

**Letter 43  
cont'd**

**3. Project Description:**

- 43-3 **Page 3-15:** Reference is made to Phase #1's grading of the entire project including tree removal. To grade almost half the proposed project's 622 acres (in one massive grading as stated) and then to phase in the development over a period of an estimated seven years (p 3-28) will mean that graded, scraped, bare land will sit exposed and act as a catalyst for undesirable run off/erosion during precipitation events, and dust during the dry months. If the graded land sits for more than one year, it can be assumed that vegetation will reappear and even more grading and/or clearing will be necessary. **How will the impacts of potential years of bare, exposed land be mitigated? How will the impacts of the grading be mitigated if the housing market should collapse and the planned number of units are never built upon the graded areas?** Theoretically, bare earth could stand for years where oak woodlands, nests, and wildlife once thrived. **Please analyze the impacts of the phase delays and provide mitigation for public review.**
- 43-4 **Page 3-24:** Reference is made to an "operating memorandum" in the Developer Agreement (DA). **What is the operating memorandum and what are its impacts?**
- 43-5 **Page 3-26:** Reference is made to the necessity of the City Council to approve an extension of the current DA. **How is an "extension" related to environmental impacts?**
- 43-6 If a DA "Extension" is required, at a minimum it should generate an entirely different legal process, public input, and new elements relating to contractual considerations for both sides. If the newly negotiated DA contains potential environmental impacts, then a CEQA process/EIR must be initiated. **Please consider an extension of the DA to be "negotiable" and require either adequate and appropriate mitigation measures be incorporated before any approvals and/or a CEQA review.**
- 43-7 **Page 3-27:** Reference is made to the Nationwide Permit 26 and its extension. According to the U.S. Army Corps of Engineers (Corps), the permit has expired; the new application awaits the completion of the Archaeological studies. For the public to read that a permit is already in place is misleading, possibly considered a fete a compli, and stifles review. **Please publicly disclose this inaccuracy.**

**4. Introduction to the Analysis:**

- 43-8 **Page 4.1-1:** It is stated that affordable housing issues were not determined to need evaluation in this EIR based on a discussion from Chapter 1. Chapter 1's discussion is, "However, the City Housing Element designates land for affordable housing, and the Clover Valley project was not included within the affordable housing target areas; therefore, affordable housing will not be discussed further in this chapter." This hardly qualifies as a discussion of affordable housing determination issues. If, as suggested, the project consists of upper-end, million-dollar mansions, then workforce housing will be impacted. **Please explain the affordable or workforce or inclusionary housing issue and why it is not applicable to this project? As with other projected Rocklin planned projects, why isn't the Clover Valley project being required to pick up a share of the "diverse range" as mandated in the Housing Element policy?**

