site with no suggested alternative sites.

K-1

K-2

My concern is over the following issues:

- 1) Traffic Congestion
- 2) Air Quality
- 3) Water pollution
- 4) Noise level
- 5) Depletion of water table
- 6) Highway wear and tear
- 7) Preserving historical highway and scenic area

Diana B.Bruno
P.O. Box 205
Newcastle, CA 95658
530-885-5324
preciouspups@calwisp.com

K-3

Submitted by:

Diana Bruno

K-1 The comment states general opposition to the proposed project due to the negative impact it will have in the Ophir area.

No specific comments on the EIR are provided. As discussed in Response to Comment E-4, the project is not expected to have a negative impact in the Ophir area. The Draft EIR analysis of Impact 4.3 concludes that the project would not have a direct impact on nearby residential land uses and the project is considered to be compatible with all existing and planned land uses in the vicinity.

K-2 The comment states the concrete plant would be better suited for an area that is more conducive to commercial/industrial businesses rather than a rural area such as the proposed site. The comment asserts that no alternative sites were evaluated.

Refer to Response to Comment E-4, which discusses the project's compatibility with surrounding land uses. The proposed project is consistent with the land use and zoning designations for the site and the site is located in the vicinity of land uses that are complementary to and compatible with the proposed concrete batch plant.

Also refer to Response to Comment E-3, which discusses the alternatives analysis included in the EIR. This analysis includes a discussion of alternative locations considered for the proposed project. It was determined that an offsite alternative was not feasible because the offsite parcels that were identified as potential locations for the proposed project would not adequately support the project, or would result in greater environmental impacts than the proposed site.

K-3 The comment provides a list of the following general areas of concern: traffic congestion; air quality; water pollution; noise; depletion of water table; highway wear and tear; and preserving the historical highway and scenic area.

No specific comments on the EIR are provided. Impacts associated with traffic are analyzed in Chapter 5 Transportation and Circulation of the Draft EIR. The analysis concluded that the project would result in less than significant impacts to traffic in the short term and would contribute to significant impacts under the cumulative scenario. Mitigation is required to reduce the project's contribution to significant cumulative impacts to a less than significant level. As discussed in Response to Comment E-20, the Cultural Resources section of the Initial Study states that the Placer County Department of Museums determined that the proposed project is not expected to damage Ophir Road because Ophir Road was constructed to support heavy truck traffic. It currently supports heavy truck traffic associated with the existing heavy commercial development in the vicinity.

Impacts associated with water pollution and depletion of groundwater supplies are analyzed in Chapter 6 Hydrology and Water Quality of the Draft EIR. The analysis of Impact 6.2 found that the proposed use of an onsite septic system would not adversely affect water quality in the region. The analysis of Impact 6.3 found that operation of the plant would not adversely affect the quality of groundwater in the area, and that the proposed use of groundwater would not adversely affect existing groundwater wells in the project vicinity. The analysis of Impact 6.4 found that the proposed project would not significantly alter the hydrology of the project area and would not contribute to downstream flooding. The analysis of Impacts 6.5 and 6.6 found that construction and operation of the project would not adversely affect the quality of surface water in the project area.

CHAPTER 7 NOISE of the Draft EIR analyzes impacts to noise associated with the proposed project. The analysis of Impact 7.4 found that operation of the proposed plant would result in a less than significant increase in noise levels in the project vicinity, while the analysis of Impact 7.5 found that traffic associated with the proposed project would also result in a less than significant increase in noise levels in the project vicinity.

The Initial Study, included in the appendices of the Draft EIR, determined the project would result in less than significant impacts to aesthetics and air quality, among other resource areas. Because all impacts to aesthetics and air quality are expected to remain less than significant, no further analysis of these impacts was needed in EIR. **CHAPTER 1 INTRODUCTION** of the Draft EIR provides a summary of the effects found not to be significant and excluded from further analysis in the EIR.

Refer to Response to Comment F-2 for additional discussion of the impacts analysis in the EIR related to the topics raised in this comment.

RECEIVED

MAR 1 3 2008

ENVIRONMENTAL COORDINATION SERVICES

March 12, 2008

Environmental Coordination Services Placer County Community Development Resource Agency 3091 County Center Drive, Suite 190 Auburn, Ca 95603

Auburn, Ca 95005	
To Whom It May Concern:	
As a resident of the Ophir Area for over thirty five years please listen to what we have to say concerning the proposed Concrete Batch Plant. We are writing in protest to the proposed Concrete Batch Plant to be located at Ophir Road and Geraldson Road in the Ophir area.	L-1
The Ophir area is a small residential area that certainly does not need any further encroachment of high traffic business. Please stop and consider the impact this illadvised construction will have on the residents of our area.	L-2
The plant will consume at least 10,000 gallons of water per day from an existing domestic well. All of the residents in Ophir currently have wells for their only source of water. This amount of water will definitely lower the current water table for this area. This will force residents to either dig new wells or lower current wells. At a time when water is such a precious commodity it is unthinkable that the Planning Commission would even consider a proposal of this magnitude in our area. The expense to the residents could and would be extensive.	L-3
There also needs to be considered the septic system that will be in place for this facility. So, not only is the water table being lowered, it might also be contaminated with a septic system this large.	L-4
The environmental pollutants that will be spewed into the Ophir area would be extensive and we have not even addressed the eyesore of a tower that will be fifty seven (57) feet high.	L-5
The roads in the Ophir area are no way equipped for the amount of truck traffic that will be brought into our area. The children, animals and wildlife would be impacted by this unthinkable decision.	L-6

This is not an industrial area. To continue allowing such industrial buildup in our small community is definitely the wrong decision. Not only would it be an ugly addition to this area, but would lower our property values dramatically. We are asking that you think very carefully about this decision. Hopefully you will not allow such an environmental disaster to happen to the small community of Ophir.

Sincerely,

Murray and Judith Cannedy

9627 Bell Bar Road Auburn, Ca 95603

Phone (916) 663-1156

Cc: Senator Sam Aanestad

Assemblyman Ted Gaines

Placer County Board of Supervisors

RESPONSE TO COMMENT LETTER L

Submitted by:

Murray and Judith Cannedy

L-1 The comment indicates that the authors have lived in the area for more than 35 years and are opposed to the proposed project.

No specific comments on the Draft EIR are provided. No response or revision to the EIR is necessary.

