

Index to Staff Report Attachment A

Monument Springs Bridge Staff Report: 5/10/22	Page: 1 – 12
Attachment A – Granite Lake Estates Staff Report: 5/28/2002	Pages: 13 - 41
Attachment B – Granite Lake Estates 1 st Modification Staff Report: 02/23/2010	Pages: 42 - 52
Attachment C – Granite Lake Estates Sub. Conditions of Approval w/ markups	Pages: 53 – 90
Attachment D – Vista Oaks Staff Report: 11/14/2006	Pages: 91 – 143
Attachment E – Vista Oaks Sub. Conditions of Approval w/ markups	Pages: 144 – 180
Attachment F – Planning Commission Blue Memo: 04/19/2022	Pages: 181 – 359
City Council Blue Memo: 05/10/2022	Pages: 350 - 397



City Council Report

Subject: Monument Springs Bridge and Roadway Improvements Subdivision Modifications

Granite Lake Estates
EIR Addendum, EIR-2000-01A
General Development Plan Amendment, PDG-2000-08B
Tentative Subdivision Map Modification, SD-2000-02A & TRE-2000-33A

Vista Oaks
EIR Addendum, EIR-2002-01A
Tentative Subdivision Map Modification, SD-2001-04A & TRE-2001-30A

Date: May 10, 2022

Submitted by: David Mohlenbrok, Community Development Director
Bret Finning, Planning Services Manager

Department: Community Development Department

Recommendation

The Planning Commission and staff recommend approval of the following:

- A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKLIN APPROVING THE FIRST ADDENDUM TO THE GRANITE LAKE ESTATES ENVIRONMENTAL IMPACT REPORT (Granite Lake Estates Modification / EIR-2000-01A)
- B. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKLIN APPROVING AN ORDINANCE TO AMEND THE GRANITE LAKE ESTATES GENERAL DEVELOPMENT PLAN (ORDINANCES 855 AND 958) (Granite Lake Estates General Development Plan Amendment / PDG-2000-08B)
- C. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKLIN APPROVING A MODIFICATION TO A TENTATIVE SUBDIVISION MAP AND OAK TREE PRESERVATION PLAN PERMIT (Granite Lakes Estates/SD-2000-02A and TRE-2000-33A)
- D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKLIN APPROVING THE FIRST ADDENDUM TO THE VISTA OAKS AND HIGHLANDS PARCEL A ENVIRONMENTAL IMPACT REPORT (Vista Oaks Modification EIR-2002-01A)
- E. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKLIN APPROVING A MODIFICATION TO A TENTATIVE SUBDIVISION MAP (Vista Oaks / SD-2001-04A, TRE-2001-30A)

Proposal

The Projects are applicant-initiated requests for approval of modifications to the General Development Plan approved for the Granite Lake Estates subdivision, and the tentative subdivision map conditions of approval for both the Granite Lake Estates and Vista Oaks Tentative Subdivision Maps. The proposed modifications are intended to facilitate the construction of the Monument Springs bridge and roadway extensions by allowing construction of additional homes prior to completion of the bridge and roadway improvements in support of the creation of a Community Facilities Finance District and issuance of Bond Opportunities for Land Development (BOLD) bonds. In addition, there are revisions to old or outdated conditions.

Specifically, the projects are requesting approval of the following:

- General Development Plan Amendment (PDG-2000-008B) to delete a provision in the document that restricts the number of homes that can be built in the Granite Lake Estates subdivision to a maximum of 48 units prior to completion of the Monument Springs bridge and roadway improvements;
- Tentative Subdivision Map Modification (SD-2000-02A & TRE-2000-33A) to amend the conditions of approval for the Granite Lake Estates tentative subdivision to allow the construction of additional homes, beyond the existing 48 homes, to facilitate obtaining bond funding to allow construction of the Monument Springs bridge and roadway improvements, as well as clean up obsolete conditions and language;
- Tentative Subdivision Map Modification (SD-2001-04A & TRE-2001-30A) to amend the conditions of approval for the Vista Oaks tentative subdivision to allow the construction of homes in the development in advance of the completion of the Monument Springs bridge and roadway improvements to facilitate obtaining bond funding to allow construction of the Monument Springs bridge and roadway improvements, as well as revise obsolete conditions and language.

Location

There are two project areas, as identified in **Figure 1** and as follows:

- A) One (1) parcel, the undeveloped second phase of the Granite Lake Estates subdivision located at the southerly terminus of Greenbrae Road and, also, southerly of the intersection of Monument Springs Drive and Barrington Hills Drive; APN 046-030-070. This area is located within the boundaries of the Granite Lakes Estates General Development Plan.
- B) Two (2) parcels located southeasterly of I-80 and southerly of the terminus of China Garden Road; APNs 046-020-003 & 046-010-007. This area is located within the boundaries of the Vista Oaks General Development Plan.

Both sites have historically received heavy disturbance from off-road vehicle use. Various unpaved roads crisscross the area, inhibiting the establishment of vegetation. Some of these roads are in such close proximity to each other that large tracts of bare ground have been created. Several of these off-road vehicle trails bisect the Blue Oak woodland habitat on the sites and lead into and out of Secret Ravine Creek.

Surrounding properties have largely been developed with single-family residential subdivisions. The Interstate 80 (I-80) freeway is located along the northwesterly boundary and residential development in the City of Roseville is located to the south of the Vista Oaks project site. The Vista Oaks and Granite Lake Estates projects are separated by the Highlands Parcel A project site, a 20-unit, single family residential tentative subdivision map, on an approximately 30 acre site. The Highlands Parcel A project was approved concurrently with the Vista Oaks project and has similar conditions of approval but is not requesting any modifications at this time.

Summary of Planning Commission Hearing and Action

On April 19, 2022 the Planning Commission considered the proposed modifications to the Granite Lake Estates and Vista Oaks projects. Staff presented the Project, as well as a Blue Memo which included correspondence received subsequent to publication of the Planning Commission agenda packet.

Following staff's presentation, the Planning Commission:

1. Verified that the Development Agreement for the Granite Lake Estates project had expired and that there was no Development Agreement for the Vista Oaks project.
2. Verified that each project would have its own, separate, Home Owners Association.
3. Verified that the Rocklin General Plan Circulation Element includes a policy requiring that Aguilar Road be severed where it crosses Secret Ravine Creek at some point after completion of the Monument Springs bridge.
4. Asked if the requirement to plant trees in the front yard of each home in the Granite Lake Estates project were part of the mitigation for oak trees removed by project development. (Staff later verified that it is not)
5. Verified that the Planning Commission could recommend that the off-site sidewalk extension along China Garden Road, required of the Vista Oaks subdivision, be constructed of concrete rather than possible alternative materials as noted in the existing conditions of approval.
6. Asked if the existing billboard at the southwesterly corner of the intersection of Rocklin Road and Interstate 80 was one of the billboards referenced in the Vista Oaks conditions of approval. (Staff later verified that it is not)
7. Asked for clarification of what is a "Turnkey" park.
8. Asked for clarification of the proposed Granite Lake Estates General Development Plan Amendment.
9. Verified that the proposed bond funding mechanism was dependent upon the inclusion of the approximately \$1.7 million dollars the City has committed toward construction of the bridge and roadway improvements. Staff also clarified that the estimated 110 building permits required to achieve the correct value to debt ratio for the proposed bond issuance did not include the 48 homes already built in the Granite Lake Estates subdivision.

The representative for the Granite Lake Estates project, Dave Cook, and the Vista Oaks project, Brad Shirhall, separately addressed the Commission providing brief histories of the respective projects, the efforts to move the projects forward, and the bond funding proposal for the Monument Springs bridge and roadway improvements. Mr. Cook also suggested some revisions to the conditions of approval for the Granite Lake Estates project, beyond those noted in the staff report.

The Commission asked the project representatives and their teams for clarification of the chain of ownership for the Granite Lake Estates project since it was originally approved, if there was any overlap in the ownership of the two projects, and for clarification of a number of details related to the workings of bond financing proposal.

Fourteen people addressed the Planning Commission during Public Comment. All expressed that the bridge and roadway improvements must be completed prior to allowing any more homes to be built in either project, citing concerns about traffic in general, construction traffic, fire safety, and lack of confidence that the proposal would work.

During deliberations, the Planning Commission generally concurred that the Monument Springs bridge and roadway improvement must be completed as soon as possible. Commissioner Barron stated that he was struggling with the timing of bond financing and the certainty of bridge construction. At Commissioner Cortez's request a representative from the California Municipal Finance Authority clarified that if a cap was placed on the number of building permits that could be issued prior to bridge construction that no bonds could be sold. Commissioner Vass noted that she was in favor of the proposed modifications because of, among other things, the performance bond(s) that would be required as a part of the Subdivision Improvement Agreement that would have to accompany any final map recorded for either of these projects, this financing proposal is probably the best chance to get the bridge built and that if it didn't happen now the bridge may never be built. Commissioner Bass stated that he was not in favor of the proposed modifications and felt the conditions of approval could be more concrete and that the City should do more to pay for the cost of the bridge or to ensure greater certainty that it would happen and when. Commissioner McKenzie stated that he could support the proposed modifications but would also like to see increased City funding for the bridge and roadway improvements.

The Commission voted 4-1 (Commissioner Bass opposed) to recommend approval of the Granite Lake Estates and Vista Oaks EIR Addendums, and the Granite Lake Estates General Development Plan Modification to the City Council as proposed. The Commission voted 3-2 (Commissioners Barron and Bass opposed) to recommend approval of the Granite Lake Estates and Vista Oaks Tentative Subdivision Map Modifications to the City Council with the following modifications:

Vista Oaks Condition #

4.e.4)ii. A four-foot-wide meandering **concrete** sidewalk **of an appropriate material such as a decomposed granite, asphalt or concrete** shall be constructed along China Garden Road, from the northerly edge of the project's China Garden Road frontage to the northerly most intersection of China Garden Road and Rustic Hill Drive. The final design and material shall be to the satisfaction of the Public Works Director and the City Engineer.

Granite Lake Estates Condition #'s
6.a.4)

- i) The subdivider shall have ~~initiated~~ ~~cooperated in~~ the formation of a Bond Opportunities for Land Development (BOLD) Community Facilities District (CFD) consistent with policies and procedures for Land Secured Financings adopted pursuant to Resolution No. 2005-112 for purposes of financing construction of the Monument Springs bridge, roadway extension, and other eligible improvements prior to commencement of any site work for the subdivision.
- ii) Prior to ~~the earlier of~~ issuance of the 78th building permit, ~~or reaching a 4:1 loan to value ratio as defined by CMFA and the City of Rocklin,~~ landowner shall provide evidence of a contract for, and shall initiate construction to extend Monument Springs Drive from the northern boundary of the subdivision, across the parcel to the north of the Project site commonly known as the "Bell property," to connect the Property to the existing terminus of Monument Springs Drive as shown on Exhibit A. This extension of Monument Springs Drive shall include design and construction of a bridge over Secret Ravine Creek. The completion of which shall be guaranteed by a performance bond in the amount and with terms acceptable to the City.

(Add new)
19. Special

- c. ~~Construction traffic for the Granite Lake Estates project shall be prohibited from using Aguilar Road between China Garden Road and Greenbrae Road.~~

(Typo Correction)
21. Effective Date.

Pursuant to AB1561, the approval shall expire on ~~May 14~~ ~~January 11~~, 2023.

The Planning Commission also voted 5-0 to include a minute order in the public record reflecting that the Planning Commission recommends the City Council explore public financing of the bridge and roadway improvements.

Background

Granite Lake Estates

The Granite Lake Estates subdivision, a 119-lot single family residential development, was approved by the City Council on May 28, 2002. The total lot count was later reduced to 116 via a substantial compliance adjustment to the map configuration when a final map for the first phase of the development was recorded. The project entitlements included an Environmental Impact Report (EIR), General Development Plan, Tentative Subdivision Map, Oak Tree Preservation Plan Permit, grading Design Guidelines, and a

Development Agreement. Consistent with the requirements of the Southeast Rocklin Circulation Element, adopted in 1993, primary access to the project site was to be via an extension of Monument Springs Road from its terminus on the north side of Secret Ravine to Greenbrae Road. The extension included construction of a developer-funded bridge over the creek and a two-lane road to connect to Greenbrae Road. At the time the property for this off-site improvement was located in an area under the jurisdiction of Placer County. Known as the Greenbrae Area, this island of Placer County controlled land was annexed into the City in approximately 2016. The project was allowed to construct up to a maximum of 40 homes in the first phase of development in order to somewhat offset the cost of off-site improvements. This limitation was not based upon any environmental transportation impact thresholds being exceeded if homes in excess of that number were built.

In 2010, the first phase of the Granite Lake Estates subdivision, consisting of 48 lots had been constructed and the first homes were being built. The extension of Monument Springs Drive had been delayed by a number of factors including changes to the proposed road alignment, difficulty acquiring the needed right-of-way, and the downturn in the economy now known as the “Great Recession”. As a result, the project developer at the time, S360 Granite Lakes LLC, applied to amend the project’s approvals to allow eight additional homes to be built prior to completion of the bridge and roadway extension, for a total of 48 homes. The City Council approved the modification on February 23, 2010. Additional information about project approvals can be found in the staff reports prepared for the original approval of the project and for the later modification request, identified as Attachments A and B to this staff report.

Homes were completed on all 48 lots in the first phase of project development and construction of the bridge and roadway improvements was started. Work on the bridge and roadway improvements were later halted, and ultimately the undeveloped portions of the subdivision went into receivership and were lost. The property was later acquired by the current owners, Capitol Equity Management Group, Inc. Since that time the property owners have been working with the City and the owners of the similarly conditioned Vista Oaks and Highlands Parcel A projects to identify options to finance and build the Monument Springs bridge and roadway improvements and allow the Granite Lake Estates project to be completed.

Vista Oaks

The Vista Oaks subdivision, a 100-lot single family residential development, was approved by the City Council on November 14, 2006. The project entitlements included an EIR, General Plan Amendment, General Development Plan, Tentative Subdivision Map, Oak Tree Preservation Plan Permit, and grading Design Guidelines. The project was processed concurrently with a proposal for a 20-lot subdivision known as Highlands Parcel A, located on an adjacent parcel that also borders the Granite Lake Estates project.

The Vista Oaks and Highlands Parcel A projects were both conditioned to extend Monument Springs Road from its northerly terminus on the north side of Secret Ravine through the Granite Lake Estates project site and through each other to link with the southerly terminus of the street in the Elliot Highlands development. Here again, the extension included construction of a bridge over the creek and a two-lane road to connect to Greenbrae Road. The Vista Oaks subdivision was permitted to develop and build homes on the 23 lots in Phase I of the development as all vehicular access to that phase is via China Garden Road. The Phase II and Phase III areas, as well as the Highlands Parcel A project, were conditioned to require the completion of the Monument Springs Drive extension, including the bridge, prior to construction of any homes. To date, no improvement plans have been submitted for any phase of either the Vista Oaks or Highlands Parcel A projects. Additional information about project approvals can be found

in the staff report prepared for the original approval of these projects, identified as Attachment D to this staff report. As noted above, the owners of the Vista Oaks and Highlands Parcel A projects have been working with the City and the owners of the Granite Lake Estates project to identify options to finance and build the Monument Springs bridge and roadway improvements and allow all of these projects to proceed.

General Plan and Zoning Compliance

Both project sites have General Plan designations of Low-Density Residential (LDR), with a density range of 1 – 3.4 dwelling units per acre and Recreation – Conservation (R-C) for creek and steep slope open space areas.

The Granite Lake Estates site is zoned Planned Development-1.5 units per acre (PD-1.5). The City Council found the 116-lot subdivision to be consistent with the applicable General Plan and zoning when the project was approved in 2002. The project modifications proposed as a part of this project, including the General Development Plan Amendment, will not change the proposed land use, density or intensity of the project and as such it would remain consistent with the existing land use and zoning designations.

Likewise, the Vista Oaks site is zoned Planned Development-1.08 units per acre (PD-1.08). The City Council found the 100-lot subdivision to be consistent with the applicable General Plan and zoning when the project was approved in 2006. The project modifications proposed as a part of this project will not change the proposed land use, density or intensity of the project and as such it would remain consistent with the existing land use and zoning designations.

Funding Proposal for the Monument Springs Bridge and Roadway Improvements

The owners of the Granite Lake Estates, Vista Oaks, and Highlands Parcel A projects have been in on-going discussions with each other and the City for over a year to determine how best to fund construction of the bridge and roadway improvements and thereby improve the overall traffic circulation in this part of Rocklin and enable these residential projects to move forward.

The City took a significant step in its commitment to help ensure the Monument Spring bridge is constructed by including \$1.5 million in its 2022-2026 Capital Improvement Plan adopted by the City Council on June 22, 2021. The \$1.5 million is in addition to approximately \$198,000 that has previously been collected by the City from Highlands Units 2 and 3 toward the construction of the bridge and roadway extension. Establishment of a Community Facilities Finance District (CFD) and issuance of Bond Opportunities for Land Development (BOLD) bonds has emerged as the most viable and certain method to secure the remaining funding required for these improvements.

The commonly used California Municipal Finance Authority (CMFA) BOLD Program has been designed to help both developers and local public agencies in California finance public infrastructure needed for new development using municipal bonds issued by the CMFA. The CMFA recognizes that new residential development often faces challenges for the mission of municipalities to provide needed infrastructure, since new development triggers the requirement to construct, acquire, or otherwise provide additional public facilities to accommodate the growth. By working directly with developers, the BOLD program facilitates financing for infrastructure and fee obligations of developers. The BOLD Program provides financing of infrastructure projects through the Mello-Roos Act, on a cost-efficient basis. Administration

of the BOLD Program, bond offerings, and related Community Facilities District (CFD) formation and ongoing administrative responsibilities are handled by the CMFA.

To that end the Granite Lake Estates and Vista Oaks representatives have initiated the first steps in the process to obtain BOLD CFD bond issuance to fund the construction of the Monument Springs bridge and roadway extensions. They retained the firm of Development & Financial Advisory, who has done other BOLD CFDs in the City, which determined that to achieve the required loan to value (LTV) and debt service coverage (DSC) needed to support an initial BOLD CFD bond issuance, between the three projects an estimated total of 110 building permits would need to be issued prior to the start of bridge construction. The City's CFD underwriter, Piper Sandler, has independently examined and confirmed the analyses supporting this figure.

City staff held a meeting with developer's representatives, South Placer Municipal Utility District (SPMUD), Placer County Water Agency (PCWA) and the City's emergency response staff to discuss the proposed phasing and construction of additional homes in advance of the completion of the bridge and roadway improvements. After this meeting and subsequent internal discussions, the proposed phasing of Vista Oaks and Granite Lake Estates as submitted by the developers, and reflected in the proposed project modifications, is acceptable to the City and its emergency response staff. Provided that the emergency vehicle access (EVA) bridge between Phases I and II of the Vista Oaks project be designed to support loads up to 46,000 lbs., instead of the 40,000 lbs. load design originally required, the EVA bridge can support SPMUD maintenance vehicles and Fire vehicles, with the exception of the Fire Ladder Truck.

Assuming that this process moves forward, the City and developers are in negotiations related to options to advance portions of the approximately \$1.7 +/- million in City funds, as certain bridge and related road extensions construction milestones are reached. The specifics of which would be covered in an Acquisition and Reimbursement Agreement (ARA) or other form of agreement to be executed between the City, the landowners and BOLD. The final terms of the ARA would be subject to City Council approval.

This entire proposal, to allow home construction to proceed ahead of completion of the Monument Springs bridge and associated roadway improvements in order to allow for the issuance of bonds to fund construction of those improvements, rests upon the requirement that the projects, independent of the BOLD process, will post performance and completion bonds for any unfinished improvements, including the construction of the Monument Springs bridge and roadway improvements, with each phase of the respective projects for which recording of a final map is requested. Building permits for construction of homes within a given phase of a subdivision may not be issued prior to recording of a final map, with the exception of a limited number of building permits for model homes. When a final map is recorded it is generally assumed that the majority of required improvements (streets, utilities, etc.) have been completed. However, it is not uncommon to have some amount of work yet to be completed and accepted. In these situations, a 'subdivision improvement agreement', approved by the City Council, is typically entered into between the City and the developer and performance bonds are posted to ensure that funds are available to complete any outstanding improvements. In a worst-case situation, the City has the ability to pull these bonds and use the funds to complete any outstanding work.

With regard to the Granite Lake Estates, Vista Oaks, and Highlands Parcel A subdivisions, it would be expected that, as each phase developed, the respective developer would enter into a subdivision improvement agreement and post performance bonds for any remaining work within the phase, including the Monument Springs bridge, and related roadway improvements prior to City Council approval of a final

map for the phase, thereby ensuring that funds would be available to complete the bridge and roadway improvements. It is possible that the developers could work with a bonding agency to issue or reissue a bond backed by more than one of the developers for the Monument Springs bridge and roadway improvements and separate bonds for the subdivision phase specific improvements to avoid having to double or triple bond for the same improvements. That would be a matter for the developers to work out privately for City review and acceptance. Regardless, with the subdivision improvement agreement and performance bonds in place, the City and the public would be assured that funding to complete the Monument Springs bridge and roadway improvements would be in place prior to construction of any new homes, with the possible exception of a limited number of model homes.

A logical question, would be why didn't this system work when the first Phase of the Granite Lake Estates subdivision was constructed. The details are somewhat unclear due to the passage of time and the fact that the bridge and roadway improvements were located in an area of Placer County jurisdiction at the time. As best staff can determine, performance bonds were not required for the Monument Springs bridge and roadway improvements because these improvements were not conditioned to be in place until prior to issuance of the 49th building permit and therefore not tied directly to the final map for that phase. Unfortunately, this meant that when construction of the bridge stalled there were no performance bonds in place to fund completion of the work. The proposed revisions to the Granite Lake Estates and Vista Oaks tentative subdivision map conditions of approval, and the fact that all work would now be inside the Rocklin City limits, will ensure that a subdivision improvement agreement and performance bonds would be in place for each final map approved, thereby ensuring that funds would be available for the City to complete these improvements in a worst-case scenario.

General Development Plan Amendment

As part of this project, the Granite Lake Estates General Development Plan is proposed to be amended to delete a provision limiting the number of homes that can be built in the Granite Lake Estates development prior to completion of the Monument Springs bridge and roadway improvements. It is unusual to have a project specific provision such as this in a zoning document, typically these documents focus on development standards and land uses. Project specific requirements for infrastructure improvements typically live in the conditions of approval for specific entitlements such as a tentative subdivision map. Nonetheless a provision, specific to the Granite Lake Estates tentative subdivision map, was included in the Granite Lake Estates General Development Plan when it was approved in 2002, limiting the number of homes that could be built in the subdivision to a maximum of 40 prior to completion of the Monument Springs bridge and roadway improvements. In 2010 the General Development Plan was modified to increase that limit to 48 homes to match the number of finished lots that had been created with the first phase of project development.

The project applicants are now proposing to fund the construction of the Monument Springs bridge and roadway improvements through a combination of monies from the City and the remainder raised through the sale of bonds. In order to create the needed loan to value (LTV) and debt service coverage (DSC) ratio within the included development areas it will be necessary to allow the development of the remainder of the lots in the Granite Lake Estates project and to allow construction of homes on those lots. To facilitate this funding approach the development limit in the General Development Plan would need to be eliminated. The proposed modification will not result in any change to the project density or design and therefore would be consistent with the Planned Development 1.5 dwelling units per acre (PD-1.5) applicable to the Granite Lake Estates site. The specific language proposed to be deleted can be found in

the draft Resolution to recommend approval of the General Development Plan modification accompanying this staff report.

Tentative Subdivision Map Modifications

Both the Granite Lake Estates and Vista Oaks projects propose modifications to their respective tentative subdivision map conditions of approval to allow additional home construction needed to achieve the required loan to value (LTV) and debt service coverage (DSC) needed to support an initial BOLD CFD bond issuance that would fund construction of the Monument Springs bridge and roadway improvements. Planning Commission and staff have also included revisions to certain obsolete language and conditions. The specific modifications proposed along with brief notes on the reason for each change can be found in the marked up annotated version of the original conditions of approval for each project, Attachments C and E to this staff report.

Environmental Determination

Environmental Impact Reports (EIRs) were prepared for both the Granite Lake Estates and Vista Oaks projects and were approved by the City Council via Resolutions No. 2002-165 and 2006-349, respectively.

Neither project triggers the need for supplemental or subsequent review under Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, as the proposed project sites were previously analyzed for development of Low-Density Residential projects within the respective EIRs. Therefore, pursuant to Section 15164 of the CEQA Guidelines, an EIR Addendum has been prepared for each project to verify and document why no additional review or analysis is needed. The EIR Addenda determined that the proposed Granite Lake Estates and Vista Oaks projects would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects due to substantial Project changes or a substantial change in circumstances. Furthermore, no new information is available that would indicate (1) that the projects would have one or more significant effects not discussed in the previous EIRs; (2) that significant effects previously examined would be substantially more severe than shown in the previous EIRs; (3) that mitigation measures or alternatives previously found not to be feasible would in fact be feasible; or (4) that mitigation measures or alternatives which are considerably different from those analyzed in the previous EIRs would substantially reduce one or more significant effects on the environment and that the Project proponents have declined to adopt the mitigation measure or alternative. Therefore, an addendum was prepared for each project to comply with CEQA.

Section 15164(d) of the CEQA Guidelines requires that the decision-making body shall consider the addendum with the final EIR prior to deciding on the Project. Therefore, the Granite Lake Estates and Vista Oaks Final EIRs can be found at the following link:

[Granite Lakes Estates Final EIR](#)

[Vista Oaks Final EIR](#)

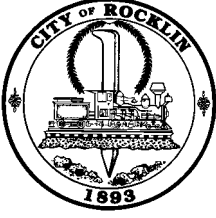
Letters from Commenting Agencies

This project was circulated to various City, County, State, and utility agencies for review and no issues of concern were identified.

Recommendation

The Planning Commission and staff recommend that the City Council approve the Granite Lake Estates General Development Plan Amendment, and Tentative Subdivision map modifications and the Vista Oaks Tentative Subdivision map modifications as proposed and conditioned.

Prepared by Bret Finning, Planning Services Manager



CITY OF ROCKLIN

MEMORANDUM

DATE: May 28, 2002

TO: Honorable Mayor and City Council

FROM: Carlos A. Urrutia, City Manager
Terry A. Richardson, Community Development Director
Sherri Abbas, Planning Services Manager

RE: Granite Lakes Estates
Environmental Impact Report EIR-2000-01
General Development Plan PDG-2000-08
Tentative Subdivision Map SD-2000-02
Oak Tree Preservation Plan Permit TRE-2000-33
Development Agreement DA-2000-01
Design Guidelines for Grading DR-2002-02

Ord. 855 & 856 Reso. No. 2002-165 thru 2002-167

SUMMARY AND RECOMMENDATION

The Planning Commission and staff recommend that the City Council approve:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKLIN CERTIFYING AN ENVIRONMENTAL IMPACT REPORT (Granite Lakes Estates / EIR-2000-01, PDG-2000-08, SD-2000-02, TRE-2000-33, DA-2000-01, DR-2002-02)

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKLIN ADOPTING A GENERAL DEVELOPMENT PLAN (Granite Lakes Estates PDG-2000-08)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKLIN APPROVING A TENTATIVE SUBDIVISION MAP AND OAK TREE PRESERVATION PLAN PERMIT (Granite Lakes Estates/ SD-2000-02 and TRE-2000-33)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKLIN APPROVING GRADING DESIGN GUIDELINES (Granite Lakes Estates / DR-2002-02)

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKLIN APPROVING A DEVELOPMENT AGREEMENT (Granite Lakes Estates/ DA-2000-01)

Summary of Planning Commission Action

The Planning Commission held a public hearing regarding the proposed project on March 19, 2002. Upon the conclusion of the public hearing the Planning Commission voted 5-0 to recommend approval of the project with the following comments and modifications.

- 1) The Commission moved to approve the environmental resolution for the project with a recommendation that a more localized review of site-specific air quality conditions be conducted, if possible. The study would be completed in consultation with the Placer County Air Pollution Control District to look at the unique characteristics of the site, the number of people exposed, and any resulting health issues.

If the study determined that there are air quality related health issues associated specifically with this project, than the City Council may wish to consider approval of a reduced density alternative. A specific discussion of those issues is in Section F, Environmental Staff Report. A letter from the applicant's legal representative dated May 14, 2002 also relates in part to the air quality issue and has been attached to this staff report as Attachment 3.

- 2) The Commission moved to approve the resolution recommending approval of the General Development Plan with the following modifications:
 - a. The list of permitted and conditionally permitted uses contained in Section 3 was modified to delete Churches, Community/Residential Care facilities, and both public and private elementary and secondary schools.

The reason for the deletions was that the site is not considered appropriate for these types of land uses due to its topography, proposed subdivision layout, and overall character of the development.

- b. A special condition is recommended requiring that the exterior of future homes developed on Lots 41 through 57 of SD-2000-02 be established and maintained in "earth tone" colors as approved by the Community Development Director to address the potential visual intrusion created by homes located within the upper elevations of the project site. The area of concern is generally located within the southeast portion of the project site between the south boundary of the proposed alignment of Monument Springs Drive and the Boardman Canal.

This condition was added by the Planning Commission because it was felt that the results of the visual analysis conducted by staff from Terrance Lowell & Associates was not conclusive enough to determine that residences and roof tops would not be seen.

- 3) The Commission moved to approve the resolution recommending approval of the Tentative Subdivision Map and Tree Preservation Plan Permit with the following modifications:

- a. Condition 13(b)(10) requiring regular monitoring of sediment depth within the detention facility (large quarry) and sediment removal (as determined necessary by the Director of Public Works) is recommended to apply to the existing pond as well.

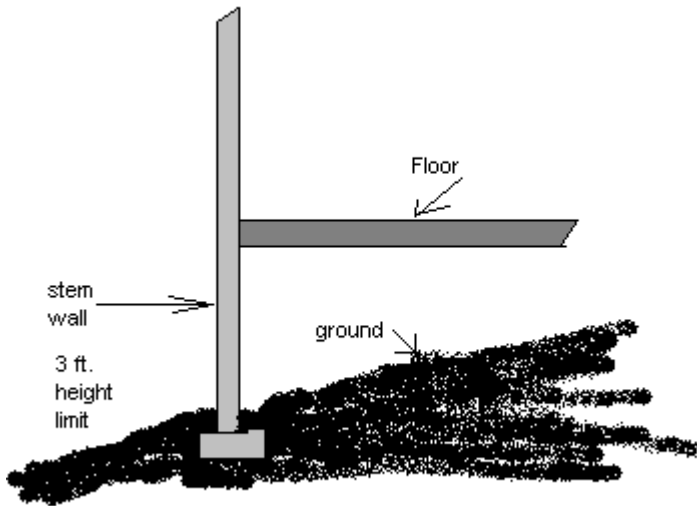
Staff and the Commission also discussed the need to modify Condition 4(j) to clarify that oil and grit separator manholes or similar structures would be required at the last outfall before storm water is released to the creek consistent with typical City practices, as opposed to the original language which suggested that oil and grit separators would be installed in all drop inlets and the last outfall before storm water is released to the creek. However, formal modification of this condition was inadvertently omitted from the Commission's motion. It is staff's belief that the omission was an oversight and it has been included in the Council Resolution.

- 4) The Commission moved to approve the resolution recommending approval of the Granite Lakes Estates Grading Design Guidelines with the following modifications:

- a. Section 6. Site Development Guidelines, Item D(5) Retaining Walls, was modified to state that walls necessary for driveway encroachment cuts or fills into a parcel may exceed the height for a single wall by 1.25 times higher than the maximum single wall height for areas with slopes ranging between 9 to 25 percent.

The original language would have allowed these walls to be 1.5 times higher than the maximum single wall height in those areas. The Commission was concerned that this could result in the installation of walls up to 12 feet in height.

- b. A note was added under the existing table in Section 7. Home Design and Foundation Criteria specifying that stem walls shall not exceed 3 feet in height. (See exhibit below)



This modification is considered necessary by the Planning Commission to avoid the incorporation of “excessive” unsightly stem walls in residential building designs.

- 5) The Commission moved to approve the resolution recommending approval of the Development Agreement without modification.

Public Concerns from the Planning Commission Meeting

It should be noted that during the course of the Planning Commission hearing, members of the public consisting of residents from the Rustic Hills subdivision expressed their concerns relative to:

- Requests for re-circulation of the environmental document due to the addition of new information in the Final EIR including comments from the applicant regarding the financial feasibility of the reduced density alternatives and inclusion of the Draft Development Agreement. (The separate environmental staff report for the project discusses in detail why staff has determined that re-circulation is not necessary, See section F).
- The overall density of the proposed project. Most of the members of the public who commented support the 89-unit alternative.
- The ability of the Homeowner’s Association to ensure that adequate water quality testing is conducted as well as any remediation that may be necessary. (See pages A-21 and A-22 of this staff report for discussion)

- The ability of the Homeowner Association to adequately prevent damage to sensitive resource areas and conduct proper maintenance of open space. (See the Open Space Parcels and Conservation Easements section on pages A-24 and A-25 for discussion)
- Concern regarding disturbance to archaeological site CA-PLA-668 and proposed data recovery methods. The Planning Commission discussed this issue with staff and the applicant and determined that the proposed mitigation was appropriate.

With the exception of the request for a reduction in density, staff and the Planning Commission determined that these issues have been addressed appropriately through proposed project conditions.

New Information and Issues Subsequent to the Planning Commission's Actions

1) Open Space Transition Zone

Open Space and Conservation Easements are recommended for the upper portions of the hillside for lots 41 through 57 to maintain the integrity of the hillside and prevent the construction of structures, or removal of healthy trees and vegetation, except as is necessary for emergency access and/or fire protection. The applicant has proposed that this easement be applied to Lots 41 through 57 except for the first 150 linear feet from the front property line. Staff and the Planning Commission recommended that the distance between the front property line and the beginning of the hillside Open Space and Conservation Easement be reduced to 130 linear feet. That dimension is considered adequate to provide for a 25 foot front yard setback, accommodate a large residential structure (at least 80 feet in depth), and provide a back yard area up to 25 feet in depth outside of the easement. In house designs that are less than 80 feet in depth, the homeowner would enjoy a greater backyard benefit.

Subsequent to the Planning Commission meeting, the applicant has requested that the concept of a "transition zone" be considered.

As proposed by the applicant, the final map would indicate a primary building setback line at a distance that is 110 feet from the front property line that applies to Lots 41 through 57 on SD-2000-02. Detached accessory structures including porches, swimming pools, spas, gazebos, arbors, outdoor storage structures, and other similar items would be permitted (subject to height and lot coverage limitations) within the accessory structure setback area between 110 and 130 feet from the front property line.

A 20-foot wide transition zone would also be established within the area encumbered by the Hillside Open Space Easements applicable to the specified lots. The transition zone would begin at a distance that is 130 feet from the front property line and extend to a

distance that is 150 feet from the front property line. The purpose of the transition zone would be to allow for the installation of minor features such as benches and landscape enhancements (including drip irrigation) that do not result in the removal of healthy oak trees more than 6 inches in diameter at breast height. This would allow the property owners to have some utilization and enjoyment of the additional area.

Although staff understands the desire to allow residents to occupy and enhance the additional area, the provision proposed would be very difficult for the City or another entity to monitor and enforce. It is not easy to exhaustively define or uniformly interpret what would or would not be a permissible minor feature, landscape feature, or acceptable accessory structure. Examples of items that could be desired or requested by future residents include, but are not limited to, benches, picnic tables, irrigation systems, decking, arbors, gazebos, aviaries, tree houses, swing sets, children's play houses, green houses, ponds, waterfall features, spas, pools, tennis courts, etc. The addition of many of these items could defeat the purpose of establishing the beginning of the Hillside Open Space and Conservation Easement at a lower elevation within those lots.

The applicant has indicated that they intend to develop separate design guidelines and design review procedures that would apply to the custom (limited graded lots) and be adopted as part of the CC&Rs for the project. Regulation of activities within the "transition zone" would be enforced through the CC&Rs and HOA design review process. Under this proposal, building designs and landscape plans would have to be reviewed by an Architectural Review Committee made up as part of the Homeowners Association before they are ever submitted to the City. According to the applicant, any changes in the landscape plans that are approved through the HOA Design Review Committee process, including landscaping within the transition zone area, would have to be approved by the Committee.

Although the applicant's proposal is designed to put the responsibility for enforcement in the hands of the Homeowner's Association via an Architectural Review Committee, there is the possibility that items permitted or denied through that process could result in disagreements or complaints. The City does not enforce CC&R provisions. However, in instances where there is either a disagreement between residents or between residents and the Architectural Review Committee regarding what is acceptable, it is likely that the City would receive calls requesting staff to resolve these disputes. Residents would then become further frustrated when told that the City does not assume any enforcement of the restrictions or the provisions.

Staff Recommendation: Although it appears that the applicant intends to establish an active design and landscape review process that will be privately conducted, staff does not recommend that the City make this a requirement of the project. Interpretation of acceptable features within this area could also become problematic to define. Many of the items that may be requested would defeat the purpose of establishing open space limitations at a lower elevation and the City

could receive complaints regarding the lack of enforcement or too stringent of enforcement by the HOA. Therefore, staff continues to recommend that the simplest approach would be to establish the beginning of the Open Space Conservation Easement at a distance that is 130 feet from the front property line of Lots 41 through 57.

2) *Applicant Request for Reconsideration of Stem Wall Limitations*

As noted in the Summary of Planning Commission Actions, the issue of limiting stem walls heights was raised. After some discussion, the Commission made the recommendation that the Grading Design Guidelines be modified to include a limitation prohibiting stem wall heights in excess of 3 feet in height.

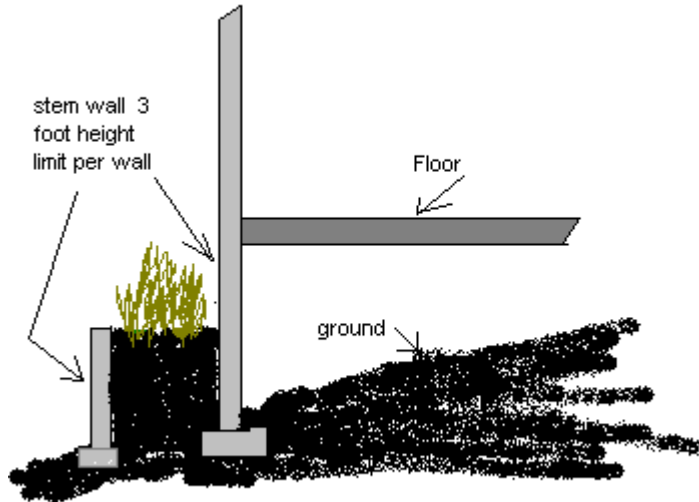
Subsequent to the Planning Commission meeting, the applicant has expressed concern regarding how compliance with the proposed limitation would affect home construction on the limited graded and limited pad graded lots.

As noted in the April 25, 2002 memorandum from the firm of Terrance Lowell Associates (see Attachment 4), given the topography associated with these designated lots, the limitation on stem wall heights would either result in additional grading and tree removal and/or potentially preclude the ability to construct homes on such lots.

Although they understand the concern expressed by the Planning Commission (i.e., visual impacts to off-site existing residences and public views created by high stem walls in areas where homes constructed along ridge lines are well above existing homes and public rights-of-way); they note that the same types of physical conditions are not present within the Granite Lakes Estates site. The applicants suggest that most of the homes will not be visible to off-site residences, and that there are no conditions where existing homes sit well below those associated with the project. In light of those factors, they request that the Council eliminate the suggested stem wall restriction from the Grading Design Guidelines for the project.

In the past, the Planning Commission has expressed concern about the height and design of stemwall construction in other localized parts of the city (i.e. Rawhide Road, Whitney Oaks). Generally, the Planning Commission does not consider the issue of large stemwalls as solely a ridgeline issue. The internal views within the subdivision after construction of such a wall can also be impacted as well.

Staff recommends that a combination wall be constructed that would permit the use of stem walls over 3 feet in height, but would require the incorporation of a planter box or series of boxes so that the overall height of any one wall would not exceed 3 feet. In this way, no individual wall would exceed the 3-foot vertical distance recommended by the Planning Commission but some flexibility would be regained by the applicant to construct with greater stemwalls. The exhibit below depicts staff's recommendation.



If the City Council agrees with staff's recommendation, staff should be directed to incorporate the following language into the Grading Design Guidelines:

“In instances where structural stem walls over 3 feet in height are proposed, a planter box and/or series of planter boxes shall be incorporated adjacent to the stem wall so that the visible portion of the stem wall is no greater than 3 vertical feet. The planter boxes shall not be considered a part of the primary structure for purposes determining setbacks.”

NPDES Permit Status

Subsequent to the Planning Commission Meeting, the applicant received and forwarded notification from the California Regional Quality Control Board pertaining to the issuance of a NPDES General Permit for the project. The notice has been included as Attachment 5 to the staff report.

Correspondence from Gordon Havens

Correspondence from Gordon Havens dated May 15, 2002 has been submitted and included as Attachment 6 to this staff report for review by the City Council. The document expresses concern regarding how erosion and sediment control requirements for other similar projects have been implemented.

The remainder of this staff report is the original version that was provided to the Planning Commission.

DISCUSSION

Background

The project concept of single family residential development at this location was approved by the City on two previous occasions.

In 1989, the City of Rocklin approved a tentative subdivision map (SD-87-24) and Mitigated Negative Declaration (MND) for the project site. That project, also known as Granite Lakes Estates, was a 128-lot subdivision and specific plan use. The 1989 project received all of the time extensions available under City ordinances and by the State of California. The property owner was unable to final the map during the permitted time frame and requested approval of a new tentative subdivision map and specific plan use permit for the project site in 1998 (SD-96-04, SPU-98-29, and TRE-96-25).

The City prepared and circulated a Mitigated Negative Declaration (MND) for the 1998 application. The MND, the 1998 tentative subdivision map application, and other associated entitlements were approved by the City Council in April 1999.

The MND was challenged by a group of citizens (Concerned Citizens of Rocklin) and in February 2000, the Superior Court of Placer County ruled that the City must set aside all project approvals until an Environmental Impact Report was prepared that re-addressed the project's impact on the environment. Rather than file an appeal, the City and the applicant chose to comply with the writ of mandate issued by the court, by preparing a project-specific EIR (CEQA Guidelines section 15161) examining the environmental impacts of the project. In addition, the applicant has re-designed the project in order to address specific flooding and biological concerns raised under the lawsuit. The revised project application and associated entitlements are now being presented for Planning Commission and City Council consideration.

Application Request

Request for approval of a General Development Plan (PDG-2000-08) to establish, setbacks, general landscaping, and other development standards/special conditions applicable to the project site; an application for a tentative subdivision map (SD-2000-02) to subdivide 80.02 acres into 119 single family residential lots; an Oak Tree Preservation Plan Permit (TRE-2000-33); Design Guidelines for Grading (DR-2002-02), and a Development Agreement (DA-2000-01). The proposed project also includes an off-site road improvement traversing northerly of the project site and consisting of a two lane road and bridge to connect the proposed project to the existing Monument Springs Drive, located generally westerly of Secret Ravine Creek. The extension of Monument Springs Road traverses property owned by Ms. Helen Bell, which is located within the jurisdiction of Placer County.

Location

The subject property is generally located southwest of the western end of Greenbrae Road and east of the Rustic Hills Subdivision. APN # 045-120-042, 046-030-052, 55, & 58.

Parcel Size

The project site is 80.02 acres.

Owner/Applicant

Alleghany Properties / Owner
 Nick Alexander/Applicant Representative
 Terrance Lowell & Associates/Engineer

Land Uses:

	General Plan	Zoning	Existing Land Use
Site:	Low Density Residential (LDR) and Recreation-Conservation (R-C)	Planned Development-Residential (PD-1.5 du/ac)	Vacant, excepting one single family residential unit near center of project site. The existing unit is not a part of the proposed subdivision.
North:	Placer County	Placer County	Single family residences on acreages.
South:	LDR	PD-1.5 du/ac	Vacant
East:	LDR	PD-1.5 du/ac	Vacant
West:	Medium Density Residential	R1-12.5 (Single Family Residential 12,500 s.f. minimum lots)	Rustic Hills subdivision (single family residential)

Site Characteristics

The project site has varied terrain and contains a stock pond, two quarry ponds and year round stream. The elevation of the property ranges from 250 feet on the northern end to over 400 feet on the southeast end. Generally, the site sloped in a westerly direction and is heavily covered with approximately 2,800 oak trees. Two streams traverse through the property, Secret Ravine Creek along the western portion and Sucker Ravine Creek in the northwest corner. Both creeks have a substantial floodplain on the site.

Project Description

The proposed residential project is generally located at the western terminus of Greenbrae Road, east of the Rustic Hills subdivision and Interstate 80. The proposed project has been designed as a residential subdivision with lot sizes varying from a minimum of 12,501 square feet to 50,080 square feet. The subject site contains one existing residential dwelling on a 5-acre parcel that is located generally in the center of the property. This existing residence will be incorporated into the project. There is no proposed subdivision of the 5-acre parcel at this time, but all utilities and roads are planned to be extended to the site. Lot lines noted within that parcel on the tentative map exhibit are for conceptual purposes only and not a part of the current application.

The applicant's proposal is consistent with the current City of Rocklin General Plan land use classification and zoning designation for the property. Primary access to the project will be from Monument Springs Drive and Greenbrae Road. The extension of Monument Springs Drive will require the construction of a bridge over Secret Ravine Creek that lies within Placer County. All roads within the project will be public streets. The applicant is proposing to dedicate Parcel J that includes land on both sides of Secret Ravine Creek and a proposed 10-foot wide paved trail to the City of Rocklin. A Homeowners Association will be created. The Homeowner's Association will own and maintain all other open space parcels including those which contain the two existing water filled quarries, and the existing pond/dam.

Environmental Determination

As stated above, an Environmental Impact Report consisting of a Draft EIR, Final EIR and Mitigation Monitoring Program has been prepared for the project. Details regarding the significant impacts of the project, environmental findings, and Statements of Overriding Considerations have been included in the attached staff report and resolution that has been prepared specifically for the environmental document.

Analysis

General Development Plan

When the subject site was annexed into the City, it was given a planned development zone designation of PD-1.5 (Planned Development, 1.5 dwelling units per acre), but no corresponding General Development Plan was adopted. Therefore, staff recommends that a General Development Plan be adopted for the property at this time.