**Letter 43  
cont'd**

**4.2—Land Use:**

- 43-9 **Page 4.2-7, Land Use Element:**  
Policy 6—“variety of residential land use designations that will meet the future needs of the City.” As stated on page 4.2-11—relating to this section “creative more flexible approach to the use of land, to maximize the choices of types of living environment available to the people...” This General Plan (GP) policy has not been fully implemented. Planned Developments are not defined by square footage parameters alone, yet this is the criteria by which the proposed project attempts to adhere to the policy. **Where are the condominium, high density, smaller homes—true “flexibility”—that either single or elderly would need?**
- 43-10 As stated further on page 4.2-11, the DEIR states that the proposed project has distributed the density over the entire project site (including the open space parcels). This is misleading. The project is utilizing every usable square inch of buildable space. Open space designations are on 20 to 50 percent slopes, wetlands, or setbacks. This is land that is unsuitable for development and not necessarily considered gratuitous open space.
- 43-11 The DEIR makes an illogical juxtaposition with, “encourage more efficient allocation and maintenance of privately controlled common open space through the redistribution of overall density....” **How will privately controlled open space result in more efficient maintenance? How will this be accomplished? What is the plan for this maintenance of open space?**
- 43-12 Policy 7—“compatible with ...existing neighborhoods.” Springfield is small lot, relatively smart growth design on the west ridge of Clover Valley. **How is Clover Valley compatible with adjacent Springfield?**
- 43-13 Policy 16—“neighborhood designs that interconnect streets and pedestrian pathways...for social interaction is the goal. With cul de sacs, gated courts, and dead ends, Clover Valley’s design disconnects, makes social interaction between streets and neighborhoods arduous. Page 4.2-11 further states that the roadways would connect with existing developments and roadways surrounding the project site. **How does the Clover Valley design meet the requirements of this policy?** Residents that are within 100 to 800 feet of existing roadways (just outside the project) will not be able to access them. **How do at least 20 roadways that end in cul de sacs constitute an adherence to this interconnectedness policy?**
- 43-14 **Page 4.2-7, Open Space, Conservation, and Recreation Element**  
Policy 1 could not be stated more clearly. The proposed project is destroying the natural resources areas (filling wetlands, taking out over 26% of established native oaks, encroaching on required creek setbacks), blocking scenic areas (6 to 8 foot masonry walls), destroying hilltops with grading for homes. **How does this project meet the requirements of this policy?**
- 43-15 Policy 2—“protection of wetlands.” The wetlands would be protected from destruction by fill if proper bridge spans were designed. **Why aren’t bridge spans being required that will protect the creek and wetlands from fill and grading impacts?** The seasonal wetlands will be destroyed by the sediment loads and subsequent dredging along with contaminants in run off. **Please explain how Policy 2 is being adhered to and the wetlands are being protected.**
- ↓ Policy 4—“protection of oak trees.” (see comment in Policy 1 above).

## Letter 43 cont'd

- 43-16 **Page 4.2-11.** In a summary discussion of Policies 1, 2 & 4, the argument is made that significant impacts will occur; however, since there is open space preservation, then the project is consistent with the policies. This logic ignores and diminishes the importance of the key word in the policies: **PROTECTION**. All three policies clearly do not support any destruction under the guise of providing open space elsewhere. **How does "open space" become consistent with destruction? Please explain how this destruction does not constitute a violation of the policies of protection and therefore violates the intent of the General Plan?**
- 43-17 In a summary discussion of Policies 7, 8, and 9, and the inadequate dedication of park lands, it is stated that the applicant would be required to provide appropriate parkland dedication and/or fees as noted in Chapter 4.12. However, page 4.12-40, 1-8 discusses fees only. Without guarantees of parkland dedication, with rising land costs, this impact of inadequate parkland remains inconsistent with the General Plan and remains significant.  
**If fees are imposed, how will the amount be determined with the proposed seven-year build out in order to avoid having insufficient fees collected to purchase any usable parkland? With land prices escalating, and with Rocklin approaching build out, where will usable, additional parklands be found that can be purchased with the fees collected? Please require that the applicant provide suitable parkland dedication before proceeding with the project to insure mitigation is secured.**
- 43-18 Policy 15—"adequate yard areas and building setbacks from creeks, riparian habitat, hilltops, and other natural resources." The requirements of this policy have been violated on numerous occasions in this proposed project. **Why has this project been exempted from this policy? How is this inconsistency with the General Plan being remedied or mitigated?**
- 43-19 Policy 19—"minimize degradation of water quality..." The proposed project encroaches on mandatory creek setbacks and grades almost half of the entire 622 project acreage. This in itself sets the stage for degradation of water quality. In the discussion on page 4.2-11-12, the key word is **prohibit** as well as the stated importance of protecting the watercourse. This GP policy/mandate is summarily dismissed with reference to construction BMPs from 4.11MM-3, which may or may not be effective on flat lands or gently rolling hills. The likelihood of their success on the steep slopes in Clover Valley are slim to none. The run off from construction activities, impervious surfaces, residential use of herbicides, pesticides, domestic animal waste, and other materials (in Rocklin's only steep-sloped, narrow valley with a perennial creek running through the center that is part of the critical habitat for Central Valley steelhead) demands more rigorous procedures for creek protection. BMP's or BAT's do not provide the level of protection required on Clover Valley Creek. **Please address the BMP's and BAT's in relationship to the unique topography of the project area. How will pollutants that have dissolved be prevented from entering the watercourses? How will invertebrates, and subsequently fish, be protected from pyrethrins that have bonded to sediments in the water?**
- 43-20 Policy 20—consider developments in terms of visual qualities and compatibility with surrounding areas. In a letter from the Placer County Planning Department (October 31, 2002), the juxtaposition of residential and commercial adjacent to unincorporated Placer County land represents incompatibility and creates a potential for negative impacts. In the discussion on page 4.2-12, such vagaries as "generally consistent" are inadequate and unacceptable in attempting to satisfy the requirements of this GP Policy. The proposed project abuts Springfield to the west, which is a compact residential design. **How is this proposed project compatible?**