L-2 The comment states that the Ophir area is a residential area that would be negatively impacted by the traffic generated by the proposed project.

As discussed in Response to Comment F-2, the proposed project is expected to result in less than significant impacts to traffic operations under short-term conditions while the project would contribute to significant impacts to traffic operations under the long-term or cumulative conditions. Mitigation is required to ensure that the project pays a fair share proportion of funding necessary to implement improvements to provide acceptable traffic conditions.

Impacts related to the noise generated by traffic associated with the proposed project are evaluated in Impact 7.5 on pages 7-13 and 7-14 of the Draft EIR. This analysis finds that the project-generated traffic could increase noise levels on Ophir Road by up to one decibel. This is considered a less than significant impact.

As discussed in Response to Comment E-4 development of manufacturing and processing uses at the project site is considered consistent with the County's plan for land use in the area, and the proposed project is not expected to negatively impact existing land uses in the area, including residential uses. The Draft EIR recognizes that rural residential land uses exist north, northeast, and south of the project site. The analysis notes that physical impacts such as traffic, water quality, and noise, are evaluated in detail in other chapters of the Draft EIR. Based on the determinations in the other chapters that the physical impacts of the proposed project would be less than significant, the analysis of Impact 4.3 concludes that the project would not have a direct impact on nearby residential land uses and the project is considered to be compatible with all existing and planned land uses in the vicinity.

L-3 The comment states that the project would use at least 10,000 gallons of water daily from the existing onsite well. The comment notes that residents in the area rely on groundwater as their only water source. The comment asserts that the proposed use of groundwater would reduce the production of other existing wells and require residents to dig new wells or lower their existing wells.

The proposed project would use a maximum of 10,000 gallons of water daily. Through Conditions of Approval and *Mitigation Measure 6.3c*, the proposed project would be prohibited from using more than this amount. As discussed in Response to

Comments E-5 and E-11, analysis of Impact 6.3 found that the existing onsite well is capable of providing up to 10,000 gallons of water daily without adversely affecting existing wells in the vicinity. This determination was based on the results of a 72-hour pump test and compliance with a state guideline regarding provision of public water supplies. As noted in Response to Comment E-5, this guideline was codified in state law after publication of the Draft EIR. The analysis in the Draft EIR was based on the state guideline and is consistent with state law. Additionally, based observations of a neighboring well during the 72-hour pump test and a review of Well Completion Reports for wells in the vicinity determined that there is minimal communication or lateral connectivity between the onsite well and other wells in the vicinity, as explained in Response to Comment E-11. Based on compliance with California Code of Regulations §64554, it is expected that the proposed pumping rate would be sustainable and would not result in significant impacts to groundwater in the project vicinity.

L-4 The comment indicates concern that the proposed septic system will contaminate groundwater in the project area.

As discussed in Response to Comment E-5, the analysis of Impact 6.2 considers whether reliance on an onsite septic system instead of public sewage treatment would impact surface water or groundwater. This analysis finds that if the septic system provides an effective infiltration rate into the receiving soils, wastewater will be contained within the soil, and will not enter surface drainage. The proposed project would provide for sewage treatment with the use of a sand filtration septic system that complies with all requirements of Placer County, particularly the requirements expressed in Placer County Code Article 8.24 and the Placer County *On-Site Sewage Manual*. The requirements are established to ensure that septic systems function properly and do not lead to significant environmental impacts. With proper design and maintenance as required by *Mitigation Measures 6.2a* and *6.2b*, the proposed septic system use would not result in groundwater contamination.

L-5 The comment indicates concern with air pollution and aesthetic impacts from the proposed 57-foot tall tower.

As discussed in Response to Comments E-17, E-22, and F-2, the analysis of impacts to air quality is provided in the Initial Study and summarized in Chapter 1 Introduction of the Draft EIR. The analysis in the Initial Study determined that the project would have a less than significant impact on air quality in the short term, but that it would contribute to significant cumulative air quality impacts within Placer County. Implementation of *Mitigation Measures 5.1* through *5.12* as identified in *Table 2.3* in Chapter 2 Executive Summary and in the Mitigation Monitoring and Reporting Program would ensure that this project's contribution to short term and cumulative air quality impacts remain less than significant, requiring no further analysis in the EIR.

As discussed in Response to Comment E-22, in addition to the mitigation requirements, emissions from operation of the batch plant, which would represent a stationary source of air pollution, would be subject to additional conditions applied

to the project through the Air Pollution Control District permitting process and would be subject to the provisions of a Hazardous Materials Business Plan which must be approved by the Placer County Environmental Health Services Division (EHS). The project would be required to obtain a Permit to Construct prior to construction of the batch plant, and an Authority to Operate permit prior to commencing operation of the batch plant. The Hazardous Materials Business Plan must address handling and storage practices to minimize the potential that hazardous materials could be released into the environment. With approval of the Hazardous Materials Business Plan by EHS and proper implementation of that plan during operation of the proposed project, it is expected that hazardous materials used in concrete production would not be released into the environment and would not have a significant negative impact on air quality.

Refer to Responses to Comments E-19, E-21, and H-3, which summarizes the analysis of aesthetic impacts presented in the Initial Study. As discussed in Response to Comment E-21, the proposed tower would not substantially change the existing character of the project area. The impacts of the tower are considered less than significant.

L-6 The comment states that roads in the project area are would not support the amount of truck traffic associated with the proposed project, and that traffic would have a negative impact on children and wildlife.

As discussed in Response to Comment E-9, the analysis of impacts to traffic operations considered those intersections expected to support the largest volume of project-related traffic. As discussed in Response to Comment F-2, impacts to traffic are evaluated in Chapter 5 Transportation and Circulation. The analysis of Impact 5.1 finds that the project would have a less than significant impact on traffic operations under short-term conditions, and no mitigation is necessary. The analysis of Impact 5.2 finds that the project would contribute to significant impacts on traffic operations under the long-term or cumulative conditions. Mitigation is required to ensure that the project pays a fair share proportion of funding necessary to implement improvements to provide acceptable traffic conditions. With implementation of this mitigation measure, the roads in the project area would be capable of supporting the truck traffic associated with the project.