Similar to other standard single family residential zoning districts, permitted uses would consist of single family detached dwelling units, accessory uses and structures, and public elementary and secondary schools. Conditionally permitted uses would include churches, parks, playgrounds, secondary residential units, community/residential care, day care facilities, and private elementary and secondary schools. These are typical conditionally permitted uses specified in all residential zones in the City.

The development standards proposed are similar in nature to the R1-12.5 zoning district for items such as a minimum lot area of 12,500 square feet and maximum height limits. Minimum lot width, depth, lot coverage, and setbacks are a blending of those identified in the R1-10, and R1-12.5 zones. Specific exceptions to the proposed 25-foot front yard setback are provided to allow side entry and front entry garages to be a minimum of 15 feet or 20 feet, respectively, from the front property line. Staff recommends approval of these proposed exceptions due to the unique natural features (i.e., number of oak trees, and variable topography) associated with the site. The flexibility provided by these exceptions may increase the opportunity to reduce tree and grading impacts.

In addition to development standards, the General Development Plan contains standards requiring the planting of two street trees per lot. One of the street trees would be required to be a native oak species. There are also requirements for open type fencing along rear yards adjacent to open space corridors that meet pool-fencing criteria.

Due to the topography of the site, staff was concerned that there could be some potential for future homes constructed on Lots 41 through 57 to be visible from various locations off of the site, as these homesites will be within the upper elevations of the project. At the direction of staff, representatives from the firm of Terrance Lowell & Associates (TLA) conducted two types of visual tests for these lots. Initially blocks of wood 10 inches or greater in length were painted with day glow coloring and placed on the site at the estimated elevation for future rooflines. TLA representatives then drove to several locations including Rocklin Road, China Garden Road, Interstate 80, and streets within the Rustic Hills Subdivision to determine if the blocks were visible. TLA staff members were unable to detect the location of the blocks during this test.

As an extra step, groups of four balloons were tied to the blocks that were located at the highest elevations. The balloons were tethered at a height approximately 20 feet above the estimated location of the future rooflines. TLA staff members then repeated their attempts to view the balloons and/or blocks from the locations mentioned previously. According to TLA staff members, only two of the balloon clusters could be seen from Secret Court within the Rustic Hills Subdivision. None of the colored blocks representing the estimated elevation of the rooflines could be seen from any of the streets visited to the north, south or west of the project area.

Based upon this methodology, it was concluded that the homes would not be readily visible from areas open to general public view from immediately surrounding road rights-of-way, such as Rocklin Road, China Garden Road, Interstate 80, and streets within the Rustic Hills Subdivision. Therefore, special conditions requiring the use of a specific color palette for the exterior of these homes are not recommended by staff.

A series of special conditions have been added to the General Development Plan in order to facilitate implementation of mitigation measures identified in the environmental document and Mitigation Monitoring Program. These special conditions consist of items that are most appropriately addressed at the General Development Plan (zoning level) or Building Permit stage.

Tentative Subdivision Map

Subdivision Design and Phasing

As stated earlier, the proposed subdivision includes 119 single-family lots. Each lot is a minimum of 12,501 square feet in size.

The subdivision is bounded by Secret Ravine Creek on the westerly side. Additionally, there are a number of wetlands located throughout the project site. Therefore, the proposed project incorporates a large amount of these natural drainage features through the use of permanent open space. Ten (10) open space parcels are proposed. The total acreage contained within open space parcels is 25.91 acres of the 80+/- acre project site. As proposed by the applicant, another 6.51 acres would be placed within an Open Space and Conservation Easement for hillside protection. That easement would apply to portions of Lots 41 through 57. With the addition of the hillside open space easement, a total of 32.42 acres or 40.5 percent of the project side would be retained in open space.

The majority of the open space parcels are primarily self-contained within separate lots to be owned by a Homeowners Association of the future property owners within the subdivision. The open space parcel identified as Parcel J (containing 12.15 acres) will be dedicated to the City of Rocklin and include a 10-foot wide paved pedestrian/bicycle trail. Access to the subdivision is proposed via Greenbrae Road and the future extension of Monument Springs Drive.

The General Plan designation for the property is Low Density Residential (1 to 3 dwelling units/acre) while the zoning allows 1.5 dwelling units per acre. The subdivision design, as proposed, is consistent with the General Plan and zoning for the property.

Completion of the project has been proposed in four phases as noted below.

Phase I – 47 Lots
Phase II - 15 Lots
Phase III - 30 Lots
Phase IV - 27 Lots

Although the project has been proposed in four phases, installation of improvements and recordation of the final map(s) could occur in the phases noted above, through a combination of phases, or all at one time. However, the issuance of building permits will be regulated by conditions proposed as part of the Development Agreement (attached to this staff report packet).

Circulation

Street Design

Circulation within the project is provided via a network of residential collector streets. The proposed project design provides for future connections to both the east and southwest of the project site. The applicant has incorporated use of the City's 46-foot wide right-of-way Residential Street cross section with paved sidewalk on one side only to reduce the amount of grading for street improvements to the extent feasible. Although

this street design has allowed use of a rolled curb in the past, due to recent parking issues in other neighborhoods without sidewalks abutting the curb, staff is recommending that a vertical curb be required. This will prevent vehicles from parking onto the lawns. The proposed cul-de-sac designs meet minimum City standards for length and design.

Monument Springs Bridge Design

Off-site access is designed in a manner consistent with the Southeast Rocklin Circulation Element. The proposed primary point of access is the extension of Monument Springs Drive. It is planned to extend from the entrance to the subdivision on Greenbrae Road, across the Bell property to the north of the project site and eventually connect with the existing terminus of Monument Springs Drive (near the southerly entrance to Secret Ravine Estates subdivision). The extension includes crossing Secret Ravine Creek with a two-lane bridge spanning Secret Ravine Creek at the terminus of Monument Springs Drive. This bridge is one of the circulation routes included in the City's General Plan.

Construction of the proposed bridge would involve placing two five-foot diameter footings within the 100-year floodplain. Both footings would be designed to fall within the 100-year floodplain, but would be located outside the normal low water flow channel. The footings would allow the bridge to use a thin cross section structure, rather than a clean span bridge, which would enable the bridge to meet the existing grade of Monument Springs Drive and would provide the necessary freeboard (clear area between the 100-year floodplain and the bottom of any bridge structure) above the post-project 100-year floodplain. The construction of the bridge would also include the excavation of rock material along the southern bank of Secret Ravine Creek, just downstream of the bridge, to compensate for flow restrictions created by the footings and any collected debris.

The extension of Monument Springs Drive, thereby connecting China Garden Road with Greenbrae Road, is a part of the Southeast Rocklin Circulation Element of the General Plan. It should be noted that the majority of the roadwork involving the extension would be done within the jurisdiction of Placer County. Staff has been working with the County to ensure that the issues concerning their jurisdiction are addressed in the approval process. Therefore, staff recommends approval of the design of the Monument Springs Drive extension subject to the review, approval and permit issuance by Placer County. The City Engineer will also be working with the County staff on the final designs to ensure the design of the road and bridge is compatible with City streets. Since the bridge and the extension of Monument Springs Drive will be within both jurisdictions, a maintenance agreement will be required between Placer County and the City of Rocklin.

Phase I Access

According to the proposed Development Agreement, up to 40 lots (approximately one-third of the project) could be constructed and occupied prior to construction of the Monument Springs Bridge being completed. Forty (40) is the number of lots negotiated with staff to allow some development to occur to offset the construction cost of the bridge with minimal traffic increases on existing roads in compliance with the General Plan.

Development of the bridge across Secret Ravine Creek and the extension of Monument Springs Drive would have to be completed prior to issuance of the 41st building permit. Therefore, traffic associated with the first 40 homes would access the site via Aguilar Road or Greenbrae Road to access Foothills Road, El Don Drive and Southside Ranch Road until Monument Springs Drive is extended across the creek. As discussed on page J-17 of the Draft EIR, it is estimated that approximately 340 daily vehicle trips would access Aguilar Road and 20 daily vehicle trips would access Greenbrae Road during this first phase of the project.

Aguilar Road is a two-lane local roadway considered "underimproved" because it lacks sidewalk, curb, and gutter. The roadway pavement provides for minimal right-of-way for vehicles to pass. Due to the low amount of vehicular traffic, the level of service for this roadway is defined as LOS A. Aguilar Road is not designated as either a city or county bikeway. The addition of 340 additional daily trips would not exceed the level of service threshold for this type of roadway, and the LOS would remain the same. Therefore, the impact is considered less than significant.

During construction of the first phase of development it is anticipated that some truck traffic would access Aguilar Road and Greenbrae Road; however, these streets currently handle truck traffic for deliveries and construction occurring in the County and City, so it is anticipated that construction traffic will continue to be accommodated on these roadways. In addition, trips associated with project construction would be short-term and once the bridge is constructed would be minimized. Staff has recommended that once the Monument Springs Drive extension and bridge are constructed and open to the public (and prior to issuance of the 41st building permit) the applicant should be required to construct a temporary barricade across Greenbrae Road at the project's easterly property line. The temporary barricade would allow for emergency access only. Removal of the barricade would be at the discretion of the City of Rocklin and is likely to be coordinated with the final disposition of Aguilar Road.

Aguilar Road – Future Severing

Another component of the Southeast Rocklin Circulation Element is the severing of Aguilar Road (near its crossing of the Aguilar Tributary). Together with the connection provided by the Monument Springs Drive extension, the eventual severing of Aguilar Road will prevent any traffic resulting from buildout of the Granite Lakes Estates development from using Aguilar Road for general access.

Monument Springs Drive is planned to be a two-lane, limited access road as it crosses Secret Ravine Creek and connects China Garden Road with Greenbrae Road. The General Plan, at build out, anticipates some 2,530 Average Daily Trips on Monument Springs Drive and 4,690 on China Garden Road. A two lane limited access residential collector can be expected to handle 10,000 -12,000 average daily trips and meet the City of Rocklin Level of Service C criteria. The proposed project at buildout is expected to produce 1,190 Average Daily Trips. Therefore, Monument Springs Drive is adequate to serve the needs of the proposed project.

It should be noted that the Quarry Ridge project, located immediately to the east of the project site (see Attachment 1 – Location Map with Project Site and Pending/Approved Projects), has already been conditioned with the requirement to “sever” Aguilar Road in accordance with the City’s General Plan as noted above. The City Council, at sometime in the future, will determine when that action will take place in coordination with the County of Placer.

The proposed project is consistent with the current circulation element of the General Plan. Since the findings of the resolution recommending approval of the project require a finding of consistency with the General Plan, it is critical to note that this project is required to implement a significant portion of the General Plan (i.e. Monument Springs Bridge) and is therefore, consistent with it.

Traffic Calming within the Subdivision

According to information contained in a preliminary traffic study for a proposed development located southwest of the Granite Lakes Estates site (i.e., Vista Oaks), Monument Springs Drive (assuming the bridge extension proposed as part of the Granite Lakes Estates project) could experience traffic volumes of 2,130 to 2,360 vehicles per day in the vicinity of the bridge at buildout conditions in the area. These figures assume no access to the Stoneridge Specific Plan Area in Roseville that abuts the southern City limits of Rocklin south of the Granite Lakes Estates area. The numbers reduce slightly if access to the Stoneridge Specific Plan Area is assumed. Traffic volumes on the portion of Monument Springs Drive within the Granite Lakes Estates development under buildout conditions is estimated to range from 540 average daily trips at the southwest portion, to 1,230 trips in the portion just south of Greenbrae Road.

Although the total volumes fall below the 2,500 vehicle per day threshold that the City has considered as the maximum desirable volume for local streets with fronting residences, staff still has some concern that the length of the street could create undesirable conditions. In particular, vehicle speeds could become excessive and create conflicts with residents who will be backing out onto the street from their driveways. The applicant has suggested that 3-way stop signs be installed at both intersections of Monument Springs Drive and Greenbrae Road, the intersection of Monument Springs Drive and Road 5, and at the intersection of Monument Springs Drive and Road 1.

Based upon complaints from residents in various similar neighborhoods and input received from the City’s Police Department, it is staff’s position that stop signs are designed to control vehicle activity at an intersection and are not always effective for reducing speeding. Residents may routinely ignore stop signs and result in minimal speed reductions between stop sign locations. Based upon information presented to City staff in an informal workshop conducted by the firm of Fehr & Peers Associates, traffic calming options including narrowings and circles (not roundabouts) have been shown to reduce speeds between slow points by 4 to 11 percent, respectively.

Although the City does not have any adopted standards for traffic calming devices, it has been staff’s desire to anticipate and avoid future complaints to the extent possible as the design of projects are reviewed. Therefore, staff recommends that a condition be added to

the project that allows appropriate traffic calming features including circles, narrowings and stop signs (where warranted) to be installed at locations determined most appropriate by the City Engineer as part of the Improvement Plan process. Based upon preliminary staff discussions it is likely that circles would be recommended at the second intersection of Monument Springs Drive and Greenbrae Road, and the intersection of Monument Springs Drive and Road 5. A narrowing feature with landscaping is also likely on Monument Springs Drive between the two cul-de-sacs on either side of Open Space Parcels C and D.

Utilities

The following specific comments were provided by the utility providers. Standard City subdivision conditions of approval do not typically include this level of detail, because all improvements must be planned and installed to the satisfaction of the applicable provider. However, these comments are presented as follows, for information purposes.

Water - PCWA

- 1) Any off-site roadways or bridge crossings will require the installation of pipelines therein to form looped piping systems.
- 2) In order to obtain service, the subdivider will have to enter into a pipeline extension or service order agreement with PCWA and pay all fees and charges including Plant Expansion and Replacement charges.

Sewer - SPUD

- 1) SPMUD will work with the City, Placer County, and the developer to incorporate a sewer crossing in the Monument Springs Bridge and abandonment of an existing temporary lift station located at the terminus of Monument Springs Drive.

Gas and Electric – PG &E

- 1) PG&E maintains and operates an underground distribution electric line and a 6" gas main along the south side of Greenbrae Road, both lying within APN 046-030-058 and possibly 046-030-052, which must be avoided. Also a distribution electric pole line to serve APN 046-030-051, crosses APN 046-030-058 and a portion of APN 046-030-052. All OSHA and G.O. 95 clearances shall be maintained when working near these facilities.
- 2) The north half of the project site is located within the Pacific Bell serving area, and the south half of the site is located within the serving area of Roseville Telephone. Coordination with both providers will be required.

Fire Service/Emergency Access

Given the nature of the project site, with its oak woodland and creek corridor, fire safety and access are integral part of the project design. The applicant and Fire Chief have worked out the proposed fire and emergency access plan, which is attached to Exhibit A.

The demand for emergency access to certain areas of the project site may be temporary in nature until such time as both the Quarry Ridge and Granite Lakes Estates projects are developed. Easements for emergency fire protection access are intended to enhance the ability to fight potential wild land fires on undeveloped property. Once both projects are developed there may no longer be the need for the easements and the City could abandon them back to the applicable properties. Abandonment will occur at such time as one of the two projects is developed and the adjacent project has graded a parallel public roadway (replacement for the emergency easement) within the subdivision.

For emergency fire access along Lots 41 through 55 the applicant will, if necessary, dedicate a temporary 10-foot emergency fire access easement. The proposed easement will run from Lot 55 (the point where the easterly boundary of the project site and the existing Boardman Canal meet on Lot 55) to the far southwest corner of the project site (Lot 41). The 10-foot easement will connect to an existing 30-foot Roadway and P.U.E. (per 799/292). This existing 30-foot road and P.U.E. will then connect to Road 5 as shown on sheet 1 of 8 on the proposed tentative map. This access solution will provide for emergency fire access along the south and southeast boundaries of the project.

For emergency fire access along the project's easterly boundary the applicant will, if necessary, dedicate a temporary 10-foot emergency fire access easement. The proposed easement will run parallel to the easterly property line across the back of Lots 62, 64, 65, 70, 71, 72, and 80. Fire protection across the back of Lots 58 to 61 can be accessed from Open Space Parcel D or from Road 5, therefore, no easement is needed.

As currently shown, the proposed grading of lots 64, 65, 72, and 80 may be affected by the dedication of the temporary easement. Adjustment to the current grading plan will be minor and can be modified to accommodate the subject easements as part of the project improvement plan approvals.

Staff recommends that the Planning Commission and City Council approve the Emergency Access map as a part of Exhibit A.

Drainage/Flood Control

As with all projects in the vicinity of Secret Ravine Creek, drainage from the project is proposed to ultimately be directed to the creek.

As part of the Nonstructural Policy Recommendations contained in the Dry Creek Plan, it was recommended that all new development located in the upper reaches of the Dry Creek watershed provide local, on-site detention of stormwater except when the Placer County Flood Control and Water Conservation District (PCFCWCD) determines that local detention is either not required or not practical. Most of the project site is located in

the portion of the Dry Creek watershed where local detention is not recommended; however, the northern and eastern one-third of the project site is located in the area where local detention is recommended. Therefore, in accordance with the Dry Creek Plan, the northern portion of the project site is proposed to have stormwater detention storage. The proposed detention basin (the larger granite quarry) is within the area recommended to have detention per the Dry Creek Plan. The majority of the runoff from the southern portion of the site would be allowed to leave the project site unimpeded.

The proposed drainage system will utilize a combination of piped storm drainage, open ditches and natural swales to convey drainage to the large existing water filled quarry on the site (i.e., proposed detention basin), Secret Ravine, and/or the existing on-site pond.

According to information contained on the Tentative Subdivision Map for the Proposed Project, none of the proposed residential parcels are located within the existing 100-year floodplain, and the 100-year floodplain for Secret Ravine would be preserved within the permanent open space parcels. The paved multi-use trail that would be constructed within the open space area adjacent to the creek and very minimally encroach upon the 100-year floodplain. The alignment of this trail could be inundated during heavy flooding. However, it is assumed the trail would be designed to handle these periods of temporary inundation and would not be used during instances when high water is present.

According to the drainage study conducted by Watermark Engineering (September 22, 2000), the post-project 100-year event water surface elevations in Secret Ravine Creek would be lower than the pre-project water levels presented on FEMA's Flood Insurance Study (FIS). The differences are the result of the Watermark study using different cross-sections and more site-specific data. By using the former large granite quarry as an on-site detention basin to reduce the volume of surface water runoff into the creek, the water surface elevation of Secret Ravine Creek upstream of the quarry would slightly decrease, and the downstream water surface elevations within the creek would also decrease. Therefore, since water surface elevations in Secret Ravine Creek would not increase, but would in fact decrease, the Proposed Project would not exacerbate existing flooding conditions either on-site or on adjacent properties, such as the Rustic Hills subdivision. The water surface elevation measurements included in the following table were based on downstream and upstream cross-sections of Secret Ravine Creek in relation to the quarry location.

WATER SURFACE ELEVATIONS ALONG SECRET RAVINE AT QUARRY (DETENTION BASIN)				
Location	Existing FEMA Flood Insurance Study Elevations (ft)		Results of Watermark Study Elevations (ft)	
	10-year flood	100-year flood	10-year flood	100-year flood
Downstream end of quarry	229.3	233.0	227.8	230.8
Upstream end of quarry	231.2	234.6	231.0	233.8

Source: Watermark Engineering, Inc. 2000.

The entire Watermark Hydrology Study is contained in the Appendices to the Draft EIR (see Appendix E). The Draft EIR Appendices have been attached to packets delivered to the Planning Commission and are available upon request by the public.

Quarries

The project site contains two water-filled quarries. As discussed above the larger of the two will be utilized as a detention facility. Staff has recommended that both of these features be contained in individual open space parcels that are owned and maintained by the Homeowners Association. The project has been conditioned to require the installation of 8-foot high wrought iron style fencing with openings of no more than four inches (4") (consistent with the City's requirements for swimming pool fencing), around each of the quarries to protect against unauthorized access.

Boardman Canal

The Boardman Canal constitutes the southeast boundary of the project site. It is anticipated that the Boardman Canal will be encased at this location in accordance with PCWA direction and requirements. In the event that PCWA determines encasement of this segment of the Boardman Canal is not necessary fencing will be required along that feature.

Dam/Pond Improvements

In prior Tentative Subdivision Map applications processed by the City for this site, the existing dam/pond was proposed to be utilized as a detention facility. Although the existing pond on the site will not be used for detention purposes in the current application, it will continue to function similar to its existing state. The pond is located within open space Parcel A that is proposed to be owned and maintained by the Homeowners Association. As part of the project review process, staff requested that a qualified professional be retained to review the condition of the existing dam, make a preliminary determination of its stability, identify any improvements that may be necessary in the future, and determine if those improvements can be completed in the future without disturbing any wetlands on or adjacent to the dam.

The applicant retained the firm of Blackburn Consulting, Inc. (BCI) to conduct the investigation. Based upon information contained within a technical memorandum prepared by BCI dated July 31, 2001 the dam appears to have performed adequately for more than 25 years. Indications of imminent failure were not observed and it was noted that the dam would likely perform well for many years to come. Short-term stability problems were not anticipated; however, continued seepage that was described most likely as a maintenance problem (vegetation growth, minor erosion, and sloughing) rather than a gross stability problem, could contribute to long-term degradation of the downstream slope. The memo indicates that seepage could be addressed through a routine maintenance program including manual replacement of lost soil and/or placement of riprap, rodent control and backfill of holes made by rodents, and removal of possibly damaging vegetation.

According to the preliminary review, if repairs to the dam are found necessary based upon further evaluation, it should be feasible to make the improvements to ensure long-term stability without immediate disturbance of designated wetlands. The improvements, if necessary, could include one or a combination of the following:

1. Installation of a sheet pile wall or slurry wall at the crest of the dam to provide increased stability and reduce seepage. Consideration may have to be given to allowing some seepage to maintain vegetation on the downstream face if it is necessary for these to remain. A sheet pile wall would provide added protection against rapid breaching of the embankment.
2. Increase the height of the dam crest to provide additional freeboard and protection against overtopping. This could be accomplished by placing additional fill. In order to maintain a minimum crest width of 12 feet (for access) it may be necessary to raise the crest height by constructing a low wall, filling between two sheet pile walls, or placing some type of modular wall or geocell system.
3. Widen the existing spillway into the weathered rock on the south side.
4. Place erosion control materials (rock riprap, hard facing, etc.) on the downstream face of the dam to reduce the potential for erosion if overtopping occurs.

No proposed residential lots have been located downstream of the existing dam/pond. However, because it is proposed that ownership and long-term maintenance of the dam/pond be the responsibility of the Homeowners Association, staff recommends that the applicant be required to retain a qualified professional to conduct a more detailed evaluation of the dam's stability, and complete any necessary improvements, similar to the items listed above. All work will be required to be conducted in a manner that avoids impacts to existing wetlands and must be completed prior to the Homeowners Association taking over responsibility for the pond. The Homeowners Association will then be required to retain a qualified professional monitor and correct any degradation of the downstream slope that may occur during the life of the dam.

Water Quality

As noted in the Biological Resources Section of the Draft EIR (page I-16), Secret Ravine supports fall-run Chinook salmon and steelhead, sunfish, minnows, and Sacramento sucker. Secret Ravine provides spawning habitat for fall-run Chinook and steelhead. Central Valley steelhead are listed as a threatened species under the federal Endangered Species Act (ESA). Fall-run Chinook salmon are considered as a "candidate" species for future listing. The reach of Secret Ravine that is within the boundaries of the project site does not contain spawning habitat for salmon or steelhead, but is a migration corridor.

Based on water quality testing results performed by Wallace-Kuhl & Associates (Water Sampling and Testing Granite Lakes Estates, 2001), the quarry pond and creek water quality is generally good. Water quality data is available from both the granite quarries and from Secret Ravine Creek both upstream and downstream of the granite quarries, so that water quality in the stream could be evaluated for changes potentially stemming from use of the quarry as a detention facility.

As presented in the Draft EIR on page I-42, the project's proposal to detain stormwater runoff in the existing large quarry in the northern portion of the site to prevent potential flooding in the creek from increased urban runoff would not hinder adult salmonids migration (e.g., 474 cfs, reduced from 566 cfs, is sufficient). In addition, the trapping of sediments, nutrients, and urban contaminants to allow settling prior to release to Secret Ravine Creek, would be beneficial to aquatic resources.

The Proposed Project would be required by State law to obtain and comply with the State General Construction Activity Stormwater Permit. Compliance with this permit would require preparation of a Storm Water Pollution Prevention Plan (SWPPP) that includes implementation of Best Management Practices (BMPs) and Best Available Technologies (BATs) to control construction site runoff that would eliminate or reduce non-storm water discharges to receiving waters. Implementation of BMPs would trap sediments that might otherwise discharge to the creek, so that they would not degrade fish habitat.

Best Management Practices (BMPs) are also required to be incorporated into the project design as discussed on pages H-24 and H-25 of the Draft EIR to reduce urban contaminant loading. In accordance with this requirement the City will require the installation of oil and grit separators at the last outfall before storm water is released to the creek to capture potential contaminants that enter the storm drain system.

Additional mitigation (Measure HMM-4(b)) has been proposed which includes annual water quality testing at the detention basin, pond, and locations upstream and downstream of the project to ensure that water coming into Secret Ravine Creek from the project site will result in no net adverse change in water quality in Secret Ravine Creek. As conditioned, the Homeowner's Association would be required to retain a qualified professional to conduct the testing to the satisfaction of the Director of Public Works.

Grading

The proposed grading scheme for the project has components of both graded and non-graded subdivisions. As proposed on sheets 3 and 4 of Exhibit A, fifty-one (51) of the lots within the project site would be "Pad Graded" at the time all other project grading is conducted consistent with grading in the Improvement Plans that are to be approved by the City's Engineering Division. These sites are primarily scattered throughout the northern portion of the project and would be developed in a manner consistent with typical production style housing. Given that all proposed lots are a minimum of 12,500 square feet in size, the developer should have adequate area to construct a home and minimize tree loss and impacts to other natural features.

Nine (9) of the lots are proposed to be “Limited Pad Graded” where a 50 foot bench will be graded along the front of the lot during road construction in order to accommodate the design of driveways and garages. However, grading activities on the remainder of these lots would be reviewed at the staff level by the City for consistency with the guidelines set forth in proposed Grading Design Guidelines for the project. Grading design guidelines for the remainder of the Limited Pad Graded Lots is the same as those applied to the Limited Graded Lots (discussed below).

The remaining fifty-nine (59) parcels would be classified as “Limited Graded Lots”. Grading proposals on these lots would be reviewed at the staff level by the City for consistency with the project’s Grading Design Guidelines before any grading occurs on the lot. Once a proposal has been approved, lot grading would be limited to a foundation, garage pad, driveway, and usable backyard either immediately adjacent to the house, or in areas that will minimize disruption and displacement of soil and impacts to oak trees.

Oak Trees

According to the project arborist, there are 2,260 healthy oak trees consisting of 35,868 inches within the developable portions of the project site and 476 oak trees within the open space area, for a total of 2,736 trees 6” or greater in diameter at breast height (dbh).

The City of Rocklin Tree Ordinance does not require that information be provided regarding the number of inches associated with oak trees contained in the open space areas, nor is mitigation required for those trees. Mitigation is only required for the removal of oak trees that are in healthy condition and 6” dbh or larger within proposed developed portions of the project site.

The mitigation formula is based upon a percentage of trees and/or a percentage of the total inches. This project is removing more than 20% of both the number and the inches. Therefore, the mitigation must be consistent with the inches formula. The applicant/developer is only required to mitigate for trees that are not classified as “dead, dying, or diseased.” As a result, trees that the arborist classifies as being in “poor” condition are not counted in the formula.

Healthy trees anticipated to be impacted by future homesites and roadways consist of 1,159 trees/11,206 inches. There are an additional 143 healthy trees/2,288 inches that the arborist has recommended for removal because they are not suitable to be near development. In total, the applicant has identified 1,302 healthy trees/13,494 inches that are anticipated for removal.

The applicant will be required to mitigate for tree removal per the City of Rocklin Oak Tree Ordinance for tree loss within the City limits. Based upon the estimated tree

removal indicated above and applicable formulas within the ordinance, mitigation will be necessary for approximately 5,720.4 inches. This calculation is presented in summary below:

35,868 total inches of all surveyed oak trees in the developed portions of the site x .20 = 7,773 inches (Discount Diameter)

Total dbh of oak trees anticipated to be removed = 13,494 inches

13,949 – 7,773 = 5,720.4 total inches of replacement required.

The established mitigation fee for each inch of replacement (equivalent of a 15-gallon tree) is \$96.

The mitigation may include a combination of planting or payment of in lieu fees. If in lieu fees were utilized to mitigate all removal, the fees would total \$549,158.40. The fees would be used by the City for acquisition of lands for oak tree reforestation; planting and maintenance of oak trees; retaining professional arborist assistance for monitoring oak trees under the City's control; and educational and enforcement programs.

Approximately 25 oak trees will be removed as part of the Monument Springs Drive extension within the unincorporated portion of Placer County. Removal of those trees will have to comply with the Placer County Tree Preservation Ordinance requirements.

Open Space Parcels and Conservation Easements

Several open space parcels have been identified on the Tentative Subdivision Map. These parcels contain a total of 25.91 acres. As proposed by the applicant, another 6.51 acres would be placed within an Open Space and Conservation Easement for hillside protection. That easement would apply to Lots 41 through 57. With the addition of the hillside open space easement, a total of 32.42 acres or 40.5 percent of the project side would be retained in open space.

The largest open space parcel is Parcel J which contains 12.15 acres along Secret Ravine Creek. The boundary of Parcel J as represented on the Tentative Subdivision Map includes the small water filled quarry at the north end of the site. City staff has recommended that all water features other than the creek be contained within open space parcels that are owned and maintained by the Homeowners Association. Therefore, staff has added a condition to the project noting that the small quarry and area immediately surrounding it shall be included in a separate open space parcel that is owned and maintained by the Homeowners Association. The project is conditioned to fence the quarries.

Open Space and Conservation Easements for riparian purposes are recommended for all open space parcels owned by the Homeowners Association including the existing pond on the property, retained wetlands, and the quarry parcels (i.e., Lots A through H, K, and the parcel that is created for the small quarry). Open Space and Conservation Easements are also recommended for the upper portions of the hillside for lots 41 through 57 to maintain the integrity of the hillside and prevent the construction of structures, or removal of healthy trees and vegetation, except as is necessary for emergency access and/or fire protection. The applicant has proposed that this easement be applied to Lots

41 through 57 except for the first 150 linear feet from the front property line. Staff recommends that the distance between the front property line and the beginning of the hillside Open Space and Conservation Easement be reduced to 130 linear feet. That dimension is considered adequate to provide for a 25 foot front yard setback, accommodate a large residential structure (at least 80 feet in depth), and provide a back yard area up to 25 feet in depth outside of the easement. In house designs that are less than 80 feet in depth, the homeowner would enjoy a greater backyard benefit.

Parcel J will be open space that is dedicated to the City of Rocklin, therefore, an Open Space and Conservation Easement is not necessary on that parcel.

Access to Pond – As Proposed

Upon completion of the subdivision, the area where the pond is located will be contained within an Open Space and Conservation Easement to be owned in common by a Homeowners Association made up of the property owners within the subdivision. While that portion of the property will not be fenced, it cannot be presumed that the public will have legal access to the pond area any more than is given today.

Access to Creek and Pedestrian/Bicycle Trail

Pursuant to the Development Agreement and project conditions, construction of a 10-foot wide paved bicycle and pedestrian trail with two-foot wide shoulders consisting of decomposed granite or other acceptable material will be completed in Phase 1 of the project. The paved multi-use trail will be constructed on the east side of the creek within Open Space Parcel J and very minimally encroach upon the 100-year floodplain. Temporary access to the bicycle and pedestrian trail consisting of a surface approved by the City Engineer will be provided from the terminus of Greenbrae Road until Greenbrae Road is fully improved. The public would have access to this trail. It is hoped that the trail will be extended to the north and south as other development projects are completed to provide a continuous amenity along the creek. Until then, access to the trail is to be provided between Lot 13 and Lot 14.

Open Space Parcel J including the trail will be dedicated to the City of Rocklin. The area will be annexed into Community Facilities District No. 5, or other appropriate financing district, to provide funding for ongoing maintenance.

Area of Controversy - Ownership and Maintenance of Open Space Parcels

During the public review period for the Draft EIR and the Draft EIR hearing that was conducted on October 30, 2001, several members of the public indicated that the City should own and maintain all of the open space parcels associated with the project. Members of the public expressed a very low level of confidence that the Homeowners Association could fund and address these issues properly. Public comments have also suggested that City ownership would result in increased surveillance of these areas.

The response to Comment U-1 in the Final EIR discusses in detail how the City can require the Homeowners Association to fund various mitigation requirements such as water quality testing in particular. Under the current proposal the City would own and maintain the open space parcel along Secret Ravine Creek which includes the proposed trail.

The practice of having open space areas owned and maintained by Homeowners Associations has occurred successfully in a number of projects including Whitney Oaks (on a large scale), and Stanford Village and Park Place Condominiums (on a smaller scale). The Croftwood Subdivision and Yankee Hill Estates were also approved with Homeowner Association ownership and maintenance of similar open space areas, although the Final Maps for those projects have not been recorded. Staff recommends that ownership and maintenance of the open space parcels within the Granite Lakes Estates subdivision be completed as proposed, and that the Homeowners Association would also obtain ownership of the small quarry as well as the large quarry. Private ownership of these facilities would allow more Homeowners Association control to prevent unwanted public degradation of the facilities and eliminate public (City) liability cost.

Possible Open Space Exchange – Yve Scharer/John Chase Property

During the public review period for the Draft EIR, staff was approached by the property owners of a five acre parcel (APN 045-120-023) located directly north of the Granite Lakes Estates site. The individuals' property provides the only direct access to the small island area that is formed by the confluence of Sucker and Secret Ravine Creeks. The property owners have a Habitat Conservation Grant from the U.S. Fish and Wildlife Service to restore native riparian vegetation along the creek segments, which flow through their existing property. The proposed 10-foot wide paved public trail within the Granite Lakes Estates project would terminate at the southeast corner of the Scharer/Chase property.

The property owners have expressed interest in a land exchange that would transfer title of the southeast corner of their existing property to the City of Rocklin to facilitate future extension of the trail. In exchange, they are interested in acquiring the "island" and associated riparian areas on both sides of the creek to expand their habitat restoration efforts. Precise boundaries of both areas to be exchanged have yet to be determined.

The concept presented could facilitate the future extension of the public trail envisioned by the City as a valuable public benefit. It may also involve the opportunity to improve habitat values by including an area that is currently only accessible through the private property owner's existing parcel within the boundaries covered by their existing Habitat Conservation Grant. City staff supports exploring this opportunity more fully with the private property owners.

The southeast corner of the Scharer/Chase property, where the City could eventually extend the trail, is currently within the unincorporated portion of Placer County. It is envisioned that the property exchange discussed above could be completed via a lot line adjustment or other similar instrument once Parcel J has been dedicated to the City and the details of the exchange have been finalized. Any land conveyed to Scharer/Chase through the exchange would have an Open Space and Conservation Easement for riparian areas recorded over it.

The applicant for the Granite Lakes Estates project has indicated that they will provide any legal descriptions necessary to facilitate the exchange upon receipt of specific direction from the City. Staff recommends that the draft Development Agreement be modified to reflect this commitment.

Development Agreement

The proposed entitlements for the project include a Development Agreement. The proposed term of the agreement would be 10 years.

Major points of the agreement including Developer and City obligations are found in Section 5, on pages 11 through 13 of the Development Agreement Ordinance, and are summarized below.

The Developer shall:

1. Donate the public open space area shown as Lot J on the Tentative Subdivision Map to the City, with the exception of land within the proposed fence around the small quarry.
2. Provide surveying and mapping services to identify, map, and prepare a legal description of the peninsula area at the north edge of Lot J which is bordered by the creeks, so that this land may be subsequently transferred to the adjoining landowner to expand the existing dedicated preserve area in exchange for property needed for a future trail connection of the bicycle and pedestrian trail described below.
3. Design and construct a bicycle and pedestrian trail through the Open Space Lot J and dedicate said trail to the City upon completion of all of the trail facilities. Construction of the bicycle and pedestrian trail with temporary access as described in the Entitlements shall be completed in Phase 1 of the project. The permanent access facility for the bicycle and pedestrian trail shall be constructed in Phase 2.
4. Annex into City of Rocklin Community Facilities District No. 5 to fund the maintenance of the City owned open space (Parcel J) and bicycle and pedestrian trail.
5. Extend Monument Springs Drive from the entrance of the Project on Greenbrae Road, across the parcel to the north of the Project site commonly known as the "Bell property," to connect the Property to the existing terminus of Monument Springs Drive. This extension of Monument Springs Drive connecting China Garden Road with Greenbrae Road is consistent with the Southeast Rocklin Circulation Element, and

shall include design and construction of a bridge over Secret Ravine Creek, connecting the City of Rocklin to the County of Placer. The bridge shall be completely constructed and open to the public prior to issuance of the 41st building permit for the project.

City Obligations

1. **Cooperate with Financing District.** In consideration for the planning, design, and construction, at Developer's expense, of the bridge over Secret Ravine Creek connecting the City of Rocklin to the County of Placer, City agrees to form and implement a Mello-Roos Community Facilities District to finance the bridge and ancillary improvements to be constructed by Developer. Any such CFD shall be formed consistent with and adhere to the City's standards governing the formation of such districts, including Developer's payment of application fees. City and Developer shall cooperate in good faith with each other in the formation of the CFD and the ultimate issuance of bonds thereunder to fund the bridge improvements consistent with the applicable substantive and procedural requirements, however, the CFD financing shall be structured so that no individual single family parcel within the project shall be taxed in excess of eight hundred and 00/100 dollars (\$800.00) per year to repay the costs of financing the bridge, any ancillary improvements, and the administrative costs associated with the CFD.
2. **Participation in Bridge Financing By Other Benefited Properties.** The planning, design, and construction, at Developer's expense, of the bridge over Secret Ravine Creek connecting the City of Rocklin to the County of Placer will benefit the City generally, and future developers of similarly situated properties in particular. Therefore, the City shall, to the extent permitted by law, require that all other landowners of undeveloped land located southeast of Interstate 80, south of Rocklin Road and within one mile of the borders of the project, and benefited by the improvements, participate in the CFD and pay their proportionate share of such costs as determined by the City.
3. **City Cooperation.** The City agrees to cooperate with Developer in securing all permits that may be required by the City. Each party agrees to extend to the other its prompt and reasonable cooperation in modifying this Agreement or approved plans, should future modification of the Agreement or approved plans become necessary.
4. **Other Government Permits.** Developer shall be responsible for applying for and obtaining approvals required by other governmental agencies having jurisdiction over, or providing services to, development of the Property. To the extent possible, the City shall cooperate with Developer in obtaining all such approvals in a timely manner.

Design Guidelines for Grading

Major features of the project's proposed Grading Design Guidelines are discussed under the topic of *Grading* in the Tentative Subdivision Design analysis. The proposed Granite Lakes Estates Grading Design Guidelines have been attached in their entirety as Exhibit A to the Design Review resolution in this packet. The guidelines provide direction on construction techniques in sloping conditions.

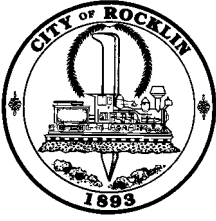
Grading approvals for the "Pad Graded", "Limited Pad Graded", and "Limited Graded Lots" would all be at the staff level. Grading for the "Pad Graded" lots and the partial pad grading proposed for the "Limited Pad Graded Lots" (both shown on sheets 3 and 4 of Tentative Subdivision Map Exhibit A) would be reviewed with the Improvement Plans for the project. Grading for the remainder of the "Limited Pad Graded" lots and all grading on the "Limited Graded" lots will be based on a Planning and Building Division determination of consistency with the approved guidelines. Any appeals to staff decisions would be presented to the Planning Commission.

Attachments:

1. Location Map with Project Site and Pending/Approved Projects.
2. Technical Memorandum – Blackburn Consulting, Inc. (July 31, 2001)
3. May 14, 2002 Correspondence from Remy, Thomas, and Moose
4. April 25, 2002 Memorandum from Terrance Lowell & Associates regarding Granite Lake Estates Grading Guidelines
5. California Regional Water Quality Control Board correspondence regarding NPDES General Permit.
6. May 15, 2002 Correspondence from Gordon Havens
7. Appendices to the Granite Lakes Estates Draft EIR (Attached to Council Packets Only)

Reference Documents to be provided upon request by the City Council or members of the public:

1. Granite Lakes Estates Draft EIR (October 2001)
2. Appendices to the Granite Lakes Estates Draft EIR (October 2001)
3. Granite Lakes Estates Final EIR (February 2002)
4. Traffic Impact Study for Vista Oaks Subdivision in Rocklin (November 30, 2000)



CITY OF ROCKLIN

MEMORANDUM

DATE: February 23, 2010

TO: Honorable Mayor and City Council

FROM: Carlos A. Urrutia, City Manager
Terry A. Richardson, Assistant City Manager
Sherri Abbas, Development Services Manager
Bret Finning, Associate Planner

RE: GRANITE LAKE ESTATES MODIFICATION
General Development Plan Amendment, PDG-2000-08A
Development Agreement Amendment, DA-2000-01A

ORD NO: 958 and 959

SUMMARY AND RECOMMENDATION

The Planning Commission and staff recommend that the City Council approve the following:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKLIN APPROVING AN ORDINANCE AMENDING THE GRANITE LAKE ESTATES GENERAL DEVELOPMENT PLAN (ORDINANCE 855)
(Granite Lake Estates Modification / PDG-2000-08A)

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKLIN APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ROCKLIN AND GRANITE LAKES, LLC. FOR DEVELOPMENT OF THE PROPERTY KNOWN AS GRANITE LAKES ESTATES EXTENDING THE TERM OF THE AGREEMENT TO JULY 11, 2020, AND CHANGING THE LIMITATION ON THE NUMBER OF BUILDING PERMITS THAT MAY BE ISSUED WITHIN THE PROJECT AREA PRIOR TO THE COMPLETION OF THE MONUMENT SPRINGS DRIVE BRIDGE FROM 40 TO 48
(Granite Lakes Estates Modification / DA 2000-01A)

Application Request and Project Overview

The project applicants are seeking approval of a General Development Plan Amendment (PDG-2000-08A) and a Development Agreement Amendment (DA-2000-01A) for the Granite Lakes Estates project.

The General Development Plan Amendment will allow an increase in the total number of homes that may be built in the Granite Lakes Estates subdivision from 40 to 48 prior the completion of the Monument Springs Bridge.

The proposed Development Agreement Amendment will extend the term of the Agreement to the year 2020 and increase the total number of homes that may be built in the Granite Lakes Estates subdivision from 40 to 48 prior the completion of the Monument Springs Bridge.

Summary of Planning Commission Action

The Planning Commission held a public hearing to consider this project on November 17, 2009. Several people addressed the Planning Commission to express concerns with the Granite Lake Estates project.

Richard Villers, Rocklin, CA, expressed concerns with the adequacy of the traffic barriers at the easterly terminus of Monument Springs Drive (adjacent to the Secret Ravine Subdivision). Staff stated that the City Engineer, Larry Wing, would be consulted regarding repairs and improvements that could be made to the barrier at the end of the street and his findings would be reported to the City Council when the project went before them.

Debbie Valadika, Rocklin, CA, asked if there were a guarantee that the bridge to extend Monument Springs Drive across Secret Ravine would be built. She asked if the bridge was not built, that Aguilar Road be improved as it is in disrepair. Staff stated that the guarantee that the bridge would be constructed before the issuance of the 49th building permit is in the development agreement, which runs with the land. So, if the project is sold it is still bound by the development agreement. Staff also pointed out that about a third of Aguilar Road is in Placer County's jurisdiction so the City is unable to do any improvements on a large portion of the road.

Mark & Sonia Coopwood, Rocklin, CA, stated that they would like to have the two construction trailers that are across the street from their home removed (See Photo Attachment 3). They indicated that the reason the developer had given them for not moving the trailers was the poor economy. When asked by the Planning Commission the applicant, David Snyder, stated that the trailers are in good repair. However, there are problems with the mobility of the trailers and added that he hoped to sell them when he sold the project.

Commission Deliberation/Discussion:

During deliberations the Planning Commission generally found the following:

1. They concurred with the concerns regarding the traffic barrier on Monument Springs Drive and asked staff to provide the City Council with information to allow the City Council to direct a resolution to the issue.
2. With regard to the condition of Aguilar Road they recommended that the City Council communicate directly with District Supervisor Robert Weygandt in order to resolve the Aguilar Road repair issue.
3. That the construction trailers are significant concern for them as approving this project would help the applicant out of a difficult business situation. However, they did not feel that the applicant was extending the same consideration to the residents. As it was not possible to condition the entitlements before the Planning Commission to require the removal of the trailers they determined that they would recommend approval of the project with the strong recommendation that the City Council address the issue on the residents' behalf.

Upon completion of deliberations the Planning Commission voted, 3-0, 2 absent, to recommend that the City Council approve the proposed modifications to the Granite Lake Estates general development plan and development agreement. Please see the attached minutes of the Planning Commission meeting for additional detail.

Actions Subsequent to the Planning Commission Meeting of November 17, 2009

After the Planning Commission meeting on November 17, 2009, staff learned that the Granite Lake Estates project had been sold. The new owner is S360 Granite Lakes LLC, a California Limited Liability Company. The managing partner of S360 Granite Lakes LLC is Ray Sahadeo. Staff subsequently met with the S360 Granite Lakes LLC team to discuss the project and the issues that came up at the Planning Commission meeting on November 17, 2010. As of February 17, 2010 both of the construction trailers had been removed from the Granite Lake Estates project. The new owners have also repaired and improved the traffic barrier at the terminus of Monument Springs Drive, see photo Attachment 4.

The Public Works Director inspected Aguilar Road. He found that the road section located south of the Aguilar Tributary to Secret Ravine, the portion of the road located in Placer County, was in reasonable repair. The stretch of Aguilar Road located north of the intersection with China Garden Road was also found to be in a reasonable state of repair. However, he determined that the portion of Aguilar Road located between China Garden Road and the Aguilar Tributary to Secret Ravine does need work. Accordingly the needed repair and refurbishment of Aguilar Road between China Garden Road and the

Aguilar Tributary to Secret Ravine has been included on the list of future Capital Improvement Projects (CIP).

ANALYSIS

Location

The subject property is generally located southwest of the western end of Greenbrae Road and east of the Rustic Hills Subdivision. APN # 454-070-001 thru 054, and 046-030-070.

Owner/Applicant

The property owner and applicant is S360 Granite Lakes LLC.