**Letter 43  
cont'd**

43-21 The Clover Valley Woods development to the south, if proposed today, would not be allowed due to violations of federal, state, and local regulations. To claim consistency with the development to the south is to condone impacts that are now prohibited. **Please explain the correlation of compatibility and consistency of the proposed project in light of surrounding communities and the Placer County Planning Department's comments.**

43-22 Page 4.2-12—As stated, the proposed project will meet consistency with General Plan requirements ONLY with the City Council's approval of a GP Amendment and Rezone. The DEIR assumes approval and dismisses the impacts as "less than significant" assuming approval. **Please explain how such a prediction of the City Council's vote can be claimed or assured.**

43-23 Page 4.2-12, Item 4.1 I-2—Without knowing the alignment of the proposed sewer line, the public must focus on all the alignment options. There either is a plan or there is not. By leaving all the options open and seeking approval, the impacts are not studied in the depth they need to be, nor is the public certain as to what needs to be analyzed.

43-24 MM-2 suggested pertains only to the golf course alignment. It is noted that the DEIR finds disruption to Fairway 6 worthy of analysis and MM, but not the creek crossing(s), nor the denial of use or destruction to Clover Valley Park, even though both are cursorily mentioned. Another significant impact is the intrusion and disruption to the residents along the sewer line construction (Union, Argonaut, Midas, and Rawhide).

43-25 **Which trees in Clover Valley Park will be removed? Does their removal comply with the all tree ordinances? How will the oak that is described as 18-inches dbh, as well as the four other trees (6- to 8-inches dbh) be protected? How long will the park be unusable to citizens? Where are the referenced creek crossings addressed (other than on maps)? Please provide this information in order to review this impact.**

**4.3—Aesthetics**

43-26 Page 4.3-1--Environmental Setting  
The statement that typically describes the region is correct for the typical landscape. However, Clover Valley does not fit the typical landscape of the region (see Attachment I—topo map); thus the description is incorrect in what appears to be an attempt to lump the project into a generic mold. The significance of this incorrect description permeates the entire DEIR and influences the significance, or lack thereof, of impacts and mitigation measures.

43-27 First, the steep slopes in the project area at 20 to 50 percent can hardly be described as "graded" or "rolling hills." Secondly, one of the most prominent existing features of the project site is its scenic ridge aspect. This element is ignored or omitted, not only in this typical characterization but also in the discussion of impacts throughout the DEIR. On page 4.3-2, Unique Visual Features, although what is described is accurate as far as it goes, noteworthy in its absence is, again, any reference to existing scenic vistas from both the east and west ridges. These most spectacular viewsheds are omitted from the DEIR with none of the multitude of impacts described, analyzed, or mitigated.