As discussed in Response to Comment H-4, Impact 5.4 in CHAPTER 5 TRANSPORTATION AND CIRCULATION of the Draft EIR analyzes whether the design of the project (specifically the proposed dual driveways accessing Ophir Road) would result in an increase in traffic hazards from design features. The EIR finds the impact to be potentially significant. *Mitigation Measure 5.4a* requires the project applicant to construct a left-turn lane to facilitate access to the "entrance" driveway. With construction of this left-turn lane, the impact is expected to be less than significant. In addition, Impact 5.3 evaluated the potential for the project to negatively affect bicycle and pedestrian travel in the project vicinity. With implementation of *Mitigation Measure 5.3a* which requires the project applicant to construct a Class II bike lane along the project site frontage on Ophir Road, the

project's impacts to bicycle and pedestrian travel (including safety) are expected to remain less than significant.

Based on the acceptable levels of service that would occur in the project vicinity and with implementation of *Mitigation Measures 5.3a* and *5.4a*, the traffic generated by the proposed project is not expected to result in any decrease in roadway safety or any increase in accident rates. Therefore the project-generated is not expected to have a negative impact on children and is not expected to substantially increase disturbance to wildlife in this highly disturbed area.

Finally, as discussed in Response to Comment E-20, the Cultural Resources section of the Initial Study states that the Placer County Department of Museums determined that the proposed project is not expected to damage Ophir Road because Ophir Road was constructed to support heavy truck traffic. It currently supports heavy truck traffic associated with the existing heavy commercial development in the vicinity.

L-7 The comment states that the project site is not located in an industrial area and that the project would negatively affect aesthetics and property values in the area. The comment indicates that the author does not support the proposed project.

As discussed in Response to Comment E-4, the project area includes heavy commercial, light industrial, and residential land uses. Existing land uses are described and identified in **CHAPTER 4 LAND USE** of the Draft EIR. The analysis in Impact 4.3 demonstrates that the proposed project is consistent with the land use and zoning designations for the site, and that uses similar to the proposed project already exist west and northwest of the site.

As discussed in Response to Comment E-19, the Initial Study determined all impacts to aesthetics are expected to remain less than significant. As discussed on pages 1-6 and 1-7 in Chapter 1 Introduction, the Initial Study determined that the tower would be visible from portions of Ophir Road, from surrounding properties, and from Interstate 80 (I-80). The tower would be setback from Ophir Road by approximately 120 feet, which would reduce, but not eliminate, the visibility of this feature. The tower would also be visible from I-80 (both eastbound and westbound) but would be partially obscured by existing trees in the freeway right-of-way. Furthermore, other existing structures and equipment in the vicinity are visible from both I-80 and Ophir Road. Therefore, the addition of the plant tower to this viewshed is considered a less than significant impact.

As discussed in Response to Comment E-37, a change in property values would be considered an economic or socioeconomic effect of the project. CEQA Guidelines §15131(a) states that "economic or social effects of a project shall not be treated as significant effects on the environment." Thus, the EIR is not required to address the potential project impacts on property values in the vicinity. The Placer County Planning Commission will consider this comment, with all other comments made on the project and the EIR, as part of their deliberations regarding approval or denial of the project.

Nelson Cockrum 1360 Quattro Pl Auburn Ca. 95608

Dear Sirs,

I object to the construction of a concrete plant next door to my house. I would object to the construction near your house, for the simple reason that a concrete plant cannot be operated such that it is a good residential neighbor. By its nature, the plant will be unsightly, make noise, dust, and several types of pollution, consume large quantities of water, and cause traffic, and no mitigation can eliminate these problems.

M-1

Since sited concrete work is labor intensive, pours are generally scheduled early in the morning ideally at sunrise, allowing the labor of finishing to be complete before dark, this in turn requires the plant to be at peak production before or near sunrise. Hence, at peak noise, dust, and traffic occur while most residential areas are sleeping. Since the plant is a supplier to the construction industry, its neighbors are effectively under the burden of having a large permanent ongoing construction site next door. No one would want this near his or her house. Nor should anyone have to suffer the property devaluation of having such a plant built near to his or her property.

M-2

The environmental report suggest that since noise pollution levels at the proposed site are already in excess of legal levels due to traffic on I-80, and Ophir rd. and additional noise would just be an annoyance. It suggests, since sound equations are difficult to add, predictions on the plants noise impacts are difficult to predict. Therefore, it does not even estimate them. Presumably leaving the plant in a position to make any level of noise it deems. It also suggests since legal noise levels are already

M-3

M-3

M-4

M-5

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exceeded, additional noise need not be a concern and it is at worst just an annoyance to the residents.

This is not true! Sounds do add together: even if it is difficult to compute the additions. Sound added to an annoying noise environ, becomes a harmful noise environ.

Concrete plants move sand, crushed rock, and cement power in large quantities, at rates of hundreds of tons per hour. This makes dust. It makes lots of dust. The dust will move on the prevailing winds. It will generally not be moving toward the industrial yards in this area, but onto the homes and highway.

The Ophir / Newcastle area is mostly upper income residential this plant is out of character to this area. Livingston's concrete service has four plants in the greater area: Rancho Cordova, North Highlands, Olivehurst, and Lincoln each plant is in an economically depressed, and or heavily industrial area. These plants have neighbors like the placer dump, wrecking yards, and large factories. And include some of the most unsightly industry in the county. None of them are at locations similar to the proposed site. This proposal would be ugly, towers, belts, and gray dust on everything nearby. All would be highly visible to I - 80 and the entire country thereby. It would be completely unlike its neighbors, most of which are fine homes and horse ranches with a few light industry service yards.

This highly visible project would notify all traffic on I 80 this is an undesirable area to reside while at the same time making it one. I very much object to this proposal, see no truth in its environmental statement, and will be harmed if it is allowed. My property will lose value, my quality of life will be lessened, my health will suffer, and I will not be alone in these losses. The current zoning is correct as is. It prohibits this plant by design not by accident. This area was not planned to have this scale of industrial development, and investments by many local residents depend upon upholding the

current appearance standards.

Con Jorester 127 WEBBERLY AUBURN, CA9503

Nelson Cockrum

Nelson Coci Nelson 1.65/11c Focustel 10300 Quattur Place Aubum Ca.95603 Xolue 2000004

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ALEX THORP 10340 QUATTRO PL. AUDEMN, CA. 95603

Chylly Juj

DIANA BROND P.O. BOX 205 Newcastle, CA 95658

Savid & Laura Baker 100 Webber Ln Auburn, CA 95603

Sign. ly: Hershelhtelkes Welma Folkes 2-28-08

Submitted by:

Nelson Cockrum

also signed by David Forester, Richard Lesher, Leslie Foerstel, Sherry Marlatte, Alex Thorp, Val and Vicki Webster, Diana Bruno, David and Laura Baker, and Hershel and Wilma Folkes

M-1 The comment states objection to the proposed project, asserting that it will be unsightly; create noise, dust, and several types of pollution; consume large quantities of water; and cause traffic. The comment suggests that no mitigation can remedy the effects of the project.