Site Characteristics

The project site has varied terrain and contains a stock pond, two quarry ponds and year round stream. The elevation of the property ranges from 250 feet on the northern end to over 400 feet on the southeast end. Generally, the site slopes in a westerly direction and is heavily covered with oak trees. Two streams traverse through the property, Secret Ravine Creek along the western portion and Sucker Ravine Creek in the northwest corner. Both creeks have a substantial floodplain on the site. The first phase of the project has been developed and approximately 9 of the 48 lots therein have been developed.

Background

The project concept of single family residential development at this location was approved by the City on two previous occasions.

In 1989, the City of Rocklin approved a tentative subdivision map (SD-87-24) and Mitigated Negative Declaration (MND) for the project site. That project, also known as Granite Lakes Estates, was a 128-lot subdivision and specific plan use. The 1989 project received all of the time extensions available under City ordinances and by the State of California. The property owner was unable to final the map during the permitted time frame and requested approval of a new tentative subdivision map and specific plan use permit for the project site in 1998 (SD-96-04, SPU-98-29, and TRE-96-25).

The City prepared and circulated a Mitigated Negative Declaration (MND) for the 1998 application. The MND, the 1998 tentative subdivision map application, and other associated entitlements were approved by the City Council in April 1999.

The MND was challenged by a group of citizens (Concerned Citizens of Rocklin) and in February 2000, the Superior Court of Placer County ruled that the City must set aside all project approvals until an Environmental Impact Report was prepared that re-addressed the project's impact on the environment. Rather than file an appeal, the City and the applicant chose to comply with the writ of mandate issued by the court, by preparing a project-specific EIR that examined the environmental impacts of the project. In addition, the applicant re-designed the project to address specific flooding and biological concerns raised under the lawsuit. The project EIR and revised application entitlements were approved by the City Council on June 11, 2002.

Primary access to the Granite Lakes Estates development is currently provided via Aguilar Road. Greenbrae Road also provides for a more circuitous secondary access via Foothills Road, El Don Drive and Southside Ranch Road. Aguilar Road is a two-lane local roadway considered "under improved" because it lacks sidewalk, curb, and gutter in addition the roadway's narrow right-of-way and the location of several homes with minimal setbacks from the street made it prohibitively costly to try and widen Aguilar Road. As a result, one of the components of the Southeast Rocklin Circulation Element, adopted by the City council in 1993, is the severing of Aguilar Road (near its crossing of the Aguilar Tributary). Instead of Aguilar Road primary access to the Granite Lakes Estates development and other projects off of Greenbrae Road, access would be provided by the extension of Monument Springs Drive. Monument Springs Drive is planned to extend from the entrance to the subdivision on Greenbrae Road north to connect with the existing terminus of Monument Springs Drive (near the southerly entrance to Secret Ravine Estates subdivision). The extension includes a two-lane bridge spanning Secret Ravine Creek at the northerly terminus of Monument Springs Drive.

The General Development Plan and the Development Agreement approved for the Granite Lakes Estates project allowed up to 40 lots (approximately one-third of the project) to be constructed and occupied prior to construction of the Monument Springs Bridge being completed. Forty (40) is the number of lots the project applicant negotiated with staff to allow some development to occur to off-set the construction cost of the bridge with minimal traffic increases on existing roads and was not based upon any impact thresholds being exceeded with the 41st home. Nonetheless, as approved in 2002 the bridge across Secret Ravine Creek and the extension of Monument Springs Drive would have to be completed prior to issuance of the 41st building permit in the Granite Lakes Estates project.

The first phase of the subdivision, consisting of 48 lots, has constructed. Approximately 9 homes have been built in the Phase I development to date. However, the extension of Monument Springs Drive has been delayed by several factors, including a revision to the proposed roadway alignment, difficulties with right-of-way acquisition, and the downturn in the economy.

Application Request

The project applicant has submitted an application to modify the approvals for the Granite Lakes Estates project to allow an additional eight homes to be constructed prior to the completion of the extension of Monument Springs Road and bridge. This change would allow homes to be built on all of the 48 lots created by the recording of the first phase of the subdivision. As noted previously the cap of 40 homes was a number negotiated by the applicant and staff prior to the original project approval in 2002 and was not based upon any specific impact threshold that would be crossed if more than 40 homes were built prior to the completion of the Monument Springs Drive extension. Given that, the Planning Commission and staff have no objection to the applicant's proposal to change the change the maximum number of homes that could be developed in the subdivision prior to the completion of the Monument Springs Drive extension over Secret Ravine from a maximum of 40 units to 48 units.

In addition, the applicant has requested that the term of the development agreement be extended by for another 8 years to vest the project entitlements through the year 2020. Currently the development agreement will expire on July 11, 2012. Given the recent economic downturn the Planning Commission and staff have no objection to this request.

Implementation of the proposed modifications will require that the General Development Plan and the Development Agreement approved for the Granite Lakes Estates project in 2002 be amended as follows:

General Development Plan

Section 9. Special Conditions, D. Phasing Requirements for SD-2000-02, 1. (General Development Plan, page 4 of 4)

1. The extension of Monument Springs Drive and construction of a bridge over Secret Ravine Creek connecting the City of Rocklin to the County of Placer shall be completed and open to the public as authorized by Placer County prior to the issuance of the 41st **49th** building permit for the project.

Development Agreement

RECITALS

1. Recitals, Section F (Development Agreement, page 4 of 23)

F. Entitlements.

The City Council of the City of Rocklin has approved the following land use entitlements for the Property, which entitlements are the subject of this Agreement:

1. Tentative Subdivision Map (SD-2000-02), Resolution No. 2002-166
 2. Oak Tree Preservation Permit (TRE-2000-33), Resolution No. 2002-166
 3. General Development Plan. (PDG-2000-08), Ordinance No. 855
 4. **General Development Plan Modification (PDG-2000-08A) Ordinance No.**
 5. Mitigation Monitoring Program (EIR-2000-01), Resolution No. 2002-165
2. Agreements, Section 2. COMMENCEMENT AND EXPIRATION, a. Initial Term (Development Agreement, page 6 of 23)
- a. **Initial Term.** The term of this Agreement shall commence on the Effective Date and shall extend for a period of ~~ten (10)~~ **eighteen (18)** years thereafter **(Expiring July 11, 2020)**, unless said term is terminated, modified, or extended by circumstances set forth in this Agreement or by mutual consent of the parties hereto.
3. Agreements, Section 5. IMPLEMENTATION, b. Developer Improvements and Other Obligations, ii, (5) (Development Agreement, page 12 of 23)
- (5) Extend Monument Springs Drive from the entrance of the Project on Greenbrae Road, across the parcel to the north of the Project site commonly known as the "Bell property," to connect the Property to the existing terminus of Monument Springs Drive. This extension of Monument Springs Drive connecting China Garden Road with Greenbrae Road is consistent with the Southeast Rocklin Circulation Element, and shall include design and construction of a bridge over Secret Ravine Creek, connecting the City of Rocklin to the County of Placer. The bridge shall be completely constructed and open to the public prior to issuance of the 41st **49th** building permit for the project.

Attachments

1. Vicinity Map
2. Minutes of the Planning Commission Meeting of 11/17/2009
3. Photo of Construction Trailers.
3. Photo of reconstructed Monument Springs Road traffic barrier.

Attachment 1. Vicinity Map

Attachment 2. Minutes of the PC Meeting of 11/17/2009

Attachment 3. Photo of Construction Trailers.

**Attachment 4. Photo of Reconstructed Monument Springs
Road Traffic Barrier.**

RESOLUTION NO. 2002-166

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ROCKLIN APPROVING A MODIFICATION TO A TENTATIVE SUBDIVISION MAP
AND OAK TREE PRESERVATION PLAN PERMIT
(Granite Lakes Estates/SD-2000-02A and TRE-2000-33A.)

The City Council of the City of Rocklin does resolve as follows:

Section 1. The City Council of the City of Rocklin finds and determines that:

A. Granite Lakes Estates is a 119-lot subdivision in southeast Rocklin was approved on May 28, 2002 via City Council Resolution 2002-166. A substantial compliance modification of the project subsequently eliminated 6 lots reducing the total to 113. To date 48 lots have been developed and built out and 65 lots remain undeveloped. This modification proposes changes to the conditions of approval intended to facilitate the construction of the Monument Springs bridge and roadway extensions by allowing construction of additional homes prior to completion of the bridge and roadway improvements in support of the creation of a Community Facilities Finance District and issuance of Bond Opportunities for Land Development (BOLD) bonds. In addition, there are some revisions to old or outdated conditions.

B. An environmental impact report (EIR) for this project has been certified via City Council Resolution 2002-165 on May 28th, 2002. An Addendum to the EIR has been prepared and recommended for certification for this modification via Planning Commission Resolution .

C. Upon approval of this Resolution modifying the conditions of approval for the Granite Lake Estates Tentative Subdivision Map by the City Council will rescind and supersede in its entirety City Council Resolution 2002-166.

D. The City Council Planning Commission has considered the effect of the approval of this subdivision on the housing needs of the region, and has balanced those needs against the public service needs of its residents and available fiscal and environmental resources.

D.E. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the zoning classification on the property.

EF. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the objectives, policies, general land uses and programs in the City of Rocklin's General Plan.

FG. The site is physically suitable for the proposed type and density of development.

GH. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage, nor will they substantially and avoidably injure fish or wildlife or their habitat.

HI. The design of the subdivision and type of improvements will not cause serious public health problems.

IJ. The design of the subdivision and type of improvements will not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision.

JK. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

Section 2. The tentative subdivision map (SD-2000-02) and Oak Tree Preservation Plan Permit (TRE-2000-33) as depicted in Exhibit(s) A attached hereto and by this reference incorporated herein, is hereby approved, subject to the **modified** conditions listed below. Unless otherwise expressly stated, the subdivider applicant is solely responsible for satisfying each condition, and each of these conditions must be satisfied prior to or concurrently with the submittal of the final map with the City Engineer for the purpose of filing with the City Council.

Commented [BF1]: Findings updated to reflect modification proposal

A. Notice to Applicant of Fees & Exaction Appeal Period

The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code §66020(d), these conditions constitute written notice of the amount of such fees, and a description of the dedications, reservations, and other exactions.

The applicant is hereby notified that the 90-day protest period, commencing from the date of approval of the project, has begun. If the applicant fails to file a protest regarding any of the fees, dedication requirements, reservation requirements or other exaction contained in this notice, complying with all the

requirements of Government Code §66020, the applicant will be legally barred from later challenging such exactions.

B. Conditions

1. Utilities.

- a. Water – Water service shall be provided to the subdivision from Placer County Water Agency (PCWA) in compliance with all applicable PCWA standards and requirements. PCWA shall verify ability to serve the subdivision by signing off on the subdivision improvement plans. All necessary easements shall be shown and offered (or Irrevocable Offer of Dedication provided) on or with the final map. All necessary improvements shall be included on the subdivision improvement plans.
- b. Sewer – Sewer service shall be provided to the subdivision from South Placer Municipal Utility District (SPMUD) in compliance with all applicable SPMUD standards and requirements. SPMUD shall verify ability to serve the subdivision by signing off on the subdivision improvement plans. All necessary easements shall be shown and offered (or Irrevocable Offer of Dedication provided) on or with the final map. All improvements shall be included on the subdivision improvement plans.

Copies of any required permits from federal, state, and local agencies having jurisdiction over wetland/riparian areas, which may be impacted by the placement of the sewer system within the plan area, shall be submitted to SPMUD prior to approval of the sewer plan for the project.

- 1) Sewer access shall be maintained to the SPMUD trunk sewer line and maintenance access road traversing the northwest portion of the project site. The easement shall not be blocked by cross fences, structures, or other lot improvements.
- 2) Construction of the proposed paved bicycle/pedestrian trail shall be coordinated with SPMUD. Any damage to the sewer caused as a result of grading or construction operations for this project will be the responsibility of the subdivider/owner/contractor and corrected at their expense.

- c. Internet, Telephone, Gas, and Electricity – Telephone~~Internet, telephone~~, gas and electrical service shall be provided to the

subdivision from ~~Roseville Telephone, Consolidated Communications /~~ Pacific Bell, ~~Wave Broadband or other local provider,~~ and Pacific Gas & Electric (PG&E).

Commented [BF2]: Revised to reflect current standard language and business name changes.

- d. Postal Service – Mailbox locations shall be determined by the local postmaster. A letter from the local postmaster verifying all requirements have been met shall be filed with the City Engineer.
 - e. No suspended utility lines other than those incorporated into the Monument Springs Bridge design will be permitted across the creek. Compliance with this requirement shall be confirmed by the City Engineer during review of Improvement Plans.
2. Schools.
- a. Financing: The following conditions shall be satisfied to mitigate the impact of the proposed development on school facilities:
 - 1) At the time of issuance of a building permit, the subdivider shall pay to the Rocklin Unified School District all fees required under Education Code section 17620 and Government Code Section 65995, to the satisfaction of the Rocklin Unified School District.
 - 2) The above condition shall be waived by the City Council if the subdivider and the District reach agreement to mitigate the impacts on the school facilities caused by the proposed development and jointly request in writing that the condition be waived.
 - b. Bus Stops: Improvement plans shall include school bus stops at the locations identified by the Rocklin Unified School District.
3. Fire Service.
- a. Improvement plans shall show the location and size of fire hydrants and water mains in conformance with the standards and requirements of the Rocklin Fire Chief and Placer County Water Agency.
 - b. An emergency access for fighting wildland fire shall be provided for each phase of the final map. Temporary easements if required shall remain in place until such time as one of the two projects (Quarry Ridge and Granite Lakes Estates) is developed and the

adjacent project has graded a parallel public roadway (replacement for the emergency easement) within the subdivision to the satisfaction of the Fire Chief. The temporary access easements, as determined by the Fire Chief, shall be located as follows:

- 1) For emergency fire access along Lots 41 through 55 the subdivider will dedicate a temporary 10-foot emergency fire access easement. The proposed easement will run from Lot 55 (the point where the easterly boundary of the project site and the existing Boardman Canal meet on Lot 55) to the far southwest corner of the project site (Lot 41). The 10-foot easement will connect to an existing 30-foot Roadway and P.U.E. (per 799/292). This existing 30-foot road and P.U.E. will then connect to Road 5 as shown on sheet 1 of 8 of Exhibit A.
 - 2) For emergency fire access along the project's easterly boundary the subdivider will dedicate a temporary 10-foot emergency fire access easement. The proposed easement will run parallel to the easterly property line across the back of Lots 62, 64, 65, 70, 71, 72, and 80.
- c. An open space management plan shall be prepared by the project subdivider and approved by the Director of Public Works and Fire Chief prior to recording of any final maps for the project. The Open Space Management Plan shall include a Fuels Modification Plan, which addresses the following:
- Removed brush and trees (under 6-inches diameter at breast height) within all fuel breaks should be chipped.
 - All undeveloped lots shall be subject to the City's Weed Abatement Program and follow established guidelines for fuel modifications.
 - Access points should be developed for open space areas, and the fuel break should have emergency vehicle access through the entire area.
- d. Proposed street names shall be reviewed and approved by the Rocklin Fire Chief.
- e. The subdivision shall be annexed into Rocklin Community Facilities District No. 1.

4. Drainage and Flood Control.

- a. A master drainage plan shall be prepared and submitted prior to or concurrently with the subdivision improvement plans. The plan shall contain the following:
 - 1) The large quarry shall be designed as a detention basin. Runoff water shall be detained in the detention basin (existing large quarry) consistent with the Nonstructural Policy Recommendations in the Dry Creek Plan and PCFCWCD determinations to allow for settling of sediment and heavy runoff particulates (i.e., naturally occurring metals).
 - 2) Individual lot drainage, with individual lot drainage features, such as lined drainage swales, being included in the improvement plans;
 - 3) Location and specifications of on-site detention basin(s).
- b. All necessary drainage easements shall be shown and offered for dedication (or Irrevocable Offer of Dedication provided) on or with the final map.
- c. A Detention Basin Maintenance Plan shall be prepared and implemented as indicated in Condition 13(b)(6) under Homeowners Association Items and Responsibilities.
- d. The subdivider shall enter into a written agreement with the City of Rocklin not to protest or oppose the establishment or formation of an improvement, assessment or similar district or area of benefit, or the levy or imposition of any assessment, fee, lien, tax or other levy, whether or not in connection with a district or area of benefit, for the purpose of flood and drainage control in the City of Rocklin. The agreement shall also indemnify the City against claims arising from subdivider's construction of improvements or development of the subdivision and shall be recorded and binding on successors in interest of subdivider.
- e. The final map shall comply with Rocklin Municipal Code chapter 15.16 (Flood Hazard), including the following:
 - 1) Delineation of the 100-year floodplain elevation;

- 2) Identification of finish floor elevation of each lot at two (2) feet above the 100-year floodplain elevation;
 - 3) Notation that any building constructed on any lot may require flood zone development approval from the City Engineer;
 - 4) Recordation of flood zone easement across the area of the 100-year floodplain boundary or fifty (50) feet from center line; whichever is greater.
- f. Subdivider shall prepare a storm water pollutant protection plan (SWPPP) for review and approval by the State Regional Water Quality Control Board as part of the project's drainage improvement plans.
- g. Appropriate Best Management Practices (BMPs) and Best Available Technologies (BATs) shall be incorporated into the final project design to reduce urban pollutants in runoff, consistent with goals and standards established under federal and State non-point source discharge regulations (NPDES permit) and Basin Plan water quality objectives. Stormwater runoff BMPs selected from the Storm Water Quality Task Force (California Storm Water Best Management Practices Handbook, 1993), the Bay Area Stormwater Management Agencies Association Design Guidance Manual, or equally effective measures shall be identified prior to final design approval. To maximize effectiveness, the selected BMPs shall be based on finalized site-specific hydrologic conditions, with consideration for the types and locations of development. Typical BMPs that could be used at the Proposed Project include, but are not limited to, the following:
- Minimize sources of concentrated flow by maximizing use of natural drainages to decelerate flows, collect pollutants and suspended sediment;
 - Establish vegetation in stormwater drainages to achieve optimal balance of conveyance and water quality protection characteristics;
 - Placement of velocity dissipaters, rip-rap, and/or other appropriate measures to slow runoff, promote deposition of waterborne particles, and reduce the erosive potential of storm flows;

- Prompt application of soil protection and slope stabilization practices to all disturbed areas; and
- Utilization of the proposed stormwater system's detention basins collect and temporarily detain stormwater so that sediment can settle prior to being discharged into the waterways.
- Creation of storage basins consisting of depressed areas, usually lined, that are sized to hold storm runoff and settle out material (the facility usually has a type of outlet device that is above the bottom of the basin or a small rip rapped berm over which the treated water can flow);
- Creation of a below-ground storage basin consisting of vertical or horizontal corrugated metal or HDPE pipes sized to allow the volume of water required to be treated to percolate into the ground;
- Use of fossil filters consisting of small filters that are placed like troughs around the inside top drain inlets or at ditch outlets.
- Creation of underground stormwater interceptors, which are underground tanks, similar to septic tanks, that are designed to allow material to settle out and also can have a grease trap to separate oil and petroleum products, prior to discharge; and
- Use of rock-lined ditches, which are surface ditches that are lined with rock, with or without filter material, with the rock lining material designed to allow water to filter into the ground.

- h. Provisions for the maintenance and periodic inspection of permanent drainage facilities outside of the public right-of-way by the Granite Lakes Estates Homeowners Association will be provided for in the Covenants, Conditions, and Restrictions (CC&Rs) as noted in Condition 13(b)(7) under Homeowners Association Issues and Responsibilities.
- i. Ongoing water quality and sediment monitoring and remediation, if necessary, are addressed in Conditions 13(b)(8, 9, &10) under Homeowner Association Issues and Responsibilities.
- j. Oil and grit separators shall be provided at the last outfall before storm water is released to the creek. The design and location of the separators shall be to the satisfaction of the City Engineer.

- k. Prior to recording of the final map and conveyance of the open space parcels (other than Parcel J) to the Homeowners Association, the subdivider shall be required to retain a qualified professional to conduct a more detailed evaluation of the existing pond/dam's stability, and complete any necessary improvements to the satisfaction of the City Engineer.
 - l. Storm drainage inlets shall be stamped with City Engineer approved wording indicating that dumping of waste is prohibited and identifying that the inlets drain into the creek system.
5. Grading.
- a. A master grading plan shall be included with the subdivision improvement plans.
 - b. Individual lot grading shall be in accordance with Exhibit A and the provisions of the Granite Lakes Estates Grading Design Guidelines adopted per City Council Resolution Number 2002-167.
6. Improvements/Improvement Plans.
- a. The following subdivision improvements shall be designed and constructed and/or installed:
 - 1) All on-site standard subdivision improvements, including streets, curbs, gutters, sidewalks, drainage improvements, utility improvements (including cable television trenching), street lights, and fire hydrants.
 - 2) ~~Subdivider shall dedicate to City a telecommunication easement, and shall install and dedicate to City telecommunication conduit within the easement. The easement shall be located in the public utility easement of each street within the subdivision, and any adjacent streets as necessary to connect the easement to the City's public street and easement network. The easement shall be for telecommunications use by City, in whatever manner City may, in its sole discretion, elect. The conduit shall be large enough for at least two (2) sets of coaxial cable (approximately three (3) inches total diameter), shall include access to the cable spaced at reasonable distances, and shall otherwise~~

~~comply with City standards and specifications in effect at the time the conduit is installed.~~

~~Subdivider shall provide any City telecommunication franchisee, including any cable television franchisee, access to the easement for the purpose of installing cable and conduit while the public utility trench is open and prior to the street being paved.~~

Commented [BF3]: Deleted as no longer a City requirement.

- 3) The following on-site special improvements:
- i) The subdivider, prior to grading, shall provide safety measures, such as fencing and warning signs around the quarries to prevent unauthorized access. Final plans shall provide for the construction of an 8-foot high wrought iron style fence that meets pool fencing criteria (i.e., openings of no more than four inches (4") apart) and a self-latching access gate around each quarry to the satisfaction of the Community Development Director. Access provisions shall be provided for the Director of Public Works and the Rocklin Fire Department.
 - ii) The subdivider shall encase the Boardman Canal as required by, and in compliance with the standards established by the Placer County Water Agency (PCWA). If the PCWA does not require the encasement of this portion of the canal, the subdivider shall construct a fence a minimum of 6 feet high, consisting of black vinyl coated chain link fencing along the north westerly side of the Boardman Canal for the length of the property, to the satisfaction of the Community Development Director, Fire Chief, and PCWA.
 - iii) The subdivider shall design and construct a 10-foot wide paved bicycle and pedestrian trail with two-foot wide shoulders constructed of decomposed granite or other acceptable material (unless narrower shoulders are necessary at specific locations to avoid impacts to trees or other resources as determined by the City Engineer), through the Open Space Lot J and dedicate said

trail to the City upon completion of all of the trail facilities. Trail construction shall be completed as part of Phase I improvements. Construction of the bicycle and pedestrian trail access to be adjacent to the southern boundary of Lot 13 as shown on the Tentative Subdivision Map. Temporary access on Greenbrae Road shall be provided to the access point of the trail. The trail should contain center line striping and signage as determined necessary by the City Engineer.

- iv) The proposed Residential Street cross sections consisting of a 46 foot wide right-of-way for standard streets and 42' wide right-of-way for cul-de-sacs with sidewalk on one side only shall incorporate the use of vertical curbs rather than a rolled curb design on the side without sidewalk.
- v) Appropriate traffic calming features such as circles, narrowings, and stop signs (where warranted) shall be installed at locations determined most appropriate by the City Engineer as part of the Improvement Plan process. Landscaping of these features shall be provided to the satisfaction of the Community Development Director. Likely locations for these types of features include but are not limited to, the second intersection of Monument Springs Drive and Greenbrae Road, the intersection of Monument Springs Drive and Road 5, and on Monument Springs Drive between the two cul-de-sacs on either side of Open Space Parcels C and D.
- vi) Emergency access for the project shall be provided as indicated on Exhibit A on the page entitled Temporary Emergency Access, and shall only be modified with the approval of the Fire Chief and other circumstances noted in Condition B(3)(b).

4) The following off-site improvements ~~within Placer County:~~

Monument Springs Drive

- i) ~~The subdivider shall have initiated cooperated in the formation of a Bond Opportunities for Land~~

Commented [BF4]: Deleted as obsolete no portion of the project improvements is in Placer County's jurisdiction any longer.

Commented [BF5]: Planning Commission recommended modification for more surety with timing of finance effort.

Development (BOLD) Community Facilities District (CFD) consistent with policies and procedures for Land Secured Financings adopted pursuant to Resolution No. 2005-112 for purposes of financing construction of the Monument Springs bridge, roadway extension, and other eligible improvements prior to commencement of any site work for the subdivision. ~~The subdivider shall ensure that Placer County has possession of the right-of-way, approved the construction plans, and consents to the installation of the improvement of that portion of Monument Springs Drive, including the bridge crossing Secret Ravine Creek, through Placer County from Greenbrae Road to the point where Monument Springs Drive terminates as shown on Exhibit A prior to recordation of the first Final Map to the satisfaction of the City Engineer.~~

Commented [BF6]: Added to ensure that the bridge finance plan is moving concurrently with the subdivision improvements and for consistency with the Granite Lake Estates project.

- ii) Prior to ~~the earlier of~~ issuance of the 41st-78th building permit, ~~or reaching a 4:1 loan to value ratio as defined by the California Municipal Finance Authority and the City of Rocklin, landowner shall provide evidence of a contract for, and shall initiate construction to extend Monument Springs Drive from the northern boundary of the subdivision, across the parcel to the north of the Project site commonly known as the "Bell property," to connect the Property to the existing terminus of Monument Springs Drive as shown on Exhibit A. This extension of Monument Springs Drive shall include design and construction of a bridge over Secret Ravine Creek, connecting the City of Rocklin to the County of Placer. The completion of which shall be guaranteed by a performance bond in the amount and with terms acceptable to the City.~~

Commented [BF7]: Deleted as obsolete no portion of the project improvements is in Placer County's jurisdiction any longer and the right-of-way has been obtained.

Commented [BF8]: Planning Commission recommended modification for more surety with timing of finance effort

Commented [BF9R8]:

Commented [BF10]: Planning Commission recommended modification for more surety with timing of finance effort.

- iii) ~~The Monument Springs Drive extension through the Bell property shall contain at minimum, two travel lanes and sidewalk on the east side.~~

Commented [BF11]: Changes to facilitate BOLD finance proposal

Commented [BF12]: Changed to reflect that no portion of the project improvements is in Placer County's jurisdiction any longer.

Bridge Design and Construction

- iv) ~~Design approval for~~The design of the Monument Springs bridge ~~is subject to review by the City of~~

~~Rocklin and Placer County and~~ shall be generally consistent with Sheet 8 of 8 in Exhibit A. ~~Improvement Plan approval and permit issuance will be conducted by Placer County.~~

Commented [BF13]: Changed to reflect that no portion of the project improvements is in Placer County's jurisdiction any longer.

v) The project subdivider shall ~~conduct a comprehensive inventory of the vegetative structure of the riparian corridor prior to designation of the specific location of proposed road and stream crossing. This inventory will be used to select the precise alignment that~~ minimizes impacts to mature riparian trees, while still meeting the easement and engineering requirements of siting the crossing.

Commented [BF14]: Changed, consistent with EIR Addendum, to reflect that bridge location has been selected and ROW acquired.

vi) The design angle of all crossings along Secret Ravine Creek shall minimize riparian disturbances while maintaining proper and safe street design.

vii) The subdivider shall obtain any required Streambed Alteration Agreement from the ~~CDFG-CDFW~~ and replace any damaged riparian vegetation as recommended by the ~~CDFG-CDFW~~. ~~If CDFW informs the project applicant and /or any developers that a Streambed Alteration Agreement is not required, the project applicant and/or any developers shall comply with the proposed mitigation measures, minimization and avoidance measures, and other environmentally protective terms set forth in the June 29, 2018, "1602 Streambed Alteration Agreement Application Package" for Granite Lake Estates submitted to CDFW, as prepared by Madrone Ecological Consulting~~

Commented [BF15]: Added consistent with EIR Addendum for flexibility and t update name of California Departmen of Fish and Wildlife (CDFW)

viii) The subdivider shall design and implement a siltation and erosion control program for stream crossing areas prior to construction to the satisfaction of the City Engineer. The Public Works inspector shall monitor ongoing construction activities to assure compliance.

ix) Runoff from the bridge deck shall not be allowed to drain directly into the creek. The bridge shall be designed to avoid road gradients down to the bridge crossing that allow road drainage onto the bridge. The bridge shall be designed to include a side gutter or other similar feature to collect runoff from the deck to

drain into the stream bank vegetation so that sediments can be filtered before reaching the stream.

- x) The bridge shall be designed to have a minimum of three-(3) feet clearance above the 100-year flood surface elevation.
- xi) The subdivider shall work with SPMUD, ~~Placer County,~~ and the City of Rocklin to incorporate a sewer crossing within the Monument Springs Bridge.

Commented [BF16]: Changed to reflect that no portion of the project improvements is in Placer County's jurisdiction any longer

- 5) ~~The following off-site improvements within the City of Rocklin and Placer County:~~

~~Greenbrae Road~~

Commented [BF17]: Changed to reflect that no portion of the project improvements is in Placer County's jurisdiction any longer.

- i) ~~The subdivider shall improve Greenbrae Road from its existing terminus to the point where Greenbrae Road is located fully within the existing City boundary with one half of a 46-foot wide street section including curb, gutter, and sidewalk on the south side, plus 10 feet of pavement over the centerline to the north.~~

Commented [BF18]: Deleted as no longer applicable, improvements have been built.

- 6) The following off-site improvements within the City of Rocklin:

- i) ~~Upon completion of the Monument Springs Drive extension and bridge and the opening of the road and bridge to the public, the subdivider shall install a temporary barricade across Greenbrae Road such that the barricade aligns with the easterly most property line of the project site and crosses over the entire width of Greenbrae Road. The temporary barricade shall allow for emergency access only.~~

Commented [BF19]: Deleted as no longer applicable

- ii) The subdivider shall improve the frontage of the parcel assigned as APN 046-030-051 (Meinzer). At minimum the improvements shall consist of curb and gutter.

- b. Improvement plans for all subdivision improvements shall conform with the City's Standard Specifications then in effect, and shall be submitted to and reviewed and approved by the City Engineer. Approval by the City Engineer shall be valid for a period of two years. If substantial work has not been commenced within that time, or if the work is not diligently pursued to completion thereafter, the City Engineer may require the improvement plans

to be resubmitted and/or modified to reflect changes in the standard specifications or other circumstances ~~except as limited by the Development Agreement approved for the project by Ordinance No. 856.~~

Commented [BF20]: Deleted as Development Agreement has expired.

- c. ~~All improvements~~ shall be constructed and/or installed prior to submitting the final map with the City Engineer for the purpose of filing with the City Council, unless, ~~at the discretion of the discretion of the City Council,~~ the subdivider executes the City's standard form subdivision improvement agreement and provides the financial security and insurance coverage required by the agreement, prior to or concurrent with submitting the final map with the City Engineer. ~~The construction of the Monument Springs bridge and roadway improvements shall be included in any subdivision improvement agreement(s), or in a separate agreement approved concurrently, including the posting of a bond or bonds for unfinished work.~~

Commented [BF21]: Modified to reflect current wording.

- d. Improvement plans shall contain provisions for dust control, revegetation of disturbed areas, and erosion control, in conformance with the requirements of the City Engineer. If an application for a grading permit is made prior to execution of a subdivision improvement agreement, it shall include an erosion control plan approved by the City Engineer and shall be accompanied by financial security to ensure implementation of the plan.
- e. All rights-of-way and easements associated with the subdivision improvements shall be offered on, or by separate instrument concurrently with, the final subdivision map.
- f. The following shall be included in the project notes of the improvement plans to the satisfaction of the City Engineer:

Commented [BF22]: Modified to make explicate that MS bridge and roadway improvements must be included in agreements and bonded for, as this is only guarantee City has for completion of these improvements.

Air Quality

- 1) ~~Delete~~ ~~Prior to commencement of grading, the subdivider shall submit a Construction Emission/dust control plan for approval by the Public Works Director, City Engineer and the Placer County Air Pollution Control District. The plans shall specify measures to reduce dust pollution during all phases of construction.~~

Commented [BF23]: Deleted as obsolete

- 2) Traffic speeds on all unpaved road surfaces shall be posted at 25 m.p.h. or less.
- 3) All grading operations shall be suspended when wind speeds exceed 25 m.p.h.
- 4) All adjacent paved streets shall be swept during construction.
- 5) All trucks leaving the site shall be washed off to eliminate dust and debris.
- 6) All construction equipment shall be maintained in clean condition.
- 7) All exposed surfaces shall be revegetated as quickly as feasible.
- 8) If fill dirt is brought to the construction site, tarps or soil stabilizers shall be placed on the dirt piles to minimize dust problems.
- 9) Water or dust palliatives shall be applied on all exposed earth surfaces as necessary to control dust. Construction contracts shall include dust control treatment as frequently as necessary to minimize dust.
- 10) Construction equipment shall be properly maintained and in good operating condition.
- 11) Construction equipment exhaust emissions shall not exceed District Rule 202 "Visible Emission" limitations.
- 12) No open burning of any kind shall be allowed.
- 13) Construction equipment operators shall shut off equipment when not in use to avoid unnecessary idling. As a general rule, vehicle idling should be kept below **10-5** minutes.
- 14) The prime contractor shall submit to the Placer County Air Pollution Control District (PCAPCD) a comprehensive inventory (i.e. make, model, year, emission rating) of all the heavy-duty off-road equipment (50 horsepower or

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greater) that will be used an aggregate of 40 or more hours for the construction project. District personnel, with assistance from the California Air Resources Board, may conduct as necessary initial Visible Emission Evaluations of all heavy-duty equipment on the inventory list.

- 15) Construction Contracts shall stipulate ~~that all equipment with horsepower ratings of 350 or greater, including scrapers, used during project grading shall meet the CARB's Tier 3 emissions standards or cleaner, at least 20% of the heavy-duty off-road equipment included in the inventory be powered by CARB-certified off-road engines, as follows:~~

175 hp	750 hp	1996 and newer engines
100 hp	174 hp	1997 and newer engines
50 hp	99 hp	1998 and newer engines

~~In lieu of or in addition to this requirement, a subdivider can use other measures to reduce particulate matter and nitrogen oxide emissions from their project through the use of emulsified diesel fuel and/or particulate matter traps. The Placer County Air Pollution Control District shall be contacted to discuss this measure.~~

Commented [BF25]: Modified to comply with EIR Addendum.

- 16) Contractors shall use new low emission technologies to control ozone precursor emissions as they become available and feasible.

Noise

- 17) All heavy construction equipment and all stationary noise sources (such as diesel generators) shall have manufacturer installed mufflers.
- 18) Equipment warm up areas, water tanks, and equipment storage areas shall be located in areas as far away from existing residences as is feasible.
- 19) The subdivider/contractor shall comply with the City of Rocklin Construction Noise Compatibility Guidelines, including restricting construction-related noise generating activities within or near residential areas to between 7:00

a.m. and 7:00 p.m. on weekdays and between 8:00 a.m. and 7:00 p.m. on weekends to the satisfaction of the Public Works Director and/or Building Official.

Archaeological Resources

- 20) If, during construction outside of the areas designated as CA-PLA-668 and CA-PLA-671, the project subdivider, any successor in interest, or any agents or contractors of the subdivider or successor discovers a cultural resource that could qualify as either an historical resource or a unique archaeological resource, work shall immediately stop within 100 feet of the find, and both the City of Rocklin and the United Auburn Indian Community of the Auburn Rancheria ("Indian Community") shall be immediately notified. Work within the area surrounding the find (i.e., an area created by a 100-foot radius emanating from the location of the find) shall remain suspended while a qualified archaeologist, retained at the subdivider's expense, conducts an onsite evaluation, develops an opinion as to whether the resource qualifies as either an historical resource or an unique archaeological resource, and makes recommendations regarding the possible implementation of avoidance measures or other appropriate mitigation measures. Based on such recommendations, as well as any input obtained from the Indian Community within 72 hours (excluding weekends and State and federal holidays) of its receipt of notice regarding the find, the City shall determine what mitigation is appropriate. At a minimum, any Native American artifacts shall be respectfully treated and offered to the Indian Community for permanent storage or donation, at the Indian Community's discretion, and any Native American sites, such as grinding rocks, shall be respectfully treated and preserved intact.

In considering whether to impose any more stringent mitigation measures, the City shall consider the potential cost to the subdivider and any implications that additional mitigation may have for project design and feasibility. Where a discovered cultural resource is neither a Native American artifact, a Native American site, an historical resource, nor an unique archaeological resource, the City shall not require any additional mitigation, consistent with

the policies set forth in Public Resources Code sections 21083.2 and 21084.1.

- 21) If, during construction outside of the areas designated as CA-PLA-668 and CA-PLA-671, the subdivider, any successor in interest, or any agents or contractors of the project subdivider or successor discovers any human remains, the following steps should be taken:

i) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

- (a) The project subdivider or its successor in interest contacts the Placer County Coroner so that Coroner can determine whether any investigation of the cause of death is required, and
- (b) If the Coroner determines the remains to be Native American:
 - (1) The Coroner shall contact the Native American Heritage Commission within 24 hours (excluding weekends and State and federal holidays).
 - (2) After hearing from the Coroner, the project subdivider or its successor in interest shall immediately notify the City of Rocklin and the United Auburn Indian Community of the Auburn Rancheria ("Indian Community") of the Coroner's determination, and shall provide the Indian Community the opportunity, within 72 hours (excluding weekends and State and federal holidays) thereafter, to identify the most likely descendant.
 - (3) The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.
 - (4) The most likely descendent, as identified by either the Native American Heritage Commission or the Indian

Community, may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or

- (ii) Subject to the terms of paragraph (iii) below, where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.
 - (a) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours (excluding weekends and State and federal holidays) after being notified by the Commission.
 - (b) The Indian Community is unable to identify a most likely descendent, or the most likely descendant identified by the Indian Community failed to make a recommendation within 72 hours (excluding weekends and State and federal holidays) after the project subdivider or its successor notified the Indian Community of the discovery of human remains; or
 - (c) The landowner or its authorized representative rejects the recommendation of the descendant identified by the Commission, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.
- iii) In the event that the Coroner determines that the remains are Native American in origin, and the Native American Heritage Commission and the Indian Community agree that the remains are of a person associated with the historic United Auburn Indian

Community, the project subdivider or its successor, if permitted by state law, shall provide the remains and any associated grave goods to the Indian Community with the understanding that the Indian Community will provide for burial with appropriate dignity at an appropriate location that will not be subject to future disturbance.

Geotechnical, Blasting, and Hazardous Materials

- 22) The recommendations presented in the geotechnical reports prepared by Raney Geotechnical (Geotechnical Investigation – Granite Lakes Estates, Greenbrae Road, Rocklin, California, December 17, 1999) and Brown & Mills Inc. Geotechnical Investigation (Report, Proposed Roadway Bridge, Monument Springs Drive, Rocklin, California, July 15, 1999), shall be followed to ensure that site preparation and construction methods are completed in accordance with the physical parameters of the project site.
- 23) If blasting activities are to occur in conjunction with site development, the contractor shall conduct the blasting activities in compliance with State and local regulations. The contractor shall obtain a blasting permit from the City of Rocklin ~~or Placer County (if applicable)~~ prior to commencing any blasting activities. Information submitted in order to obtain a blasting permit includes a description of the work to be accomplished and a statement of necessity for blasting as opposed to other methods considered, including avoidance of hard rock areas and safety measures to be implemented such as the use of blast blankets. The contractor shall coordinate any blasting activities with police and fire departments to ensure proper site access control, traffic control, and public notification including the media, nearby residents, and businesses, as determined appropriate by the Rocklin Police Department. Blasting specifications and plans shall include a schedule that outlines the time frame that blasting will occur to limit noise and traffic inconveniences.
- 24) If evidence of soil contamination, such as stained soil, or other evidence of hazardous materials is encountered

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during construction activities, work shall cease until an environmental professional, retained at the subdivider's expense, has evaluated the situation and identified necessary and appropriate follow-up actions. As part of this process, the City shall ensure that any necessary investigation or remediation activities conducted in the project area are coordinated with the Placer County Division of Environmental Health and, if needed, other appropriate state agencies.

- 25) If, during construction, groundwater is encountered and dewatering is necessary, the water shall be analyzed by an environmental professional, retained at the subdivider's expense, to determine if the water contains elevated levels of contaminants that could present a risk to construction workers and to identify appropriate disposal methods prior to removal. Work shall not continue until results of the water analyses have been reported and the Placer County Division of Environmental Health has been informed and provided guidance.

Monument Springs Drive Extension/Bridge Construction – Work within the Creek Areas

- 26) Construction work within the creek shall generally be confined to the time periods identified by the CDFG through the 1603 Streambed Alteration Agreement (typically April 15 through October 15), in order to minimize erosion and impacts on the October-November spawning run and April-May out-migration of Chinook salmon.
- 27) Once the precise location of any creek crossing is determined, the construction zone (corridor) shall be flagged to allow easy identification. Heavy equipment shall be operated only within this designated corridor.
- 28) ~~Delete Construction activity within creek crossings occurring in the water area shall employ construction methods as required by the CDFG, including an initial layer (approximately 18 inches) of clean gravel, to allow for the clean removal of the creek obstruction at the conclusion of construction.~~

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29) ~~Delete Machine crossing and working within the stream shall be minimized and avoided where feasible.~~

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30) ~~Delete Construction activities shall occur from one side of the stream and from the top of the stream bank without entering the channel. If this is not feasible, fording the stream shall be limited to only the equipment necessary for the actual construction and shall be done at only one location. This location shall be where the least damage to the watercourse and stream banks would occur as determined by a biological monitor before construction begins.~~

Commented [BF29]: Deleted consistent with EIR Addendum

31) ~~Deleted All equipment used for stream crossing shall be cleaned and in good mechanical order.~~

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32) All protective paint coatings to the bridge materials shall be applied before construction and all hardware shall be galvanized. If painting is required, precautionary measures shall be taken.

33) If deck panels are made "composite" with the girders, fill joints with high, early-strength concrete. The underside of the joints must be securely blocked off to avoid concrete dripping into the stream below. Similarly, when joints are filled with bituminous (non-composite deck panels) for removable structures, ensure the lower part of the joints is well sealed with non-toxic filler.

34) ~~Intact vVegetation within the road clearing shall be retained to the extent practicable where possible to prevent erosion and minimize disturbance to fish habitat.~~

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7. Improvements in the Public Right-of-way

The subdivider shall obtain an encroachment permit for all improvements within the City of Rocklin right-of-way. Subdivider shall post a performance bond and labor and materials payment bond (or other equivalent financial security) in the amount of 100% of the cost of the improvements to be constructed in the City right-of-way as improvement security to ensure the faithful performance of all duties and obligations required of subdivider in the construction of the improvements. Such improvement security shall be in a form acceptable to the City Attorney. Such security shall be either a corporate surety

bond, a letter of credit, or other instrument of credit issued by a banking institution subject to regulation by the State or Federal government and pledging that the funds necessary to carry out this Agreement are on deposit and guaranteed for payment, or a cash deposit made either directly with the City or deposited with a recognized escrow agent for the benefit of the City.

8. Landscaping.

a. Landscaping shall be installed in all public areas associated with traffic calming features required by the City Engineer and incorporated into the Improvement Plans. Final landscaping plans shall be prepared by the subdivider and approved by the Community Development Director and Public Works Director. The approved landscape plans shall be included in the improvement plans submitted to the City Engineer for approval. The landscaping plans shall comply with the following:

- 1) The landscaping plan shall be prepared by a landscape architect.
- 2) The plan shall be certified by the landscape architect that (a) topsoil within the landscape area is suitable for the proposed landscaping, and (b) that the landscape plan meets the requirements of the Water Conservation in Landscaping Act. Government Code §65591 et seq.
- 3) The plan shall include an automatic irrigation system.

b. All improvements shall be constructed and/or installed prior to submitting the final map with the City Engineer for the purpose of filing with the City Council, unless the subdivider executes the City's standard form landscaping improvement agreement and provides the financial security and insurance coverage required by the agreement, prior to or concurrent with submitting the final map with the City Engineer.

c. The subdivision shall be annexed into Rocklin ~~Landscaping and Lighting District No. 2~~ Community Facilities District No.5 to provide for public maintenance of the landscaping and lighting located within the public right-of-way. The subdivider shall maintain the landscaping and irrigation systems for two years from the date the landscaping is accepted by the City, without reimbursement from the District. Subdivider shall apply for and

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obtain an encroachment permit from the City Engineer to do the maintenance prior to the landscaping being accepted by the City.

9. Trees.

a. Prior to the issuance of any grading permit for any portion of the subdivision, an inventory of all existing trees in the subdivision and a schedule of removal of those trees shown on the tentative map to be removed shall be submitted to and approved by the Director of Community Development.

b. Mitigation for all oak trees authorized to be removed within the City of Rocklin shall be per the City of Rocklin Oak Tree Ordinance and may include a combination of replacement plantings or payment of in lieu fees.

If fees were utilized as mitigation for all tree removal the estimated fees would be \$549,158.40

c. ~~Oak trees removed as part of the Monument Springs Drive extension within the unincorporated portion of Placer County shall be mitigated in accordance with Placer County Tree Preservation Ordinance requirements.~~

d. The subdivider shall retain a certified arborist to review the design of the subdivision improvements and recommend measures to protect the trees, which are designated to remain, both during construction and afterwards. These measures shall be incorporated into, or filed prior to or concurrently with the subdivision improvement plans, for review and approval of the City Engineer. The protection measures shall include appropriate fencing around those trees to remain. The protection measures shall be approved prior to the issuance of a grading permit for all or any portion of the subdivision.

e. The subdivider shall retain a certified arborist to prepare and implement an inspection plan providing for the periodic inspection of the site during grading and construction, and verification to the City Engineer that the approved protection measures are properly implemented.

10. Parks.

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- a. Park fees shall be paid as required by Rocklin Municipal Code Chapter 17.71 and Chapter 16.28. The amount of the fee per single family unit is \$1,985.

11. Hillside and Bluff Protection.

- a. An open space and conservation easement (as described in Government Code section 51070, et seq.) shall be recorded over that portion of the subdivision described as follows for purposes of hillside and bluff protection:

Lots 41 through 57 except the area contained within 130 linear feet from the front property line of each of those lots.