43-28 **Please discuss the property's existing scenic view features of Mt. Diablo, the lights and skyline of the city of Sacramento, the Sacramento River watershed and valley flatlands, the Coast Range, the Sutter Buttes, the surrounding foothill elevations (one layered upon another), and the peaks of the Sierra Nevada (snow-covered in**

Letter 43  
cont'd

- 43-28 cont'd ↑ **the winter) and evaluate the impacts to these features. Please prepare appropriate impact discussion, mitigation, and recirculate the DEIR.**
- 43-29 **Page 4.3-10.** Throughout the DEIR, reference is made to the “1995 Clover Valley Lakes Annexation project” as well as the 1995 Annexation EIR. We know that “non-native riparian species,” or public parks [plural] along with other changes are no longer applicable even though they may have been accepted in 1995. **How prudent can continual reliance on an 11 year-old document be in terms of current regulations and requirements?**
- 43-30 **4.3-12, 4.3 1-1**—Visual degradation is discussed in a general manner. However, the visual degradation of the construction activities as viewed from Park Drive is omitted or ignored. Park Drive affords the one existing public open view down into the valley, yet that impact of the loss of that view is not analyzed. **Please analyze and mitigate this impact.**
- 43-31 Re-vegetation is deemed adequate to mitigate for 60 foot cut and fills. **Please explain how re-vegetation is considered an adequate mitigation for this very significant impact. Who will fund the city’s monitoring expenses? (If applicant, will performance bond be required?)**
- 43-32 **Page 4.3-13, 4.3 1-2.** As stated, “Depending on the design and construction of the ultimate buildout of the project, the aesthetic qualities of the ridgeline as well as preservation of the viewshed from the ridgeline would potentially be adversely affected.” (This impact refers to the views from Sierra College Blvd and Loomis area.) Because the DEIR specifically calls for 8 feet masonry fences, regardless of the buildout, the viewshed will most certainly be adversely affected. However, an alternative MM could be implemented: With proper out-of-sight setbacks from Sierra College Blvd, no sound walls would be visible, and the viewshed would remain in tact. This alternative MM is consistent with Rocklin’s GP Open Space Policy #1, page 9, that encourages protection of scenic areas, hilltops from encroachment or destruction through the use of buffers, setbacks or other measures. **Please consider 300’ (or more if necessary) setbacks instead of sound walls as a mitigation measure to protect the viewshed(s) and comply with the GP.**
- 43-33 **Page 4.3-14, 4.3 1-4.** The “less-than-significant” impact of the alteration of views from western Loomis is based on inaccurate claims. It is stated that the proposed project includes a buffer zone of 250-280 feet at the crest of the hill. Yet the map clearly indicates housing units along the entire crest of the hill which will be quite visible from Loomis. The buffer does not include the crest of the hill. **How will homes on the crest be invisible to Loomis residents when the crest can be clearly viewed now? Please reassess the impact and analyze for recirculation.**
- 43-34 What is indicated as a visual buffer zone is one of the steepest hillsides in the entire 622 acres, the fall from which would land one on the railroad tracks. Although construed conveniently as a buffer, it should be considered a safety/hazard setback. The point is that the homes will indeed be visible from residents of Loomis. **Therefore, it is a significant impact and needs to be fully mitigated.**
- 43-35 ↓ **Page 4.3-14.** Reference is made to impacts with the current viewshed from the developed western ridge. Once again, consistency is the criteria, but the standards are not given. Somehow trust in a nebulous, undisclosed City review process is expected. But

Letter 43  
cont'd

43-35  
cont'd

↑ more egregious is the claim that since ultimate buildout is at a lower overall density than originally anticipated under the approved General Plan and Zoning designations, along with more open space, that the impacts to the current viewshed are less than significant. CEQA analyzes the impacts of the project to existing conditions, not impacts to reductions from a plan that is no longer being considered. From 0 units in the valley to 558 units, from 0 paved roads to over 46 acres of roadways—the impacts must be considered. Even a ten-unit development would create impacts to not just diminished views but destroyed views. The current residents may even have to consider privacy barriers, which will further impact their current views. **Please follow CEQA regulations and analyze the impacts of the proposed project to the exiting viewshed, no matter how many units, Please recirculate the findings for public review.**