No specific comments on the Draft EIR are provided. No response or revision to the Draft EIR is necessary.

M-2 The comment expresses concern regarding potential impacts to nearby residents resulting from early morning noise, dust, and traffic generated by the proposed project. The comment also notes concern with loss of property values in the vicinity.

Pages 2-2, 3-8, and 7-11 of the Draft EIR state that the batch plant would operate between 5:30 a.m. and 3:30 p.m. The comment is correct that the plant would generate noise, dust, and traffic in early morning hours. The noise impacts analysis applies the County's nighttime noise standards to noise generated before 7:00 a.m. As shown in Table 7.6 of the Draft EIR, the proposed plant is expected to generate an average noise level of 54 decibels (dB) at the residence nearest to the project site. On page 7-12, the Draft EIR states that the early morning noise from the proposed plant would meet the 65 dB L_{max} nighttime standard, meaning that the maximum noise level would be less than 65 dB, but the plant would exceed the 45 dB Leq nighttime standard. However, existing nighttime noise levels also exceed this standard. As stated on page 7-12, existing nighttime L_{eq} noise levels range between 49 and 61 dB. As discussed in Response to Comment E-15, during the hours of 5 a.m. and 6 a.m., noise level measurements on Saturday, August 23rd 2004 and Monday, August 25th 2004, revealed average noise levels ranging from 59 to 63 dB Leg at measurement sites A & C, although one sample of 54 dB L_{eq} was measured at Site A during the Saturday 5 a.m. hour. With an estimated 3 dB reduction in ambient levels due to the noisereducing pavement on I-80, project noise levels of 50 to 54 dB would be at or below measured ambient conditions during these early morning hours. The analysis of Impact 7.4 concludes that because the proposed plant would generate noise levels that are roughly the same or less than the existing noise levels, the noise from the proposed plant is not expected to result in a noticeable change in noise levels in the area, during daytime or nighttime hours. As a result, the noise from the proposed project is not expected to substantially change the existing conditions and noise impacts for the residences nearest the project site during the proposed hours of operations would remain less than significant. This determination is consistent with noise standards established by the Placer County General Plan and Placer County

Code. The note below *Table 7.4* and text preceding *Table 7.5* in the Draft EIR indicate that when existing noise levels meet or exceed the standards expressed in those tables, the allowable noise levels would be the same or 5 dB higher than the ambient noise level.

It is noted that Table 7.6 in the Draft EIR includes some typographical errors. The data for the predicted noise levels at the mobile home park northeast of the project site (Receiver 3 in the table) was incorrectly transposed from the Noise Impacts Analysis provided in Appendix E of the Draft EIR. The data in Table 7.6 has been revised consistent with the data in Table 2 on page 9 of the Noise Impacts Analysis. The revised table is provided in Chapter 3 of this Final EIR.

Impacts related to the noise generated by traffic associated with the proposed project are evaluated in Impact 7.5 on pages 7-13 and 7-14 of the Draft EIR. This analysis finds that the project-generated traffic could increase noise levels on Ophir Road by up to one decibel. This is considered a less than significant impact.

As discussed in Response to Comment F-2, impacts to air quality, including dust emissions, are evaluated in the Initial Study. Mitigation measures are required to minimize emissions during construction and operation of the proposed project. This includes *Mitigation Measure 5.8*, which requires the project applicant to implement dust control measures to ensure that the project remains in compliance with California Health and Safety Code Section (§) 41700 emissions limits and visible emission standards of 20 percent opacity. Compliance with this mitigation measure is required during all project operations, including during early morning hours. Implementation of this measure would reduce the amount of dust emitted from the project site.

In addition, emissions from stationary sources within the project site (operation of the batch plant) will be subject to additional conditions applied to the project through the Air Pollution Control District permitting process. The project would be required to obtain a Permit to Construct prior to construction of the batch plant, and an Authority to Operate permit prior to commencing operation of the batch plant. Conditions of these approvals could include additional measures to control emissions of dust and other air pollutants.

The analysis of traffic impacts in CHAPTER 5 TRANSPORTATION AND CIRCULATION evaluates traffic in the AM and PM peak hours. As discussed in Response to Comment E-7 and noted on page 5-4 of the Draft EIR, the AM peak hour in the project area occurs between 7:15 and 8:15 a.m. The traffic analysis finds that in the short-term, the project generated trips would not cause any intersections to operate at unacceptable levels of service, while in the long-term, the project must contribute a fair share proportion of the costs for improvements to ensure that intersections remain operating at acceptable levels.

As discussed in Response to Comment E-37, a change in property values would be considered an economic or socioeconomic effect of the project. CEQA Guidelines §15131(a) states that "economic or social effects of a project shall not be treated as

significant effects on the environment." Thus, the EIR is not required to address the potential project impacts on property values in the vicinity. The Placer County Planning Commission will consider this comment, with all other comments made on the project and the EIR, as part of their deliberations on the project.

M-3 The comment states the EIR does not adequately address potential impacts related to noise resulting from the proposed project. The comment asserts that the EIR does not estimate noise levels that would be generated by the proposed plant, and that the EIR concludes that the proposed project would have a less than significant impact simply because the existing noise levels exceed County standards. Finally, the comment states that the noise generated by the project combined with the existing noise from Interstate 80 (I-80) would create a harmful noise environment.

Impacts of the proposed project to the existing noise environment are analyzed and disclosed in Chapter 7 Noise of the Draft EIR. On page 7-11, the Draft EIR states that a complete cycle of concrete production would generate an average noise level of approximately 75 dB at a distance of 100 feet. This provides the estimated noise level that would be generated by the proposed plant. Additionally, the Draft EIR states on page 7-12 that the average noise level of the plant at a distance of 300 feet (the distance to the property line of the nearest residence) would be 60 dB L_{eq} and 58 dB L_{dn} . In comparison, the existing noise levels at the nearest residence range between 53 and 65 dB L_{eq} and 63 to 66 dB L_{dn} .