The easement shall be in substantial compliance with the City's form Grant of Open Space and Conservation Easement, and shall prohibit among other things, grading, removal of native vegetation except for fire prevention purposes, deposit of any type of debris, lawn clippings, chemicals or trash, and the building of any structures, including fencing, except that fencing described along the Boardman Canal in Condition 6(a)(3)(ii) is permitted.

- b. The final map shall show a primary structure setback line located parallel to and 20 feet from the boundary of the open space and conservation easement.

12. Riparian Area and Creek Protection.

- a. An open space and conservation easement (as described in Government Code section 51070, et seq.) shall be recorded over that portion of the subdivision described as follows for purposes of riparian area and creek protection:

Open Space Lots A, B, C, D, E, F, G, H, K and the parcel that will be created containing the small quarry. These sites will be open space parcels held in common ownership by the Homeowners Association.

The easement shall be in substantial compliance with the City's form Grant Of Open Space And Conservation Easement, and shall prohibit, among other things, grading, removal of native vegetation, deposit of any type of debris, lawn clippings, chemicals, or trash, and the building of any structures, including fencing; provided, that native vegetation may be removed as

necessary for fire prevention. Native vegetation removed for flood control and protection shall also be permitted pursuant to a permit issued by the California Department of Fish and Game.

- b. The open space area shall be permanently marked in the field with 4" x 4" ~~redwood-concrete~~ posts or other suitable and permanent markers.

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13. Home Owners Association Items and Responsibilities.

Open Space -- Common Areas -- Maintenance

- a. The following portions of the subdivision are proposed to be common areas:

Open Space Lots A, B, C, D, E, F, G, H, K and the parcel that will be created containing the small quarry.

- b. Subdivider shall provide for the maintenance of the common area through formation of a homeowner's association. The documents creating the homeowner's association shall meet the following requirements:
 - 1) Assignment to the homeowner's association responsibility for maintenance of riparian areas, water quality in ponded waters, wetlands, detention basins, mosquito control, and other common areas and structures.
 - 2) The Homeowners Association will also be required to retain a qualified professional to monitor and correct any degradation of the downstream slope that may occur during the life of the existing pond/dam.
 - 3) Assignment to the Homeowner's Association responsibility to monitor and report to the City of Rocklin on activities and violations of any of these conditions, easement restrictions, or any other ordinance, rule or regulation of the City occurring within the common area.
 - 4) Statement that the City may, at its option, cause the maintenance of the common areas to be performed and assess (lien) the cost to the homeowner's association in the event the common area is not maintained in accordance with the approved plans. (RMC §17.60.040)

- 5) Implementation of the Open Space Management Plan referred to in Condition 3(c) must be carried out on an ongoing basis by the Homeowner's Association within all open space parcels that are not dedicated to the City.

Detention and Drainage Facilities Maintenance

- 6) A detention basin maintenance plan shall be developed by the subdivider and submitted to and approved by the City Engineer. The plan shall include a program for the operation and maintenance of the drainage facilities to ensure that flooding impacts are not experienced because of a lack of maintenance. Financial obligations for implementation of the program by the Homeowners Association shall be identified as part of the program.
- 7) Provisions for the maintenance and periodic inspection of permanent drainage facilities outside of the public right-of-way by the Homeowners Association will be provided for in the Covenants, Conditions, and Restrictions (CC&Rs). These provisions would include periodic inspection, cleaning, and the replacement of filter materials, as necessary to retain the integrity of the BMP. Homeowners Association Maintenance activities shall be conducted to the satisfaction of the Director of Public Works.

Water Quality and Sediment Monitoring and Remediation

- 8) The Homeowners Association shall contract with a qualified professional to conduct annual water quality testing at the detention basin, pond, and at locations upstream and downstream of the project site to ensure consistency with standards set by the RWQCB, to the satisfaction of the Public Works Director, and to further ensure that water coming into Secret Ravine Creek from the project site will result in no net adverse change in water quality in Secret Ravine Creek. Costs associated with the water quality testing shall be funded by the Homeowners Association. The Covenants, Conditions, and Restrictions (CC&Rs) for the project shall:

- i) provide for the collection of an assessment from property owners sufficient to fund this testing in perpetuity,
 - ii) require the Homeowners Association to furnish annual reports of the water quality tests to the City's Public Works Director,
 - iii) expressly include an obligation that water coming into Secret Ravine Creek from the project site will not, by itself, result in any net adverse change in water quality in Secret Ravine Creek, and
 - iv) provide the City with the legal right to seek an injunction against the Homeowners Association in the event that the water quality tests are not performed or the 'no net adverse change in water quality standard' is not satisfied.
 - v) provide the City with the legal right to enter Homeowners Association owned property for the purpose of water quality testing by the City.
 - vi) provide that the City may, at its option, cause the required water quality and sediment testing/monitoring to be performed and assess (lien) the Homeowner's Association for all costs associated with these activities in the event that the testing/monitoring is not being completed in accordance with the conditions of approval and mitigation monitoring plan for the project.
- 9) If the results of the water quality testing indicate stormwater discharges from the project site are contributing to water quality degradation in Secret Ravine Creek, as determined by the Director of Public Works, the Homeowners Association shall contract with a qualified professional to develop and implement a remediation plan to ensure no net change in water quality due to water entering Secret Ravine Creek from the project site. Plan actions could include, but would not be limited to: procedures for managing known or potential changes in water quality (e.g., additional physical or administrative source controls); and/or remediation.
- 10) In addition to the water quality testing described above, information regarding the depth to sediment in detention facilities and the onsite pond shall be provided every two years or other time frame approved by the Director of

Public Works. This requirement will begin the first year that grading construction commences.

If it is determined (through consultation with the Director of Public Works) that sediment needs to be removed from the pond and/or detention facilities to ensure adequate stormwater capacity is available, the contractor shall implement appropriate BMPs to protect terrestrial and aquatic resources and water quality to the satisfaction of the Public Works Director. Sediments removed shall be tested for contaminants and disposed of according to laws and regulations in effect at that time. All costs associated with sediment monitoring, removal, and disposal shall be paid by the Homeowner's Association.

- 12) The Homeowners Association shall retain a qualified professional to monitor and correct any degradation of the downstream slope that may occur during the life of the existing dam.
 - 13) Unless already addressed by the subdivider or the contractor for the project through implementation of Condition 14(e), the Homeowners Association shall be responsible for retention of a qualified biologist to monitor wetland areas in the southern portion of the project site during at least one growing season after the Boardman Canal is piped to determine if the wetland areas lose value and function due to the removal of this potential water source. ~~The~~If necessary the Homeowners Association shall also be responsible for any wetland replacement that may be required by the USCOE.
- c. The documents creating the homeowner's association shall be structured so that the obligations and duties of the HOA imposed by these conditions are irrevocable and binding upon the HOA in perpetuity. The formation document shall be reviewed and approved by the City Attorney for compliance with the conditions of approval stated in this Resolution.

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14. Biological Resources/Wetlands Preservation.

The following shall be incorporated in the project Improvement Plans:

- a. The subdivider shall mitigate impacts to ensure the avoidance of any net loss of seasonal wetlands and jurisdictional waters of the United States, or the bed, channel, or bank of any stream. Such avoidance may be achieved by implementing and complying with the provisions of the Clean Water Act, as administered by the U.S. Army Corps of Engineers, under Section 404 of the Clean Water Act, and under Sections 1600 – 1607 of the California Fish and Game Code, as administered by the California Department of Fish and ~~Game Wildlife (CDFG/CDFW)~~, which includes obtaining all required permits from the U.S. Army Corps of Engineers and entering into a Streambed Alteration Agreement with CDFG and complying with all terms and conditions of those permits and agreements.

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If CDFW informs the project applicant and /or any developers that a Streambed Alteration Agreement is not required, the project applicant and/or any developers shall comply with the proposed mitigation measures, minimization and avoidance measures, and other environmentally protective terms set forth in the June 29, 2018, "1602 Streamed Alteration Agreement Application Package" for Granite Lake Estates submitted to CDFW, as prepared by Madrone Ecological Consulting.

Subdivider shall submit to the Community Development Director and the City Engineer verification from the U.S. Army Corp of Engineers and the California Department of Fish and Game that the project meets all regulations and that the subdivider has obtained all required permits relating to wetlands and waterways.

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- b. The subdivider shall mitigate impacts to elderberry shrubs hosting the Valley Elderberry Longhorn Beetle (VELB) by avoiding any net loss of such shrubs. Such avoidance may be achieved by entering into a formal consultation with the US Fish and Wildlife Services (USFWS), by obtaining the necessary take permit for VELB, and by taking all necessary steps required to comply with the take permit issued by USFWS for avoidance and replacement of elderberry shrubs consistent with USFWS guidelines.

Subdivider shall submit to the Community Development Director and the City Engineer verification from the USFWS that the project meets all regulations and that the subdivider has obtained all required permits relating to elderberry shrubs hosting the Valley Elderberry Longhorn Beetle (VELB).

- c. The subdivider shall develop a revegetation plan (in consultation with CDFG) which shall compensate for riparian acreage eliminated by stream crossing construction. This plan will require approval by the CDFG and shall be implemented by a qualified revegetation contractor.
- d. ~~The project subdivider shall develop and implement a plan, in consultation with the CDFG, to remove instream obstacles to salmon and steelhead migration in the stretch of Secret Ravine Creek within the project boundaries.~~
- e. The subdivider, contractor, and/or Homeowners Association shall retain a qualified biologist to monitor wetland areas in the southern portion of the project site during at least one growing season after the Boardman Canal is piped to determine if the wetland areas lose value and function due to the removal of this potential water source. Monitoring reports shall be submitted to the City of Rocklin Community Development Department and the USCOE. If necessary the wetland areas shall be replaced consistent with the USCOE requirements.
- f. The subdivider, in consultation with the City of Rocklin and CDFG, shall conduct a one time pre-construction raptor breeding-season (approximately ~~February 15~~ through ~~August-September 1~~) survey of the project site during the same calendar year that construction is planned to begin. The survey is to be conducted at some time within the timeframe described above.

Commented [BF38]: Deleted consistent with EIR addendum

Commented [BF39]: Modified to reflect current standards

If phased construction procedures are planned for the Proposed Project, the results of the above survey shall be valid only for the season when it is conducted.

The survey shall be conducted by a qualified raptor biologist to determine if any birds-of-prey are nesting on or directly adjacent to the Proposed Project site.

A description of methodology including dates of field visits, the names of survey personnel with resumes, and a list of references

cited and persons contacted. A map showing the location(s) of any raptor nests observed on the project site.

If the above survey does not identify any nesting raptor species on the project site, no further mitigation would be required. However, should any raptor species be found nesting on the project site, the following mitigation measure shall be implemented.

The subdivider, in consultation with the City of Rocklin and CDFG, shall avoid all birds-of-prey nest sites located in the project site during the breeding season while the nest is occupied with adults and/or eggs or young. The occupied nest shall be monitored by a qualified raptor biologist to determine when the nest is no longer used. Avoidance shall include the establishment of a nondisturbance buffer zone around the nest site. The size of the buffer zone will be determined in consultation with the City and CDFG. Highly visible temporary construction fencing shall delineate the buffer zone.

- g. If a legally-protected species nest is located in a tree designated for removal, the removal shall be deferred until after ~~August 30th~~ September 1st, or until the adults and young are no longer dependent on the nest site as determined by a qualified biologist.

Commented [BF40]: Modified to reflect current standards

15. Archaeological Resources.

- a. The project subdivider shall preserve within CA-PLA-668 a large grinding stone ("site") identified by a representative of the Indian Community as being worthy of preservation, and shall record a deed restriction for that site, in the name of the Indian Community, requiring the preservation of the site. This deed restriction shall run with the land, and shall bind all successors in interest.
- b. In the event that project construction activities commence on some portions of the Granite Lake Estates property prior to completion of data recovery activities mandated by the 1997 Data Recovery Plan, the project subdivider shall erect a fence around CA-PLA-668 to ensure that construction activities do not harm CA-PLA-668 prior to completion of mandated data recovery activities.

- c. The project subdivider or its successor shall notify the Tribal Historic Preservation Committee of the Indian Community 30 days prior to the construction of the proposed roadway through CA-PLA-668.
16. Phasing.
- Multiple final maps may be filed subject to the following criteria:
- a. The existing access easement across the project site to the parcel located across the Boardman Canal (known as APN 046-030-054) and adjacent to the southeast corner of the Granite Lakes Estates project site, shall be maintained until such time as access to the parcel is provided via a public street.
 - b. As noted in Condition 6(a)(3)(iii) construction of bicycle/pedestrian trail along Secret Ravine Creek shall be completed as part of Phase I improvements.
17. Notice of Design Guidelines and Other Items Recorded by Separate Instrument.
- a. A notice shall be included in the subdivision's CC&Rs, and recorded by separate instrument with the final map(s), stating that:

Individual lot grading shall be in accordance with the provisions of the Granite Lakes Estates Grading Design Guidelines adopted per City Council Resolution Number 2002-167.

These grading guidelines are available from the City of Rocklin Department of Community Development.
 - b. Other items to be recorded by separate instrument with the final map(s) include:
 - 1) A document prepared by or on behalf of the subdivider for the education of all residents within the project addressing the following air quality concerns:
 - i) Open burning, wood burning, and air pollution: problems and solutions.

ii) Transportation Control Measures: ride sharing, mass transit availability/schedules, computerized ride-matching services, and other measures designed to reduce both the use of single-occupancy vehicles and vehicle miles traveled.

2) Notice that the construction of the extension of Monument Springs Drive and construction of a bridge over Secret Ravine Creek connecting the City of Rocklin to the County of Placer shall be completed-commenced and open to the public as authorized by Placer County prior to the issuance of the 41st 78th building permit for the project.

Commented [BF41]: Modified to facilitate BOLD finance plan and reflect that no portion of the project improvements is located in Placer County's jurisdiction any longer.

18. Monitoring.

Prior to recording of the first final map or any grading on the property, the subdivider shall deposit with the City of Rocklin fees for mitigation monitoring as established by Council Resolution at the time of filing to pay for the City's time and material cost to administer the Mitigation Monitoring Program. The Community Development Director shall determine if and when additional deposits must be paid for administering the Mitigation Monitoring Program on each subsequent final map. These amounts shall be paid prior to recording subsequent final maps on this project.

19. Special Conditions.

a. The subdivision shall be annexed into City of Rocklin Community Facilities District No. 5, or other appropriate financing district, to fund the maintenance of the City owned facilities including but not limited to, the open space and bicycle and pedestrian trail.

b. Landowner and City shall enter into a Reimbursement and Acquisition Agreement for the construction of the Monument Spring Bridge and roadway extension. The landowner and City will cooperate in the formation of a Bond Opportunities for Land Development (BOLD) Community Facilities District (CFD) for purposes of financing construction of the Monument Springs Bridge and roadway extension. City acknowledges that it holds approximately \$198,000.00 in an account, collected from Highlands 2 & 3, and allocated \$1,500,000.00 in the Capital Improvement Plan (CIP) to be used for the road extension and bridge construction. The funds held by the City will be advanced as the initial funding and progress payments toward bridge

construction pursuant to the Reimbursement and Acquisition Agreement between the City and landowner / subdivider.

Commented [BF42]: Added to facilitate BOLD financing proposal

c. Construction traffic for the Granite Lake Estates project shall be prohibited from using Aguilar Road between China Garden Road and Greenbrae Road.

Commented [BF43]: Planning Commission added new condition.

20. Indemnification and Duty to Defend

Within 15 days of approval of this entitlement by the City, the subdivider shall execute an Indemnity Agreement, approved by the City Attorney's Office, to indemnify defend, reimburse, and hold harmless the City of Rocklin and its agents, officers and employees from any claim, action, or proceeding against the City of Rocklin to set aside, void or annul an approval of the entitlement by the City Planning Commission or City Council, which action is brought. The City will promptly notify the applicant of any such claim, action or proceeding, and the City will cooperate in the defense of the claim, action or proceeding. Unless waived by the City, no further processing, permitting, implementation, plan checking or inspection related to the subdivision or parcel map shall be performed by the City if the Indemnity Agreement has not been fully executed. (CITY ATTORNEY)

Commented [BF44]: Added to reflect current City requirement / standard condition of approval.

Concurrent Approvals.

Commented [BF45R44]:

~~This tentative subdivision map shall not be considered valid unless and until the concurrent application for a General Development Plan (PDG-2000-08) has been approved and becomes effective.~~

Commented [BF46]: Deleted as no longer applicable

21. Effective Date.

Pursuant to AB1561, the approval shall expire on January 11, 2023.

~~This approval shall expire in two years from the date of approval unless prior to that date the final map has been recorded or a time extension has been approved, or as subject to the terms of the Development Agreement.~~

Commented [BF47]: Changed to reflect current project validity status barring further action by the State. The project is not eligible for an any further time extension by the City. Planning Commission amended typo to show correct expiration date.

PASSED AND ADOPTED this 28th day May, 2002, by the following roll call vote:

| AYES: Councilmembers: ~~Hill, Storey, Lund, Magnuson, Yorde~~

| NOES: Councilmembers: ~~None~~

| ABSENT: Councilmembers: ~~None~~

| ABSTAIN: Councilmembers: ~~None~~

|

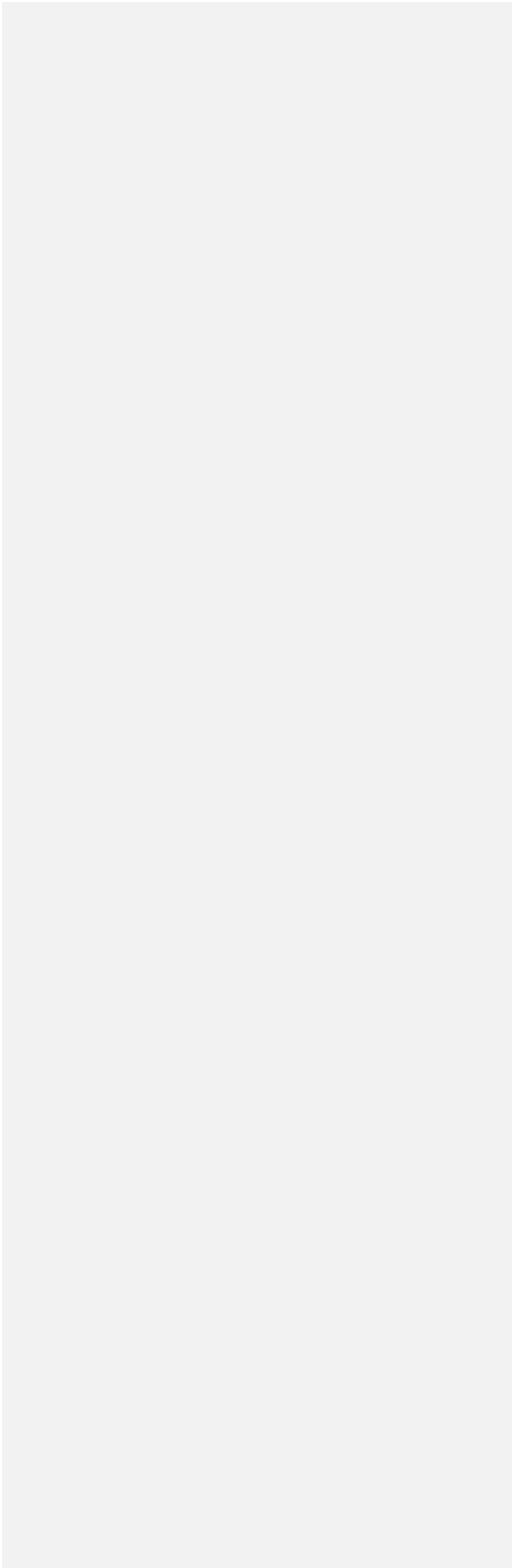
~~Ken Yorde~~, Mayor

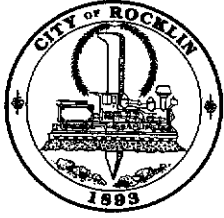
ATTEST:

City Clerk

| Page 37 of
Reso. No. ~~2002-166~~

EXHIBIT A
(Maps, etc.)





CITY OF ROCKLIN

MEMORANDUM

PART II ENTITLEMENTS

DATE: November 14, 2006

TO: Honorable Mayor and City Council

FROM: Carlos A. Urrutia, City Manager
Terry A. Richardson, Community Development Director
Sherri Abbas, Planning Services Manager
Bret Finning, Associate Planner

RE: Vista Oaks / Highlands Parcel A

Vista Oaks: GPA-2002-04, PDG-2001-07, Z-2002-02, SD-2001-04, TRE-2001-30, DR-2002-21

Highlands Parcel A: GPA-2006-03, PDG-2003-02, Z-2006-04, SD-2003-05, TRE-2003-33

RESO:

SUMMARY AND RECOMMENDATION

These applications are a request for certification of a Final Environmental Impact Report and approval of entitlements for the following two projects:

Vista Oaks – A request for approval of a general plan amendment to amend the locations and reduce the total area designated Low Density Residential (LDR) from 46.3 acres to 33.7 acres, amend the locations and increase the area designated Recreation Conservation (R-C) from 44.1 acres to 59.4 acres, and eliminate 2.7 acres designated Rural Residential (RR); a rezone and general development plan to change the zoning designation on the project site from Planned Development 1.5 dwelling units per acre (PD-1.5) to Planned Development 1.08 dwelling units per acre (PD-1.08) and establish development criteria; a tentative subdivision map and a tree preservation plan permit to allow the 93 acre site to be subdivided into 100 single family residential lots, on approximately 32.3 acres (including streets), and five open space parcels, on approximately 60.9 acres; and a design review to establish special grading and construction requirements for the Phase I area of the subdivision.

Highlands Parcel A – A request for approval of a general plan amendment to amend the locations and change the project site land use designation from 25.2 acres Low Density Residential (LDR)

to 24.5 acres Rural Residential (RR), and amend the locations and increase the area designated Recreation Conservation (R-C) from 4.9 acres to 5.6 acres; a rezone and general development plan to change the zoning designation on the project site from Planned Development 1.5 dwelling units per acre (PD-1.5) to Planned Development 0.67 dwelling units per acre (PD-0.67) and establish development criteria; a tentative subdivision map and a tree preservation plan permit to allow the 30.14 acre site to be subdivided into 20 single family residential lots, on approximately 7.27 acres (including streets), and four open space parcels, on approximately 22.89 acres.

The Planning Commission and Staff recommend that the City Council approve the following:

Vista Oaks:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKLIN APPROVING AN AMENDMENT TO THE GENERAL PLAN OF THE CITY OF ROCKLIN FROM RURAL RESIDENTIAL TO LOW DENSITY RESIDENTIAL (LDR), FROM RECREATION CONSERVATION (R-C) TO LOW DENSITY RESIDENTIAL (LDR), AND FROM LOW DENSITY RESIDENTIAL (LDR) TO RECREATION CONSERVATION (R-C).

(Vista Oaks /GPA-2002-04)

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKLIN APPROVING A REZONING TO PLANNED DEVELOPMENT – 1.08 AND ADOPTING A GENERAL DEVELOPMENT PLAN (Vista Oaks / Z-2002-02, PDG-2001-07)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKLIN APPROVING A TENTATIVE SUBDIVISION MAP (Vista Oaks / SD-2001-04, TRE-2001-30)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKLIN APPROVING A DESIGN REVIEW (Vista Oaks / DR-2002-21)

Since the Planning Commission meeting, staff has further evaluated the need for off site sidewalks along China Garden Road. A more detailed discussion regarding this issue is covered under the Summary of the Planning Commission action. Staff is recommending the following the following condition be added to the Resolution approving the tentative subdivision map;

4.e.4)ii. *A 4 foot wide sidewalk shall be constructed along China Garden Road, from the northerly edge of the project's China Garden Road frontage to the northerly most intersection of China Garden Road and Rustic Hills Drive.*

Highlands Parcel A:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKLIN APPROVING AN AMENDMENT TO THE GENERAL PLAN OF THE CITY OF ROCKLIN FROM LOW DENSITY RESIDENTIAL (LDR) TO RURAL RESIDENTIAL (RR), FROM RECREATION CONSERVATION (R-C) TO RURAL RESIDENTIAL (RR), AND FROM LOW DENSITY RESIDENTIAL (LDR) TO RECREATION CONSERVATION (R-C).
(Highlands Parcel A /GPA-2006-03)

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKLIN APPROVING A REZONING TO PLANNED DEVELOPMENT – 1.08 AND ADOPTING A GENERAL DEVELOPMENT PLAN (HIGHLANDS PARCEL A/ Z-2006-04, PDG-2003-02)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKLIN APPROVING A TENTATIVE SUBDIVISION MAP (HIGHLANDS PARCEL A / SD-2003-05, TRE-2003-33)

Special Recommendation: Staff recommends that the City Council consider appointing a committee to address whether the need for a freeway identification sign still exists and if so to review the preferred location, and design for such a sign. The committee could be similar to the initial Entryway Sign Committee that recommended on the entryway signage in 2000. That committee consisted of two (2) Councilmembers and one (1) Planning Commissioner that worked with staff and a consultant.

Summary of Planning Commission Action

This project was considered by the Planning Commission on October 3, 2006.

During the hearing the applicant expressed concern with the proposed affordable housing requirement for the Vista Oaks project (see affordable housing Page 13). Although they were applying for a general plan amendment that would increase density in some parts of the project site, the overall number of lots proposed would be less than the existing land use designations would allow over the entire property. The applicant noted that they felt that the project was already providing significant public benefit through construction of a 5.8 acre turnkey park, dedication of a 0.25 acre site for a freeway identification sign, construction of an emergency access / pedestrian bridge over Secret Ravine Creek, construction of a pedestrian trail system through the project site, significant oak tree preservation, preservation of large portions of the project site as permanent open space, and that the project would contribute to the construction of the Monument Springs bridge. Therefore, they asked that the proposed affordable housing requirement for the Vista Oaks project be deleted.

The applicant also expressed concern with the open ended nature of the proposed requirement for the subdivider to pay for a special storm water management inspector (see storm water

management Page 17) to monitor the project for the City and requested alternative wording staff's original condition follows with new language in bold and deleted language struck out:

Prior to on or off- site any grading or construction activities, including issuance of improvement plans for any phase of the project, the subdivider shall provide funding for a qualified storm water management professional to be retained by the City to monitor, for up to four hours per week in the wet season and up to two hours per week in the dry season the project's on and off site construction activities for compliance with the National Pollutant Discharge Elimination System (NPDES) Permitting Program and provide written reports to the City as directed by the City Engineer. ~~The storm water management professional shall be present on a regular basis when work is occurring during the grading, trenching, and building construction phases (if homes to be built by subdivider).~~ The subdivider shall pay a fee based on the City Engineer's best estimate of the cost to retain a storm water management professional prior to any grading or construction activity including issuance of improvement plans. ~~Should the costs exceed this initial estimate additional cost for services~~ these time limits do not preclude additional services judged necessary before, during and after storm events. Additional costs over and above the estimated required for two hours and four hours per week stipulated above shall be billed to the subdivider on a time and materials basis payable to the City prior to acceptance of project improvements.

Staff agreed with the issue and the intent of the applicant's requested wording, but expressed concern that the very specific time limitations proposed by the applicant may or may not be adequate. Therefore, staff suggested an alternative revision as follows (new language in bold, deleted struck out):

Prior to any on or off- site any grading or construction activities, including issuance of improvement plans for any phase of the project, the subdivider shall provide funding for a qualified storm water management professional to be retained by the City to monitor the project's on and off site construction activities for compliance with the National Pollutant Discharge Elimination System (NPDES) Permitting Program and provide written reports to the City as directed by the City Engineer. ~~The storm water management professional shall be present on a regular basis when work is occurring during the grading, trenching, and building construction phases (if homes to be built by subdivider).~~ The subdivider shall pay a fee based on the City Engineer's best estimate of the monitoring time required by the project and the cost to retain a storm water management professional prior to any grading or construction activity including issuance of improvement plans. ~~Should the costs exceed this initial estimate additional cost for services~~ Additional costs over and above the estimate shall be billed to the subdivider on a time and materials basis payable to the City prior to acceptance of project improvements.

Several people addressed the Planning Commission with regard to the project. The significant comments are noted below along with a brief summary in italics of the response to each, if any, during the public hearing (see attached minutes for additional detail):

1. All of the speakers generally supported the project and several specifically expressed support for better Storm Water Management oversight assistance as recommended by staff. *No response necessary.*
2. Noise reflected from freeway sound wall required for Phase I of the Vista Oaks project could increase noise levels in the Woodside development. *The noise consultant for the project addressed the Planning Commission questions about the noise study and possible wall construction or design options that might further reduce the potential for reflected noise.*
3. No way for school buses to turn around in project. *Staff pointed out that the turn around in the Parcel E park site is intended and designed to allow fire vehicles and school buses to turn around.*
4. Bike trail should be moved as far away from the creek and the existing homes in Rustic Hills as possible while still meeting ADA requirements and avoiding VELB mitigation areas. *Staff noted that the two westerly proposed trail alignment revisions might be possible and recommended that they be considered as substantial compliance changes when the portion of the subdivision including the trail was constructed so that impacts to oak trees and other resources could be adequately evaluated. However, staff noted the easterly most proposed trail revision would impact the existing VELB preserve on the Highlands Parcel A project site and therefore could not be approved.*
5. Protection of salmon and the detrimental impact to salmon of sewer lines crossing under creek. *The applicant stated that they intend is to hang the sewer line from the emergency access bridge and that a lift station might be required to allow that configuration. Staff has incorporated this into the conditions of approval to ensure that the sewer line is installed as stated.*
6. Need for kiosk in park explaining historical roll of Chinese in area development and that the park should provide restrooms. *Staff noted that the specific design and amenities in a park site are the responsibility of the Recreation Commission and the Community Services and Facilities Department and that the neighbors would best work with them to influence the design of the park. Staff added that they believed that the process for designing a neighborhood park usually provided for public input on the design. Mark Riemer, Community Services and Facilities Director, has since indicated that the process for this park will more than likely include a "Design-a-Park" Day to obtain neighborhood input.*
7. Need for a bike trail or sidewalk along China Garden Road, north from the project site to at least Rustic Hills Drive, to allow people to walk out of the traffic lanes. *During the Planning Commission meeting, residents raised the concern for persons walking along China Garden Road with the additional traffic generated by the project and requested sidewalks or trails all the way to Aguilar Road from the project site. Staff responded that*

there is no nexus for requiring the project to construct a sidewalk or a trail Aguilar Road to the project site and therefore no requirement was made. Staff still feels that there is no nexus for a sidewalk all the way to Aguilar Road. However, upon further evaluation, staff does believe a nexus finding could be made for requiring the sidewalk to be constructed from the northeasterly end of Rustic Hills Drive to the project site in order to provide pedestrian access to the park site for the existing residents who are more likely to walk to the park. If the City Council agrees with staff's finding, staff recommends that the following condition be added to the resolution approving the tentative subdivision map.

- 4.e.4)ii. A 4 foot wide sidewalk shall be constructed along China Garden Road, from the northerly edge of the project's China Garden Road frontage to the northerly most intersection of China Garden Road and Rustic Hills Drive.

There being no further comments the Planning Commission closed the public hearing and deliberated the project, determining that:

1. The majority of the Planning Commission (4-1) believed that, the proposed general plan amendments notwithstanding, the Vista Oaks project was providing sufficient public benefit and therefore, they did not support placing an affordable housing requirement on the project.
2. Creating Parcel B for a future City of Rocklin freeway identification sign was acceptable.
3. The Planning Commission generally supported the proposed Storm Water Management requirements. They recognized the concerns raised by the applicant and staff with regard to the requirement for the subdivider to pay for a City Storm Water Management Inspector to monitor the project and would, therefore, support staff's alternative rewording of the requirement. The Planning Commission further noted that the applicant and staff could further refine the wording prior to the City Council hearing on the projects if necessary.

Staff met with the applicant on October 12, 2006 and further refined the wording of the proposed storm water management conditions and agreed to the following revisions that have been incorporated into the project entitlements:

- y. *Prior to any on or off- site grading or construction activities, including issuance of improvement plans, for any phase of the project the subdivider shall provide a Storm Water Management plan for preventing **noncompliant** storm water runoff at all times but especially during the rainy seasons for inclusion in the improvement plans. The plan would also need to cover the time period of the project after the subdivision improvements are installed and construction of the houses commences*

on disturbed soils. The Storm Water Management plan shall be prepared by a qualified storm water management professional. (ENGINEERING)

- z. Prior to any on or off- site grading or construction activities, including issuance of improvement plans for any phase of the project, the subdivider shall provide verification to the City Engineer that a qualified storm water management professional has been retained **and is available** to monitor construction activities and provide written reports to the City. **This notification shall include name(s) and 24 hour contact information.** The storm water management professional shall be present on site at **all times necessary when** work is occurring during the grading, trenching, and building construction phases (if homes to be built by subdivider) of the project in order to observe, assess, and direct on site storm water management **to the satisfaction of the City Engineer.** The storm water management professional shall also monitor the work site on a regular basis even when no construction activities are occurring to ensure that installed water quality and Best Management Practice devices or improvements are installed and functioning properly. **The storm water management professional shall monitor the site prior to, during, and after any storm events.** (ENGINEERING)*
- aa. Prior to any on or off- site any grading or construction activities, including issuance of improvement plans for any phase of the project, the subdivider shall provide funding for a qualified storm water management professional to be retained by the City to monitor the project's on and off site construction activities for compliance with the National Pollutant Discharge Elimination System (NPDES) Permitting Program and provide written reports to the City as directed by the City Engineer. The subdivider shall pay a **fee-deposit** based on the City Engineer's best estimate of the monitoring time required by the project and the cost to retain a storm water management professional prior to any grading or construction activity including issuance of improvement plans. **For budgeting purposes this is estimated to be 6 hours per week in the wet season and 3 hours per week in the dry season.** Additional costs over and above the estimate shall be billed to the subdivider on a time and materials basis payable to the City prior to acceptance of project improvements. (ENGINEERING)*
4. Both of the existing freeway billboard signs on the Vista Oaks site should be removed.
5. The proposed sound wall design was acceptable as proposed based upon the consultant's finding that the reflected noise from the proposed sound walls would not have an adverse impact on the Woodside Subdivision.
6. The wooden fencing condition should be amended to specify redwood only due to superior durability.
7. Request staff to look into what might be done to better accommodate pedestrians and bicycles along the existing segment of China Garden Road between the southerly intersection of Rustic Hills Drive and the Vista Oaks project site.

Please see the attached minutes of the October 3, 2006 Planning Commission meeting for further details.

After deliberations, the Planning Commission voted, 5 – 0, to recommend approval of the proposed entitlements to allow the Vista Oaks and Highlands Parcel A subdivision projects. In making motions to recommend approval of the two projects, the Planning Commission amended the project resolutions to address the issues noted above. These revisions have been incorporated into the resolutions and ordinances provided with this staff report.

ANALYSIS

To assist the reader in finding the discussion of specific issues in this report the following outline has been provided:

General Plan Amendments Vista Oaks	Page 12
General Plan Amendments Highlands Parcel A	Page 13
Affordable housing	Page 13
Zone Changes / General Development Plan Vista Oaks	Page 14
Zone Changes / General Development Plan Highlands Parcel A	Page 17
Storm Water Management	Page 3, 6, 17, 25
Tentative Subdivision Map Vista Oaks	Page 20
Tentative Subdivision Map Highlands Parcel A	Page 22
Freeway Identification Sign	Page 21
Open space	Page 22, 37
Utilities & Schools	Page 24
Fire Service	Page 24
Grading and Drainage	Page 24
Backwater Analysis	Page 25
Mitigation of Noise from I-80	Page 26
Woodside subdivision reflect noise	Page 27
Fencing	Page 28
Billboards	Page 29
Trail System and Emergency Access Bridge	Page 29
Trail realignment	Page 31
Circulation and Street Design Vista Oaks	Page 32
Circulation and Street Design Highlands Parcel A	Page 33
Landscaping	Page 35
Protection of Biological and Paleontological Resources	Page 35
VELB	Page 35

Special Provisions ----- Page 36
Subdivision Design Vista Oaks ----- Page 36
Subdivision Design Highlands Parcel A ----- Page 37
Oak Tree Preservation Permit ----- Page 37
Park Site ----- Page 37
Phasing ----- Page 38
Design Review (Grading Guidelines and Noise Mitigation Standards) ----- Page 39

DISCUSSION

Parcel Size

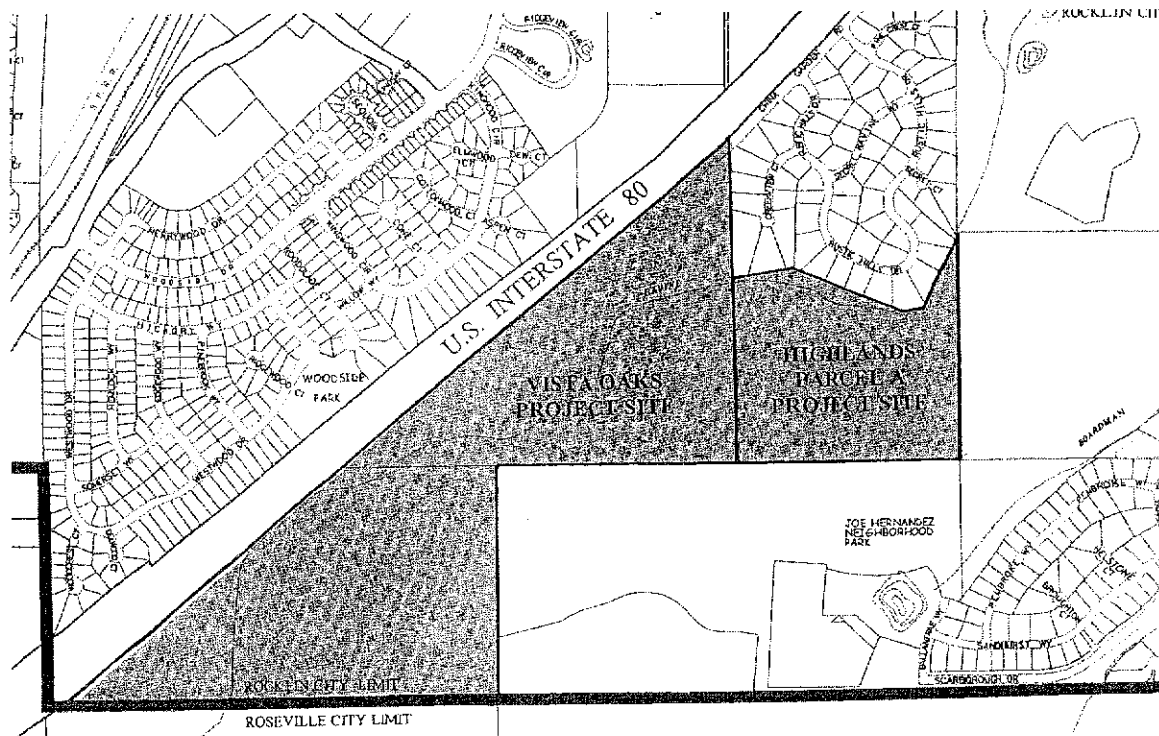
The Vista Oaks project site is 93.2 acres. The Highlands Parcel A site is 30.14 acres.

Owner/Applicant

The applicant is Terrance Lowell and Associates. The property owners are: Vista Oaks – Ronald Guntert Jr., Highlands Parcel A – Elliot Homes, Inc.

Location

The project sites are generally located in the City of Rocklin along Secret Ravine Creek easterly of Interstate 80 at the southerly terminus of China Garden Road and north of the Rocklin City Limit. APN # Vista Oaks: 046-010-007 & 046-020-003, Highlands Lot A: 046-020-039.



VICINITY MAP
Vista Oaks / Highlands Parcel A

Site Characteristics

The approximately 93-acre Vista Oaks project site and the approximately 30-acre Highlands Parcel A project site are located adjacent to one another within the southeastern city limits of the city. Interstate 80 comprises the northwestern site boundary, and the sites are bordered to the north, south, and east by existing or proposed residential development. The Vista Oaks site is bounded to the south by the City of Rocklin/City of Roseville City Limit line. The project sites consist of gently rolling to moderately steep terrain. Elevation ranges from 184 feet National Geodetic Vertical Datum (NGVD) along Secret Ravine Creek in the southwest, to 280 feet NGVD along the grassland ridge in the south-central portion of the Vista Oaks site.

Secret Ravine Creek, a perennial stream, flows through the sites from the northeast to the southwest. The project sites support riparian trees and shrubs and a broad 100-year floodplain with scattered valley oaks (*Quercus lobata*). In addition, the Highlands Parcel A site contains a Valley Elderberry Longhorn Beetle Conservation Area. The conservation area is approximately 3.2 acres and consists of 337 elderberry mitigation plantings and 433 associated native plantings. In addition, 47 elderberry bushes have been transplanted to this area from the Highlands at Cavitt Ranch site. Blue oak (*Quercus douglasii*) woodland and non-native annual grassland comprise the upland portions of the sites, primarily in their southern portions. Furthermore, the sites support perennial and seasonal wetlands, and several seasonal drainages.

The project sites, particularly within the 100-year floodplain, have historically received heavy disturbance from off-road vehicle use. Various unpaved roads crisscross the area, inhibiting the establishment of vegetation. Some of these roads are in such close proximity to each other that large tracts of bare ground have been created. Several of these off-road vehicle trails bisect the blue oak woodland habitat on the sites and lead into and out of Secret Ravine Creek.

Background

The Vista Oaks project site was annexed into the City of Rocklin as a part of the Aitken Addition in 1957. The Highlands Parcel A project site was annexed into the city in 1958, as a part of the Smith Addition. In 1992 the Highlands Parcel A site was included as a part of Elliot Home's proposed Highlands subdivision. However, the project was revised to exclude the property prior to preparation of the Environmental Impact Report. A significant portion of the site was used to establish a Valley Elderberry Longhorn Beetle Conservation Area as a mitigation measure to compensate for the removal of Elderberry bushes in the Rocklin Highlands subdivision. A subdivision was also proposed on the Vista Oaks site in the early 1990's. The Planning Commission held a public hearing on the proposed project but a development moratorium related to the approval of the Southeast Rocklin Circulation Element eliminated the project before it could be heard by the City Council. The Southeast Rocklin Circulation Element was subsequently approved in 1993 however market conditions were such by that time that the applicant chose not to pursue the Vista Oaks project at that time.

Land Uses:

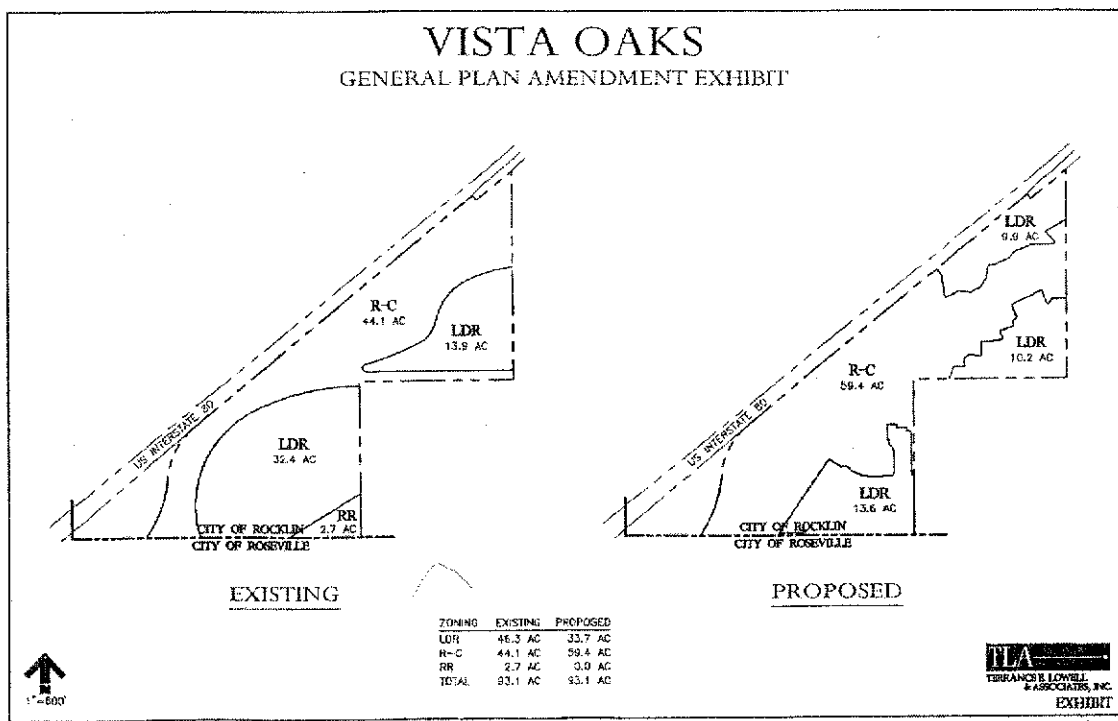
	General Plan	Zoning	Existing Land Use
Site:	Low Density Residential (LDR) and Recreation-Conservation (R-C)	Planned Development-Residential (PD-1.5 du/ac)	Vacant
West & North:	Medium Density Residential (MDR) and R-C	Single Family Residential 6,000 square foot minimum (R1-6), Single Family Residential 7,500 square foot minimum (R1-7.5), Single Family Residential 12,500 square foot minimum (R1-12.5), Open Area (OA)	Rustic Hills single family residential subdivision, Woodside single family residential subdivision and open space across I-80.
South:	LDR & Roseville	PD-1.5 du/ac & Roseville	Highlands single family residential subdivision.
East:	LDR	PD-1.5 du/ac	Vacant

General Plan Amendments

The subdivision designs, as proposed, are consistent with the proposed General Plan and zoning designations for the two projects. No other general plan amendments have been approved so far this year.

Vista Oaks - The proposed general plan amendment for the Vista Oaks Subdivision would amend the locations and reduce the total area designated Low Density Residential (LDR) from 46.3 acres to 33.7 acres, amend the locations and increase the area designated Recreation Conservation (R-C) from 44.1 acres to 59.4 acres, and eliminate 2.7 acres designated Rural Residential (RR) as indicated below.

When the current general plan land use map was adopted, in 1991 the Recreation-Conservation land use designation was placed on those areas that were generally anticipated to be impacted by flood plains, riparian vegetation, and slopes. However, no specific delineations for flood plain and riparian areas were performed at that time. Therefore consistent with the discussion of the Recreation - Conservation land use designation on page 59 of the Rocklin General Plan, it was understood that at such time as a site was proposed for development, site specific delineations would be prepared and land use designations could be adjusted accordingly. The proposed changes to the Vista Oaks general plan land use designations are intended to more accurately reflect the delineated boundaries of the 100-year flood plain and areas of riparian vegetation on the site and the proposed development patterns.



