

Jeff Shirhall
City of Rocklin Planning Commissioner

March 12, 2006

Mr. David Mohlenbrok
Community Development Department
City of Rocklin
3970 Rocklin Road
Rocklin, CA 95677

Letter 41

Subject: Clover Valley Recirculated Draft Environmental Impact Report

Dear Mr. Mohlenbrok,

I have reviewed the above-cited document and would like to submit the following comments:

41-1

- 1) Specific to SWPP's, the mitigation measures contained in the EIR are in my opinion very cursory at best, vague generalities. I pulled the following topics from the City of Rocklin web site and would like to see specific action items and performance standards included in the SWPP mitigation measures for the following:
- Storm water runoff
 - Non-hazardous materials management
 - Hazardous materials management
 - Saw cutting
 - Vehicle equipment maintenance
 - Spill prevention and control
 - Painting
 - Earthwork and contaminated soils
 - Paving and asphalt work
 - Concrete grout and mortar storage

41-2

- 2) Specific to SWPP management, I feel the project developer should bear responsibility as a mitigation measure for ensuring the custom homebuilders practice their BMP's.
- Whitney Oaks custom homebuilders unfortunately are an example of BMP's being poorly managed. City resources for code enforcement are tight. As such the developer needs to bear a greater responsibility for BMP practices and their enforcement throughout the entire construction process.

41-3

- 3) Specific to Oak tree removal as sited in 4.8 I-2, Oak tree removal by "plan" or "accident" should be characterized the same as "Significant Unavoidable." Per the DEIR removal by accident is characterized as "Less than significant" while removal by plan is characterized as a "Significant Unavoidable" impact.

41-4

- 4) The "Special Status Species Survey" is 14 years old. In my opinion a new survey should be included in the Final EIR.

41-5

- 5) Sanfords Arrowhead Bush – 4.8 MM-4 states that "IF" the species is found on the site, "then" a mitigation plan will be designated. This is not a mitigation measure, what is the performance plan?

41-6

- 6) 4.11 I-5 – "Impacts regarding the degradation of water quality"- The list of constituents to be monitored should read "shall" or "will", instead of "should" be consistent with the monitoring performed by the City of Rocklin. Also the language should state that monitoring "shall" or "will" occur during dry weather instead of "should" occur during dry weather. I feel that more testing of the water quality during construction activity is warranted for this project. I would like to see a detailed "testing" schedule included as a mitigation measure as well a listing of the constituents to be tested for as required/approved by the City.

41-7

- 7) Specific to the Cultural Resources, I would like to see more definitive language specific to the mitigation measures included in the final EIR. I also feel that during grading a qualified Cultural Resource specialist should be on site at all times for monitoring purposes.

- 41-7
Cont.
- Per 4.7 I-3, I would like to know the specifics of the fencing that will protect these sensitive areas. Is the plan to install post and cable, chain link or wrought iron fencing? Limiting access to these areas will only minimize the risk. Specifics should be outlined in the mitigation measure. Is the impact "Less than Significant" or is it "Significant Unavoidable"?
- 4.7 I-4 states that orange construction fencing is to be erected around the "sensitive" sites. Should the permanent fencing/mitigation measure be installed immediately or at the least something more significant and secure than orange fencing?
- 4.7 I-4 – Inadvertent discovery of cultural resources and or human remains could mean inadvertent destruction of resources and remains. Is this a "Less than Significant" impact or "Significant Unavoidable"?
- 41-8
- 8) Are we collecting any Traffic Mitigation fees from the developer? I did not see their inclusion as a traffic mitigation measure.
- I would like to see additional traffic analysis specific to Park Drive moving east between Crest Drive and Whitney Oaks Boulevard. Should the addition of medians be contemplated where possible to create traffic separation especially at entrances to neighborhoods? It is very rare that we have four lane roads in Rocklin without medians.
- 41-9
- 9) I am very concerned that detailed performance standards and appropriate mitigation measures have not been included or fully contemplated specific to storm water drainage from the top of the ridges onto the valley floor and into the Clover Valley Creek.
- With the series of lakes and ponds below the proposed project, the EIR must ensure via mitigation measures that sediment does not enter the Creek system. In Whitney Oaks the watershed from the ridges into the valley is an issue creating significant erosion on the hillsides and sediment entering the creek system. 6-inch to 30-inch deep crevasses have appeared in many locations where the storm water is eroding the hillsides.
- Specific to 4.11 I-4 "Post Construction Erosion" we need performance standards to understand how to handle the water coming off of the ridges once we have rooftops and streets. The DEIR speaks to the issue and makes cursory recommendations but does not describe clear plans or mitigation measures. The DEIR describes options such as piping the water via exposed pipes on the hillsides but does not discuss this option from an aesthetic impact.
- Until a "detailed drainage plan" is included I am not sure we can understand all issues related, nor am I sure an accurate assessment can be made. Certainly I feel the mitigation measures contained in the DEIR are incomplete to handle the flows of up to 35 cfs as projected in the DEIR at the discharge points near the top of the hillsides.
- I would like to see the Final EIR contain detailed drainage plans and specific performance standards that meet the approval of a hydrology expert.