Placer County has two separate noise standards – one for transportation noise sources and one for non-transportation sources such as the proposed plant. In order to evaluate the proposed project with respect to the County's standards, the noise sources must be evaluated separately, as presented in the Draft EIR. The noise analysis does not conclude that the project would have a less than significant impact because the existing noise levels exceed County standards. The analysis concludes that the project would not generate a substantial increase in the existing noise levels in the vicinity.

In Section 7.1, the Draft EIR explains that sound is measured on a logarithmic scale, which means that noise levels from two sources are not simply added together. Rather a doubling of noise represents a 3 dB increase in the noise level. In other words, adding a 60 dB noise source to an existing 60 dB noise source would create an overall noise level of 63 dB. Because the noise from the proposed project would be similar to or less than the existing noise levels in the project area, the addition of the project generated noise would result in a less than 3 dB increase in the overall noise level. As noted on page 7-9, a 3 dB noise increase is the threshold at which people commonly perceive that a change has occurred, and this is considered the significance threshold for this impact. Because the project would cause a less than 3 dB increase in noise, the impact is considered less than significant.

M-4 The comment suggests the proposed project will generate excessive amounts of dust which will affect residences and the highway.

Refer to Response to Comments F-2 and M-2 above regarding the Initial Study

analysis of potential air quality impacts, including from dust emissions, and the mitigation measure required to ensure that dust emissions are minimized.

M-5 The comment states that the proposed project would be out of character in the Ophir/Newcastle area. The comment suggests that the project would be visually unappealing and inconsistent with surrounding land uses.

The compatibility of the proposed project with the existing and planned land uses in the vicinity is discussed in Response to Comment E-4 based on the analysis presented in CHAPTER 4 LAND USE of the Draft EIR. The analysis in Impact 4.3 demonstrates that the proposed project is consistent with the land use and zoning designations for the site, and that uses similar to the proposed project already exist west and northwest of the site. This analysis also notes that physical impacts such as traffic, water quality, and noise, are evaluated in detail in other chapters of the Draft EIR. Based on the determinations in the other chapters that the physical impacts of the proposed project would be less than significant, the analysis of Impact 4.3 concludes that the project would not have a direct impact on nearby residential land uses and the project is considered to be compatible with all existing and planned land uses in the vicinity.

As discussed in Responses to Comments E-21 and H-3, the potential impacts to the aesthetic character of the project area are evaluated in the Initial Study. This analysis was summarized on pages 1-6 and 1-7 in **CHAPTER 1 INTRODUCTION**. The analysis concluded that portions of the project would be visible from Ophir Road, I-80, and existing residences in the vicinity, but that the addition of the project to an area that currently supports light industrial and heavy commercial land uses would not substantially change the character of the project area. The project would have a less than significant impact on aesthetics in the area.

M-6 The comment states that project will lower property values in the vicinity and adversely affect quality of life and health for residents in the area. The comment states that the current zoning prohibits the proposed project.

As discussed in Response to Comment E-37, CEQA does not require that the EIR consider the impact of a project on property values. CEQA Guidelines §15131(a) states that "economic or social effects of a project shall not be treated as significant effects on the environment." The Placer County Planning Commission will consider this comment, with all other comments made on the project and the EIR, as part of their deliberations regarding approval or denial of the project.

CEQA Statue §21000 indicates that the intent of CEQA is to ensure that a quality environment is provided for all residents of the state. This includes regulating environmental impacts to ensure a high quality of life and health is provided. To evaluate a project's potential effect on quality of life, CEQA requires analysis of the project's effects on the physical environment. The required analysis is provided in the Initial Study and Draft EIR. All topics included in the Initial Study Checklist (Appendix G of the CEQA Guidelines) are addressed in the Initial Study and Draft EIR. The project is expected to result in less than significant impacts and significant

impacts that can be reduced to less than significant levels with implementation of mitigation measures. Based on the determination that all significant impacts can be mitigated to less than significant levels, the project is not expected to create a significant health hazard in the project vicinity or substantially diminish the quality of life for residents in the area.

Current zoning does not prohibit the proposed use. As stated on page 4-7 of the Draft EIR, the use proposed by this project is allowed under the current designations, and no change to land use or zoning designations are proposed or necessary.

From:

Gene Davis

To:

Placer County Environmental Coordination Services;

Subject: Date: Proposed concrete plant for "Livingston" Sunday, March 16, 2008 1:39:36 PM

Please give some additional thought and planning approval to the proposed Livingston concrete plant on Ophir Road. This is not the place for such an industry. The noise coming from a concrete batch plant is very loud and disturbing to the residents in the area. Allready, current businesses in this area have created dangerous driving situations. A.A Stepping stones, Gold country tractor, American Propane, P&S Industry, Placer Farm Supply, Ophir Oil, Simpsons Grading and Paving, along with Livingsons current location. To add another in this area is too much congestion with cement trucks coming and going.

The water needed for such a business is far beyond the capabilities of a well, which they are planning for their water source. The water table in this area is already in low supply. At least wait until the County or City can provide their water needs. Additional problems such as, air pollution, water pollution, and more congestion should be thourghly considered before approval. Myself, as well as all neighboring residents are very much against this, and feel it should be located in a more secluded area.

R.G. Davis Perry Ranch Rd. Auburn N-1

N-2

N-3

N-4

Submitted by:

Gene Davis

N-1 The comment asserts that the proposed project should not be approved in the proposed location. The comment indicates concern with the project's noise impacts.

As discussed in Responses to Comments E-15, E-31, F-2, and F-7, noise impacts are evaluated in CHAPTER 7 NOISE, and most impacts are found to be less than significant without mitigation. The analysis of Impact 7.2 found that the noise generated by the proposed project would exceed some of the General Plan standards for noise levels at sensitive receptors. However, as stated on page 7-12 of the Draft EIR, the noise emissions from the proposed batch plant would be similar to or below the existing traffic noise levels at the nearest residences. The noise generated by the project is not expected to result in a noticeable change in the background noise levels in the area. The impact is considered less than significant and no mitigation measures are required.

N-2 The comment states that the addition of the project traffic to the traffic from existing businesses on Ophir Road would create too much congestion.

Refer to Response to Comment E-7, which describes the methodology used to evaluate existing conditions on Ophir Road and predict the volume of AM and PM peak hour traffic that the proposed project would create.