To this end, the applicant has proposed to revise the land use designations on the site so that areas located outside of the 100-year flood plain and areas of riparian vegetation and that are proposed for development are shown as Low Density Residential (LDR). The LDR general plan designation allows for single family residential development with a density of 1 to 3.4 dwelling units per acre. A small 2.7 acre area currently designated Rural Residential (RR) along the Roseville City Limit Line would also be changed to Low Density Residential (LDR). All other areas of the site, 59.4 acres, would become Recreation – Conservation (R-C). The R-C general plan designation provides areas for recreational use and / or protection of areas with important environmental or ecological qualities. The net effect of the proposed General Plan amendments for the Vista Oaks project would be to reduce the area approved for development and increase the area protected as Recreation - Conservation. Expanding the R-C designation over this portion of the project site will ensure its protection from development thereby preserving trees and the aesthetics of the area.

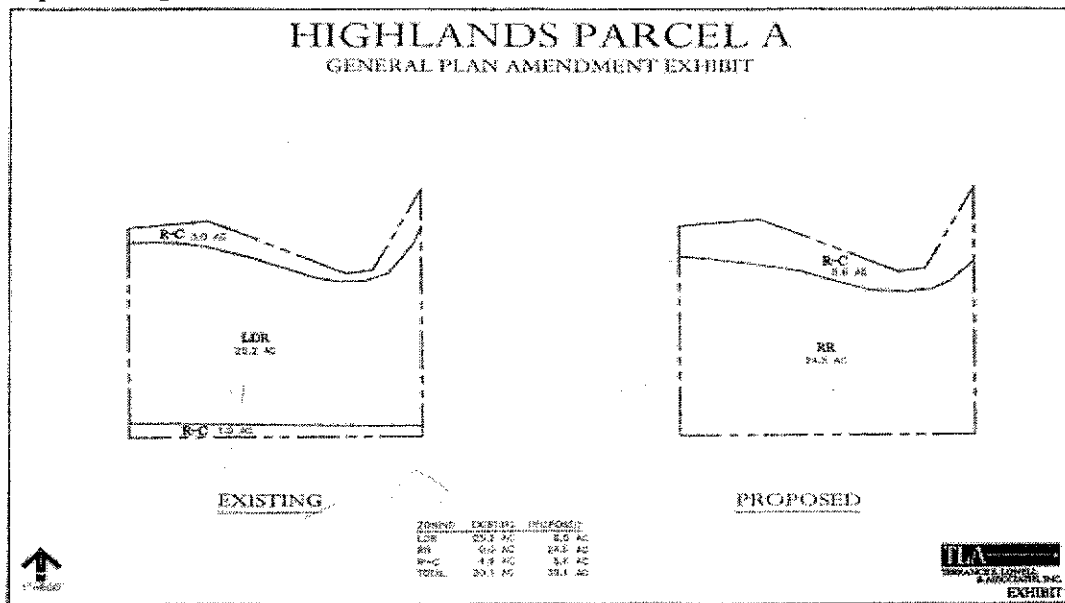
(Affordable Housing) - When the Vista Oaks project was presented to the Planning Commission staff recommended that a requirement for the provision of affordable housing be placed on the project in recognition of the benefit the applicant would receive from the increase in the developable area resulting from the revision of the General Plan Land Use map to change the designation of the portion of the site at terminus of China Garden Road from R-C to LDR. As was done on past projects such as Reflections, Whitney Oaks Lots 39 & 44, and Whitney Ranch staff suggested that the City could implement the practice of requiring 10% of the units in the project to be made affordable to low and very low income households as defined by the City of Rocklin General Plan Housing Element and included a provision to implement this requirement in the proposed general development plan for the project discussed in the next section of this staff report.

During the public hearing the applicant expressed concern with the proposed affordable housing requirement. The applicant stated that that they believed the project was already providing significant public benefit through construction of a 5.8 acre turnkey park, dedication of a 0.25 acre site for a freeway identification sign, construction of an emergency access / pedestrian bridge over Secret Ravine Creek, construction of a pedestrian trail system through the project site, significant oak tree preservation, preservation of large portions of the project site as permanent open space, and the fair share contribution the project would have to make toward the construction of the Monument Springs bridge. Therefore they asked the Planning Commission to delete the proposed affordable housing requirement. After deliberation and discussion the Planning Commission voted to remove the affordable housing requirement from the Vista Oaks project. Please see the attached minutes of the October 3, 2006 Planning Commission meeting for additional detail.

Highlands Parcel A - The proposed general plan amendment for the Highlands Parcel A Subdivision would amend the locations and change the project site land use designation from 25.2 acres of Low Density Residential (LDR) to 24.5 acres of Rural Residential (RR), and amend

the locations and increase the area designated Recreation Conservation (R-C) from 4.9 acres to 5.6 acres as indicated below.

When the current general plan land use map was adopted the Recreation-Conservation land use designation was placed on those areas that were generally anticipated to be impacted by flood plains, riparian vegetation, and slopes. However, no specific delineations were performed at that time. The proposed changes to the Highlands Parcel A general plan land use designations are also intended to more accurately reflect the delineated boundaries of the 100-year flood plain and areas of riparian vegetation on the site.



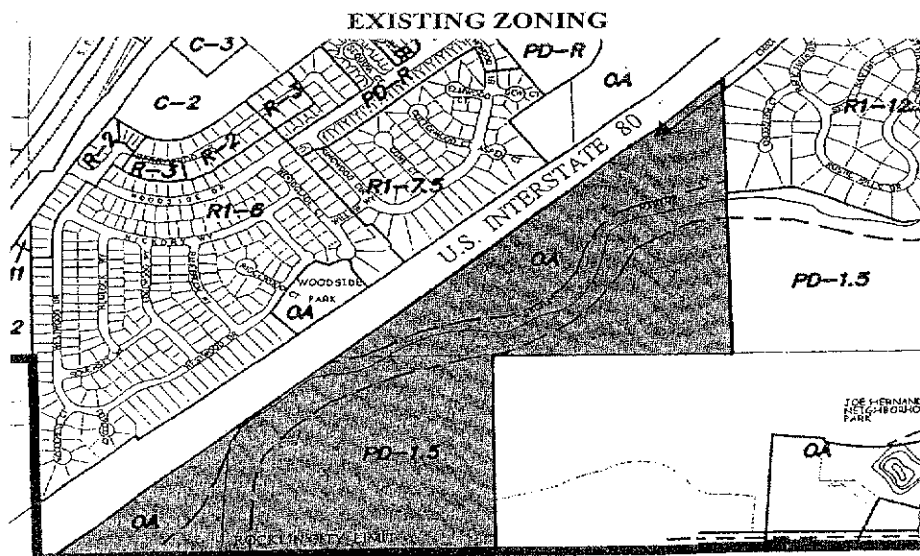
To accomplish this, the applicant has proposed to revise the land use designations on the site so that the 100-year flood plain and areas of riparian vegetation associated with Secret Ravine Creek are designated as shown as Recreation – Conservation (R-C) to ensure its protection from development. All other areas of the site would be designated Rural Residential (RR). The RR general plan designation allows for single family residential development with a density of no more that 1 dwelling unit per acre. The net effect of the proposed General Plan amendments for the Highlands Parcel A project would be to reduce the potential density of development on the site and increase the area protected as Recreation - Conservation.

Zone Changes and General Development Plans

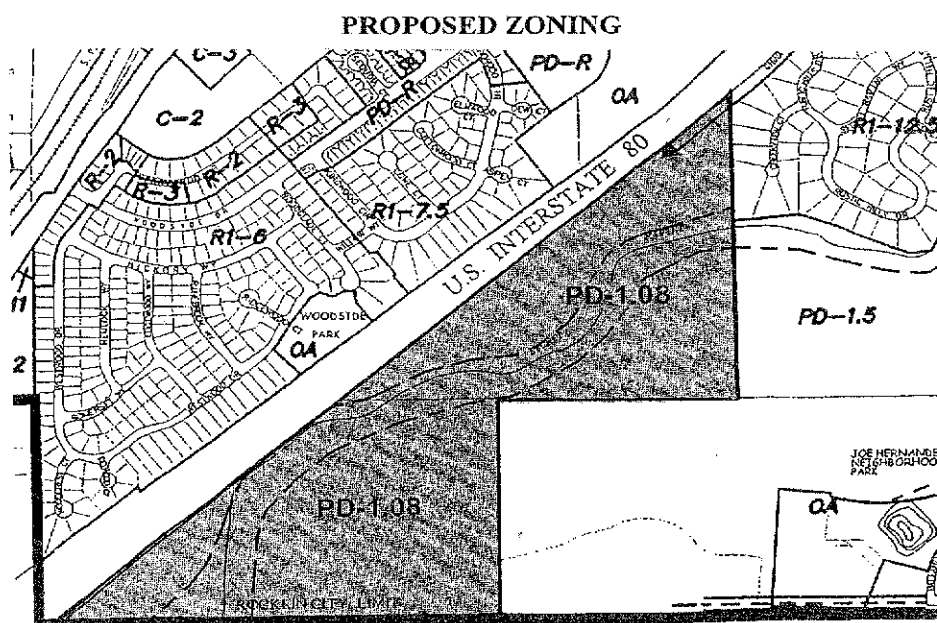
In 1980, both the Vista Oaks and Highlands Parcel A project sites were zoned Planned Development Residential 1.5 dwelling units per acre (PD-1.5) as a part of a zoning update for the entire area of the city south of Greenbrae Road. However, a corresponding General Development Plan to set forth development standards was not adopted. Therefore, as a part of the proposed projects, a general development plan would be adopted for each to establish development criteria. In addition the zoning designation for each site is proposed to be revised

to reduce the allowable dwelling units per acre to reflect the proposed projects as discussed below:

Vista Oaks - The Vista Oaks project site is currently zoned Planned Development Residential 1.5 dwelling units per acre (PD-1.5) and Open Area (OA).



As a part of the proposed project the entire site would be rezoned to Planned Development 1.08 dwelling units per acre (PD-1.08), as indicated below.



This zoning designation would reduce the total possible number of single family residential units on the Vista Oaks site from 140 to 100. The underlying general plan land use designations discussed previously would require that these units be located on the portions of the project site designated LDR.

A general development plan is proposed to establish development standards applicable to the zone district similar to those adopted for the nearby Granite Lakes Estates project. Similar to other standard single family residential zoning districts, permitted uses would consist of single family detached dwelling units, accessory uses and structures, secondary residential units, and public elementary and secondary schools. Public utility buildings and uses (excluding equipment yards, warehouses, and repair shops) would be a conditionally permitted use.

In addition to the typical development standards noted above, the General Development Plan contains special provisions regarding air quality required by the project EIR and requires that the "Limited Graded Lots" in Phase I of the Vista Oaks project be developed in accord with specific design guidelines regarding grading and noise mitigation proposed for adoption via a design review application discussed later in this staff report. Provisions to address fire safety, minimum building pads, front and side yard landscaping, fencing and model home complexes are provided for by the general development plan.

DEVELOPMENT STANDARDS.

- | | | |
|----|---------------------------|---|
| a) | Max. units per gross acre | 1.08 |
| b) | Min. lot area (sq. ft.) | 8,000 |
| c) | Min. lot width | |
| | Interior | 65' |
| | Corner | 75' |
| d) | Min. lot depth | 100' |
| e) | Setbacks | |
| | Front | 25' minimum, (1) |
| | Side, Interior | 7.5' |
| | Side, Street | 10' |
| | Rear | 25' |
| | Open space | 7.5' minimum for all primary structures |
| | (1) | Front setback may be reduced to 15' for side entry garages. |
| f) | Max. lot coverage | 35% |
| g) | Max. building height | |
| | Principal building | 30' |
| | Accessory building | 14' |

A requirement that 10% of the dwelling units in the project (10 affordable units based upon the proposed 100 unit project) be made affordable to low or very low income households was also

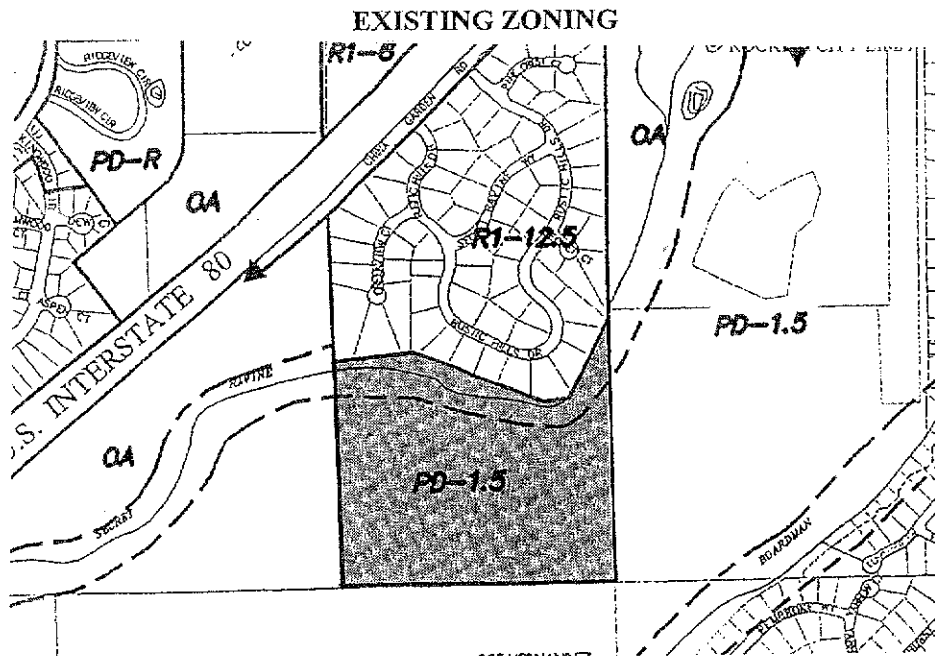
included in the proposed general development plan, as discussed above. However, after deliberation the Planning Commission deleted this is requirement from the proposed general development plan.

(Storm Water Management) - In response to growing concerns at the County, State, and Federal levels and the related increased complexity of the rules and regulations applicable to the implementation and management of erosion control measures during all phases of project development from rough grading to through and beyond the construction of homes, Planning Commission and staff has included a "Storm Water Management" section to the proposed General Development Plan. The proposed Storm Water Management requirements would consist of two things:

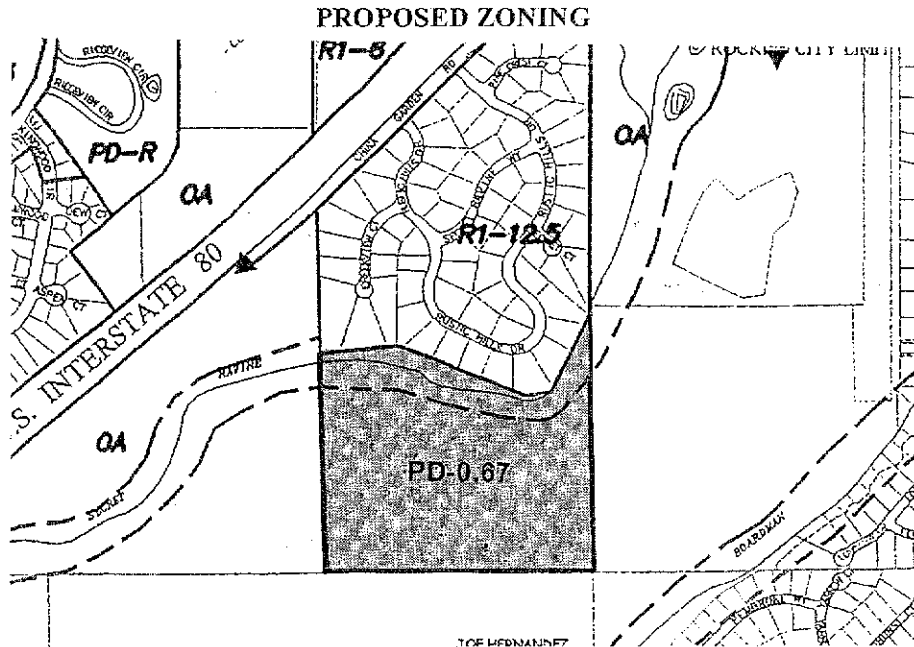
- 1) Provision of a Storm Water Management Plan prepared by a qualified professional prior to any construction activities.
- 2) Provide funding for a qualified storm water management professional to be retained by the City to monitor and report on the construction activities compliance with National Pollutant Discharge Elimination System (NPDES) requirements as deemed necessary by the Chief Building Official.

The Planning Commission amended the wording of the second provision, as recommended by staff, to address the applicants concern that the provision as written would require the City's monitor to be present on the site at all times which seemed excessive. Staff agreed with this concern and suggested revised wording that was accepted by the Planning Commission with the provision that the applicant and staff could further refine the wording prior to a City Council hearing on the project, if necessary.

Highlands Parcel A - Like Vista Oaks, the Highlands Parcel A project site is currently zoned Planned Development Residential 1.5 dwelling units per acre (PD-1.5) and Open Area (OA).



The proposed project would rezone the entire site to Planned Development 0.67 dwelling units per acre (PD-0.67).



This zoning designation would reduce the total possible number of single family residential units on the Highlands Parcel A site from 45 to 20.

A general development plan, very similar to that proposed for the Vista Oaks project is also proposed for the Highlands Parcel A project to establish development standards applicable to the zone district similar to those discussed above for the Vista Oaks project. Again permitted uses would consist of single family detached dwelling units, accessory uses and structures, secondary residential units, and public elementary and secondary schools. Public utility buildings and uses (excluding equipment yards, warehouses, and repair shops) would be a conditionally permitted use.

Due to the larger lot sizes in the Highlands Parcel A project, the development standards would differ somewhat from those in the Vista Oaks as follows:

DEVELOPMENT STANDARDS.

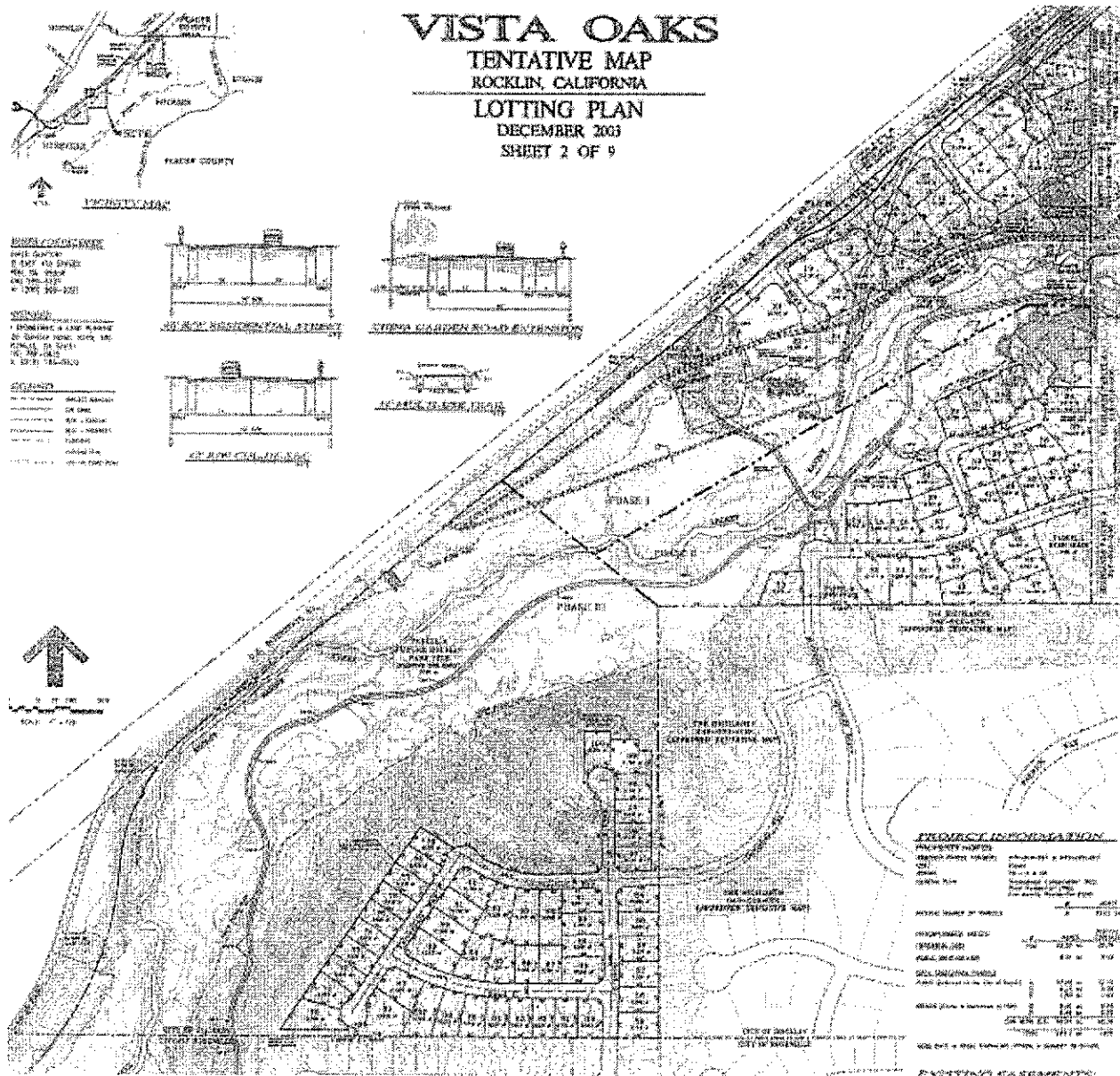
a)	Max. units per gross acre	0.67
b)	Min. lot area (sq. ft.)	11,000
c)	Min. lot width	
	Interior	75'
	Corner	80'
d)	Min. lot depth	100'
e)	Setbacks	
	Front	25' minimum, (1)
	Side, Interior	10'
	Side, Street	15'
	Rear	25'
	Open space	7.5' minimum for all primary structures
	(1)	Front setback may be reduced to 15' for side entry garages.
f)	Max. lot coverage	35%
g)	Max. building height	
	Principal building	30'
	Accessory building	14'

The Highlands Parcel A general development plan includes the same provisions regarding air quality required by the project EIR as well as the provisions that address fire safety, minimum building pads, front and side yard landscaping, fencing and model home complexes and storm water management.

Staff had also, inadvertently, included the requirement for 10% of the proposed lots to be made affordable in the Highlands Parcel A general development plan. Therefore, at the public hearing, staff recommended that the Planning Commission delete the affordable housing provision from the proposed Highlands Parcel A general development plan. The Planning Commission generally agreed and deleted the affordable housing provision prior to recommending approval of the Highlands Parcel A general development plan.

Tentative Subdivision Map

Subdivision Design



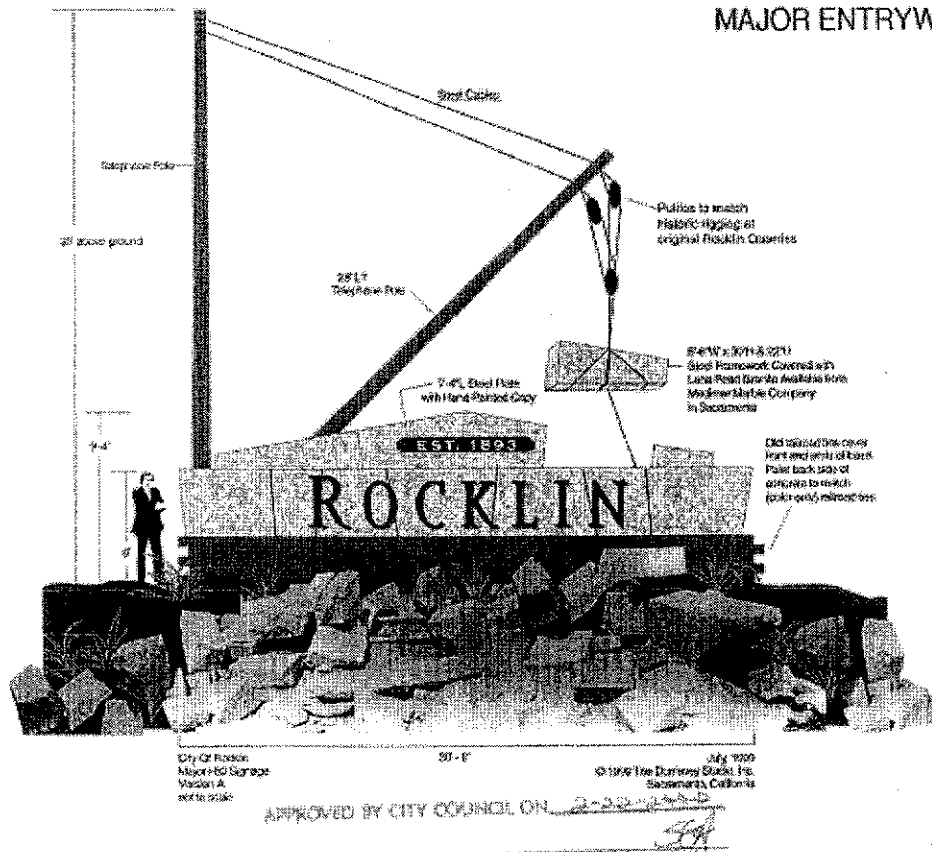
Vista Oaks Tentative Map

Vista Oaks - The subdivision is bisected by Secret Ravine Creek. Phase I, as indicated on the tentative subdivision map, would be located on the northwesterly side of the creek at the terminus of China Garden Road. Phases II & III would be located on the southeasterly side of the creek. As stated earlier, the proposed Vista Oaks subdivision includes 100 single-family lots which range in size from 8,024 to 26,574 square feet. The creek itself and two wetland areas in

the Phase II portion of the project site would be contained on permanent open space parcels, Parcels A, C, & D.

A 1.5 acre public park site, Parcel E, would be created at the end of China Garden Road. In addition a 0.25 acre lot, Parcel B, would be created adjacent to Interstate 80 for a future City of Rocklin freeway identification sign (if the Planning Commission and City Council are still interested in constructing such a sign). The a freeway identification sign was discussed several years ago as a part of the Rocklin Entryway Sign Program and this location and design (see below) for the proposed sign were conceptually approved by the City Council in 2000.

ATTACHMENT 3A
 MAJOR ENTRYWAYS



However, a number of years have gone by since and the City Council may wish to revisit the idea / location / design of the freeway identification sign before approving the creation of Parcel B. Staff recommends that the City Council consider appointing a committee to address whether the need for a freeway identification sign still exists and if so to review the preferred location, and design for such a sign. If the City Council determines that the freeway identification sign is still desirable in the original location, then the Planning Commission and staff recommend that Parcel B be dedicated to the City with development of the first portion of the subdivision so that

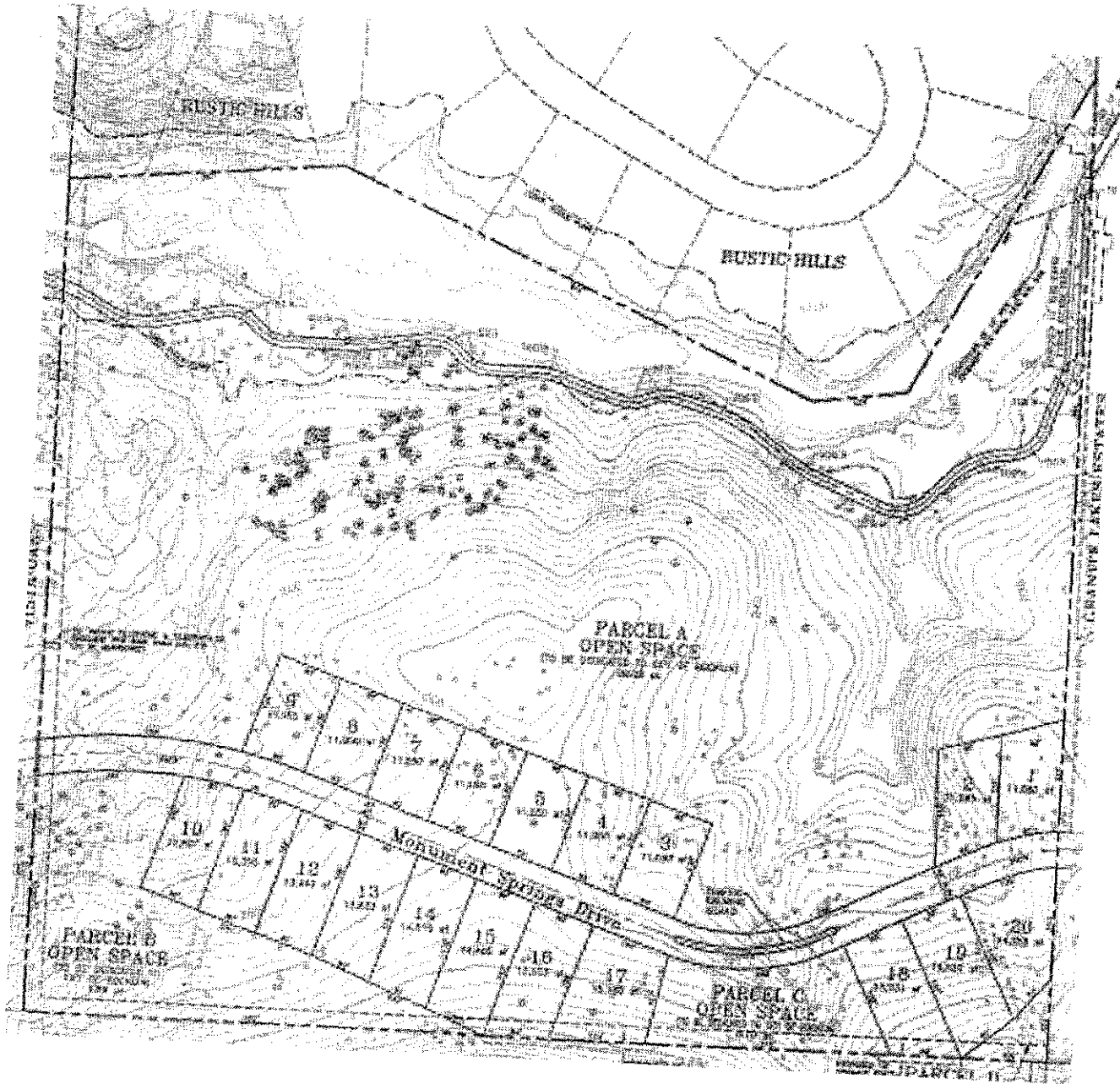
the City could proceed with construction of the sign in a timely manner (such a dedication is currently included in the attached resolution for approval of the tentative subdivision map entitlement).

The open space areas would be owned and maintained by the City of Rocklin and included in an appropriate financing district to pay for maintenance costs.

Parcels A through E together include approximately 60.91 acres of the 93.2 acre project site. These parcels would be dedicated to the City of Rocklin. A 10-foot wide paved pedestrian/bicycle trail would roughly parallel the easterly side of Secret Ravine Creek from the Roseville City Boundary north through the Highlands Parcel A site. A 12-foot wide paved pedestrian/bicycle/emergency access road would link China Garden Road and Monument Springs Drive via a bridge over Secret Ravine Creek. The City Public Works Department would be responsible for the maintenance of the open space areas including the trails, fuel modification zones, emergency access bridge and landscaping (both in and outside of the open space areas).

Access to the Phase I area would be via China Garden Road and the emergency access bridge over Secret Ravine Creek. Phase II would be accessed via a future extension of Monument Springs Drive south from Greenbrae Road and the existing portion of Monument Springs Drive in the Rocklin Highlands development. Access to the Phase III area would be Calverhall Way in the Rocklin Highlands development and Ursula Way in the City of Roseville. The subdivider / developer may construct the phases in any particular order subject to the applicable conditions of approval for each phase (see "Phasing Section" of staff report).

Highlands Parcel A – Secret Ravine Creek flows along the northerly boundary of the project site. Except for the pedestrian / bike trail proposed along the south side of Secret Ravine Creek, the subdivision improvements would be located in the southerly portions of the site to avoid the creek, an existing Valley elderberry Beatle Preserve, and cultural resources. As stated above, the proposed Highlands Parcel A subdivision creates 20 single-family lots which range in size from 11,050 to 15,160 square feet. The creek itself and four wetland areas on the project site would be contained on permanent open space parcels, Parcels A, B, C, & D. Access to all lots would be from an extension of Monument Springs Drive through the project.



Highlands Parcel A Tentative Map

Utilities & Schools

The applicant and the service providers have indicated that all utilities including sewer, water, gas, electricity, and telephone service can be extended into the project sites and have adequate capacity to serve the proposed subdivision. A condition has been included in the draft resolutions for approval of the tentative subdivision maps to ensure that the projects are included in the appropriate financing districts as needed to fund the maintenance of subdivision improvements. In the case of the Vista Oaks subdivision, maintenance of open space areas will be performed by the City of Rocklin. Conditions have been included in the draft resolutions for approval of the Vista Oaks project to ensure that utility lines are stubbed out to serve Parcel B, the site for the future freeway identification sign, and Parcel E, the proposed park site.

The Rocklin Unified School District has indicated that the development of these sites was anticipated by their master plan and that they will be able to accommodate the students generated by these developments.

Fire Service

The Rocklin Fire Department has analyzed the proposed projects. In addition to the standard requirements and conditions of approval the Fire Department has recommended that an Open Space Management and Fuel Modification Plan be prepared for each project prior to recording of final maps. The Open Space Management and Fuel Modification Plans would provide for, but not be limited to, the creation and maintenance of a thirty (30') foot wide fuel modification (fuel break) zone in all open space areas adjacent to all residential lots. The Rocklin Fire Department also recommended that the subdivisions provide for emergency access routes from public streets to open space areas around and through residential lots, minimum thirty (30") inch high masonry walls where any residential lot abuts an open space area as fire buffer, and residential sprinkler systems in all homes due to the access constraints of the project site, the topography of the area and the significant open space areas around and through the project area. The Vista Oaks project is also required to provide for a secondary emergency access point by constructing a bridge over Secret Ravine Creek to connect the terminus of China Garden Road to the extension of Monument Springs Drive. This bridge will provide for an alternative way for the residents of the Phase I area of the Vista Oaks project and the existing Rustic Hills subdivision to be evacuated and / or receive emergency aid in the event that China Garden Road was rendered impassible. These requirements have been incorporated into the subdivision design and / or the draft conditions of approval.

Grading and Drainage

The lots in Phase I of the Vista Oaks subdivision are proposed to be "Limited Graded Lots." These lots would not be graded with the construction of streets and subdivision improvements. Instead each lot would be custom graded with the construction of a home in accord with a set of design guidelines discussed further below. The intent of the "Limited Graded Lots" is to reduce the over all disturbance of soils and loss of trees in the Phase I area given the varied terrain and relatively heavy tree cover in this portion of the project site. Phases II and III of the Vista Oaks

project are proposed to be pad graded with the construction of the subdivision improvements and would not be subject to the proposed design guidelines.

Conditions have been included in the draft resolutions for approval of the projects to ensure that adequate dust and erosion control measures are implemented with project development. This includes the same storm water management provisions included in the proposed general development plans for the projects. These conditions are intended to address the growing concerns at the County, State, and Federal levels and the related increased complexity of the rules and regulations applicable to the implementation and management of erosion control measures during all phases of project development from rough grading to through and beyond the construction of homes. For a subdivision the previously the proposed Storm Water Management requirements would consist of three things; the two requirements noted previously in the discussion of the general development plan:

- 1) Provision of a Storm Water Management Plan prepared by a qualified professional prior to any grading or construction activities.
- 2) Provide funding for a qualified storm water management professional to be retained by the City to monitor and report on the construction activities compliance with National Pollutant Discharge Elimination System (NPDES) requirements; and

Plus a third requirement addressing the need for dedicated inspector working on the Cities behalf when large areas are graded as occurs with subdivision grading:

- 3) Proof that a qualified storm water management professional has been retained by the developer to monitor and be responsible for implementation of best storm water management practices on site for the duration of construction activities on behalf of the developer.

The project sites are located in the portion of the Dry Creek watershed where local detention is not recommended. Therefore, in accordance with the Dry Creek Plan, runoff from the sites would be allowed to leave the project sites unimpeded. According to information contained on the Tentative Subdivision Maps for both projects, none of the proposed residential parcels are located within the existing 100-year floodplain, and the entire 100-year floodplain for Secret Ravine would be preserved within the permanent open space parcels. The paved multi-use trail that would be constructed within the open space areas adjacent to the creek would encroach upon the 100-year floodplain in several places but especially in the Vista Oaks project where the emergency access bridge spans the creek. The trail and bridge could be inundated during heavy flooding. However, the trail and bridge would be designed to handle these periods of temporary inundation and would not be used during instances when high water is present.

According to the backwater analysis prepared for the project by Terrance Lowell and Associates (June 2004), the post-project 100-year event water surface elevations in Secret Ravine Creek within the boundaries of the Vista Oaks subdivision would be increased slightly immediately

adjacent to the proposed emergency access and pedestrian bridge across the creek. However, the effect rapidly decreases as one move upstream away from the bridge such that the flood plain elevation at the property's eastern boundary with the Rustic Hills Development stays the same as it exists today for all storm events. Therefore, since water surface elevations in Secret Ravine Creek would not increase out side of the Vista Oaks project site, the proposed project would not exacerbate existing flooding conditions on adjacent properties such as the Rustic Hills subdivision. In addition the Placer County Water Conservation and Flood Control Agency is currently in the design phase of a project to construct a large detention basin on Secret Ravine Creek east of Sierra College Boulevard. When this project is completed it will reduce the down stream storm water flows below what occurs during a storm event today.

Mitigation of Noise from I-80

Vista Oaks - The Vista Oaks project site is located directly adjacent to Interstate 80 (I-80). Because of the project's proximity to the freeway, special noise mitigation measures are required to ensure that the future residents of the project are not subjected to noise levels in excess of the standards set forth in the Rocklin General Plan. Phase I of the project, because of its proximity, would require a masonry sound wall to shield it from freeway noise. The sound wall would be located along the south side of the I-80 right-of-way (ROW) (north side of China Garden Road) in front of the first row of lots facing I-80 in order to meet the 60 dB L_{dn} exterior noise level standard required by the Rocklin General Plan. The wall would measure 9-feet above the nearest adjacent travel lane of I-80 for a total height of approximately 14-feet from the adjacent subdivision finished grade to the top of the wall.

The sound wall would connect with the existing 14-foot noise barrier shielding the Rustic Hills subdivision and extend southwesterly along the project site's boundary with I-80 and along the easterly boundary of Parcel B terminating approximately 300 feet to the west of lot #23 to prevent sound flanking. At this point, the height of the sound wall would drop down to 3-feet above the nearest adjacent travel lane of I-80 for a total height of approximately 8-feet from adjacent finished grade and extend an additional approximately 650 feet, as shown on Exhibits A & B of the tentative subdivision resolution, to allow the park site, Parcel E, to meet an exterior noise level of 69 dB $L_{dn,as}$ required by the Rocklin General Plan.

The sound wall would be designed and built to closely match the existing Rustic Hills sound wall. A locking solid metal door powder coated dark bronze with a minimum width of 8-feet and a minimum height of 9-feet would provide access through the sound wall to Parcel B, the site of a future City of Rocklin identification sign. The door would be designed to seal so that it wouldn't compromise the integrity of the sound wall.

In addition to the sound wall, homes in the Phase I area would be limited to a single story in height or utilize special construction details and designs to ensure that interior noise levels of second floor rooms meet the standards set forth in the Rocklin General Plan. These standards have been included in the design guidelines proposed for the Phase I area. Compliance with the design guidelines would be required by a provision of the proposed general development plan

and by a deed restriction recorded against the lots in Phase I as a condition of approval of the tentative subdivision and.

The lots in the Phase III area of the project would also need to be shielded from freeway noise. The noise study prepared for the project identified two methods to achieve the required noise reduction for Phase III. The first would be to construct a thirteen (13') foot high masonry wall, seven (7') feet above the adjacent freeway or off ramp travel lane, from the end of the masonry walls described above to shield the Phase I area and park site to the Roseville City Limit. The Planning Commission and staff do not recommend approval of this alternative due to the significant visual impacts of such a wall. The alternative mitigation measure recommended by Planning Commission and staff and reflected in the subdivision design would have six (6') foot high masonry sound walls constructed along the rear property lines of the first tier of lots in Phase III, those nearest the freeway, as indicated on Exhibits A & B of the tentative subdivision map resolution. Due to their distance from the freeway the six (6') foot high masonry walls would be adequate to protect these lots from freeway noise. The walls themselves would largely be screened from view by existing trees in the open space areas and have the added advantage of providing additional fire protection to these lots.

The Phase II area is sufficiently protected from freeway noise by a combination of distance and topography, therefore no special measures are required to protect this area, regardless of whether the Phase I sound wall is built.

Several residents of the Woodside subdivision located across the freeway from the project site have expressed concern that any sound walls built along the south side of Interstate 80 to shield the Vista Oaks project from freeway noise would reflect noise back into the Woodside area and result in increased noise levels there. Cal Trans has tentatively designated the Woodside subdivision to receive a masonry noise barrier in the future as part of an anticipated widening of I-80 however, a specific construction date has not been identified. The noise analysis prepared for the Vista Oaks project determined that the increase in traffic noise levels at the Woodside area, due to reflections of noise off of the proposed project's sound wall, would be no more than 1 dB or less. Because the standard of significance used to determine such an impact is whether the project would "create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project" and because even 2 dB increase in noise levels is considered to be less than perceptible, the conclusion reached in the EIR was that the increase in noise levels in the Woodside area caused by noise reflecting off sound walls constructed for the Vista Oaks project would be less than significant.

Highlands Parcel A – The Highlands Parcel A project site is located sufficiently far away from Interstate 80 and other potentially significant noise sources that no noise mitigation is required for the project.

Fencing

In both the Vista Oaks and Highlands Parcel A projects along any property line where a residential lot abuts an open space area, except in the Vista Oaks project where masonry sound walls are required for noise attenuation, the Planning Commission and staff recommend that a 30-inch high masonry wall be constructed to provide a fire buffer to increase the protection of the homes on these lots from fires in the open space areas. Conditions have been included in the project entitlements to ensure that these walls are constructed with the subdivision improvements and would be built of grey granite colored double sided split faced block with a decorative concrete cap for consistency. Those portions of the walls located behind the front setback lines from the street rights-of-way would also include an approximately forty two (42") inch high tubular steel type fence, designed to swimming pool standards (no wider than four (4") inches between vertical members), and mounted on top of the masonry wall for security.

In the Vista Oaks project where open space parcels extend between or next to residential lots to accommodate fire access to open space areas (between Lots 3 & 4, 10 & 11, 21 & 22, and south of Lot # 70), a solid six foot high redwood or cedar wood fence with metal fence posts would be required. Matching wooden gate(s) with locks and permanent identification signage to the satisfaction of the Fire Chief would be installed where the fire access transitions from an easement across the adjacent lot(s) to the open space parcel. Fencing between adjacent residential lots would be at the discretion of the developer / property owners and could consist of solid wood fencing, masonry, or wrought iron style fencing.

Lots 22 and 23 in the Phase I area of the Vista Oaks project directly abut the proposed park site. To insulate these lots from activities in the park and provide for a durable and attractive fence The Planning Commission and staff recommend that a six foot high masonry wall be constructed along the common property line between Lots 22 & 23 and Parcel E (the park site). The wall shall be constructed of a grey granite color double sided split faced block with a decorative concrete cap and pop out decorative pilasters constructed of the same materials at each end.

In both the Vista Oaks and Highlands Parcel A projects where open space parcels abut a public right-of-way, Planning Commission and staff recommend that decorative tubular metal fencing approximately 3'-6" high be installed behind a ten (10') foot wide landscaped area located at the back of sidewalk, discussed further below. The proposed fence would limit and control access to open space areas to official trails to help protect and preserve the open space areas as has been done in other areas of the City. Said fencing would be powder coated black or bronze and constructed of medium gauge, or better, steel or aluminum. Openings would be located at the access points to the trail system as indicated on the tentative subdivision maps for each project. Gated openings would be provided as required by the Public Works Director for maintenance access.

Billboards

Vista Oaks – Two freeway oriented bill boards exist on the Vista Oaks project site. One is located in the Phase I area in the proposed intersection of China Garden Road and Road L as indicated on the tentative subdivision map. As this sign would be located behind the masonry sound wall shielding this portion of the subdivision from freeway noise and in proposed road ways it will have to be removed prior to recording of a final map for the Phase I area.

The second billboard is owned and operated by the Eller Media Company and located on a land leased from the Vista Oaks property owners. The lease site is situated in the Parcel A open space area approximately where the sound wall shielding the proposed park site would end. The applicant has proposed that the City retain this lease and allow the sign to continue to exist when the City assumes ownership of the open space area. The land lease would continue to generate income which could be used to help support the maintenance of the open space area or other uses as designated by the City Council. However, the Planning Commission and staff have concerns with this proposal as the location and size of the sign is inconsistent with the provisions of the Rocklin Sign Ordinance. In addition there would seem to be a potential for perceived, if not actual, conflicts of interest as the City would no say in what messages could be displayed on the sign. The Planning Commission and staff recommend that both billboards be removed with development of the Phase I area of Vista Oaks and a condition to that effect has been included in the draft resolution to approve the tentative subdivision map.

Highlands Parcel A – This issue is not applicable to the Highlands Parcel A.

Trail System and Emergency Access Bridge

Vista Oaks - As referenced previously, a 10-foot wide paved pedestrian/bicycle trail would be built through Parcels A and E roughly parallel to the easterly side of Secret Ravine Creek from the Roseville City Boundary north through the Highlands Parcel A site. A 12-foot wide paved pedestrian/bicycle/emergency access road would link China Garden Road and Monument Springs Drive via a bridge over Secret Ravine Creek. The trail would be constructed with an all-weather surface suitable for bicycling and pedestrians including striping and appropriate signage to City standards. Collapsible or removable bollards or other acceptable means to restrict public vehicular access to the trail system would be installed where the trail system connects to all public streets and rights-of-way to prevent automobile access by the general public.