Sincerely,

Jeffrey Shirhall, Rocklin Planning Commissioner

LETTER 41: SHIRHALL, JEFF, PLANNING COMMISSIONER

Response to Comment 41-1

For more information regarding impacts related to stormwater runoff see Impact 4.11I-1. For a discussion of hazardous materials management (includes impacts related to paints and other potential pollutants) see Impacts 4.10I-1 through 4.10I-7. Impact 4.5I-1 and associated mitigation measures address impacts related to vehicle equipment maintenance and performance standards related to on-site construction vehicles.

The other impacts mentioned by the commenter are addressed throughout the DEIR. In addition, the proposed project would be required to abide by all existing state and local standards and regulations related to construction-related impacts.

Response to Comment 41-2

Mitigation Measure 4.11MM-3(b) requires all development to comply with SWPPP requirements, but does not specifically impose upon the applicant the responsibility to oversee enforcement of these requirements on individual developers of custom lots. Nonetheless, failure to comply with the SWPPP requirements would expose individual developers of custom lots to enforcement activities by the City, by the Regional Board, and even by private citizens (via citizen suits brought under the federal Clean Water Act), with significant financial penalties for non-compliance. This approach satisfies the requirements of CEQA. However, in processing and acting upon the application for the subdivision map, City staff, the Planning Commission, and the City Council will have the authority to consider recommending and imposing additional conditions beyond what CEQA requires, including conditions creating additional enforcement mechanisms for the SWPPP.

Response to Comment 41-3

Impacts related to the unintentional loss of oak trees are discussed in Impact 4.8-2. The primary difference between the unintentional loss of trees discussed in Impact 4.8-2, which is concluded to be less-than-significant after the implementation of suggested mitigation measures, and the loss of oak trees due to project implementation is that the project impacts are certain and expected impacts from the proposed project. However, no unintentional loss of oak trees is desired, nor expected, but does occasionally happen. By constructing the project as proposed and implementing all necessary oak tree preservation mitigation measures, unintentional losses will be infrequent and isolated, and therefore a less than significant impact. Since there is no specific mitigation set forth for the unintentional, and uncertain, loss of oaks, such losses must be mitigated under the City Of Rocklin Oak Tree Preservation Ordinance.

Response to Comment 41-4 and 41-5

See Section 1 of Master Response 8 – Biological Resources.

Response to Comment 41-6

The commenter is correct. The following change is hereby made to Mitigation Measure 4.11MM-5(d):

Water quality monitoring (including biological monitoring which includes monitoring of the species and their abundance within the Creek and monitoring the overall toxicity of the Creek water and sediment to living organisms.) shall occur in Clover Valley Creek at the upstream and downstream edges of the development and at the most downstream detention basin. The list of constituents monitored shall ~~should~~ be consistent with the monitoring performed by the City and by the Dry Creek Council Conservancy.

This change is for clarification purposes and does not alter the conclusions reached in the DEIR.

Response to Comment 41-7

See Section 2 of Master Response 7 – Cultural Resources. The City is unable to disclose specific management measures developed in the Historic Properties Management Plan (HPMP) and Historic Properties Treatment Plan (HPTP) because, at the time of this writing, the federal NHPA Section 106 process has not been completed. CEQA allows for mitigation measures to be developed in the future so long as the EIR includes performance standards for the mitigation to be developed. (CEQA Guidelines 15126.4(a)(1)(B)) The federal NHPA Section 106 process is the mitigation performance standard to which the applicant will be held. All of the issues will be addressed in the federal HPMP and HPTP.

Response to Comment 41-8

This project will be responsible for paying traffic impact fees in accordance with the City's ordinances as a matter of law and therefore would improperly be identified as a mitigation measure.

The proposed project would contribute traffic-segment fee programs as detailed on page 4.4-15 of the DEIR. Additionally, if the proposed project is approved, the applicant would be responsible for improvements as dictated in mitigation measures within the DEIR (see Mitigation Measure 4.4MM-5[a]).