Also refer to Response to Comment F-2, which summarizes the conclusions of the traffic impacts analysis presented in CHAPTER 5 TRANSPORTATION AND CIRCULATION. The analysis of Impact 5.1 finds that the project would have a less than significant impact on traffic operations under short-term conditions and no mitigation is necessary. The analysis of Impact 5.2 finds that the project would contribute to significant impacts on traffic operations under the long-term or cumulative conditions. Mitigation is required to ensure that the project pays a fair share proportion of funding necessary to implement improvements to provide acceptable traffic conditions. The project would not result in sufficient traffic volumes to create congestion that exceeds Placer County's level of service standards for intersections.

N-3 The comment states that the water demand for the project would exceed the capability of the onsite well.

Refer to Response to Comment E-11, which discusses the analysis of the project's potential groundwater impacts. To evaluate the feasibility of the project's proposed use of up to 10,000 gallons of water per day, a 72-hour pump test was conducted. Results of the pump test indicated the proposed pumping rate would sustainable and would not result in significant impacts to groundwater in the project vicinity.

N-4 The comment states that the project's impacts on air pollution and water pollution should be thoroughly considered. The comment also reiterates concern related to traffic congestion. The comment concludes that the author is opposed to the project.

As discussed in Response to Comment F-2, impacts to air quality are evaluated in the Initial Study. The project alone is not expected to generate air pollutants in excess of the Air Pollution Control District's standards; therefore the project is expected to have a less significant impact on air pollution. The project is expected to contribute to cumulative air quality impacts in the project region, and the Initial Study identifies mitigation measures that the project must implement to minimize emissions during construction and operation of the proposed project. With implementation of these mitigation measures, the project's contribution to cumulative air quality impacts would be reduced to less than significant levels. In addition, emissions from stationary sources within the project site (operation of the batch plant) will be subject to additional conditions applied to the project through the Air Pollution Control District permitting process. The project would be required to obtain a Permit to Construct prior to construction of the batch plant, and an Authority to Operate permit prior to commencing operation of the batch plant.

Response to Comment E-2 discusses the Draft EIR analysis of potential impacts to water quality. As noted in that response, discussions on pages 6-18 through 6-31 of the Draft EIR have been revised to correct errors in the description of the proposed three-pond drainage collection and treatment system. As discussed on page 6-18 of the Draft EIR and required by Mitigation Measure 6.6c, the project applicant would be required to obtain Waste Discharge Requirements (WDR) from the Central Valley Regional Water Quality Control Board. In order to obtain the WDR, the project applicant must demonstrate that the process water collection and treatment system would not allow any discharge of contaminated water to surface drainage. In addition, the analysis of Impact 6.6 provides additional consideration of potential surface water contamination during operation of the proposed project. This analysis identifies the types of pollutants associated with a batch plant, the possible pathways by which these pollutants could enter surface water drainage, and the mechanisms that must be implemented as part of the project to ensure that the project does not have a significant adverse impact on surface water quality. The soils underlying the project site do not allow substantial percolation. Groundwater recharge in the vicinity primarily occurs through major drainageways. By preventing discharge of contaminated water to any surface drainage, the constituents present in the process water would not enter groundwater supplies.

Refer to Response to Comment N-2 above for a summary of the Draft EIR analysis related to traffic congestion.

The EIR does not recommend approval or denial of the project. The Placer County Planning Commission will consider this comment, with all other comments made on the project and the EIR, as part of their deliberations regarding the project.

From:

Janice DeFelice

To:

<u>Placer County Environmental Coordination Services;</u> Proposed Livingston Concrete Plant on Ophir Rd.

Subject: Date:

Wednesday, March 12, 2008 4:32:26 PM

Glenn Tuccinardi and I, Janice DeFelice are home owners on 10257 Hillview Road, Newcastle, CA 95658 and we have been since 1995.

We highly oppose a concrete plant being built directly across the freeway from our home. We feel the effects on the neighboring areas will be devastating. From many, many stand points. This is the second letter we have written in opposition to the Livingston Concrete plant being proposed for the area just outside Geraldson Road and Ophir. The first was written in early 2006.

We view American River Gas and A & S Stepping Stone from our kitchen window. Imagine how awful looking at a very large, very well lit and very noisy concrete plant will be like! The concrete dust is toxic, the water usage will drain all of our wells one way or another. The values of all our homes will drop further than we have already experienced in this area. Many home in the Ophir, Wise and Bald Hill areas are being foreclosed upon as we speak.

Don't do this to our pristine neighborhoods. Is that what it has come down to in our area, "anything goes for the almighty buck"? Most of the county codes for all our properties are out dated and simply don't fit the area needs any longer. Imagine being AG/Res on a couple of acres with homes all around you able to able to add farm animals that make all kinds of noise all hours of the day and night and then the smell and flies from their excrement. This is happening now in our neighborhoods because of the old outdated county codes. So know we get a concrete plant? Simply unacceptable.

Janice DeFelice Glenn C. Tuccinardi 10257 Hillview Road Newcastle, CA 95658

Janice DeFelice 10257 Hillview Road O-1

0-2

O-3

O-1

Submitted by:

Janice DeFelice

O-1 The comment indicates that the author has lived in the area since 1995. The comment states that the author opposes the proposed project, and notes that the author submitted a previous letter regarding the project.

No specific comments on the Draft EIR are provided. The author's previous comment was submitted as a comment on the Notice of Preparation for this EIR, and is included in Appendix A of the Draft EIR. No response or revision to the Draft EIR is necessary.

O-2 The comment states that the authors can see some of the existing businesses on Ophir Road from their home, and indicates concern regarding the aesthetic impacts of the proposed project, including concerns regarding lighting for the project. The comment also indicates concerns regarding noise generated by the proposed project.

Refer to Response to Comment H-3, which summarizes the Initial Study analysis of impacts to aesthetic resources. The analysis in the Initial Study acknowledged that the project site is visible from several residences in the area as well as from Ophir Road. The Initial Study also stated that the project site is located in proximity to existing light industrial and heavy commercial land uses. The project vicinity is not a pristine natural landscape, and the proposed project would not significantly change the existing viewshed conditions in the area. Other light industrial and heavy commercial land uses are already present in the project area and the proposed project would be similar in appearance to those existing businesses.

In addition, the Initial Study analysis considered the potential for the project to create light and glare impacts. The analysis on page 21 of the Initial Study states that the project would include installation and use of yard lights, but that lighting and photometric plans would be reviewed as part of the Design Review process to ensure that no significant amount of light is allowed to be emitted beyond the project site boundaries. This would ensure that impacts remain less than significant.