43-36

Page 4.3-15. In discussing aesthetic impacts to views, the DEIR implies that consistency is the standard. If this criteria were followed, we would have consistency to bad design. To drive along Park Drive and/or Crest is to be blocked from any of the great vistas of the valley, coast range, and sunsets. Small nano-second views may be glimpsed as one passes the gated openings, but those once-grand views are lost to the public forever. The impacts to viewers west of the site will be very significant. Instead of pastoral views of Clover Valley or the foothills/Sierra Nevada beyond, masonry walls will greet the eye. **Please explain how changing an open view to a blocked or tunnel view is less than significant to viewers?**

43-37

Not only is the impact significant west of the site, but also the mitigation should include setbacks to avoid blockage of any of the current views. If masonry walls are required, by having deep enough setbacks, the tops of the walls will not interfere with the views. **Please comply with CEQA and the GP policy referenced above, analyze the impact, and recirculate for review. Please provide setbacks sufficient to preserve the viewshed or provide suitable mitigation measures for the loss of views west of the site.**

43-38

Page 4.3-16, 4.3, I-7 is actually two separate significant impacts. The off-site sewer line extension impact to the aesthetics associated with Antelope Creek riparian corridor should be considered as an entirely separate issue from the aesthetics impacts within the project site. They should be analyzed as such. **Please analyze separately and recirculate for public review.**

43-39

As described, the creek crossings and on-line or in-stream basins will cause not just potential visual degradation, but significant visual degradation of the riparian corridor. With the actual location of the basins undisclosed, it is not possible to accurately determine the extent of the basin grading nor the water back up in the event of flooding. However, the grading, artificial appearance of the ponds, and worse, the sludge and “muck” resulting from sediment, will make the creek corridor resemble the San Francisco Bay/Berkely mud flats when the tide is out. **Please address the true visual impacts to the in-stream detention basins and recirculate for public review.** (Please see attachment II for visual degradation of sediment in Clover Valley Creek south of Midas from Dec 31 05 storm event.)

43-40

Page 4.3-17-MM-7. Culverts are notorious for migratory fish and wildlife problems. Culverts should not be allowed in the creek crossings. Clover Valley Creek may be restored for salmon and steelhead habitat and migration; full creek spanning over crossings would be more beneficial to both fish, wildlife and wetlands by eliminating as

↓

Letter 43  
cont'd

43-40  
cont'd

much, if not all fill issues. **Please require creek crossings that span the creek rather than use culverts, and design them for minimal aesthetic impacts.**

43-41

Although retaining walls are referenced to eliminate fills into riparian areas, without even rough details of where the retaining walls will be located, neither the aesthetic or environmental impacts can be reviewed. **Please provide better descriptions and details as to the retaining walls and their visual impacts for public review.**

43-42

Again, no information is given as to the location of the detention basins. Their function and aesthetic impact(s) cannot be reviewed without knowing where they will be located. **Their design may create fish stranding problems requiring analysis and MM.**

43-43

Page 4.3-18, MM-8(a). Although well intended, the MM to hand each new homeowner a copy of the Oak Tree Ordinance by itself is impractical. If the ordinance has strict penalties and is vigorously enforced, and that information is ALSO passed on to homeowners, then this MM may be more realistically feasible.

**How will the distribution of the City's Oak Tree Preservation Guidelines to homebuyers be funded? How will home resales be handled with regard to the distribution of the guidelines? What will be the penalties for damage, destruction or illegal removal of a tree by a homeowner?**

43-44

4.3MM-8(b)—**Who will monitor the overgrading restrictions and enforce them? What will be the penalties for non compliance?**

43-45

The statement, "The effect of narrower road widths and terraced retaining walls on cross-slopes of 20 percent or greater shall be assessed." **How is this a mitigation measure?**

43-46

It is stated that grading for the detention basins will be confined to the specific area forming the boundaries of the basin. **Again, since the location of the basins is not specifically known, how will detention basin grading be differentiated from roadway grading? Since half of the project's 622 acres is to be graded, how is this a meaningful mitigation measure?**

43-47

Page 4.3-20, 4.3 I-9—**Historic stone walls.** The impacts to the historic stone walls are erroneously designated less than significant based on incorrect assumptions.