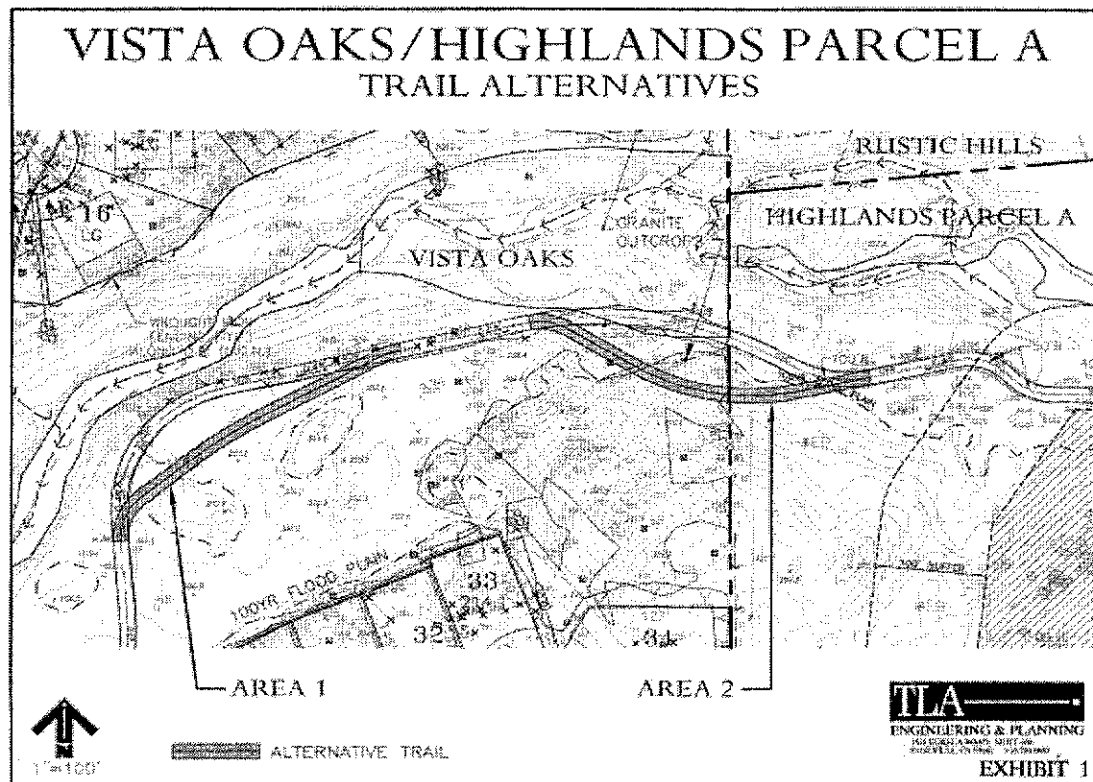
The portion of the trail connecting China Garden Road to Monument Springs Drive would also serve as an emergency access connection between Phases I & II of the project in the unlikely event that China Garden Road was blocked. This portion of the trail system would be constructed of concrete to support a 40,000 pound vehicle, provide for an 11 foot minimum width, and provide for turn radii of a minimum of 43-foot at the center line. This trail section would incorporate an emergency access / pedestrian bridge to cross Secret Ravine Creek. The design of the bridge would be conditioned to provide for the following minimum design standards:

- (a) Be passable during a minimum of a 10-year storm event.
- (b) Provide for a minimum 12-foot wide deck.
- (c) Be designed to carry a minimum load of 40,000 lb.
- (d) Provide for a 20-foot wide minimum "non-angulated" (without sharp turns or corners) approach.
- (e) Provide for approaches with a minimum turn radii of 43-foot at the center line.
- (f) Bridge deck and piers shall be treated with a marine coating.
- (g) Bridge railings shall be 54-inches high tubular metal powder coated black or bronze and constructed of medium gauge, or better, steel or aluminum. Spacing between vertical posts shall be consistent with swimming pool fencing standards. Railing sections shall be designed to be able to manually pivot parallel to the flow of water during storm events inundate the bridge deck. This would allow debris to flow past without damaging the rails and / or piling up and blocking the flow of water.
- (h) Collapsible or removable bollards shall be installed at either end of the bridge to prevent public vehicular access.
- (i) Other standards as may be required by the City Engineer.

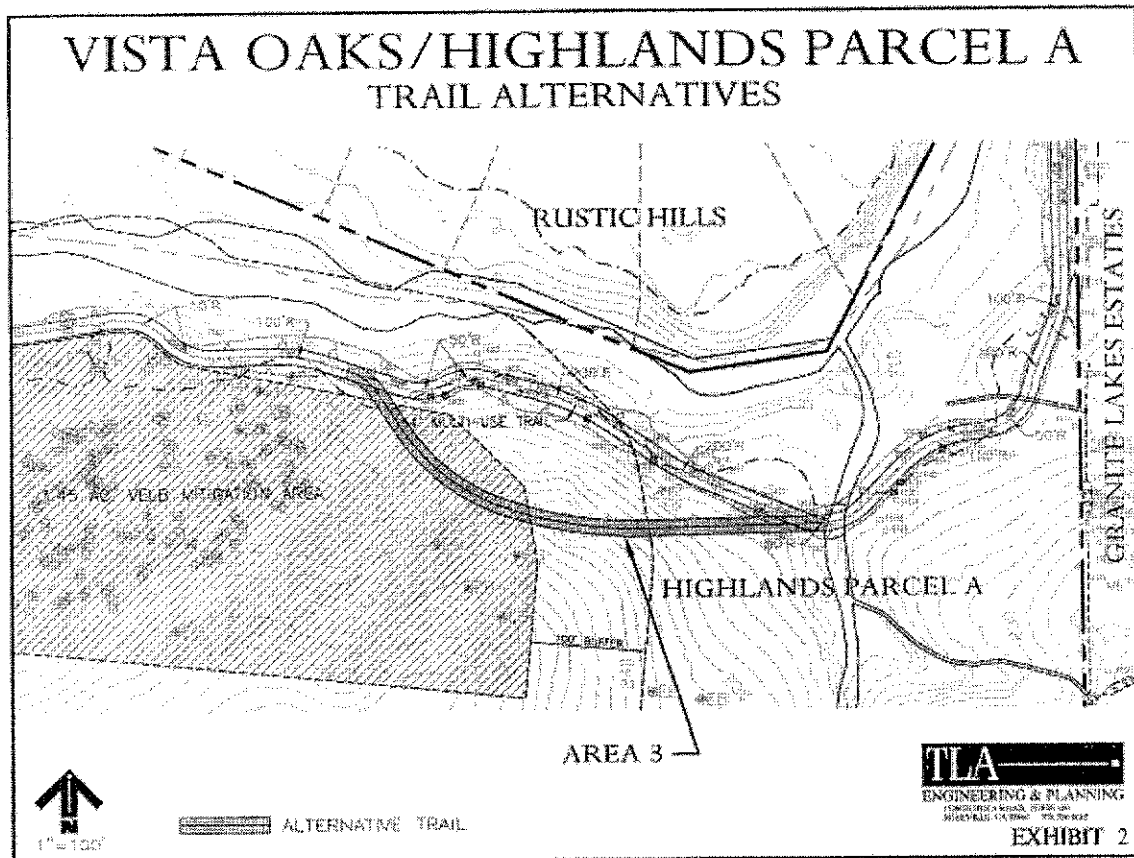
The proposed bridge would be passable in a 10-year storm event, a storm that has a 1 in 10 chance of occurring in any given year. The bridge would be inundated and impassable during a storm greater than a 10-year event, but the bridge would be designed to survive inundation and would be closed for use while flooded. In addition, according to the backwater analysis prepared for the project by Terrance Lowell and Associates (June 2004), even in a 100-year storm it is anticipated that the bridge would be inundated for less than 24 hours; therefore Planning Commission and staff believes that the proposed bridge design is acceptable.

Highlands Parcel A - As referenced previously a 10-foot wide paved pedestrian / bicycle trail would be built through the Highlands Parcel A roughly parallel to the easterly side of Secret Ravine Creek from the Vista oaks project through Granite Lakes Estates. The trail would be constructed with an all-weather surface suitable for bicycling and pedestrians including striping and appropriate signage to City standards.

Vista Oaks / Highlands Parcel A – The applicant has met with several residents of the Rustic Hills subdivision to discuss their concerns about the route of the proposed trail system, see attached letter. The residents have requested that the trail be shifted south away from the creek in three areas as indicated on the attached exhibits. The westerly most, Area 1, would shift the trail south away from the creek. The topography and vegetation in the area make this requested change relatively straightforward.



The second and third areas where neighbors have requested that the trail be shifted south further away from their property lines are more problematic, as the move in both cases would shift the trail into areas with more rock outcroppings, oak trees, and could have a potentially greater impacts on cultural resources. The proposed relocation in Area 3 would also push the trail into the existing VELB preserve and result in much steeper slopes that may not comply with anticipated handicapped accessibility standards. If the Vista Oaks and Highlands Parcel A maps are approved, the Planning Commission and staff believe that the Area A & B trail revisions could be handled as substantial compliance revisions where each could be considered in light of it's relative impacts and a determination made as to approval or denial. The Area 3 revision, however, would be unacceptable because of its impacts on the existing VELB preserve.



Circulation and Street Design

Vista Oaks - Circulation within the project is provided via a network of residential collector streets and cul-de-sac's consistent with the City's standard street sections. The proposed project design provides for connections to the north, east and south of the project site. The proposed extension of China Garden Road would provide for a forty six (46') foot wide right-of-way with sidewalk on the east side only. A landscape strip varying between 4 and 8 feet in width would be provided along the northwesterly side of the street adjacent to the proposed sound wall.

Access to the Phase I area of the Vista Oaks subdivision would be via China Garden Road which would terminate in a trail head parking area and turn around in the Parcel E park site. The emergency access bridge and road would connect the terminus of China Garden Road at Parcel E to the extension of Monument Springs Drive in the Phase II area to provide a secondary point of emergency only access for the Phase I area.

Phase II would be accessed via a future extension of Monument Springs Drive south from the existing stub off of China Garden Road (near the Rocklin Park Hotel) across Secret Ravine Creek and through the Granite Lakes Estates and Highlands Parcel A projects. Monument Springs Drive would pass through the Phase II area and connect to the existing portion of Monument Springs Drive located in the adjacent Rocklin Highlands development. It is anticipated that another developer will construct the extension of Monument Springs Drive from its current terminus to Highlands Parcel A. If Monument Springs Drive has not been extended across Secret Ravine Creek south to the project site when development of the Phase II area is begun, the developer will be required to obtain rights-of-way and construct Monument Springs Drive, including the bridge across Secret Ravine Creek, from China Garden Road to the Vista Oaks project site, prior to recording a final map for either Phases II or III as shown on Exhibit A of the tentative subdivision map resolution. The extension of Monument Springs Drive would consist of a minimum of 2 – travel lanes with shoulders and would be located as indicated on the Granite Lakes Estates subdivision (SD-2000-02) and Highlands Parcel A subdivision (SD-2003-05). In the event that the subdivider / developer is unable to obtain the needed rights-of-way the City, would be obligated to obtain them or waive construction of the road connections.

If the Monument Springs bridge and road extension are constructed by other projects, conditions have been included in the resolutions for approval to ensure that the Vista Oaks subdivision reimburses its fair share of the costs of the bridge to the builders as is required by Ordinance 856.

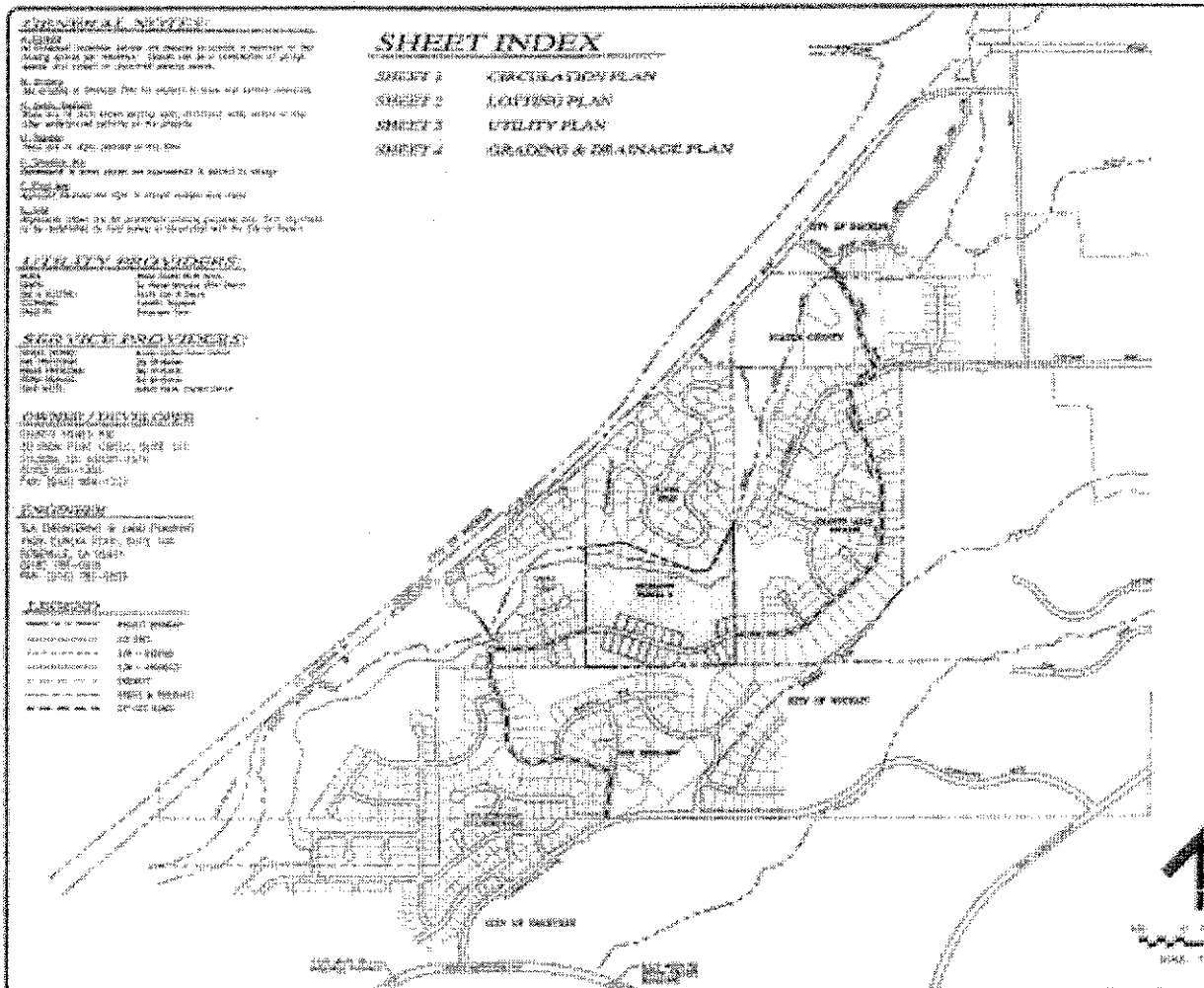
Access to the Phase III area would be via Calverhall Way in the Rocklin Highlands development and Ursula Way in the City of Roseville.

Highlands Parcel A – The Highlands Parcel A project provides for a single street that is an extension of Monument Springs Drive. All the proposed lots in the subdivision would get access from this street. A traffic calming island is proposed in the middle of the street at the easterly end of the project adjacent to the Granite Lakes Estates project. The traffic calming island would be approximately eight (8') feet wide and two hundred (200') feet long with landscaping in the center. Landscaping would consist of trees and low growing ground covers to create an attractive appearance.

Access to the subdivision would be provide by the extension of Monument Springs Drive south from the existing stub off of China Garden Road (near the Rocklin Park Hotel) across Secret Ravine Creek and through the Granite Lakes Estates project and from the extension of Monument Springs Drive in the Rocklin Highlands north through the Vista Oaks project. If either or both of the Monument Springs Drive extensions have not been completed to the project site when development of the subdivision is begun, the subdivider / developer will be required to obtain the right-of-way and construct the needed portions of Monument Springs Drive, including the bridge across Secret Ravine Creek prior to recording a final map. The extension of Monument Springs Drive would consist of a minimum of 2 – travel lands with shoulders and would be located as indicated on the Granite Lakes Estates (SD-2000-02) and Vista Oaks (SD-2002-04) tentative subdivision maps. In the event that the developer was unable to obtain the

needed right-of-way the City would be obligated to obtain them or waive construction of the road connections.

If the Monument Springs bridge and road extension are constructed by other projects, conditions have been included in the resolutions for approval to ensure that the Highlands Parcel A subdivision reimburses its fair share of the costs of the bridge to the builders as required by Ordinance 856.



Circulation Map

Landscaping

As a part of the subdivision improvements for the Vista Oaks project, landscaping would be installed in the landscape strip between China Garden Road and the freeway sound wall. Landscaping proposed in this area would include trees, shrubs, and ground covers. The Planning Commission and staff have included a condition to require that the landscape plans be amended to provide for evergreen climbing vines planted to grow on the southerly side of the freeway sound walls to further soften their appearance for area residents.

The Planning Commission and staff have also included conditions of approval for both the Vista Oaks and Highlands Parcel A projects requiring landscaping to be installed in a ten (10') foot wide strip immediately behind the public curb and / or sidewalk, as applicable, where open space parcels abut a public street. The landscaping in these areas would include a mix of drought tolerant trees, shrubs, and ground cover planting substantially similar to the landscaping along the edge of the open space areas in the adjacent Rocklin Highlands Phase 3 & 4 project to provide an attractive edge to the street and transition to the open space wild lands. The wrought iron type fencing described previously would be located immediately behind the landscaping.

Protection of Biological and Paleontological Resources

The Vista Oaks / Highlands Parcel A EIR identified a number of mitigation measures applicable to both projects to ensure that biological, paleontological, and archaeological resources (both those already identified and those that may yet to be uncovered) would be protected during and after the construction process. These include, but are not limited to, techniques such as fencing known sensitive areas, requiring pre-construction surveys for nesting raptors and other specified species of plants and animals, the presence of qualified specialists on site during grading activities to watch for the possible uncovering of unknown archeological or paleontological resources, and requiring the developer to obtain all required permits from State and Federal agencies with jurisdiction over the projects.

Elderberry bushes that are potentially habitat for the Valley Elderberry Longhorn Beetle (VELB) are present on the project sites. The subdivider / developer must provide for no net loss of elderberry shrubs by either avoidance or obtaining the necessary take permit for VELB from the United States Fish and Wildlife Service through the Section 404 / Section 7 Consultation permit process.

On the Vista Oaks project, the open space parcels are proposed to be owned by the City of Rocklin. Should on site replacement of elderberry shrubs be required Planning Commission and staff does not recommend that the City be responsible for the associated costs. Therefore, a condition has been included in the resolution for project approval to require that, prior to final map approval, the subdivider / developer enter into an agreement with the City of Rocklin to ensure that the expenses and liabilities associated the establishment and maintenance of a Valley Elderberry Longhorn Beetle (VELB) preserve on the project site will be the responsibility of the

subdivider / developer and not the City of Rocklin until such time as the terms of the take permit issued by the United States Fish and Wildlife Service have been satisfied.

On the Highlands Parcel A project the tentative map proposes that the City would take ownership of the open space parcels being created. However, in this case, the project site which is owned by Elliot Homes already contains a large VELB preserve established by Elliot Homes to mitigate for VELB impacts resulting from their development of the adjacent Rocklin Highlands project. In the adjacent Rocklin Highlands project the open space areas are owned by the Elliot Conservancy, an entity established by Elliot Homes specifically to own and maintain open space areas in their projects. Therefore the Planning Commission and staff recommend that the Elliot Conservancy take ownership of the open space areas being created in the Highlands Parcel A project. An easement would be granted to the City of Rocklin for the pedestrian bike trail along Secret Ravine Creek. Conditions to this effect have been included in the resolutions for approval of the Highlands Parcel A project.

Special Provisions

Both the Vista Oaks and Highlands Parcel A projects will be subject to standard conditions of approval to ensure that the final map complies with the Flood Hazard provisions of the Rocklin Municipal Code. Special conditions to address air pollution control issues identified in the project EIR and requirements for homes to be equipped with residential fire sprinkler systems are proposed to be recorded via separate instrument as notes on the deeds of the relevant lots prior to approval of the final maps. This is to ensure that future home owners could be aware of the requirements and to ensure their implementation with the issuance of building permits to develop the lots in question. Both projects also are required to work with the Placer County Air Pollution Control District to provide adequate mitigation of the long-term ozone precursor emissions that would be generated by the project.

In addition, the Vista Oaks project also has conditions to ensure that that a deed restriction will be recorded against the lots in the Phase I area requiring that these lots comply with the proposed Grading Guidelines and Noise Mitigation Standards contained in the proposed design guidelines.

Subdivision Design

Vista Oaks - Prior to approval of improvement plans for any phase of the project, the subdivision design would have to be modified as needed to ensure that emergency fire access routes, a minimum of 6-feet wide, are provided to open space areas from the ends of all cul-de-sacs (between Lots 3 & 4, 10 & 11, 21 & 22, and south of Lot # 70) by extending the open space parcels between the parcels to the front setback line. An access easement would be recorded over the portions of the open space fire access routes that are located within the front yards of single-family residential lots. These easements would specify that no trees, fencing, or permanent structures could be installed within the easement area as they could block access in an emergency.

The Planning Commission and staff also recommend that the proposed subdivision design be modified by extending the rear or easterly property lines of Lots 95 through 99 to the east 22 feet to the boundary with the adjacent Highlands Parcel A (APN 046-020-039). This would clean up the proposed subdivision map by eliminating a small narrow area with no open space value and that is not required to provide Fire Department access to an open space area.

Highlands Parcel A – No changes or modifications to the proposed design for the Highlands Parcel A subdivision are required.

Oak Tree Preservation Permit

Both the Vista Oaks and Highlands Parcel A projects will be subject to standard conditions regarding the protection of oak trees to be preserved and mitigation for those to be removed. Conditions of approval consistent with the City of Rocklin Oak Tree Preservation Ordinance which have been included in the draft resolutions for approval of the projects. It is anticipated that approximately 443 of 1454 oak trees in the Vista Oaks project would be removed to allow construction of the roads, trails, and development of the padded and limited graded lots and approximately 173 of 380 oak trees would be removed in the Highlands Parcel A subdivision.

Park Site

Vista Oaks - Parcel E, as indicated on the tentative subdivision map, is proposed to become a City Park. Prior to recording a final map for any portion of the Vista Oaks tentative subdivision map, the subdivider will be required to execute the City's standard form turn key park improvement agreement requiring the subdivider to improve the park site with recreational equipment, facilities, and landscaping to the satisfaction of the Director of Community Services and Facilities and dedicate the completed park to the City, in fee, within a time established by the City,.

Highlands Parcel A – The Highlands Parcel A project will pay standard park fees to mitigate the incremental increase in the need for recreational facilities generated by the project.

Open Space and Conservation Easement

Vista Oaks - Prior to recording a final map for each phase of the Vista Oaks project, as applicable, an open space and conservation easement will be recorded over Parcels A, C, & D to protect the wetland areas

Highlands Parcel A – Prior to recording a final map for the Highlands Parcel A project an open space and conservation easement will be recorded over open space Parcels A, B, C, & D to protect hillsides, wetland areas and biological resources.

Phasing

Vista Oaks - The Vista Oaks project could be developed in up to three phases as indicated on Exhibit A of the tentative subdivision map resolution. The Planning Commission and staff have specified a number of improvements that must be completed with the various phases regardless of what order they are actually built. Parcel B, the future site of a City Freeway identification sign, must be dedicated to the City with the development of the first portion of the project area. Likewise, the Open Space Management and Fuel Modification Plan must be implemented for the open space areas adjacent to each phase of development as it occurs.

In addition the Planning Commission and staff has identified a number of improvements specific to each development phase identified on the tentative subdivision map that must be implemented prior to or concurrently with filing a final map for each phase. These improvements have been discussed previously and are briefly identified below as follows:

Improvements to be completed prior to or concurrently with development of the Phase I area (located at the end of China Garden Road) as identified on the tentative subdivision map:

- 4.e.3)i. (construct 14-foot noise wall for homes);
- 4.e.3)ii. (construct 8-foot noise wall for park);
- 4.e.3)iv. (construct residential / open space interface fencing);
- 4.e.3)v. (masonry wall between residential lots and park);
- 4.e.3)vii. (remove billboard at China Garden and Road L);
- 4.e.3)viii. (transfer billboard in Parcel A to City);
- 4.e.3)ix. (stub utilities to Parcel B);
- 4.e.3)x. (stub utilities to Parcel E);
- 4.e.3)xi. (Construct trail system through Parcel A);
- 4.e.3)xii. (Construct emergency access bridge);
- 4.e.3)xiv. (construct trail head parking and turn around);
- 4.e.4)i. (extend Monument Springs Drive across Secret Ravine Creek to Highlands 3 & 4 subdivision);

Improvements to be completed prior to or concurrently with development of the Phase II area (located adjacent to the Highlands Parcel A and north of the Rocklin Highlands project) as identified on the tentative subdivision map:

- 4.e.3)iv. (construct residential / open space interface fencing);
- 4.e.3)vi. (construct tubular steel fence along open space frontages);
- 4.e.3)xi. (construct trail system through Parcel A);
- 4.e.3)xii. (construct emergency access bridge);
- 4.e.4)i. (extend Monument Springs Drive across Secret Ravine Creek to Highlands 3 & 4 subdivision);

Improvements to be completed prior to or concurrently with development of the Phase III area (located north of the Roseville City limit and west of the Rocklin Highlands project) as identified on the tentative subdivision map:

- 4.e.3)iii. (construct rear yard sound walls);
- 4.e.3)iv. (construct residential / open space interface fencing);
- 4.e.3)vi. (construct tubular steel fence along open space frontages);

Highlands Parcel A – The Highlands Parcel A project will be built in one phase but will include the extension of Monument Springs Drive from Secret Ravine to Rocklin Highlands Units 3 & 4.

Design Review for Grading Guidelines and Noise Mitigation Standards

As referenced earlier the Phase I area of the Vista Oaks project will be required to comply with special grading and noise mitigation design guidelines. The proposed Vista Oaks Phase I Design Guidelines have been attached as Exhibit A to the Design Review resolution in this packet. The guidelines provide direction on construction techniques to be used in sloping conditions to try and minimize the disturbance of the site by conforming homes to the existing lot contours to the extent feasible. Standards are also set forth to require the homes built in the Phase I area of the Vista Oaks project to comply with the interior noise level standards set forth in the Rocklin General Plan.

Grading approvals for the “Pad Graded” and Limited Graded Lots” would all be at the staff level. Grading for the “Pad Graded” lots in Phases II and III would be reviewed with Improvement Plan for each phase to check for consistency with the approved tentative subdivision map. Grading for the “Limited Graded Lots” in Phase I would be custom designed for each lot at such time as a home is proposed for construction based on a Planning and Building Division determination of consistency with the approved guidelines. Any appeals to staff decisions would be presented to the Planning Commission.

Attachments

1. Letter from Applicant dated 9/18/2006 regarding Alternative Trail Locations
2. Minutes of the October 3, 2006 Planning Commission Meeting.

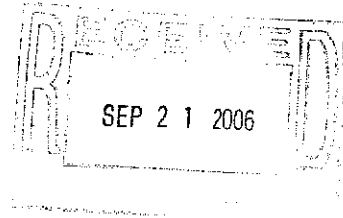
Reference Documents available upon request

3. Vista Oaks and Highlands Parcel A Draft EIR (April 2006)
4. Appendices to the Vista Oaks and Highlands Parcel A Draft EIR (April 2006)
5. Vista Oaks and Highlands Parcel A Final EIR (September 2006)



September 18, 2006

Mr. Bret Finning
Associate Planner
City of Rocklin
Community Development Department
3970 Rocklin Road
Rocklin, CA 95677-2720



Subject: Vista Oaks / Highlands Parcel A - Alternative Trail Locations

Dear Bret:

At the request of concerned neighbors in the Rustic Hills subdivision I met with them on the Vista Oaks and Highlands Parcel A project sites in May 2006 to discuss the feasibility of moving the proposed bike/pedestrian trail located in the open space areas spanning the two projects. Mr. Cliff Keller, Mr. Gayland McCord and Mr. Frank Rossovich graciously escorted me and my consultants from ECORP Inc. along the trail alignment originally identified with the help of David Mohlenbrok from the City and staff from TLA back in 2004. That trail alignment is generally a compromise reached in an attempt at balancing objectives. Those objectives include, but are not limited to, avoiding or minimizing tree impacts and impacts to cultural resources; limiting encroachment into the 100 year floodplain; minimizing grade changes for ADA compliance; minimizing or avoiding encroachment into regulated preserves; and avoiding areas that might be prone to erosion. With these objectives in mind there are other objectives shared from a differing point of view. Out of sensitivity to these differing points of view TLA was pleased to have the opportunity to meet with our neighbors and discuss their concerns regarding the proposed trail. Below you will find a summary and assessment of the three alternative trail alignments proposed by the neighbors. The trail alignment areas are identified on Exhibits 1 and 2 as Area 1, 2, and 3.

Area 1 is located relatively close to the creek and it might be prudent to move this trail portion south. The actual distance to the "typical" water level is only about 18 feet. The US Army Corps of Engineers and the US Fish and Wildlife service may ask us to move the trail anyway. We are supportive of this alternative location.

Area 2 is located at the margin between the Vista Oaks project and the Highlands project. The proposed trail location would place the trail within the one hundred year floodplain. This may present issues although to date we've heard of none. Moving the trail to the south as the Rustic Hills neighbors suggest places the trail more in proximity to a number of trees which might be subsequently impacted. It also would place the trail across an area full of rock outcroppings. It may also place the trail closer to nearby cultural resources. I believe the mitigation measures from the EIR are sufficient to account for both additional tree impacts and potential impacts to cultural resources. We are supportive of this alternative location but caution that it may require full implementation of anticipated and contemplated mitigation measures.

Area 3 is more problematic in that the proposed relocation would place the trail in the existing Valley Elderberry Longhorn Beetle (VELB) preserve, and in an area of steep slopes with long runs. Placement of the trail within the VELB preserve will subject the VELB preserve to modification of the Operations and Management Plan and may never be acceptable to the US Fish and Wildlife Service.

In regards to the steep slope issue, you may recall TLA's concern, later reiterated by City staff, that there might be issues regarding possible compliance with the Americans with Disabilities Act (ADA). TLA contacted ADA Compliance Consultants in Folsom, California to discuss existing and possible future regulations. A work group known as the Regulatory Negotiation Committee on Accessibility Guidelines for Outdoor Developed Areas has developed accessible trail guidelines that may eventually be incorporated into the ADA. ADA Compliance Consultants recommended that wherever possible a project comply with the draft accessible trail guidelines. This is similar to the policy currently implemented by the City of Roseville as it implements its Bicycle Master Plan. In regards to slope and runs the guidelines are as follows:

An accessible trail would meet these minimum technical provisions:

- Running slope (trail grade) meets one or more of the following:
 - five percent or less for any distance;
 - up to 8.33 percent for 200 feet max. Resting intervals no more than 200 feet apart;
 - up to 10 percent for 30 feet max. Resting intervals no more than 30 feet apart;
 - up to 12.5 percent for 10 feet max. Resting intervals no more than 10 feet apart;
 - no more than 30 percent of the total trail length may exceed a running slope of 8.33 percent.

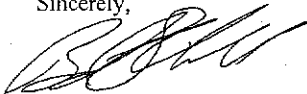
Our technical review of the Area 3 trail alternative indicates that most, if not all of the Area 3 alternative trail location would exceed the recommended maximum slopes and runs. The draft guidelines go further and stipulate that departures from the standards would be permitted for any portion of a trail where compliance would:

- cause substantial harm to cultural, historic, religious or significant natural features or characteristics;
- substantially alter the nature of the setting or the purpose;
- require construction methods or materials that are prohibited by federal, state or local regulations or statutes;
- not be feasible due to terrain or prevailing construction practices.

We believe that placement of the Area 3 trail in the currently proposed location would not trigger any of these issues. The alternative location has the potential to cause hardship if compliance with ADA guidelines, and/or trouble-free operation of the VELB mitigation area are objectives.

We have successfully contacted Mr. Cliff Keller from the Rustic Hills neighborhood and shared with him our assessment as presented herein. We are looking forward to a face to face meeting with him to present this discussion. I hope you find this letter informative of the bike/pedestrian trail issues. Please do not hesitate to contact me if you have any questions.

Sincerely,



Brad Shirhall

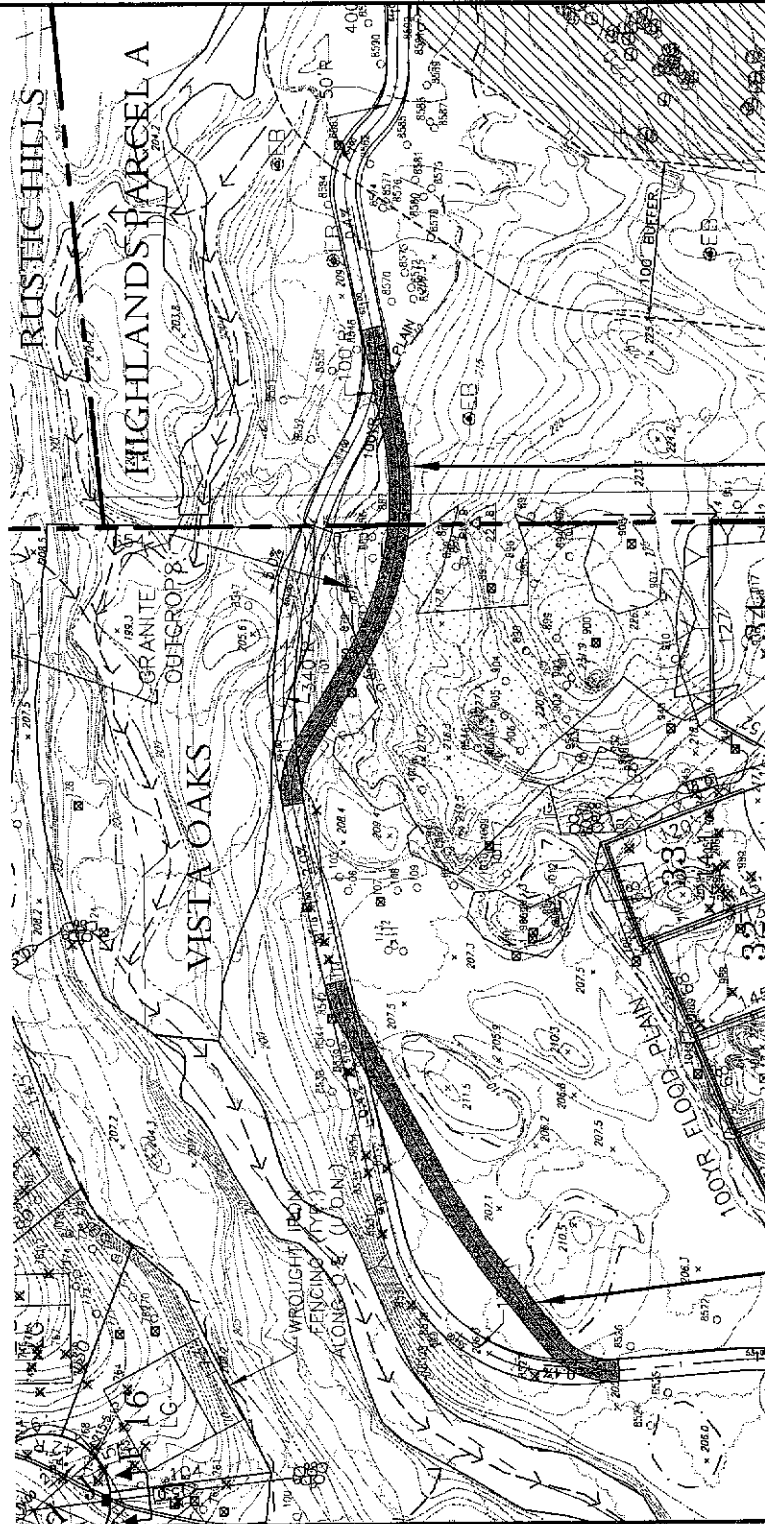
attachments.

c: Cliff Keller
file.



ATTACHMENT 1

VISTA OAKS/HIGHLANDS PARCEL A TRAIL ALTERNATIVES



TLA
ENGINEERING & PLANNING
 1528 EUREKA ROAD, SUITE 100
 ROSEVILLE, CA 95661 916.786.0885

EXHIBIT 1

AREA 2

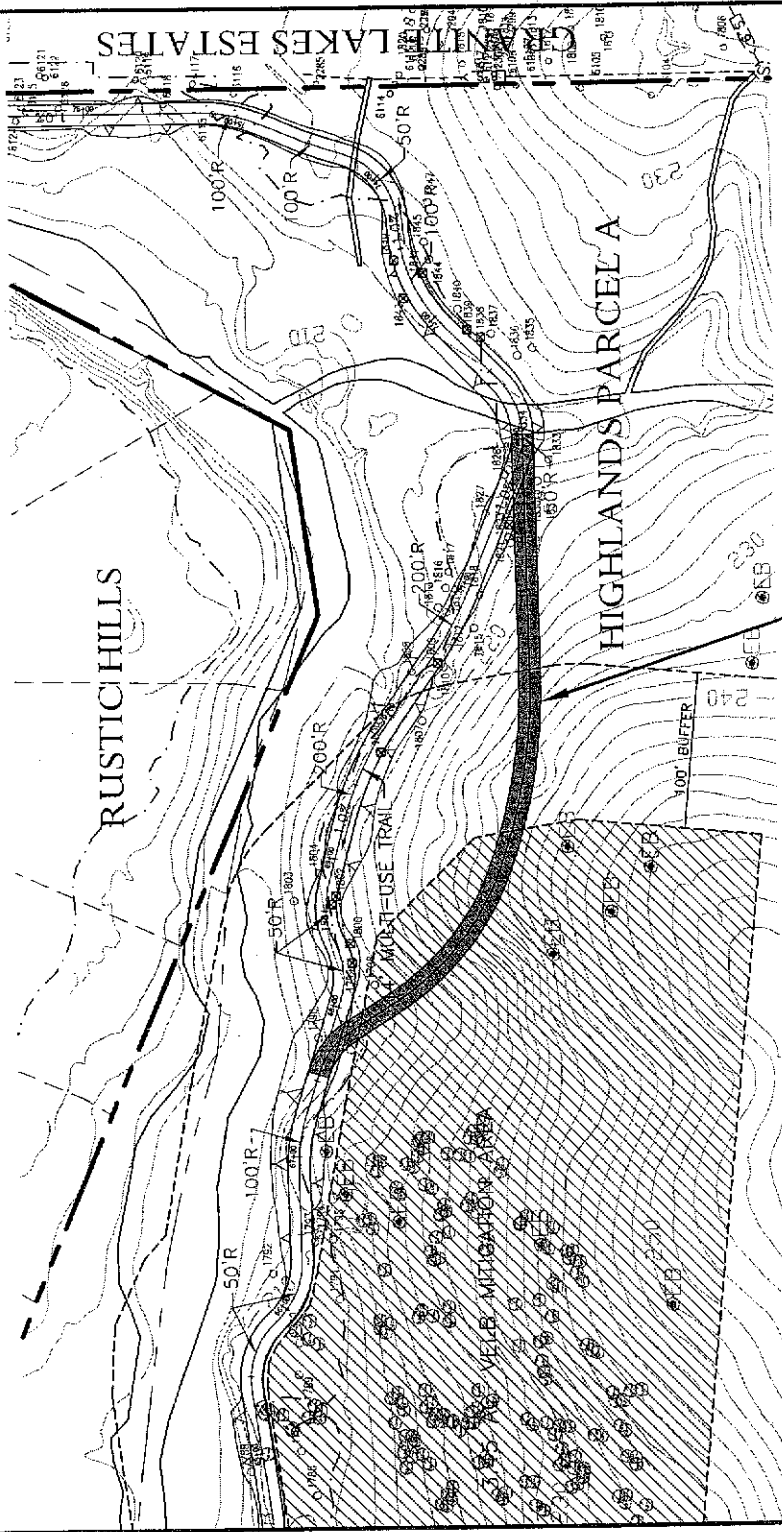
AREA 1

ALTERNATIVE TRAIL



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VISTA OAKS/HIGHLANDS PARCEL A TRAIL ALTERNATIVES



TLA
ENGINEERING & PLANNING
1541 BUREAU BLVD., SUITE 100
ROSEVILLE, CA 95661 916.786.6983

EXHIBIT 2

ALTERNATIVE TRAIL

AREA 3



L:\pro\1999\99028\EXHIBITS\ALTERNATIVE TRAILS.dwg TLA JOB#: 99028 DATE: SEPTEMBER 19, 2006

DRAFT

CITY OF ROCKLIN MINUTES OF THE PLANNING COMMISSION MEETING

October 3, 2006
Rocklin Council Chambers
Rocklin Administration Building
3970 Rocklin Road
(www.ci.rocklin.ca.us)

1. Meeting Called to Order at 6:30 p.m.
2. Pledge of Allegiance was lead by Commission Weibert
3. Roll Call

Commissioner Sully, Chairwoman
Commissioner Coleman, Vice Chairman
Commissioner Shirhall
Commissioner Menth
Commissioner Weibert

Others Present:

Terry Richardson, Community Development Director
Sherri Abbas, Planning Services Manager
Crystal Hodgson, Assistant City Attorney
Bret Finning, Associate Planner
Laura Webster, Senior Planner
Vicki Jones, Administrative Clerk II
Jee Choy, Senior Engineer
David Mohlenbrok, Senior Planner

About 27 others

4. Minutes - August 15, 2006 & September 19, 2006 were approved.

Correspondence – *None*

Citizens Addressing the Commission on Non Agenda Items - *None*

Scheduled Items:

7. VISTA OAKS / HIGHLANDS FINAL EIR, EIR-2002-01 PUBLIC HEARING

VISTA OAKS

GENERAL PLAN AMENDMENT, GPA-2002-04
GENERAL DEVELOPMENT PLAN, PDG-2001-07
REZONE, Z-2002-02
TENTATIVE SUBDIVISION MAP, SD-2001-04
TREE PRESERVATION PLAN PERMIT, TRE-2001-30

ATTACHMENT 2

DESIGN REVIEW, DR-2002-21

HIGHLANDS PARCEL A

GENERAL PLAN AMENDMENT, GPA-2006-03

GENERAL DEVELOPMENT PLAN, PDG-2003-02

REZONE, Z-2006-04

TENTATIVE SUBDIVISION MAP, SD-2003-05

TREE PRESERVATION PLAN PERMIT, TRE-2003-33

Vista Oaks – A request for approval of a general plan amendment to amend the locations and reduce the total area designated Low Density Residential (LDR) from 46.3 acres to 33.7 acres, amend the locations and increase the area designated Recreation Conservation (R-C) from 44.1 acres to 59.4 acres, and eliminate 2.7 acres designated Rural Residential (RR); a rezone and general development plan to change the zoning designation on the project site from Planned Development 1.5 dwelling units per acre (PD-1.5) to Planned Development 1.08 dwelling units per acre (PD-1.08) and establish development criteria; a tentative subdivision map and a tree preservation plan permit to allow the 93 acre site to be subdivided into 100 single family residential lots, on approximately 32.3 acres (including streets), and five open space parcels, on approximately 60.9 acres; and a design review to establish special grading and construction requirements for the Phase I area of the subdivision.

Highlands Parcel A – A request for approval of a general plan amendment to amend the locations and change the project site land use designation from 25.2 acres Low Density Residential (LDR) to 24.5 acres Rural Residential (RR), and amend the locations and increase the area designated Recreation Conservation (R-C) from 4.9 acres to 5.6 acres; a rezone and general development plan to change the zoning designation on the project site from Planned Development 1.5 dwelling units per acre (PD-1.5) to Planned Development 0.67 dwelling units per acre (PD-0.67) and establish development criteria; a tentative subdivision map and a tree preservation plan permit to allow the 30.14 acre site to be subdivided into 20 single family residential lots, on approximately 7.27 acres (including streets), and four open space parcels, on approximately 22.89 acres.

The project sites are generally located in the City of Rocklin along Secret Ravine Creek easterly of Interstate 80 at the southerly terminus of China Garden Road and north of the Rocklin City Limit. APN # Vista Oaks: 046-010-007 & 046-020-003, Highlands Lot A: 046-020-039.

The properties are zoned Planned Development 1.5 dwelling units per acre (PD-1.5) and Open Area (OA). The General Plan designation is Low Density Residential (LDR), Rural Residential (RR), and Recreation – Conservation (R-C).

An environmental Impact Report has been prepared for the two projects. The Final EIR consists of: (1) Revised Summary Table, (2) Responses to comments received on the Draft EIR, and (3) A Mitigation Monitoring Program.

The applicant is Terrance Lowell and Associates. The property owners are: Vista Oaks – Ronald Guntert Jr., Highlands Parcel A – Elliot Homes, Inc.

Sherri Abbas explained that there were two parts to this presentation.

David Mohlenbrok presented Part I of the staff report.

ATTACHMENT 2

The Commission had no questions for Staff pertaining to Part I of the staff report.

Bret Finning presented Part II of the staff report.

The Commission had no questions for Staff pertaining to Part II of the staff report.

Vista Oaks –

Steve Spain, TLA, stated that the Vista Oaks portion of the map had once been heard by the Planning Commission and sent to the City Council with a recommendation of approval in 1990. He commented that the tree impact the numbers in the staff report and EIR are the surveyed trees only. He said that they had gone back and surveyed all of the trees for the entire property and they would only have a 23% reduction in trees for all of Vista Oaks and a 26% reduction in trees for all of Highlands. He pointed out that the density of build-out for Highlands is 23% and Vista Oaks is 61% of what was allowed in the General Plan. He felt that the General Plan open space boundary was based upon the 100 year flood plain and that this was what defined the land use. He stated that the project's benefits were a 58 acre passive park that would be turned over to the City of Rocklin, a turnkey park as part of the project, the quarter acre parcel for the entry sign, should the City decide to build one, an extended sound wall past the project to tie into the existing sound wall, natural gas would be brought down China Garden Road (which would potentially allow Rustic Hills to hook into the natural gas line), there would be 5110 linear feet of pedestrian trail in the Vista Oaks project and Highlands would build another 1720 linear feet, and the developer would also build a low water emergency bridge. He stated that they agreed to enter into a fair share agreement to define cost contributions towards Monument Springs Bridge. He stated that they had met with the residents of Rustic Hills to try and work with their concerns. He also pointed out that he feared that if affordable housing was put into the project that it may over burden the project financially.