Regarding potential noise impacts, refer to Responses to Comments E-15, E-31, F-2, and F-7, which state that noise impacts are evaluated in **CHAPTER 7 NOISE**, and most impacts are found to be less than significant without mitigation. The analysis of Impact 7.2 found that the noise generated by the proposed project would exceed some of the General Plan standards for noise levels at sensitive receptors. However, as stated on page 7-12 of the Draft EIR, the noise emissions from the proposed batch plant would be similar to or below the existing traffic noise levels at the nearest residences. The noise generated by the project is not expected to result in a noticeable change in the background noise levels in the area. The impact is considered less than significant and no mitigation measures are required.

Additionally, refer to Response to Comment E-15, which discusses the methodology used to evaluate noise impacts of the proposed project.

O-3 The comment states that concrete dust is toxic and that the proposed water usage will adversely affect existing wells in the vicinity.

As discussed in Response to Comment F-2, impacts to air quality, including dust emissions, are evaluated in the Initial Study. Mitigation Measure 5.8 requires the project applicant to implement dust control measures to ensure that the project remains in compliance with California Health and Safety Code Section (§) 41700 emissions limits and visible emission standards of 20 percent opacity. In addition, emissions from stationary sources within the project site (operation of the batch plant) will be subject to additional conditions applied to the project through the Air Pollution Control District permitting process. The project would be required to obtain a Permit to Construct prior to construction of the batch plant, and an Authority to Operate permit prior to commencing operation of the batch plant. Additionally, as discussed in Response to Comment E-21, if the project is approved and constructed, the operators of the batch plant would be required to submit a Hazardous Materials Business Plan to Placer County Environmental Health Services Division (EHS). This plan is required to address standard handling and storage practices to minimize the risk of releases of hazardous materials. With approval of the Hazardous Materials Business Plan by EHS and proper implementation of that plan during operation of the proposed project, it is expected that hazardous materials used in concrete production would not be released into the environment and would not have a significant negative impact on air quality. Implementation of these measures would ensure that the project does not expose people in the project vicinity to toxic dust emissions.

Refer to Response to Comment E-11, which discusses the data used to evaluate the project's potential impacts to groundwater. To evaluate the feasibility of the project's proposed use of up to 10,000 gallons of water per day, a 72-hour pump test was conducted. Results of the pump test indicated the proposed pumping rate would sustainable and would not result in significant impacts to groundwater in the project vicinity.

O-4 The comment states that the proposed project would lower property values in the vicinity. The comment indicates concern that County plans are out dated and do not reflect the current character of the project area. The comment reiterates the authors' opposition to the proposed project.

As discussed in Response to Comment E-37, a change in property values would be considered an economic or socioeconomic effect of the project. CEQA Guidelines §15131(a) states that "economic or social effects of a project shall not be treated as significant effects on the environment." Thus, the EIR is not required to address the potential project impacts on property values in the vicinity. The Placer County Planning Commission will consider this comment, with all other comments made on the project and the EIR, as part of their deliberations regarding approval or denial of

the project.

As discussed in Response to Comment G-9, preparation and adoption of County planning documents is a responsibility of Placer County, and not of the project applicant. The project applicant filed a complete project application, and in accordance with State law, the County must process the application at the time it is deemed complete. The County does not have any ability to place this project application on-hold pending completion of a new planning document. The project must be evaluated within the timelines set by State law, and must be evaluated under the existing *Ophir General Plan*.



Draft EIR Comments

MAR I U ZUUU

More information on the project is available on the County web site: ENTRONGENTAL COORDINATION SERVICES http://www.placer.ca.gov/Departments/CommunityDevelopment/EnvCoordSvcs/EnvDocs/EIR.aspx
Project Title: Livingston's Concrete Batch Plant (PEIR T20050072)
Public Hearing Date: February 28, 2008
Public Review Period: February 1, 2008—March 17, 2008
Your comments must be postmarked by <u>March 17, 2008</u>
Comments must be written legibly with complete contact information in order to be considered.
Comments may be sent:
By Fax 530-745-3003
By Email cdraecs@placer.ca.gov
By Mail Environmental Coordination Services
Placer County Community Development Resource Agency
3091 County Center Drive, Suite 190
Auburn CA 95603
Please attach additional pages if more space is needed.
Smelow A & A Stepping Stones got in there and your
your suggesting a Concrete Batch Plant, Yo liky
Have the even driven on Ophier Pa, it is far
por fole after por hole drive sour what would the P-2
The quality of the air; here are very nice residential P-3
Junes and Beraldson and Ochio Kd. that well really be
Affected another concern is the water useaged P-4
Your Name_ Non and Jan de Mello
Mailing Address 8666 Wise France
City Aubeusic, CA State CA Zip 95603

Submitted by:

Ron and Jan DeMello

P-1 The comment indicates opposition to the project.

No specific comments on the EIR are provided. No response or revision to the EIR is necessary.

P-2 The comment expresses concern regarding the potential damage to Ophir Road as a result of concrete trucks and the trucks' effect on air quality. The comment states the road is already in poor condition.

Refer to Response to Comment E-20 which states that the Placer County Department of Museums determined that the proposed project is not expected to damage Ophir Road because Ophir Road was constructed to support heavy truck traffic.

Refer to Response to Comment E-17, which discusses the Initial Study analysis of impacts to air quality. The Initial Study found the project's daily air pollutant emissions are expected to be below the Air Pollution Control District's significance thresholds, including thresholds for particulate matter, and therefore the project alone will not result in significant air quality impacts. The Initial Study also found that the project would contribute to significant cumulative air quality impacts within Placer County, and requires implementation of *Mitigation Measures 5.1* through *5.12* to ensure that this project's contribution to short term and cumulative air quality impacts remain less than significant.

P-3 The comment states that there are homes on Geraldson Road and Ophir Road that will be affected by the project.

Refer to Response to Comment E-4, which discusses the compatibility of the proposed project with existing land uses in the vicinity. The Draft EIR recognizes that rural residential land uses exist north, northeast, and south of the project site. On page 4-7, the Draft EIR states that the nearest residence is located approximately 300 feet from the project site's northern boundary and that a series of residences is located on the south side of I-80. The analysis in Impact 4.3 notes that physical impacts such as traffic, water quality, and noise, are evaluated in detail in other chapters of the Draft EIR. Based on the determinations in the other chapters that the physical impacts of the proposed project would be less than significant, the analysis of Impact 4.3 concludes that the project would not have a direct impact on nearby residential land uses and the project is considered to be compatible with all existing and planned land uses in the vicinity.