Whether the walls are located in remote areas or not, or "highly visible or not," is not an indicator of their value and is not grounds for exclusion from the CEQA process. However, the historic stone walls on the project property are visible along Sierra College Blvd and along Park Drive. To remove them promotes a disregard and disrespect for this visual reminder of the region's rich history.

43-48

In spite of not having state, county, or municipal protection, many other communities that have historic stone walls DO protect, promote them as a tourist attraction, and/or have gone to great lengths to preserve and/or restore them.

In addition, to designate the impact of the removal of the historic stone walls as less than significant due to a lack of public agency protection is an erroneous assumption and an incorrect CEQA procedure. The DEIR specifically states on page 4.7-27: An "historical resource" includes, but is not limited to, any object, building, structure, site, area, place record or manuscript that is historically or archaeologically significant (Public Resources Code section 5020.1). **Thus, the historic stone walls do exist as a historical resource. Their proposed removal must be analyzed and mitigated.**

CEQA also supports the significance of the historic stone walls and corral with its inclusion of

**Letter 43  
cont'd**

43-49

Rocklin's General Plan specifically calls out "Chinese rock walls" as being a cultural resource (page 53). Under Land use, further support to preserving historic stone walls is given with the stated land use Goal 5 (page 4), to encourage preservation and adaptive reuse of significant historic structures and sites." This, coupled with the Open Space, Conservation and Recreation Policy 2 (page 9) to "encourage the protection of historically significant and geologically unique areas and encourage their preservation," clearly conveys the intent and mandate of Rocklin's General Plan to protect historic stone walls.

43-50

Clover Valley's historic stone walls are even more important in the context that they were on both sides of the valley, both ridges or slopes, and are unique in their continued visibility in many places on the property. The stone wall on the south east portion, although deteriorated, is very recognizable for what it is. This is a very significant historical resource, and the project presents a major impact to it, especially with any proposal to remove it. In addition, the historical corral is remarkable for its present day integrity, intactness, and should be restored to its historical importance. **Please require protection and avoidance to preserve the most unique features of the historic stone resources on the project site. Please require avoidance of all historic stone wall remnants and especially avoidance of the historic stone corral, the likes of which is very unique and rare.**

43-51

There is an implication in the DEIR that unless previously "listed" or registered, a resource does not have to be protected. However, a resource does not need to have been identified previously either through listing or survey to be considered significant and therefore protected under CEQA. In addition to assessing whether historical resources potentially impacted by a proposed project are listed or have been identified in a survey process, lead agencies have a responsibility to evaluate them against the California Register criteria prior to making a finding as to a proposed project's impacts to historical resources (PRC Section 21084.1, 14 CCR Section 15064.5(3)). In that same CEQA section, it follows with:

(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

43-52

No mention of the historic stone resources found on the proposed project site can be found in the Cultural and Paleontological Resource section of this DEIR, Vol I or Vol II, or in the 2002 Peak and Associates cultural report. **We believe they were inadvertently overlooked as a most significant historical resource, must be analyzed, and avoided by the proposed project to prevent any damage and to preserve them. Please study the historic stone resources and provide the results for public review.**

43-53

In addition to providing an aesthetic value as a visual step back in time, the historic stone walls and corral should be preserved in order to comply with GP Goals (B. Open Space, Conservation and Recreation), Policy 3: "To encourage the protection of historically significant and geologically unique areas and encourage their preservation." (page 9 and 64) **Please correct this apparent oversight. Please study the historic stone walls and corral as important cultural resources and require MM that preserve the both walls and corral, preferably through avoidance and setbacks. If that is not feasible, the City should require a MM that will provide off-site**