Please refer to the response to comment 28-1 for additional traffic volume and level of service information. Medians are, or are not, included in street cross sections at the design and improvement plan review and approval process. The City approved the design of Park Drive without medians when the Whitney Oaks project worked through the entitlement process. The addition of medians now would be an offsite improvement unrelated to the

proposed project, since there is significant additional traffic capacity on Park Drive and the project traffic does not exceed any impact thresholds of significance.

Response to Comment 41-9

See Section 3 of Master Response 11 – Hydrology and Water Quality



PLACER GROUP
P.O. BOX 7167, AUBURN, CA 95604

January 23, 2006

Letter 42

Attn: Sherri Abbas, ACIP
Planning Services Manager
City of Rocklin
3970 Rocklin Road
Rocklin, CA 95677

JAN 23 2006

Ladies and Gentlemen:

RE: Request for Extension of Public Comment/Review Time Period for Recirculated Draft Environmental Impact Report (RDEIR) for the Clover Valley Subdivision Project (SCH#93122077)

Because the 45-day review period for the recently released Draft REIR for the proposed "Clover Valley" development is the minimum allowed under CEQA, we are requesting that a more reasonable, extended comment period (90 days) be allowed. The 45-day period is not adequate to accommodate the appropriate level of review necessary to properly evaluate this project and address all the impacts in the RDEIR.

Although we are grateful for the extensive notification of the availability of the RDEIR, its large size does not allow any citizen an opportunity to preview it completely within a 45-day period. With Volume I being approximately 2.5" thick, this tome will take at least 90 days to scrutinize appropriately. Volume II is not much smaller.

The preparation of this RDEIR took the Rocklin City more than a year to prepare. In addition to staff hours, a consultant was also hired to expedite the preparation of the EIR. As lay people, with our own workloads, to meet a 45-day review/comment deadline, for a document that took more than a year to prepare, is truly one of the largest ever released, and is vitally important to the community, we believe the City of Rocklin can easily justify a comment time extension for the public to comment effectively.

As the City of Rocklin realizes, this proposed project is highly contentious. To allow the minimal review/comment period is not in the public interest, nor does it reflect an adherence to the spirit of the law as set forth in CEQA which encourages and supports full public participation. I urge you to extend the comment period to 90 days, and make this letter a part of the public record. Thank you.

Sincerely,

Marilyn Jasper, Chair

Cc: Bill Yeates, Keith Wagner, Attorneys at Law

42-1

LETTER 42: SIERRA CLUB PLACER GROUP (JANUARY 23, 2006)

Response to Comment 42-1

Please see Response to Comment 23-2.



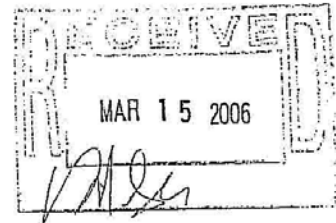
Placer Group
P.O. Box 7167
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Letter 43



SIERRA FOOTHILLS AUDUBON SOCIETY
PO Box 1937
Grass Valley, CA 95945

March 15, 2005



Sherri Abbas
Planning Services Manager
3970 Rocklin Road
Rocklin, CA 95677

RE: CLOVER VALLEY RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)

43-1

Thank you for the opportunity to review the Clover Valley DEIR. Our process of reviewing this DEIR is sequential. However, where a point or impact is discussed in one section, that does not, or should not, preclude its relevance and applicability to a different section where the topic or issue is related, and/or the discussion is repeated in the DEIR. To avoid multiple duplication of points being made in this review, the issues discussed are meant to be applied throughout the DEIR even if/when covered in earlier or later section(s) in any part of our document. In other words, if a point being made in the Aesthetics section, for example, is applicable to an issue in the Biological Section, it should not be ignored or dismissed simply because we did not repeat it in all sections to which it applies. This also applies to topics that are discussed in more than one location throughout the DEIR.

43-2

Page 1-3: The DEIR states that although they are a part of the administrative record, previous public comments received by the City on the August 2002 DEIR do not require a written response in this latest Clover Valley DEIR/Final EIR, and that, further, only new comments will be responded to by the City in this latest review. A fundamental objective of CEQA is to encourage public participation in the review of projects with local significance. It is therefore incumbent upon the lead agency to utilize information and response procedures that allow the public to participate fully during the project's review. Since the NOP specifically states that concerns raised during the 2002 DEIR process will be addressed, without seeing those concerns and comments, or having them readily available, the public does not know which were addressed and which were ignored. More importantly, a number of public agencies informed us that they would not be commenting on the Recirculated DEIR because "we already have." **This is not acceptable and keeps vital information from us. Please circulate the previously submitted comments for public review.**