P-4 The comment expresses general concern regarding water usage associated with the project.

Refer to Response to Comment E-11, which discusses the data used to evaluate the project's potential impacts to groundwater quantities. To evaluate the feasibility of the project's proposed use of up to 10,000 gallons of water per day, a 72-hour pump test was conducted. Results of the pump test indicated the proposed pumping rate would sustainable and would not result in significant impacts to groundwater in the project vicinity.

RECEIVED

MAR 18 2008

To: Environmental Coordination Services
From: Joanne English
Re: Livingston Concrete Batch Plany
Date: March 13, 2008

ENVIRONMENTAL COORDINATION SERVICES

I am writing with great consternation regarding the Livingston Concrete Batch Plant proposed for the Ophir corridor. I live in the general area and <u>DO NOT WANT A CONCRETE PLANT</u> . My reasons are as follows:	<u>)</u> -1
the Placer County General Plan stipulates that C-3 zoning must have piped water and be connected to a municipal wastewater treatment facility. This is not available at the site and I am concerned about the adjacent wells running dry)-2
On the supplied welf of the supplied and with this amonific area. The impropriate multiple concrete)-3
3) this area of Ophir is designated as a historic and scenic corridor. There is nothing)-4
)-5
5) Livingston did not work with the local community in the planning of this plant and its repurcussions 3 sent this same letter previously w/o	1-6

RESPONSE TO COMMENT LETTER Q

Submitted by:

Joanne English

Q-1 The comment indicates general opposition to the proposed project and introduces the specific comments that follow.

No specific comments on the Draft EIR are provided. Responses to each of the following specific comments are provided below. No additional response or revision to the EIR is necessary.

Q-2 The comment states that the Placer County General Plan requires that public water and sewer be available in the C-3 zone district. The comment states that these services are not available at the project site and indicates concern regarding impacts to wells in the vicinity.

Refer to Response to Comment E-5 which discusses the Draft EIR analysis of the project's consistency with County plans and policies. This response demonstrates that the proposed use of a well and onsite septic system would not result in any significant and unavoidable environmental impacts, including impacts to existing wells in the vicinity. Based on the determination that no significant and unavoidable environmental impacts would occur, the proposed infrastructure is determined adequate as it relates to the environmental impacts analysis. While the EIR concludes that the proposed project is considered generally consistent with the *Placer County General Plan* and *Ophir General Plan*, it is the Placer County Planning Commission who will determine whether the proposed project is consistent with adopted County plans and policies.

In addition, refer to Response to Comment E-11, which discusses the data used to evaluate the project's potential impacts to groundwater. To evaluate the feasibility of the project's proposed use of up to 10,000 gallons of water per day, a 72-hour pump test was conducted. Results of the pump test indicated the proposed pumping rate would sustainable and would not result in significant impacts to groundwater in the project vicinity.

Q-3 The comment states that a heavy industrial project is not consistent with the area and the impact of concrete trucks on Ophir Road would be significant.

The proposed project is not considered a heavy industrial land use. The project proposes a manufacturing and processing land use, which is allowed within the C-3 Heavy Commercial zone district.

Refer to Response to Comment E-4, which discusses the compatibility of the proposed project with existing land uses in the vicinity. As stated in that response, based on the determinations in chapters 5 through 7 of the Draft EIR that the physical

impacts of the proposed project would be less than significant, the analysis of Impact 4.3 concludes that the project would not have a direct impact on nearby residential land uses and the project is considered to be compatible with all existing and planned land uses in the vicinity.

Also refer to Response to Comment E-20, which states that the Placer County Department of Museums determined that the proposed project is not expected to damage Ophir Road because Ophir Road was constructed to support heavy truck traffic.

Finally, refer to Response to Comment F-2 which discusses the impact of all traffic associated with the proposed project on the levels of service for intersections and roadways in the project vicinity. The analysis of Impact 5.1 finds that the project would have a less than significant impact on traffic operations under short-term conditions, and no mitigation is necessary. The analysis of Impact 5.2 finds that the project would contribute to significant impacts on traffic operations under the long-term or cumulative conditions. Mitigation is required to ensure that the project pays a fair share proportion of funding necessary to implement improvements to provide acceptable traffic conditions.

Q-4 The comment asserts that the truck traffic associated with the proposed project would negatively affect the scenic qualities of the project area.

As discussed in Response to Comment E-20, Ophir Road already supports substantial truck traffic. This traffic is associated with the existing businesses on Ophir Road. The addition of traffic associated with the batch plant would not represent a significant change from existing conditions.

Q-5 The comment asserts that the Draft EIR does not consider County standards related to height and noise.

Refer to Response to Comment G-8, which summarizes the Initial Study analysis of impacts associated with the height of the proposed tower. Although a variance would be necessary to allow the proposed tower height, the analysis in the Initial Study found that the tower height would not result in a significant environmental impact. Because the analysis in the Initial Study found that the height of the tower would not create any significant environmental impacts, analysis of the need for a variance is not necessary in the EIR. Based on the conclusion that the aesthetic impact would be less than significant, the proposed project is determined consistent with County plans and policies as the plans and policies relate to the environmental impacts analysis. While the EIR concludes that the proposed project is considered generally consistent with the *Placer County General Plan* and *Ophir General Plan*, it is the Placer County Planning Commission who will determine whether the proposed project is consistent with adopted County plans and policies.

The noise analysis in CHAPTER 7 NOISE evaluates the impacts of the proposed project in relation to the noise standards established in the Placer County General Plan and the Placer County Code. Article 9.36 of the Placer County Code is the Noise

Ordinance for Placer County. These standards are applicable to land uses within the Ophir area.

Q-6 The comment indicates that the project applicant has not worked with the local community in the planning of the proposed project. The comment includes a handwritten note providing the author's contact information.

CEQA does not require the project applicant to work with the local community. CEQA requires that Placer County provide opportunities for public comment on the EIR. By providing Notice of Availability of the Draft EIR, allowing for a 45-day public comment period, and providing these responses to all comments received on the Draft EIR, Placer County has met the CEQA requirements for public review, as expressed in CEQA Guidelines §15087.