Terry Lowell, TLA, addressed the issues of the 100 year flood plain along Secret Ravine and the bridge's possible impact on Rustic Hills; and the issue of storm water pollution prevention. He pointed out that the bridge was placed in the proposed location in order to get it as far down stream from Rustic Hills as possible. He stated that the low water bridge would have multiple spans. He addressed two worst case scenarios. The first was that one whole bay of the bridge would be blocked with debris and the second worse case scenario was to assume that the railing on the top of the bridge was also blocked with debris. He said that the probability of one or both of the scenarios happening was small and would probably never happen but just to see what would happen in either of those events they did the hydraulic modeling and it still showed that at the boundaries of Vista Oaks and Rustic Hills would have no increase in the 100 year water surface. He asked for a change in the requirement that the developer pay the City to hire a storm water management professional to oversee the person that they were already required to hire. He requested that there be a budgetary limitation on the City's storm water management professional of 4 hours per week during the wet season and 2 hours per week during the dry season.

The Commission had questions for the applicant regarding the following:

1. Commissioner Menth stated that there was a reference to the "benefits" of the project and asked for definition of the term and how it would be recognized for purposes of implementing affordable housing.
2. Commissioner Menth asked if there had been a discussion between the staff and the applicant in regards to the benefits vs. affordable housing and how long prior to the meeting had this discussion taken place. He also wanted to know if the affordable housing issue was based on a case by case situation and was negotiable.

ATTACHMENT 2

3. Commissioner Sully asked how the City was doing on the affordable housing state mandated requirements.
4. Commissioner Coleman asked if the water management professional would be hired for a 12 month period or for the duration of the construction. He wanted to know if the City was going to hire a storm water management professional no matter how long the duration would be.
5. Commissioner Coleman asked if the sound wall on Phase II was a requirement that the City would like to see or if it was something that the developer wanted and is a sound wall back that far was really needed. He asked if the wall was necessary with all of the oak trees that were on the property and wanted to know about large harbor area that would be a collector of sound and was not protected by sound walls.
6. Commissioner Coleman asked that the billboard issue be clarified.
7. Commissioner Coleman wanted a clarification in regard to the trail system and how they could withstand a 100 year flood.
8. Commissioner Shirhall asked if the permit fees covered the inspectors, for example the building inspectors or if we could increase the fees to cover the storm water management professional.
9. Commissioner Weibert asked if there was a way that the signs through leasing could be used to benefit the City as far as the kind of advertisement used.
10. Commissioner Sully asked if the applicant could accept the language that Terry Richardson had suggested in regard to the storm water specialist.
11. Commissioner Coleman asked what would happen if there were 2 storm water management specialists on site and they disagreed.
12. Commissioner Shirhall stated that the applicant referenced a General Plan approval in 1990 with 159 houses. He wanted to know where they had planned to put those houses.

The hearing was opened to the public for their comments.

Julie Vasco, 3615 Wood Glade Court in the Woodside Development, stated that she would like to see a sound wall along the Woodside portion of the freeway.

Cliff Keller, 6285 Rustic Hills Drive, stated he was concerned with the steepness of a portion of the trail and that there would be some ADA issues that couldn't happen. He would like to see the trail moved as far away from the creek as possible and still meet the ADA issues.

Mike Anderson, 5350 Rustic Hills, stated that he thought that China Garden Road (in front of Rustic Hills) should be upgraded with a sidewalk. He also asked if the park would be a turnkey park. He also requested that they put in a kiosk in for the Chinese history.

Commissioner Menth pointed out that he saw a sidewalk on a map he was looking at and asked where it would be located.

ATTACHMENT 2

Bret Finning stated that the sidewalk was only a proposed sidewalk within the Phase I portion of Vista Oaks and would not extend beyond that project site.

David Baker, 5213 Del Vista Way, stated that he was a representative of the Dry Creek Conservancy. He agreed with the staff's point about the storm water monitors. He stated that he didn't see the letter dated 1/17/05 reflected in the comments of the environmental report. He felt that it was very important that the bridge be done right so that it did not create stressors for the salmon. He stated that he was concerned about the sewer lines and how they would cross the creek. He also agreed that there should be a kiosk for the Chinese heritage.

Joe Drab, 6235 Rustic Hills Drive, wanted to address the issue of having some kind of a bike trail on China Garden Road. He commented that he would also like to see a stop sign at the last Rustic Hills intersection, restricted access to the trail, storm water monitors & restrooms in the park.

Bob Stetson, 6290 Rustic Hill Drive, stated that he was concerned about low level bridge for emergency access only. He also commented that he was concerned with the slope of the bike trail, the children having safe access to the park, and that he would like to see the logs for the storm water maintenance accessible to the public regarding storm water management.

Questions to staff:

1. Commissioner Sully asked about the noise impact to the Woodside community.

Jim Brennan, JC Brennans Associates, stated that they use 3db increase to determine impact because that is when it is perceptible. He reiterated there would be no impact to the Woodside area.

2. Commissioner Coleman wanted to know if there were any reflection advantages from one material to the other, if there were any advantages to different angles.
3. Commissioner Sully asked how the sound wall would affect the access for the children going to bus stops and between projects, and how the sewer lines would cross the creek. She was concerned about the City's right to encroach upon the Elderberry preserve even if the plants were dying. She wanted to know if the City was responsible for the preserve.
4. Commissioner Coleman wanted to know what the requirement is in regard to keeping the maintenance logs available to the public.

Jee Choy stated that the reports should be kept on site. The City inspectors' reports are kept in the City inspector's files. He was not sure if it was required by the state that the reports be accessible to everybody.

5. Commissioner Sully wanted to know if it was possible to put a kiosk for the Chinese history and a bathroom in the park.
6. Commissioner Coleman was concerned about the access of the cars to the trail and wanted to know if there were a way to control them.
7. Commissioner Sully commented on the safety issue with the children on the bike trail. She requested that this be looked into.

ATTACHMENT 2

8. Commissioner Coleman wanted to know what the penalty to the City is if only 98% of the requirement for affordable housing was reached

Terry Richardson stated that the general plan can be challenged if it's not being implemented properly, sometimes funding is affected, and that it can affect Community Development block grants, home grants, etc.

Commissioner Coleman stated with that with the need for the 10% affordable housing on one hand, that on the other hand this developer is doing a lot of things to give the City a project where all the public comment was positive which told him that they were meeting the needs of the general public in developing this project. He felt that it was a great project. He felt that the developer had done a lot in downsizing, open area, and amenities. He felt that the City should remove the 10% affordable housing on both of the projects.

He stated that if the City needs an entry sign in that area that he would approve of one. On the issue of storm water management, he stated that this was an issue that could be negotiated between Staff and the applicant. He stated that he was opposed to the billboards.

He stated that he was comfortable with the sound test, that the sound walls were adequate and met the needs of the community. He supported the project and stated that it was a fine looking project and that it was well accepted by the community.

Commissioner Sully disclosed that she wanted to let the public know that she had an exparte communication with the applicant but hadn't made any decisions prior to the Planning Commission meeting. She asked if any of the other commissioners had an exparte with the applicant.

Commissioners Shirhall and Menth stated that they too had an exparte communication with the applicant. Commissioners Weibert and Coleman had not.

Commissioner Weibert stated that she would be in favor of applying the 10% affordable housing rule to all developments within the community of Rocklin. She stated it is very important that the City of Rocklin provide their own management component on the storm water management issue. She didn't like the signage along the freeway and felt that there would be management issues with the graffiti, etc. She was satisfied with the engineer's report regarding the walls. She stated that she felt it was a nice project and supported it.

Commissioner Menth stated that according to Staff, the 10% requirement was negotiable and, therefore, he was not overly concerned about any impact that may suffered from an enforcement agency if they did not apply the 10% in this case.

He felt in regard to the SWPP issue that, a monitor on behalf of the City was better in this instance.

He was opposed to the billboards stating that he thought they were problematic and ugly. He was satisfied with what had been discussed regarding the sound walls. He made a recommendation to the City Council to direct Staff as to issues relative to a bike lane, sidewalk,

ATTACHMENT 2

painted stripe, or some method by which local children and users of footpaths are protected relative to traffic on China Garden.

Commissioner Shirhall stated that he was confident in the project and the environmental document he reviewed and its mitigation and monitoring programs. He noted that the proposal was consistent with the City's General Plan. He would approve of a kiosk or maybe a monument stone reflecting the heritage of the area in the new park. He felt that another great aspect of the plan was that it would help achieve the General Plan goals.

He opposed the billboard and felt that removing it would clean up the area. He approved of the extensive hiking trails.

He wanted to strike the words "cedar fence option" and stated that he thought it should be all redwood fencing.

He stated that in this case, based on what the City was receiving in parks and hiking trails and saving woodlands, that we were ending up with a great project and that in this instance the City could do away with the affordable housing component.

He appreciated Terry Lowell coming up with some SWPP language to work through. He thought that it was something that needed to be defined prior to the City Council hearing.

He thought that the sound wall was adequate. He was very pleased with this plan and recommended approval.

Commissioner Sully was undecided on the issue regarding the 10% affordable housing and felt that Staff and the applicant could work on negotiating this prior to the City Council meeting.

She commented that she thought all the commissioners thought it was a good idea that there be something worked out in regard to the storm water pollution management issue. She thought it was proactive on the City's part and that whatever could be done to help water quality was a good idea.

She stated that she felt everybody wanted to remove the billboards.

She agreed with her fellow commissioners that the sound wall was adequate. She agreed with Commissioner Menth's comments in making sure that they make a recommendation to City Council regarding the safety issues on China Garden Road. She also stated that she hoped Staff would alert the police department about the problem with the cars down at the end of China Garden Road.

She said that she concurred with Commissioner Shirhall's statement requiring putting in redwood rather than cedar on the posts in the project.

Commissioner Weibert stated that it was possible for a developer to be subject to the 10% and not have to provide the low income housing within either one of the two projects. She felt that it

ATTACHMENT 2

could be because of a monetary contribution or to they could provide the low income housing in a different section of the City not necessarily in this project.

On a motion by Commissioner Shirhall and seconded by Commissioner Menth, RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROCKLIN RECOMMENDING TO THE CITY COUNCIL CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT, MAKING OF FINDINGS OF OVERRIDING CONSIDERATIONS, APPROVAL OF A MITIGATION MONITORING PROGRAM AND DIRECTING THE ENVIRONMENTAL COORDINATOR OF THE FILE A NOTICE OF DETERMINATION (VISTA OAKS/HIGHLANDS PARCEL A EIR/EIR-2002-01) was approved by the following vote:

AYES: Commissioners Shirhall, Coleman, Sully, Weibert & Menth
NOES: None
ABSENT: None
ABSTAIN: None

Motion carried: 5/0

On a motion by Commissioner Shirhall and seconded by Commissioner Menth, RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROCKLIN RECOMMENDING APPROVAL OF AN AMENDMENT TO THE GENERAL PLAN OF THE CITY OF ROCKLIN FROM LOW DENSITY RESIDENTIAL (LDR) TO RURAL RESIDENTIAL (RR), FROM RECREATION CONSERVATION (R-C) TO RURAL RESIDENTIAL (RR) AND FROM LOW DENSITY RESIDENTIAL (LDR) TO RECREATION CONSERVATION (R-C) (Highlands Parcel A /GPA-2006-03) was approved by the following vote:

AYES: Commissioners Shirhall, Coleman, Sully, Weibert & Menth
NOES: None
ABSENT: None
ABSTAIN: None

Motion carried: 5/0

On a motion by Commissioner Shirhall and seconded by Commissioner Menth, RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROCKLIN RECOMMENDING APPROVAL OF A REZONING TO PLANNED DEVELOPMENT – 0.67 AND ADOPTING A GENERAL DEVELOPMENT PLAN (HIGHLANDS PARCEL A / Z-2006-04, PDG-2003-02) was approved by the following vote:

AYES: Commissioners Shirhall, Coleman, Sully, Weibert & Menth
NOES: None
ABSENT: None
ABSTAIN: None

Motion carried: 5/0

ATTACHMENT 2

On a motion by Commissioner Shirhall and seconded by Commissioner Menth, RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROCKLIN RECOMMENDING APPROVAL OF A TENTATIVE SUBDIVISION MAY (HIGHLANDS PARCEL A / SD-2003-05, TRE-2003-33) was approved by the following vote:

AYES: Commissioners Shirhall, Coleman, Sully, Weibert & Menth
NOES: None
ABSENT: None
ABSTAIN: None

Motion carried: 5/0

On a motion by Commissioner Shirhall and seconded by Commissioner Menth, RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROCKLIN RECOMMENDING APPROVAL OF A DESIGN REVIEW (VISTA OAKS / DR-2002-21 – PHASE I ONLY) was approved by the following vote:

AYES: Commissioners Shirhall, Coleman, Sully, Weibert & Menth
NOES: None
ABSENT: None
ABSTAIN: None

Motion carried: 5/0

On a motion by Commissioner Shirhall and seconded by Commissioner Menth, RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROCKLIN RECOMMENDING APPROVAL OF AN AMENDMENT TO THE GENERAL PLAN OF THE CITY OF ROCKLIN FROM RURAL RESIDENTIAL TO LOW DENSITY RESIDENTIAL (LDR), FROM RECREATION CONSERVATION (R-C) TO LOW DENSITY RESIDENTIAL (LDR), AND FROM LOW DENSITY RESIDENTIAL (LDR) TO RECREATION CONSERVATION (R-C) (VISTA OAKS /GPA-2002-04) was approved by the following vote:

AYES: Commissioners Shirhall, Coleman, Sully, Weibert & Menth
NOES: None
ABSENT: None
ABSTAIN: None

Motion carried: 5/0

On a motion by Commissioner Shirhall and seconded by Commissioner Menth, RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROCKLIN RECOMMENDING APPROVAL OF A REZONING TO PLANNED DEVELOPMENT – 1.08 AND ADOPTING A GENERAL DEVELOPMENT PLAN PER DISCUSSION DELETING CEDAR (VISTA OAKS / Z-2002-02, PDG-2001-07) was approved by the following vote:

AYES: Commissioners Shirhall, Coleman, Sully, Weibert & Menth
NOES: None

ATTACHMENT 2

ABSENT: None
ABSTAIN: None

Motion carried: 5/0

On a motion by Commissioner Shirhall and seconded by Commissioner Menth, RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROCKLIN RECOMMENDING APPROVAL OF A TENTATIVE SUBDIVISION MAP (VISTA OAKS / SD-2001-04, TRE-2001-30) was approved by the following vote:

AYES: Commissioners Shirhall, Coleman, Sully, Weibert & Menth
NOES: None
ABSENT: None
ABSTAIN: None

Motion carried: 5/0

Discussion

- Commissioner Weibert would be absent at the October 17 meeting
- Yellow sign at the American Furniture Store.
- Binders
- Opus truck trailer as billboard.
- Safeway at Park and Sunset being remodel
- Cleaning area up – bundles have been there for a week and a half
- Post office
- Proposed Lowes
- Wal-Mart Superstore
- Sierra College/Rocklin Road
- McDonalds
- Nugget Shopping Center

9. Adjournment

There being no further business brought before the Commission, the meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Vicki Jones
Administrative Clerk II

ATTACHMENT 2

RESOLUTION NO. ~~2006-351~~

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ROCKLIN APPROVING
A TENTATIVE SUBDIVISION MAP
(Vista Oaks / SD-2001-04A, TRE-2001-30A)

The City Council of the City of Rocklin does resolve as follows:

Section 1. The City Council of the City of Rocklin finds and determines that:

A. Tentative Subdivision Map (SD-2001-04, TREE-2001-30) was approved via City Council Resolution 2006-351 on November 14, 2006 and allows the subdivision of 93.2 acres generally located at the southerly terminus of China Garden Road into 100 residential lots and ~~5-4~~ open space parcels. This modification proposed changes to the conditions of approval intended to facilitate the construction of the Monument Springs bridge and roadway extensions by allowing construction of additional homes prior to completion of the bridge and roadway improvements in support of the creation of a Community Facilities Finance District and issuance of Bond Opportunities for Land Development (BOLD) bonds. In addition, are revisions to old or outdated conditions.

Commented [BF1]: Lot B, for freeway sign no longer required.

B. An Environmental Impact Report (EIR) prepared for this-the project has-was been certified via City Council Resolution No. 2006-349. An Addendum to the EIR has been prepared and certified for this modification via City Council Resolution

C. Upon approval of this Resolution modifying the conditions of approval for the Vista Oaks Tentative Subdivision Map by the City Council hereby rescinds and supersedes in its entirety City Council Resolution 2006-351.

CD. The City Council Planning Commission has considered the effect of the approval of this subdivision on the housing needs of the region, and has balanced those needs against the public service needs of its residents and available fiscal and environmental resources.

DE. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the zoning classification on the property.

EF. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the objectives, policies, general land uses and programs in the City of Rocklin's General Plan.

FG. The site is physically suitable for the proposed type and density of development.

GH. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage, nor will they substantially and avoidably injure fish or wildlife or their habitat.

HI. The design of the subdivision and type of improvements will not cause serious public health problems.

IJ. The design of the subdivision and type of improvements will not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision.

JK. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

Section 2. The Vista Oaks tentative subdivision map (SD-2001-04, TRE-2001-30) as depicted in Exhibits A & B, attached hereto and by this reference incorporated herein, is hereby approved, subject to the modified conditions listed below. The approved Exhibits A & B shall govern the design and construction of the project. Any condition directly addressing an element incorporated into Exhibits A & B shall be controlling and shall modify Exhibits A & B. All other plans, specifications, details, and information contained within Exhibit A shall be specifically applicable to the project and shall be construed as if directly stated within the conditions for approval. Unless otherwise expressly stated, the applicant / developer shall be solely responsible for satisfying each condition, and each of these conditions must be satisfied prior to or concurrently with the submittal of the final map with the City Engineer for the purpose of filing with the City Council. The agency and / or City department(s) responsible for ensuring implementation of each condition is indicated in parenthesis with each condition.

Commented [BF2]: Findings updated to reflect modification proposal

A. Notice to Applicant of Fees & Exaction Appeal Period

The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code §66020(d), these conditions constitute written notice of the amount of such fees, and a description of the dedications, reservations, and other exactions.

The applicant is hereby notified that the 90-day protest period, commencing from the date of approval of the project, has begun. If the applicant fails to file a protest regarding any of the fees, dedication requirements, reservation requirements or other exaction contained in this notice, complying with all the requirements of Government Code §66020, the applicant will be legally barred from later challenging such exactions.

B. Conditions

1. Utilities

- a. Water – Water service shall be provided to the subdivision from Placer County Water Agency (PCWA) in compliance with all applicable PCWA standards and requirements. PCWA shall verify ability to serve the subdivision by signing off on the subdivision improvement plans. All necessary easements shall be shown and offered (or Irrevocable Offer of Dedication provided) on or with the final map. All necessary improvements shall be included on the subdivision improvement plans. (PCWA, ENGINEERING)
- b. Sewer – Sewer service shall be provided to the subdivision from South Placer Municipal Utility District (SPMUD) in compliance with all applicable SPMUD standards and requirements. SPMUD shall verify ability to serve the subdivision by signing off on the subdivision improvement plans. All necessary easements shall be shown and offered (or Irrevocable Offer of Dedication provided) on or with the final map. All improvements shall be included on the subdivision improvement plans. (SPMUD, ENGINEERING)

Copies of any required permits from federal, state, and local agencies having jurisdiction over wetland/riparian areas, which may be impacted by the placement of the sewer system within the plan area, shall be submitted to the City and SPMUD prior to approval of the sewer plan for the project. (ENGINEERING)

- c. Internet, Telephone, Gas, and Electricity – ~~Telephone~~Internet, telephone, gas and electrical service shall be provided to the subdivision from ~~Roseville Telephone, Consolidated Communications~~ / Pacific Bell, ~~Wave Broadband or other local provider~~, and Pacific Gas & Electric. (PG&E). (APPLICABLE UTILITY, ENGINEERING)
- d. Postal Service – Mailbox locations shall be determined by the local postmaster. A letter from the local postmaster verifying all requirements have been met shall be filed with the City Engineer. (ENGINEERING)

Commented [BF3]: Revised to reflect current standard language and business name changes.

- e. Prior to recordation of final map, the project shall be included in the appropriate City financing districts as needed to most efficiently provide for public maintenance of public landscaping, improvements such as sound walls, and provision of new or enhanced services such as street lighting. (FINANCE, ENGINEERING, PUBLIC WORKS)

It is anticipated that the following will be necessary:

Annexation into: CFD No. 1, Lighting & Landscaping District No. 2, CFD No. ~~5 (annexation into CFD No. 5 to also cover maintenance of the portion of the Monument Springs Drive Extension and Bridge that is located in Placer County).~~

De-annexation from: Lighting & Landscape District No. 1

Commented [BF4]: Deleted as, since completion of the Greenbrae Annexation, no portions of the project or required improvements are now located in the County

2. Schools

- a. Financing: The following conditions shall be satisfied to mitigate the impact of the proposed development on school facilities (ROCKLIN UNIFIED SCHOOL DISTRICT, BUILDING):
 - 1) At the time of issuance of a building permit, the developer shall pay to the Rocklin Unified School District all fees required under Education Code section 17620 and Government Code Section 65995, to the satisfaction of the Rocklin Unified School District.
 - 2) The above condition shall be waived by the City Council if the applicant and the District reach agreement to mitigate the impacts on the school facilities caused by the proposed development and jointly request in writing that the condition be waived.

3. Fire Service

- a. Improvement plans shall show the location and size of fire hydrants and water mains in conformance with the standards and requirements of the Rocklin Fire Chief and Placer County Water Agency (PCWA). (PCWA, FIRE, ENGINEERING)
- b. Proposed street names shall be reviewed and approved by the Rocklin Fire Chief. (ENGINEERING, FIRE)
- c. Fire Department access into open space areas shall be provided in the general locations indicated on Exhibit A. (FIRE)

d. An Open Space Management and Fuel Modification Plan shall be prepared by the subdivider and approved by the City of Rocklin prior to recording of any final maps for the project. The Open Space Management and Fuel Modification Plan shall provide for but not be limited to the following (ENGINEERING, PUBLIC WORKS, FIRE) (VII-1.):

- 1) Identification of thirty (30') foot wide fuel modification (fuel break) zones in all open space areas where adjacent to residential parcels (on and off site), taking into account Elderberry bushes and their surrounding none disturbance areas, to reduce fire hazards.
- 2) Thinning and removal of vegetation in the open space areas to create and maintain the fuel modification zones. Said thinning shall consist of pruning all tree branches to approximately six (6') feet above grade and trimming grasses and shrubs to maintain them at not more than approximately six (6") inches in height.

4. Improvements/Improvement Plans

Project improvements shall be designed, constructed and / or installed as shown on the approved improvement plans, in compliance with applicable city standards including but not limited to the City's Standard Specifications then in effect. The project improvement plans shall be subject to and / or provide for the following (ENGINEERING, PLANNING):

- a. Improvement plans shall be valid for a period of two years from date of approval by the City Engineer. If substantial work has not been commenced within that time, or if the work is not diligently pursued to completion thereafter, the City Engineer may require the improvement plans to be resubmitted and/or modified to reflect changes in the standard specifications or other circumstances. (ENGINEERING)
- b. All improvements shall be constructed and/or installed prior to submitting the final map with the City Engineer for the purpose of filing with the City Council, unless, at the discretion of the City Council, the subdivider executes the City's standard form subdivision improvement agreement and provides the financial security and insurance coverage required by the agreement, prior to or concurrent with submitting ~~the a~~ final map with the City Engineer. The construction of the Monument Springs bridge and roadway improvements shall be included in any subdivision improvement agreement(s), or in a separate agreement approved concurrently, for Phases II or III, including the posting of a bond or bonds for unfinished work. (ENGINEERING)

Commented [BF5]: Modified to reflect current wording.

Commented [BF6]: Modified to make explicate that MS bridge and roadway improvements must be included in agreements and bonded for, as this is only guarantee City has for completion of these improvements.

- c. A detailed grading and drainage plan prepared by a registered civil engineer, in substantial compliance with the approved project exhibit(s). The grading and drainage plan shall include the following:
- 1) All storm drainage run-off from site shall be collected into a City standard sand and oil trap manhole (or an equal as approved by the City Engineer) prior to discharge of storm run-off offsite.
 - 2) Individual lot drainage including features such as lined drainage swales.
 - 3) All storm drainage inlets shall be stamped with City Engineer approved wording indicating that dumping of waste is prohibited and identifying that the inlets drain into the creek system.
 - 4) Prior to the commencement of grading operations, and if the project site will not balance with respect to grading, the contractor shall identify the site where any excess earthen material shall be deposited. If the deposit site is within the City of Rocklin, the contractor shall submit a report issued by a technical engineer to verify that the exported materials are suitable for the intended fill and show proof of all approved grading plans. Haul routes to be used shall be specified. If the site requires importing of earthen material, then prior to the commencement of grading operations, the contractor shall identify the site where the imported earthen material is coming from and the contractor shall submit a report issued by a technical engineer to verify that the imported materials are suitable for the intended fill and show proof of all approved grading plans. Haul routes to be used shall be specified.
 - 5) Prior to any grading or construction activities, the applicant shall comply with the provisions of Attachment 4 in the City's Storm water Permit to the satisfaction of the City Engineer. These provisions shall also be applicable to the limited graded lots on Phase 1 of the Vista Oaks project site. (4.4MM-3b)
 - 6) Construction related and permanent Best Management Practices (BMPs) and Best Available Technologies (BATs) shall be incorporated into the final project design and / or noted on the Improvement Plans as appropriate to reduce urban pollutants in runoff, consistent with goals and standards established under Federal and State non-point source discharge regulations (NPDES permit) and Basin Plan water quality objectives. Storm water runoff BMPs selected from the Storm Water

Quality Task Force, the Bay Area Storm Water Management Agencies Association Start at the Source – Design Guide Manual, or equally effective measures shall be identified prior to final design approval and shall be incorporated into project design and / or noted on the Improvement Plans as appropriate.

To maximize effectiveness, the selected BMPs shall be based on finalized site-specific hydrologic conditions, with consideration for the types and locations of development. Mechanisms to maintain the BMPs shall be identified in on improvement plans. (4.4MM-4a)

- d. Prior to any grading or construction activities, the subdivider shall:
- 1) Obtain a General Construction Activity Storm Water Permit as a part of the National Pollutant Discharge Elimination System (NPDES) permit process from the Regional Water Quality Control Board. (ENGINEERING) (4.4MM-3a)
 - 2) Submit verification from the U.S. Army Corp of Engineers and the California Department of Fish and Game that the project meets all regulations and that the subdivider has obtained all required permits relating to wetlands and waterways relevant to the construction and / or map phase proposed. (ENGINEERING)
- e. The following subdivision improvements shall be designed, constructed, and/or installed:
- 1) All on-site standard subdivision improvements, including streets, curbs*, gutters, sidewalks, drainage improvements, utility improvements (including cable television trenching), street lights, and fire hydrants. (*All curbs shall be vertical curbs and not rolled curbs)
 - 2) ~~Deleted. Developer shall dedicate to City a telecommunication easement, and shall install and dedicate to City telecommunication conduit within the easement. The easement shall be located in the public utility easement of each street within the subdivision, and any adjacent streets as necessary to connect the easement to the City's public street and easement network. The easement shall be for telecommunications use by City, in whatever manner City may, in its sole discretion, elect. The conduit shall be large enough for at least two (2) sets of coaxial cable (approximately three (3) inches total diameter), shall include access to the cable spaced at reasonable distances, and shall otherwise comply with City standards and specifications in effect at the time the conduit is installed.~~

Commented [BF7]: Added for clarity of intent.

~~Developer shall provide any City telecommunication franchisee, including any cable television franchisee, access to the easement for the purpose of installing cable and conduit while the public utility trench is open and prior to the street being paved.~~

Commented [BF8]: Deleted as no longer a City requirement.

3) The following on-site special improvements, timing of construction shall be as noted in Condition 12. Phasing, below:

- i. A property line noise barrier measuring 9-feet above the nearest adjacent travel lane of I-80 for a total height of approximately 14-feet from finished grade shall be required for the Phase I area along the south side of the I-80 right-of-way (ROW) (north side of China Garden Road) in front of the first row of lots facing I-80 in order to meet the lower limit exterior noise level of 60 dB L_{dn}.

The barrier shall connect with the existing 14-foot noise barrier to the east and shall extend southwesterly along the project site's boundary with I-80 and along the easterly boundary of Parcel B terminating approximately 300 feet to the west of lot #23 to prevent sound flanking as shown on Exhibits A & B.

The barrier wall shall be designed and built to closely match that existing sound wall. ~~The design of the sound wall shall include a locking solid metal door constructed of 16-gauge steel or equivalent, powder coated dark bronze. Said door shall have a minimum width of 8 feet and a minimum height of 9 feet to provide access to Parcel B and be designed to seal so that it doesn't compromise the integrity of the sound wall.~~ If revisions are made to the grading plans for Phase I, then the noise analysis must be similarly revised and appropriate changes made to the sound wall design. (4.9MM-2)(ENGINEERING, PLANNING)

Commented [BF9]: Deleted as Lot B is no longer required.

- ii. A property line noise barrier measuring 3-feet above the nearest adjacent travel lane of I-80 for a total height of approximately 8-feet from adjacent finished grade shall be required for the Phase I area along the south side of the I-80 right-of-way (ROW) (north side of China Garden Road) to allow the park site, Parcel E, to meet the lower limit exterior noise level of 69 dB L_{dn}.

The 8 feet high wall shall be required to extend west from the terminus of the 14-foot barrier, which is required for the Phase I residential area to a point 100 feet past the western terminus of the Phase I area as indicated on Exhibits A & B. Except for height the

sound wall shall be designed and built to match the 14-foot sound wall. If revisions are made to the grading plan for Parcel E, then the noise analysis must be similarly revised and appropriate changes made to the sound wall design. (4.9MM-2)(ENGINEERING, PLANNING)

- iii. Within the Phase III site, noise barrier walls shall be constructed along the rear lot lines of Lots 70 through 79 between the rear yard (outdoor activity area) and I-80. The noise barrier walls shall wrap around 2 feet onto the side lot lines on Lots 70 and 79 before terminating. On Lot 100 the noise barrier wall shall begin at the front yard set back line on the lot's westerly property line and extend north, turn and run along the length of the northern property line and wrap around 2 feet onto the easterly property line before terminating (as shown on Exhibit B). The noise barrier walls shall be made of double sided split faced block with a grey granite color. The wall shall be topped with a decorative concrete cap. Noise barrier walls shall be constructed to a height of 6 feet above each building pad elevation. There shall be no openings in the walls. If revisions are made to the grading plan for Phase III, then the noise analysis must be similarly revised and appropriate changes made to the sound wall design. (4.9MM-2)(ENGINEERING, PLANNING)
- iv. Along any property line where any residential lot abuts an open space area, except where masonry sound walls are required for noise attenuation, the following fencing shall be required to be installed (ENGINEERING, PLANNING):
 - (a) Within 25-feet of the public right-of-way a 30-inch high masonry wall constructed of double sided split faced block with a grey granite color with a decorative concrete cap.
 - (b) More than 25-feet from the public right-of-way 30-inch high masonry wall constructed double sided split faced block with a grey granite color with a decorative concrete cap. The masonry wall shall be topped with a decorative tubular steel or wrought iron style fence constructed of medium gauge, or better, steel or aluminum powder-coated black or dark bronze approximately 42-inches in height for a total fence height of 6-feet.
 - (c) Where open space parcels extend between or next to residential lots to accommodate fire access to open space areas (between Lots 3 & 4, 10 & 11, 21 & 22, and south of Lot # 70)

a solid six foot high redwood fence with metal fence posts. Matching wooden gate(s) with locks and permanent identification signage shall be installed where the fire access transitions from an easement across the adjacent lot(s) to the open space parcel. (ENGINEERING, FIRE)

v. A six-foot-high masonry wall shall be constructed along the common property line between Lots 22 & 23 and Parcel E (the park site). The wall shall be constructed of a grey granite color double sided split faced block with a decorative concrete cap and pop out decorative pilasters constructed of the same materials at each end. (ENGINEERING, PLANNING)

vi. Decorative tubular metal fencing approximately 3'-6" high installed ~~10 feet with a continuous 6-inch wide concrete strip below the fence for weed control to be installed at the~~ back of sidewalk where open space areas are adjacent to streets. Said fencing shall be powder coated black or bronze and constructed of medium gauge, or better, steel or aluminum. Gates / opening shall be located at the access points to the trail system as indicated on Exhibit A and as required by the Public Works Director for maintenance access. (ENGINEERING, PUBLIC WORKS, PLANNING)

Commented [BF10]: Modified to reflect current requirements, primarily based on cost of water meters for small isolated landscaped areas.

vii. ~~Prior to recording a final map for Phase I the existing billboard sign located approximately at the intersection of China Garden Road and Road L shall be removed.~~

~~If the existing billboard sign located on in Parcel A is not removed, ownership and control of the sign shall be transferred to the City of Rocklin prior to recording and a final map for Phase I. (ENGINEERING, PLANNING)~~

Commented [BF11]: Deleted as billboard sign has been removed

viii. ~~Electricity, water, drainage, phone, and conduit lines shall be stubbed out into Parcel B to accommodate future landscaping and signage on the site to the satisfaction of the City Engineer. (ENGINEERING)~~

Commented [BF12]: Deleted as City no longer desires a sign at this location.

ix. Electricity, water, sewer, phone, and conduit lines shall be stubbed out for Parcel E to accommodate future park improvements on the site. (ENGINEERING, COMMUNITY SERVICES & FACILITIES)

- x. An off-road trail system through Parcels A & E, as shown on Exhibit A, with an all-weather surface suitable for bicycling and pedestrians including striping and appropriate signage to City standards. Collapsible or removable bollards or other acceptable means to restrict public vehicular access to the trail system shall be implemented where the trail system connects to all public streets and rights-of-way.

The portion of the trail connecting China Garden Road to Monument Springs Drive shall be constructed of concrete to support a ~~40,000~~**46,000** pound vehicle, provide for an 11 foot minimum width, and provide for turn radii of a minimum of 43-foot at the center line. (ENGINEERING, FIRE, PUBLIC WORKS)

Commented [BF13]: Modified to reflect weight load required to accommodate SPMUD vehicles and small Fire trucks.

- xi. An emergency access / pedestrian bridge linking Phases I & II, bridge design to provide for but not be limited to the following (ENGINEERING, FIRE, PUBLIC WORKS):

- (a) Be passable during a minimum of a 10-year storm event.
- (b) Provide for a minimum 12-foot wide deck.
- (c) Be designed to carry a minimum load of ~~40,000~~**46,000** lb.
- (d) Provide for a 20-foot wide minimum "non-angulated" approach.
- (e) Provide for approach turn radii of a minimum of 43-foot at the center line.
- (f) Bridge deck and piers shall be treated with a marine coating.
- (g) Bridge railings shall be 54-inches high tubular metal powder coated black or bronze and constructed of medium gauge, or better, steel or aluminum. Spacing between vertical posts shall be consistent with swimming pool fencing standards. Railing sections shall be designed to be able to manually pivot parallel to the flow of water during storm events which inundate the bridge deck.
- (h) Collapsible or removable bollards shall be installed at either end of the bridge to prevent public vehicular access.
- (i) Other standards as may be required by the City Engineer.

Commented [BF14]: Modified to reflect weight load required to accommodate SPMUD vehicles and small Fire trucks

- xii. Implement the approved Open Space Management and Fuel Modification Plan. (VII-1.) (ENGINEERING, FIRE, PUBLIC WORKS)

- xiii. The trailhead parking and roundabout on Parcel E as indicated on Exhibit A. (ENGINEERING, FIRE, PUBLIC WORKS)

xiv. The sewer line connection between Phase I and Phase II shall be constructed with and hung from the emergency access bridge across Secret Ravine Creek to minimize impacts to salmon. It is recognized that a sewer lift station may be required to accommodate this design. (ENGINEERING)

4) The following off-site improvements, timing of construction shall be as noted in Condition 12. Phasing, below unless otherwise indicated:

Commented [BF15]: Modified for clarity

i. If not already built the project shall be required to obtain rights of way and construct Monument Springs Drive, including the bridge, from China Garden Road to the project site, prior to ~~recording a final map for~~ prior to issuance of the 58th building permit in either Phases II or III collectively, as shown on Exhibit A. Said Monument Springs Drive extension shall consist of 2 – travel lanes and shoulders and shall be located as indicated on the Granite Lake Estates subdivision (SD-2000-02) and Highlands Parcel A subdivision (SD-2003-05) approvals. (ENGINEERING, PLANNING, BUILDING)

Commented [BF16]: Modified to accommodate BOLD financing housing construction requirements.

Commented [BF17]: Check with David re his notes on this item.

ii. A four foot wide meandering concrete sidewalk of an appropriate material such as a decomposed granite, asphalt or concrete shall be constructed along China Garden Road, from the northerly edge of the project's China Garden Road frontage to the northerly most intersection of China Garden Road and Rustic Hill Drive. The final design and material shall be to the satisfaction of the Public Works Director and the City Engineer. (ENGINEERING, PLANNING)

Commented [BF18]: Correction of typographic error.

Commented [BF19]: Planning Commission recommended modification.

iii. The subdivider shall have cooperated in the formation of a Bond Opportunities for Land Development (BOLD) Community Facilities District (CFD) consistent with policies and procedures for Land Secured Financings adopted pursuant to Resolution No. 2005-112 for purposes of financing construction of the Monument Springs bridge, roadway extension, and other eligible improvements prior to commencement of any site work for the subdivision.

Commented [BF20]: Added to ensure that the bridge finance plan is moving concurrently with the subdivision improvements and for consistency with the Granite Lake Estates project.

f. Landscape and irrigation plans shall be included with the project improvement plans and shall comply with the following: (ENGINEERING, PUBLIC WORKS, PLANNING)

- 1) Landscaping to be installed in the following areas:
 - i. In the landscape strip between China Garden Road and the freeway sound wall.
 - ii. ~~Deleted In a 10-foot wide strip immediately behind the public curb and / or sidewalk as applicable where open space parcels A, C, and D abut a public street.~~
- 2) The landscaping plan shall be prepared by a landscape architect and shall include:
 - i. A legend of the common and botanical names of specific plant materials to be used. The legend should indicate the size of plant materials. Shrubs shall be a minimum five-(5) gallon and trees a minimum of 15 gallon.
 - ii. A section diagram of proposed tree staking.
 - iii. An irrigation plan including an automatic irrigation system. The plan shall include drip irrigation wherever possible.
 - iv. Use of granite or moss rock boulders along the planting areas.
 - v. Certification by the landscape architect that the landscape plans meets the requirements of the Water Conservation and Landscaping Act. Government Code §65591, et seq.
 - vi. Certification by the landscape architect that the soil within the landscape area is suitable for the proposed landscaping and / or specify required soil treatments and amendments needed to ensure the health and vigor of landscape planting.
 - vii. Evergreen climbing vines to grow on the southerly side of the freeway sound walls.
 - viii. Landscaping in the open space areas adjacent to the public rights-of-way shall provide for a mix of drought tolerant trees, shrubs, and groundcovers substantially similar to the landscaping along the edge of open space areas in the adjacent Highlands Phase 3 & 4 project.
- 3) All landscaping improvements shall be constructed and/or installed prior to submitting the final map for filing with the City Council, unless

Commented [BF21]: Deleted as no longer a City requirement primarily due to expense of water meter for isolated landscaped areas.

the subdivider executes the City's standard form subdivision landscaping agreement and provides the financial security and insurance coverage required by the subdivision landscaping agreement, prior to or concurrent with submitting the final map.

- 4) The subdivider shall maintain the landscaping and irrigation systems for two years from the date the landscaping is accepted by the City, without reimbursement. The subdivider shall apply for and obtain an encroachment permit to do any maintenance in the public right-of-way until such time as the City takes over maintenance of the landscaping.
- g. All rights-of-way and easements associated with the subdivision improvements shall be offered on, or by separate instrument concurrently with, the final subdivision map; provided, that street rights-of-way shall be offered by means of an irrevocable offer of dedication (IOD). (ENGINEERING)
- h. Improvement plans shall contain provisions for dust control, revegetation of disturbed areas, and erosion control. If an application for a grading permit is made prior to execution of a subdivision improvement agreement, it shall include an erosion control plan and shall be accompanied by financial security to ensure implementation of the plan. (ENGINEERING)
- i. Prior to commencement of grading, the subdivider shall submit a dust control plan for approval by the City and the Placer County Air Pollution Control District. This plan shall identify adequate dust control measures and shall provide for but not be limited to the following (*4.8MM-2a*) (ENGINEERING, PLACER COUNTY AIR POLLUTION CONTROL DISTRICT):
- 1) A pre-construction meeting prior to any grading activities to discuss the construction emission / dust control plan with employees and / or contractors. The Placer County Air Pollution Control District is to be invited.
 - 2) The subdivider shall suspend all grading operations when fugitive dusts exceed District Rule 228 Fugitive Dust limitations.
 - 3) The subdivider shall provide for a representative, certified by the California Air Resources Board (CARB) to perform Visible Emissions Evaluations (VEE), to routinely evaluate compliance to Rule 228, Fugitive Dust.
 - 4) It is to be noted that fugitive dust is not to exceed 40% opacity and not go beyond the property boundary at any time.

- 5) If lime or other drying agents are utilized to dry out wet grading areas, they shall be controlled as not to exceed District Rule 228 Fugitive Dust Limitations.
 - 6) An enforcement plan established in coordination with the Placer County Air Pollution Control District to weekly evaluate project-related on- and off-road heavy-duty vehicle engine emission opacities, using standards as defined in California Code of Regulations, Title 13, Sections 2180-2194. An Environmental Coordinator, CARB-certified to perform Visible Emissions Evaluations (VEE), shall routinely evaluate project related off-road and heavy duty on-road equipment emissions for compliance with this requirement. (4.8MM-2d)
- j. Prior to any grading or construction activities including issuance of improvement plans, the improvement plans shall clearly indicate that if shallow ground water exists at the time of proposed grading, subdrainage shall be installed in advance of the grading operations to de-water soils within the depth of influence of grading to the extent reasonable. A qualified geologist and/or geotechnical engineer shall estimate the configuration and design of the subdrain systems during exposure of field conditions at the time of or immediately before construction. The contractor may also recommend an alternative which may be mutually agreed upon by the City Engineer and Public Works Director. (4.5MM-4) (ENGINEERING)
- k. Prior to any grading or construction activities including issuance of improvement plans, the developer shall submit a design-level soil investigation for the relevant construction phase for the review and approval of the City Engineer and Chief Building Official that evaluates soil and rock conditions, particularly the potential for expansive soils. The professional engineer that prepared the soil investigation shall recommend appropriate roadway construction and foundation techniques and other best practices that are to be implemented by the project during construction. These techniques and practices shall address expansive soils or other geological concerns requiring remediation, including but not limited to (4.5MM-5) (ENGINEERING):
- Recommendations for building pad and footing construction;
 - Use of soil stabilizers or other additives; and
 - Recommendations for surface drainage.
- l. Improvement plans shall contain provisions to ensure that (4.5MM-1) (ENGINEERING):

Commented [BF22]: Added for clarity

- 1) Fill placed on slopes steeper than a 6:1 slope gradient (horizontal to vertical), shall be provided with a base key at the toe of the fill slope. The base key shall extend approximately two feet (vertically) into firm material. Fill slopes constructed on the site are expected to be stable if they are constructed on gradients no steeper than 2:1 (horizontal to vertical) and are provided with a base key.
 - 2) Cut slopes in surficial soil or stream deposits shall not exceed a 2:1 gradient. Cut slopes in underlying rock may be stable at gradients up to 1.5:1 depending on the degree of cementation, groundwater seepage, and the orientation of fractures.
- m. If construction is proposed by the developer during the breeding season (~~February 1 -August~~~~September 1~~) of special-status migratory bird species, the project applicant, in consultation with the City of Rocklin and California Department of Fish & Game, shall conduct a pre-construction migratory bird survey of the relevant project construction site during the same calendar year that construction is planned to begin. The survey shall be conducted by a qualified biologist in order to identify active nests of any special-status bird species on the project sites. The results of the survey shall be submitted to the Community Development Department. If active nests are not found during the pre-construction survey, further mitigation is not required. If active nests are found, an adequately sized temporary non-disturbance buffer zone shall be determined based on California Department of Fish & Game consultation, shall be established around the active nest. Intensive new disturbances (e.g., heavy equipment activities associated with construction) that may cause nest abandonment or forced fledging shall not be initiated within this buffer zone between ~~March -February~~ 1 and September 1. Any trees containing nests that must be removed as a result of project implementation shall be removed during the non-breeding season (September to January). (4.6MM-2a) (ENGINEERING, PLANNING)
- n. Prior to any grading or construction activities, including issuance of improvement plans, the project applicant, in consultation with the City of Rocklin and California Department of Fish & Game, shall conduct a pre-construction breeding-season survey (approximately ~~February 15~~ through ~~August-September 1~~) of the project site during the same calendar year that construction is planned to begin. The survey shall be conducted by a qualified raptor biologist to determine if any birds-of-prey are nesting on or directly adjacent to the Proposed Project site.

Commented [BF23]: Changed to reflect current requirements

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If phased construction procedures are planned for the proposed project, the results of the above survey shall be valid only for the season when it is conducted.

A report shall be submitted to the City of Rocklin following the completion of the survey that includes, at the minimum, the following information:

- A description of methodology including dates of field visits;
- The names of survey personnel with resume;
- A list of references cited and persons contacted;
- A map showing the location(s) of any raptor nests observed on the project site.

If the above survey does not identify any nesting raptor species on the project site, further mitigation would not be required. However, should any raptor species be found nesting on the project site, the following mitigation measures shall be implemented (4.6MM-13a) (ENGINEERING, PLANNING):

- 1) Construction activities shall avoid any identified raptor nest sites during the breeding season while the nest is occupied with adults and/or eggs or young. The occupied nest shall be monitored by a qualified raptor biologist to determine when the nest is no longer used. Avoidance shall include the establishment of a nondisturbance buffer zone around the nest site. The size of the buffer zone would be determined by a qualified raptor biologist in consultation with the City of Rocklin and California Department of Fish & Game. Highly visible temporary construction fencing shall be installed delineate the buffer zone. (4.6MM-13b)
- 2) If the nest of any legally-protected raptor species is located in a tree designated for removal, the removal shall be deferred until after August 30th, or until the adults and young are no longer dependent on the nest site, as determined by a qualified biologist. (4.6MM-13c)

- o. Prior to any grading or construction activities ~~including issuance of improvement plans~~ a pre-construction survey for western pond turtle shall be conducted by a qualified biologist, to determine presence or absence of this species in the project site. If construction is planned after April 1st, this survey shall include looking for turtle nests within the construction area. If northwestern pond turtles are not found within the project site, no further mitigation is required. If juvenile or adult turtles are found within the proposed construction area, the individuals shall be moved out of the construction site with technical assistance from California Department of

Commented [BF27]: Changed to better refine timing

Fish & Game. If a nest is found within the construction area, construction shall not take place within 30 meters (100 feet) of the nest until the turtles have hatched.

If a turtle is observed on the site, work shall cease in the area until the turtle can be moved to a safe location consistent with California Department of Fish & Game regulations. The survey shall be valid for ~~one year~~ 28 days; if construction does not ~~take place~~ start within 28 days ~~one year~~ of the survey, or if construction activities within 50 feet of a wetland area stop for more than 28 days, a new survey shall be conducted. (4.6MM-2c) (ENGINEERING, PLANNING)

Commented [BF28]: Changed to reflect current requirements

- p. Prior to any grading or construction activities including issuance of improvement plans, ~~but no longer than 28 days before,~~ a pre-construction protocol-level survey for western spadefoot toad shall be conducted by a qualified biologist, to determine presence or absence of this species on the project sites. The survey shall be conducted in accordance with all applicable California Department of Fish & Game guidelines. If western spadefoot toads are not found within the project site, no further mitigation is required. If juvenile or adult spadefoot toads are found within the proposed construction area, the individuals shall be moved out of the construction site with technical assistance from California Department of Fish & Game. If spadefoot toad eggs are found within the construction area, construction shall not take place within 30 meters (100 feet) of the nest until the toads have hatched. (ENGINEERING, PLANNING)

Commented [BF29]: Changed to reflect current requirements

If a spadefoot toad is observed on the site, work shall cease in the area until the frog can be moved to a safe location consistent with California Department of Fish & Game regulations. The survey shall be valid for 28 days ~~one year~~; if construction does not ~~take place~~ start within 28 days ~~one year~~ of the survey, or if construction activities stop for more than 28 days, a new survey shall be conducted. (4.6MM-2c) (ENGINEERING, PLANNING)

Commented [BF30]: Changed to reflect current requirements

- q. Prior to any grading or construction activities ~~for Phases I and / or II~~ including issuance of improvement plans ~~for Phases I and / or II,~~ the proposed emergency access bridge connecting Phases I and II of the project and related construction plans shall be designed to comply with the following consistent with the Policies of the Southeast Rocklin Circulation Element (ENGINEERING, PLANNING):

Commented [BF31]: Added for clarity of timing

- 1) The bridge shall be designed to allow the year-round passage of steelhead and Chinook salmon and so that it traverses the creek in a

manner that does not in any way impede its current normal (non-storm event) flow. (4.6MM-4a)

- 2) The width of a creek crossing construction zone within the riparian corridor shall be limited to a maximum of 100 feet. Construction outside of this corridor will be allowed only if design constraints require a zone greater than 100 feet and must be authorized by the City Engineer.
 - 3) Prior to any construction activities in the creek or related riparian areas the precise location of the creek crossing construction zone (corridor) shall be flagged to allow easy identification. Use of heavy equipment shall be restricted to this designated corridor. (4.6MM-4b)
 - 4) Prior to issuance of improvement plans **for the emergency access bridge** the applicant / subdivider shall provide photographs that clearly document the streambed and bank contours within the creek crossing construction zone. These photographs shall be submitted to and kept on file at the Rocklin Community Development Department. Following construction creek bed and bank contours shall be restored, as near as possible, to pre-project conditions.
 - 5) Topsoil removed by grading to construct the emergency access bridge and approaches shall be reserved and for revegetation and recontouring efforts within the creek crossing construction zone.
- r. Prior to issuance of Improvement Plans, the subdivider shall apply for and obtain all permits and approvals **relevant to the particular construction phase** from the Army Corps of Engineers and the California Department of Fish and Game as required by those agencies or provide written verification from the applicable agency that no permits are required. The subdivider shall comply with the terms and conditions of all such permits. (4.6MM-8a, 4.6MM-8b, & 4.6MM-8c) (ENGINEERING)
- s. Prior to any grading or construction activities, including issuance of improvement plans, the subdivider shall provide for no net loss of vernal pool habitat by either (4.6MM-10) (ENGINEERING, PLANNING):
- 1) Documenting that the project design avoids all vernal pool habitats on the project site.
 - 2) Submitting written verification from the **Army Corps of Engineers /** United States Fish and Wildlife Service that the loss of on site vernal pool habitat has been approved and mitigated through the Section 404 / Section 7 Consultation permit process.

Commented [BF32]: Added for clarity

Commented [BF33]: Added for clarity of timing.

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- t. Prior to any grading or construction activities including issuance of improvement plans, pre-construction protocol-level surveys shall be conducted by a qualified biologist on the portions of the project site planned for development, in order to identify the presence of any of the following special-status plant species: Boggs Lake hedge-hyssop (*Gratiola heterosepala*), Sacramento Orcutt grass (*Orcuttia viscida*), Slender Orcutt grass (*Orcuttia tenuis*). Pre-construction protocol-level surveys shall be conducted during the appropriate blooming period (March-October) for all plant species to adequately ensure recognition of potentially-occurring species. Because the blooming period of all potentially-occurring plant species covers a wide range, a minimum of three focused rare plant surveys timed approximately one month apart are recommended from April through June to cover the peak blooming period. The results of the surveys shall be submitted to California Department of Fish & Game and the City of Rocklin for review.

If, as a result of the survey(s), special-status plant species are determined not to occur on the sites, further action shall not be required. If special-status plant species are detected on either site, locations of these occurrences shall be mapped with GPS and consultation with California Department of Fish & Game shall be initiated, and a mitigation plan shall be prepared based on the consultation. The plan shall detail the various mitigation approaches to ensure no net loss of plant species. (4.6MM-11) (ENGINEERING, PLANNING)

- u. Prior to any grading or construction activities, including issuance of improvement plans, the subdivider shall provide for no net loss of elderberry shrubs by either (4.6MM-12a & 4.6MM-12c):
- 1) Documenting that the project design avoids all elderberry shrubs on the project site relevant construction phase.
 - 2) Submitting written verification that the necessary take permit for Valley Elderberry Longhorn Beetle (VELB) has been obtained from the United States Fish and Wildlife Service through the Section 404 / Section 7 Consultation permit process. All necessary steps required to comply with the take permit including avoidance and replacement of elderberry shrubs consistent with United States Fish and Wildlife Service guidelines must be incorporated into the project improvement plans.
 - 3) Should on site replacement of elderberry shrubs be required the subdivider / developer shall enter into an agreement with the City of Rocklin, prior to final map approval, to ensure that the expenses and liabilities associated with the establishment and maintenance of a

Commented [BF35]: Added for clarity.

Valley Elderberry Longhorn Beetle (VELB) preserve on the project site will be the responsibility of the subdivider / developer and not the City of Rocklin until such time as the terms of the take permit issued by the United States Fish and Wildlife Service have been satisfied. (City Attorney)

- v. Prior to any grading or construction activities protective fencing shall be placed around all elderberry shrubs not scheduled for removal to create a 100-foot buffer protection zone around each shrub or as otherwise indicated in consultation with a qualified biologist and in consultation with the United States Fish and wildlife Service. All construction activities and equipment shall remain outside of the 400-foot specified buffer protection zone throughout the construction period. Where it is not feasible to provide the specified 400-foot protection zone the subdivider shall consult with the United States Fish and Wildlife Service to determine alternative measures to reduce impacts of construction activities to the elderberry shrubs and documentation of said consultation provided to the City. All construction activities shall be monitored by a qualified biologist to verify compliance with the above. The qualified biologist shall provide documentation of compliance to the City. (4.6MM-12b) (ENGINEERING, PLANNING)

Commented [BF36]: Changed to reflect new standards that may be applicable.

- w. Prior to any grading or construction activities, including issuance of improvement plans for any phase of the project within 350 feet of the freeway the subdivider shall provide verification that a qualified archeologist has been retained, prepared a data recovery program for historic site PA-89-32 in consultation with the Community Development Director and will implement the data recovery program for historic site PA-89-32 prior to any grading or construction activities in that area. (4-10MM-1a) (ENGINEERING, PLANNING)

Commented [BF37]: Revised for clarity of timing

- x. Prior to any grading or construction activities, including issuance of improvement plans for any phase of the project the subdivider shall provide verification that a qualified paleontologist has been retained to monitor construction activities and provide written reports to the City. The paleontologist shall be on site at all times work is occurring during the grading and trenching phases of the project in order to observe and assess the potential for discovering paleontological resources. If after the grading and trenching phase the potential of discovering paleontological resources appears to be minimal as determined by the qualified paleontologist, periodic monitoring may be made thereafter. (4.10MM-2a) (ENGINEERING, PLANNING)

- y. Prior to any on or off- site grading or construction activities, including issuance of improvement plans, for any phase of the project the subdivider shall provide a Storm Water Management plan for the relevant construction phase for preventing noncompliant storm water runoff at all times but especially during the rainy seasons for inclusion in the improvement plans. The plan would also need to cover the time period of the project after the subdivision improvements are installed and construction of the houses commences on disturbed soils. The Storm Water Management plan shall be prepared by a qualified storm water management professional. (ENGINEERING)
- z. Prior to any on or off- site grading or construction activities, including issuance of improvement plans for any phase of the project, the subdivider shall provide verification to the City Engineer that a qualified storm water management professional has been retained and is available to monitor construction activities and provide written reports to the City. This notification shall include name(s) and 24-hour contact information. The storm water management professional shall be present on site at all times necessary when work is occurring during the grading, trenching, and building construction phases (if homes to be built by subdivider) of the project in order to observe, assess, and direct on site storm water management. The storm water management professional shall also monitor the work site on a regular basis even when no construction activities are occurring to ensure that installed water quality and Best Management Practice devices or improvements are installed and functioning properly. The storm water management professional shall monitor the site prior to, during, and after any storm events. (ENGINEERING)
- aa. Prior to on or off- site any grading or construction activities, including issuance of improvement plans for any phase of the project, the subdivider shall provide funding for a qualified storm water management professional to be retained by the City to monitor the project's on and off site construction activities for compliance with the National Pollutant Discharge Elimination System (NPDES) Permitting Program and provide written reports to the City as directed by the City Engineer. The subdivider shall pay a deposit based on the City Engineer's best estimate of the monitoring time required by the project and the cost to retain a storm water management professional prior to any grading or construction activity including issuance of improvement plans. For budgeting purposes this is estimated to be 6 hours per week in the wet season and 3 hours per week in the dry season. Additional costs over and above the estimate shall be billed to the subdivider on a time and materials basis payable to the City prior to acceptance of project improvements. (ENGINEERING)

Commented [BF38]: Added for clarity of timing

- bb. The improvement plans shall clearly reflect and include all modifications and revisions to subdivision design as required by Condition Number 8, Subdivision Design.
- cc. The following shall be included in the project notes on the improvement plans:

Water Quality

- 1) Project construction shall be restricted within 100 feet of Secret Ravine Creek or the Aguilar Road tributary to the dry months of the year (i.e., May through October). (4.4MM-4b)
- 2) Work shall be scheduled to minimize construction activities in “high-risk” areas and the amount of active disturbed soil areas, during the rainy season (October 15 through May 1). “High-risk areas” include those areas within 50 feet of the USGS water courses, 100-year floodplains, regulated wetlands, and where slopes exceed 16 percent. Unless specifically authorized by the City Engineer or his designees during the rainy season, the developer shall not schedule construction activities in the “high-risk areas” or schedule to have more area of active disturbed soil area than can be managed in conformance with the regulations of the City of Rocklin, the Water Quality Control Board, or any other agency having jurisdiction in this area. (4.4MM-3c)

Air Quality

- 3) Traffic speeds on all unpaved road surfaces shall be posted at 25 m.p.h. or less.
- 4) All grading operations shall be suspended when wind speeds exceed 25 m.p.h.
- 5) All adjacent paved streets shall be swept during construction.
- 6) All trucks leaving the site shall be washed off to eliminate dust and debris.
- 7) All construction equipment shall be maintained in clean condition.
- 8) All exposed surfaces shall be revegetated as quickly as feasible.
- 9) Stockpiles of sand, soil, and other similar materials shall be covered and the beds of trucks hauling these materials to or from the site shall be covered to minimize the generation of airborne particles as required by the City Engineer.
- 10) Water or dust palliatives shall be applied on all exposed earth surfaces as necessary to control dust. Construction contracts shall include dust control treatment as frequently as necessary to minimize dust.

- 11) Construction equipment shall be properly maintained and tuned.
- 12) Low emission mobile construction equipment shall be utilized where possible.
- 13) Open burning of removed vegetation shall be prohibited. Vegetative material shall be chipped or delivered to waste or energy facilities. (4.8MM-2g)
- 14) Construction equipment exhaust emissions shall not exceed District Rule 202 Visible Emission limitations. (4.8MM-2b)
- 15) Idling time on the project site shall be limited to five (5) minutes for all diesel power equipment. (4.8MM-2e)
- 16) The California Air Resources Board (CARB) diesel fuel shall be used for all diesel-powered equipment. (4.8MM-2f)
- 17) The prime contractor shall submit to the District a comprehensive inventory (i.e. make, model, year, emission rating) of all the heavy-duty off-road equipment (50 horsepower or greater) that will be used for an aggregate of 40 or more hours for the construction project. The project representative shall provide the District with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman. The project shall provide a plan for approval by the District demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project wide fleet-average of 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average. The District should be contacted for average fleet emission data. Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products alternative fuels, engine retrofit technology, after-treatment products, and / or other options as they become available. As a resource, the Placer County Air Pollution Control District suggest contractors can access the Sacramento Metropolitan Air Quality Management District's web site, at <http://www.airquality.org/deqa/Constructionmitigationcalculator.xls>, to determine if their off-road fleet meets the requirements listed in this measure. (4.8MM-2c)

Archeological and Paleontological Resources

- 18) Heavy equipment operators shall be briefed by the project paleontologist to gain awareness of visual identification techniques in order to identify potential paleontological resources. (4.10MM2b)

- 19) If any paleontological resources are discovered during construction activities, all work shall be halted in the vicinity of the find and the project paleontologist shall be consulted and the City's Community Development Director shall be notified. Upon determining the significance of the resource, the consulting paleontologist, in coordination with the City, shall determine the appropriate actions to be taken, which may include excavation. (4.10MM2c)
- 20) If during construction outside of the areas designated as CA-PLA-515/H, Highlands #2, or AF-31-67-H, the project applicant, any successor in interest, or any agents or contractors of the applicant or successor discovers a cultural resource that could qualify as either an historical resource or a unique archaeological resource, work shall immediately stop within 100 feet of the find, and both the City of Rocklin and an appropriate Native American representative, including but not limited to the United Auburn Indian Community, shall be immediately notified ~~unless the find is clearly not related to Native American's per Southeast Rocklin Circulation Element Policy 47.~~ Work within the area surrounding the find (i.e., an area created by a 100-foot radius emanating from the location of the find) shall remain suspended while a qualified archaeologist, retained at the subdivider's expense, conducts an onsite evaluation, develops an opinion as to whether the resource qualifies as either an historical resource or a unique archaeological resource, and makes recommendations regarding the possible implementation of avoidance measures or other appropriate mitigation measures. Based on such recommendations, as well as any input obtain from the Indian Community within 72 hours (excluding weekends and State and Federal holidays) of its receipt of notice regarding the find, the City shall determine what mitigation is appropriate. At a minimum, any Native American artifacts shall be respectfully treated and offered to the Indian Community for permanent storage or donation, at the ~~Indian Community's~~ Native American Representative(s) discretion, and any Native American sites, such as grinding rocks, shall be respectfully treated and preserved intact. In considering whether to impose any more stringent mitigation measures, the City shall consider the potential cost to the applicant and any implications that additional mitigation may have for project design and feasibility. Where a discovered cultural resource is neither a Native American artifact, a Native American site, a historical resource, nor a unique archaeological resource, the City shall not require any additional mitigation, consistent with the policies set forth in Public Resources Code sections 21083.2 and 21084.1. (4-10MM-4a)
- 21) Should human remains be found, then the Coroner's office shall be immediately contacted and all work halted until final disposition is

Commented [BF39]: Added to fix typographic error / missing information

Commented [BF40]: Updated language

made by the Coroner. Should the remains be determined to be of Native American descent, then the Native American Heritage Commission shall be consulted to determine the appropriate disposition of such remains. (4-10MM-4b)

Noise

- 22) Mufflers shall be installed on all equipment with high engine noise potential. The equipment shall be turned off when not in use. (4.9MM-1a)
- 23) Equipment warm up areas, water tanks, and equipment storage areas shall be located in areas as far away from existing residences as is feasible. (4.9MM-1a)
- 24) The project shall comply with the City of Rocklin Construction Noise Compatibility Guidelines, including restricting construction-related noise generating activities within or near residential areas to between 7:00 a.m. and 7:00 p.m. on weekdays and between 8:00 a.m. and 7:00 p.m. on weekends to the satisfaction of the City Engineer or Building Official. (4.9MM-1b)

Geotechnical, Blasting

- 25) If blasting activities are to occur in conjunction with the improvements, the contractor shall conduct the blasting activities in compliance with state and local regulations. The contractor shall obtain a blasting permit from the City of Rocklin prior to commencing any on-site blasting activities. The permit application shall include a description of the work to be accomplished and a statement of the necessity for blasting as opposed to other methods considered including avoidance of hard rock areas and safety measures to be implemented such as use of blast blankets. The contractor shall coordinate any blasting activities with police and fire departments to insure proper site access and traffic control, and public notification including the media, nearby residents, and businesses, as determined appropriate by the Rocklin Police Department. Blasting specifications and plans shall include a schedule that outlines the time frame in which blasting will occur in order to limit noise and traffic inconvenience. A note to this effect shall be included on the project's Improvement Plans. (4.9MM-1b & 4.5MM-7)

Biological Resources

- 26) If a horned lizard is observed on the site, work shall cease in the area until the lizard can be moved to a safe location consistent with California Department of Fish & Game regulations. (4.6MM-2b)

- 27) If a yellow-legged frog is observed on the site during the construction phase, work shall cease in the area until the frog can be moved to a safe location consistent with California Department of Fish & Game regulations. (4.6MM-2d)

5. Special Provisions

- a. To comply with Rocklin Municipal Code chapter 15.16 (Flood Hazard), the final map shall provide for the following (ENGINEERING):
 - 1) Delineation of the 100-year floodplain elevation(s);
 - 2) Identification of a finish floor elevation of each lot at two (2) feet above the 100-year floodplain elevation;
 - 3) Recordation of a flood zone easement across the area of the 100-year floodplain boundary or fifty (50) feet from center line; whichever is greater.
- b. Prior to or concurrent with the recording of final maps for each phase of the project, the following provisions shall be recorded by separate instrument to be implemented with the issuance of building permits for development of each lot created by this subdivision (ENGINEERING):
 - 1) Grading and construction on individual lots in the Phase I area, Lots 1 – 23, as indicated on the tentative subdivision map shall comply with the provisions of the Vista Oaks Design Guidelines, DR-2002-21, adopted per City Council Resolution Number 2006-352.
 - 2) All residential lots in the Vista Oaks subdivision as indicated on Exhibit A are subject to Rocklin Municipal Code section 15.04.120.C.2. requiring a fire sprinkler system in each home.
- c. Prior to recording of a final map for any phase of the project the subdivider shall provide evidence that the following have been satisfied (ENGINEERING):
 - 1) The project shall implement an offsite mitigation program, coordinated through the Placer County Air Pollution Control District, to offset the project's long-term ozone precursor emissions. The project offsite mitigation program must be approved by Placer County Air Pollution Control District. The project's offsite mitigation program provides monetary incentives to sources of air pollutant emissions within the projects' air basin that are not required by law to reduce emissions.

Therefore, the emissions reductions are real, quantifiable and implement provisions of the 1994 State Implementation Plan. The offsite mitigation program reduces emissions within the air basin that would not otherwise be eliminated.

In lieu of the applicant implementing their own offsite mitigation program, the applicant can choose to participate in the Placer County Air Pollution Control District Offsite Mitigation Program by paying an equivalent amount of money into the District program. The actual amount of emission reduction needed through the Offsite mitigation Program would be calculated when the project's average daily emissions have been determined. (4.8MM-5a) (ENGINEERING, PLACER COUNTY AIR POLLUTION CONTROL DISTRICT)

- d. Landowner and City shall enter into a Reimbursement and Acquisition Agreement for the construction of the Monument Spring Bridge and roadway extension. The landowner and City will cooperate in the formation of a Bond Opportunities for Land Development (BOLD) Community Facilities District (CFD) for purposes of financing construction of the Monument Springs Bridge and roadway extension. City acknowledges that it holds approximately \$198,000.00 in an account, collected from Highlands 2 & 3, and allocated \$1,500,000.00 in the Capital Improvement Plan (CIP) to be used for the road extension and bridge construction. The funds held by the City will be advanced as the initial funding and progress payments toward bridge construction pursuant to the Reimbursement and Acquisition Agreement between the City and landowner / subdivider.

Commented [BF41]: Added to facilitate BOLD financing proposal

~~Prior to recording a final map for any phase of the Vista Oaks project the project shall provide for the reimbursement of a fair share of the costs to build the Monument Springs Bridge consistent with the provisions of Ordinance 856 as follows:~~

- ~~1) The subdivider shall provide funding to the City sufficient to pay for the preparation of an independent analysis to determine the entire Vista Oaks project's "fair share" of the costs associated with the construction of the Monument Springs Bridge. Said analysis shall establish a per lot fee to be applied equally to all of the residential lots created by the Vista Oaks subdivision. (CITY ATTORNEY, ENGINEERING)~~
- ~~2) Once the Vista Oaks project's fair share of the Monument Springs Bridge has been established by the independent analysis required~~

~~above, the project shall satisfy its reimbursement requirement by either (ENGINEERING):~~

~~i. Paying the “fair share” contribution identified by the approved analysis, on a per lot basis to the City of Rocklin for each lot created in that phase prior to or concurrently with recordation of the final map for that phase; or~~

~~ii. If a Community Facilities District has been established to fund the Monument Springs Bridge and ancillary improvements the subdivider shall cause the entire Vista Oaks project to be annexed into said Community Facilities District prior to or concurrently with the recordation of the first phase of project development.~~

Commented [BF42]: Deleted a no longer relevant given BOLD financing construction of the bridge.

6. Improvements in the Public Right-of-Way

The applicant shall obtain an encroachment permit for all improvements within the public right-of-way. Applicant shall post a performance bond and labor and materials payment bond (or other equivalent financial security) in the amount of 100% of the cost of the improvements to be constructed in the public right-of-way as improvement security to ensure the faithful performance of all duties and obligations required of applicant in the construction of the improvements. Such improvement security shall be in a form acceptable to the City Attorney. Such security shall be either a corporate surety bond, a letter of credit, or other instrument of credit issued by a banking institution subject to regulation by the State or Federal government and pledging that the funds necessary to carry out this Agreement are on deposit and guaranteed for payment, or a cash deposit made either directly with the City or deposited with a recognized escrow agent for the benefit of the City. (PUBLIC WORKS, ENGINEERING)

7. Deleted Flood and Drainage Control Agreement

~~The property owner shall enter into a written agreement with the City of Rocklin not to protest or oppose the establishment or formation of an improvement, assessment or similar district or area of benefit, or the levy or imposition of any assessment, fee, lien, tax or other levy, whether or not in connection with a district or area of benefit, for the purpose of flood and drainage control in the City of Rocklin. The agreement shall also indemnify the City against claims arising from developer's construction of improvements or development of the project and shall be recorded and binding on successors in interest of developer. (ENGINEERING)~~

Commented [BF43]: Deleted as no longer a City requirement

8. Subdivision Design

Prior to ~~approval issuance~~ of improvement plans and / or recording of a final map for any phase of the Vista Oaks subdivision the project design shall be revised as follows (ENGINEERING):

Commented [BF44]: Changed for consistency

a. Emergency fire access routes, a minimum of 6-feet wide, shall be provided to the open space areas at the end of all cul-de-sacs (between Lots 3 & 4, 10 & 11, 21 & 22, and south of Lot # 70) by extending the open space parcels between the parcels to the front setback line. An access easement shall be recorded over the portions of the open space fire access routes that are located within the front yards of single-family residential lots. The easements shall specify that no trees, fencing, or permanent structures may be installed within the easement area. Said access points shall provide for six foot high redwood or cedar solid wooden gates located at the front setback line from the street right-of-way. Gates shall be locking and shall be identified by "Fire Access Signs" bolted to the gates. (VII-1). (ENGINEERING, FIRE)

b. Extend the rear or easterly property lines of Lots 95 through 99 east 22 feet to the boundary with the adjacent Highlands ~~Parcel A Units 3 & 4 development~~ (APN ~~046-020-039454-060-020 and 454-060-032~~).

Commented [BF45]: Changed to correct project reference and update applicable Assessor Parcel Numbers (APN)

~~c. Prior to submission of improvement plans or a final map for Phase I the project design shall be modified to eliminate Parcel B (formerly proposed for a City freeway sign) to the satisfaction of the Community Development Director.~~

Commented [BF46]: Added to reflect changed requirement

9. Oak Tree Removal and Mitigation

a. Prior to any grading or construction activities, or the issuance of improvement plans, for any portion of the subdivision, an inventory of all existing trees in the ~~subdivision and in the construction~~ phase in question shall be provided along with a schedule of removal of those trees shown on the improvement plan to be removed with that phase shall be submitted for review. (PLANNING, ENGINEERING)

Commented [BF47]: Changed for clarity.

b. Prior to any grading or construction activities, or the issuance of improvement plans, for any portion of the subdivision, the subdivider shall retain a certified arborist to review the design of the subdivision improvements ~~for the construction phase in question~~ and recommend measures to protect the trees, which are designated to remain, both during construction and afterwards. The protection measures shall include but are not limited to appropriate fencing around those trees to remain. The protection measures shall be incorporated into the subdivision improvement

Commented [BF48]: Added for clarity

plans or grading permit for any portion of the subdivision prior to approval. (ENGINEERING, PLANNING)

- c. Prior to any grading or construction activities, or the issuance of improvement plans, for any portion of the subdivision, the subdivider shall provide verification that a certified arborist has been retained and prepared an inspection plan for the construction phase in question providing for the periodic inspection of the site during grading and construction and the necessary tree and root trimming to accommodate construction of roads, trails, and the emergency access bridge. Said arborist will implement the inspection plan and provide written verification to the City Engineer that the approved protection measures are properly implemented. (4.6MM-4a)(ENGINEERING)
- d. Prior to recording a final map for any phase of the project the project arborist shall prepare a final list of all oak trees removed within the relevant construction phase(s) that are six inches in diameter or greater, including total number and inches of trees removed. Prior to recording the final map the subdivider shall mitigate for the removal of all oak trees within that relevant construction phase that are six inches in diameter or greater, in compliance with the provisions of the City of Rocklin Tree Ordinance (Chapter 17.77 of the Rocklin Municipal Code (Ordinance 676), including planting replacement of trees and / or payment of in-lieu fees. If adequate locations cannot be found to replace all removed oak trees, then the remaining mitigation requirement shall be met through payment into the existing City of Rocklin Tree Preservation Fund at the rate and formula specified in the City of Rocklin Municipal Code. (4.6MM-6a) (4.6MM-6b) (ENGINEERING, PLANNING)
- e. If planting of replacement is trees is proposed to mitigate for the removal of oak trees a tree planting plan and related five year irrigation system shall be included with the improvement plans for that portion of the subdivision prior to issuance. The plan shall specify monitoring requirements including required inspections for at least a five-year period to ensure that the trees are established and able to survive on their own. The replacement trees shall be a minimum of 15-gallons in size and of oak species native to the Rocklin area as listed in Appendix A of the City of Rocklin Oak Tree Preservation Guidelines. Replacement trees shall be planted within open space parcels A, C, and D as deemed feasible by a certified arborist or landscape architect. (4.6MM-6a) (PLANNING, ENGINEERING)

Commented [BF49]: Added for clarity

Commented [BF50]: Added for clarity

10. Parks

- a. In lieu of paying the City's Neighborhood Park fees, Parcel E shall be improved and dedicated to the City as a park site.

Prior to recording any phase or portion of this tentative subdivision map, the subdivider shall execute the City's standard form turn key park improvement agreement requiring the subdivider to improve and dedicate, in fee, within a time established by the City, the park site with recreational equipment, facilities, and landscaping to the satisfaction of the Director of Community Services and Facilities. The agreement shall also provide for but not be limited to the following (Engineering, Community Services and Facilities):

- 1) The site shall be free of any physical condition or any title encumbrance to the land that would prevent their use as park sites.
- 2) The subdivider shall provide a verified delineation to the City for review and determination as to whether wetlands exist on the property. To the extent that there are wetlands on the parcel, the developer shall provide verification that they have complied with all federal and state permits for removal of any wetlands prior to dedication to the City.
- 3) The subdivider is responsible for installation of full street frontage improvement to City Standards (i.e., curb, gutter, and sidewalk, etc.) adjacent to and in the park site when China Garden Road is constructed. At the option of the City, sidewalks may be deferred and incorporated into the park development.

11. Riparian Area and Creek Protection

An open space and conservation easement (as described in Government Code section 51070, et seq.) shall be recorded over that portion of the subdivision described as follows for purposes of riparian area and creek protection (ENGINEERING, CITY ATTORNEY):

Parcels A, C, D, & E

The easement shall be in substantial compliance with the City's form Grant Of Open Space And Conservation Easement, and shall prohibit, among other things, grading, removal of native or mitigation vegetation, deposit of any type of debris, lawn clippings, chemicals, or trash, and the building of any structures, including fencing except a tubular steel fence to be located 10-feet behind the back of curb or sidewalk as applicable where the parcel abuts a street; provided,

that native vegetation may be removed as necessary for flood control and protection pursuant to a permit issued by the California Department of Fish and Game.

12. Phasing

The project may be developed in up to three phases as indicated on Exhibit A subject to the following (ENGINEERING, PLANNING):

- a. The following shall be completed with the development of any phase of the Vista Oaks project:

~~4.e.3)xiii.4)~~ Implement the approved Open Space Management and Fuel Modification Plan prior to recording of a final map for any phase of the project or acceptance of the open space parcels by the City. (VII-1.) ~~Prior to recording a final map for any phase, the owner of the Parcel A open space area, as indicated on the tentative subdivision map, shall enter into an agreement with the City of Rocklin to maintain the Fuel Modification Zone adjacent to each phase of development until such time as Parcel A is dedicated to the City. The contract shall specify that in the event that the property owner fails to fulfill the maintenance obligation the City may place a lien on the land and perform the required work.~~

Commented [BF51]: Changed for clarity and cross reference.

~~2) Prior to or concurrently with the recording of a map for the first phase of the project to be constructed Parcel B shall be dedicated to the City.~~

Commented [BF52]: Moved from Phase III requirement as applicable to all development phases and safety of residents moving into each phase.

Commented [BF53]: Deleted no longer a City requirement

- b. The following improvements as described in these conditions of approval and noted below shall be completed with the development of Phase I as shown on Exhibit A:

- 4.e.3)i. (14-foot noise wall for homes);
- 4.e.3)ii. (8-foot noise wall for park);
- 4.e.3)iv. (residential / open space interface fencing);
- 4.e.3)v. (masonry wall between residential lots and park);
- 4.e.3)vii. (remove billboards);
- ~~4.e.3)ix. (stub utilities to Parcel B);~~
- 4.e.3)x. (stub utilities to Parcel E ~~park site~~);
- 4.e.3)xi. (Construct trail system through Parcel A), and connect to end of Monument Springs Road in the Rocklin Highlands;
- 4.e.3)xii. (Construct emergency access bridge);
- 4.e.3)xiv. (construct trail head parking and turn around);
- ~~4.e.4)ii (Construct four foot meandering sidewalk along China Garden Road);~~

Commented [BF54]: Deleted no longer necessary

Commented [BF55]: Added for clarity

Commented [BF56]: Added to fix omission.

~~4.e.4)i. (extend Monument Springs Drive across Secret Ravine Creek to Highlands 3 & 4 subdivision);~~

Commented [BF57]: Deleted to fix error, should have been requirement of Phase III.

c. The following improvements as described in the below noted conditions of approval shall be completed with the development of Phase II as shown on Exhibit A:

- 4.e.3)iv. (construct residential / open space interface fencing);
- 4.e.3)vi. (construct tubular steel fence along open space frontages);
- 4.e.3)xii. (construct trail system through Parcel A), and connect to end of China Garden Road;
- 4.e.3)xiii. (construct emergency access bridge);
- 4.e.4)i. (extend Monument Springs Drive across Secret Ravine Creek to Highlands 3 & 4 subdivision prior to issuance of the 58th building permit in either Phases II or III collectively);

Commented [BF58]: Deleted to correct typographic error

Commented [BF59]: Added for clarity and to facilitate BOLD financing proposal

d. The following improvements as described in the below noted conditions of approval shall be completed with the development of Phase III as shown on Exhibit A:

- 4.e.3)iii. (build rear yard sound walls);
- 4.e.3)iv. (residential / open space interface fencing);
- 4.e.3)vi. (construct tubular steel fence along open space frontages);
- ~~4.e.3)xiii. (implement fuel modification plan) Prior to recording a final map for Phase III the owner of the Parcel A open space area, as indicated on the tentative subdivision map, shall enter into an agreement with the City of Rocklin to maintain the Fuel Modification Zone adjacent to the Phase III development until such time as Parcel A is dedicated to the City. The contract shall specify that in the event that the property owner fails to fulfill the maintenance obligation the City may place a lien on the land and perform the required work.~~

Commented [BF60]: Deleted as redundant, already a requirement of all phases in "a" above. Language about maintenance agreement moved to that location for consistency and resident safety.

4.e.4)i. (extend Monument Springs Drive across Secret Ravine Creek to Highlands 3 & 4 subdivision prior to issuance of the 58th building permit in either Phases II or III collectively);

Commented [BF61]: Added to fix omission for to facilitate BOLD financing proposal

13. Monitoring

Prior to any grading or construction activities including issuance of improvement plans, for any phase of the project the subdivider shall deposit with the City of Rocklin the current fee to pay for the City's time and material cost to administer the Mitigation Monitoring Program. The Community Development Director shall determine if and when additional deposits must be paid for administering the Mitigation Monitoring Program, including additional deposits on subsequent phase final maps. (ENGINEERING)

14. Indemnification and Duty to Defend

Within 15 days of approval of this entitlement by the City, the subdivider shall execute an Indemnity Agreement, approved by the City Attorney's Office, to indemnify defend, reimburse, and hold harmless the City of Rocklin and its agents, officers and employees from any claim, action, or proceeding against the City of Rocklin to set aside, void or annul an approval of the entitlement by the City Planning Commission or City Council, which action is brought. The City will promptly notify the applicant of any such claim, action or proceeding, and the City will cooperate in the defense of the claim, action or proceeding. Unless waived by the City, no further processing, permitting, implementation, plan checking or inspection related to the subdivision or parcel map shall be performed by the City if the Indemnity Agreement has not been fully executed. (CITY ATTORNEY)

Commented [BF62]: Added to reflect current City requirement / standard condition of approval.

15. Validity

Pursuant to AB1561, the approval shall expire on May 14, 2023.

~~a. This entitlement shall expire two years from the date of approval unless prior to that date a building permit has been issued or a time extension has been granted. (PLANNING)~~

~~b. This entitlement shall not be considered valid and approved unless and until the concurrent entitlements have been approved: General Plan Amendment, GPA-2002-04; Rezone, Z-2002-02; General Development Plan, PDG-2001-07; and Design Review, DR-2002-21. (PLANNING)~~

Commented [BF63]: Changed to reflect current project validity status baring further action by the State. The project is not eligible for an any further time extension by the City.

PASSED AND ADOPTED this 14th day November, 2006, by the following roll call vote:

AYES: Councilmembers: Hill, Storey, Yorde, Magnuson

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ABSTAIN: Councilmembers: Lund

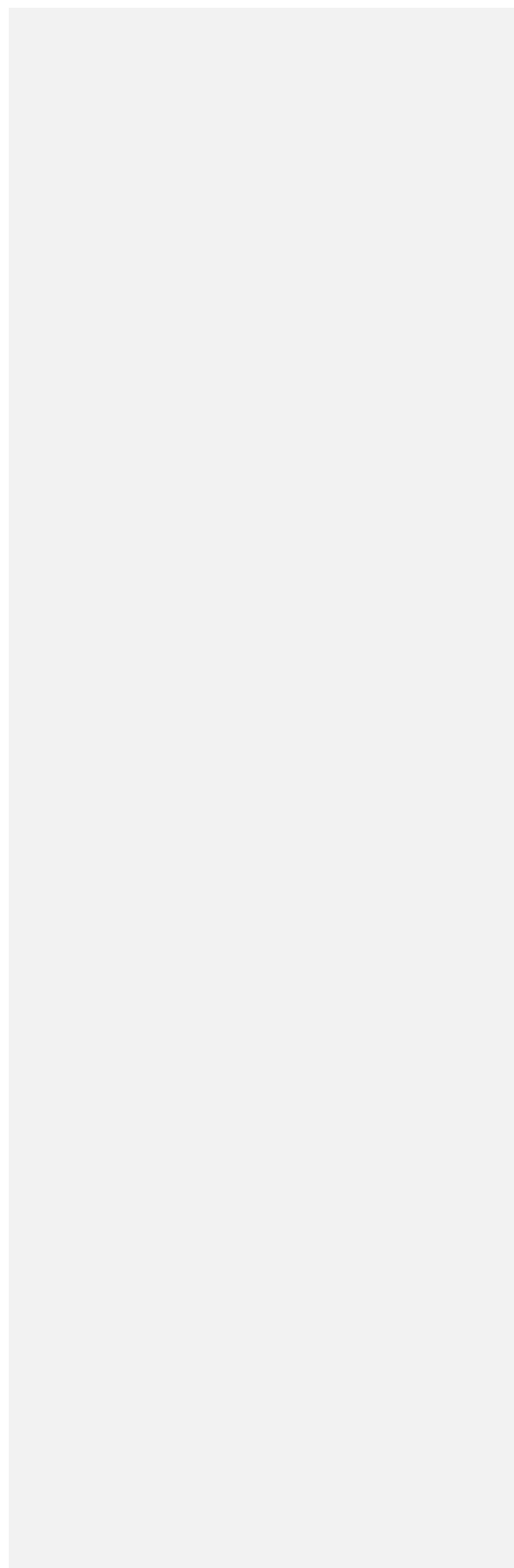
George Magnuson, Mayor

ATTEST:

Barbara Ivanusich, City Clerk

EXHIBIT A

Available at the Community Development Department, Planning Division



DATE: April 19, 2022

TO: Planning Commission

FROM: David Mohlenbrok, Community Development Director
Bret Finning, Planning Services Manager

RE: Monument Springs Bridge and Roadway Improvements Subdivision
Modifications
Item # 5
Correspondence

Subsequent to the publication of the April 19 agenda, additional correspondence was received and is provided for your information.

=====
From: Lance Lutticken <lutticken44@gmail.com>
Sent: Tuesday, April 19, 2022 2:54 PM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Cc: Danielle Lutticken <daniellek282@gmail.com>
Subject: Granite Lakes Estates

4/19/2022

RE: Granite Lakes Estates Modification

To: Planning Commission, City of Rocklin

I am writing this email in response to the proposed development of the Monument Springs / Greenbrae neighborhood of our city. Unfortunately I will be unable to attend today's meeting in person however I do have concerns with this proposed plan.

My concern with the proposed plan is the lack of ingress / egress of traffic flow into and out of our neighbourhood. Currently the primary feeder street into our neighborhood is Angular Rd. which is a narrow two lane country style road with no sidewalks or shoulder. Within the past year my family and I have noticed a significant increase in vehicular and pedestrian traffic along Agular between China Garden & Greenbrae. With the current development of "Rocklin Meadows" (27 homes) being built at the corner of Greenbrae & Brookshire as well as the newly constructed houses on Grey Lodge Loop & Agular it is obvious that Agular Road can not safely support the traffic flow that these neighborhoods demand on a daily basis let alone the proposed additional housing units.

In addition to daily usage I have concerns about emergency access as well egress for residents. Where our neighborhood is situated it presents some major challenges especially in terms of access to combat fire. As I referenced last year's fire department annual report it clearly shows that the current neighborhood as well as the proposed development site are in a "very high threat zone to people". The neighborhood sits in the wildland urban interface (WUI) bordered by Secret Ravine and Echo Ridge that has already been identified by the fire department to pose a significantly increased fire threat to the community.

I do acknowledge that we are seeing great growth in our city but with growth we must ensure that our infrastructure keeps up with the demands of that growth. Before we allow additional building in the Greenbrae / Monument Springs area we must have additional ingress and egress plans in place, such as the proposed Secret Ravine bridge. Without the infastruce in place prior to building, I feel that it would be irresponsible of the city to allow additional projects and that it would unnecessarily place the community at risk.

Respectfully Submitted,
Lance & Danielle Lutticken
Rocklin Residents

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From: ED WESCHE <ewesche@hotmail.com>
Sent: Tuesday, April 19, 2022 1:15 PM
To: Hope Ithurnburn <Hope.Ithurnburn@rocklin.ca.us>
Subject: Aguilar rd traffic and future development

I am not in favor of any more new home construction that increase's traffic on Aguilar Road . This road was never intended to support the current traffic load it is a fatal accident looking to happen. Honor the "conditions of approval" the city put in place. Begin construction of the Monument Springs Bridge before any more home building...

Ed Wesche

Sent from [Mail](#) for W 4454 Greenbrae RD

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From: Vicki Schwermann <vschwermann@yahoo.com>
Date: April 19, 2022 at 1:17:35 PM PDT
To: Joe Patterson <Joe.Patterson@rocklin.ca.us>, jill.gayaldo@rocklin.ca.us, bill.halldin@rocklin.ca.us, greg.janda@rocklin.ca.us, alyz@rocklin.ca.us, bret.finning@rocklin.ca.us, dara.dungworth@roclin.ca.us, nathan.anderson@rocklin.ca.us, shawna.nauman@rocklin.ca.us, sheri.chapman@rocklin.ca.us, laura.webster@rocklin.ca.us
Subject: Monument Springs Bridge

Dear Honorable Mayor, City Planning Commission and City Council members.

Yesterday I learned that there is a Planning Commission meeting today to discuss Monument Springs Bridge and a request from the developers of Vista Oaks and Granite Lakes Estates. I'm confused as to why the surrounding residents weren't notified of this meeting? Unfortunately I'm out of town and cannot attend.

I learned that Vista Oaks and Granite Lake Estates are requesting to build prior to the construction of the bridge.

"In short, the request from Vista Oaks is to build 58 homes before Monument Springs Road and the bridge are complete. Granite Lakes estates would build 52 for a total between both project at 110 houses. Bond issuance to buy the bridge and approaches requires (the lien to value ratio requirement) about 110 homes."

Over time I have spoken to almost all the residents in Granite Lake Estate, down Aguilar and all the nearby homes that drive down Aguilar daily. Two hundred twenty five residents signed a petition

requesting that the Monument Springs Bridge be built before any further development occurs in our area. This is due to safety concerns for people who walk on Aguilar and are in danger of being hit by a car.

Granite Bluffs which is being built now is a nightmare for Aguilar and has made Aguilar even more dangerous. The fact that they were not required to contribute to the construction of the bridge is irresponsible of the city and county. The bridge should have been completed before even that was done. At the very least, they should have been required to make the sidewalks and street safe before starting construction. This is just one of many examples of a lost opportunity to collect funds towards the construction of the bridge. If those funds had been collected from all the homes that were built starting in 1993 the bridge would have been built long ago. This is an appalling lack of forethought and city planning. This is your opportunity to right the wrongs that have occurred over the past almost 30 years.

If you look at the background report below you will see that there is to be no construction prior to the construction of the bridge.

We, the residents that use or live on Aguilar, implore you to not allow any construction that impacts Aguilar to begin prior the construction of the bridge.

That being said, I understand the need of the developers to make some money in order to pay for the bridge. I believe that part of the development could be built not using Aguilar. I believe the access would be from China Garden or from the Roseville side. I would not oppose that option.

- In 2020, the City earmarked \$1,500,000 towards the construction of the Bridge with the balance to be developer funded.
- The City's 2022-26 Capital Improvement Plan includes funding for future improvements to Aguilar Road: \$150,000 for planning/design work in 21-22, \$500,000 for land acquisition in 22-23, and \$1,500,000 construction and \$225,000 contingency in 23-24 (Total project cost \$2,375,000)

This bridge needs to be built now. A thought could be to allow the developers to build the homes that do not impact Aguilar. Collect \$23,000ish per house when it sold through escrow into account towards payment of the bridge. The City of Rocklin adds that to the \$1.500,000 to pay for the bridge. The city fronts the money to complete the bridge to be refunded by the developer once the houses are completed. The developers would be paying \$2,530,000 towards the bridge. I'm sure prices have risen and this is a random idea but something needs to be done. I hope this new and improved City Planning and City Council will right the wrongs of their predecessors.

Thank you for your time

Victoria Schwermann
4608 Sycamore Place
Rocklin
916-396-9119.

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From: Hollie <holliegoeppert@yahoo.com>
Sent: Tuesday, April 19, 2022 2:13 PM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: Monument Springs Bridge

To whom it may concern,

We are residents in the community off of Greenbrae Road.

We want the Planning Commission to **DENY** the Request for Modifications of the Conditions of Approval for the Monument Springs Bridge.

Aguilar Road is old and too narrow to support the current traffic as it is. We take this road multiple times a day. **We do not support another home development without the creation of the Monument Springs Bridge to give another point of access for our expanding residential community.**

Thank you,

Graham and Hollie Goeppert

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From: Christine Sloan <christine.sloan@me.com>
Sent: Tuesday, April 19, 2022 1:45 PM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: Proposed construction

We are residents on Brookshire Drive in Rocklin. The construction along Aguilar Road has been very disruptive to traffic and the road conditions are horrible. The road is continually torn up and potholes are up and down the road. The extra wear and tear on our vehicles has been frustrating. Please do not approve further construction when the only access is Aguilar. If the proposed solution is Monument Springs Bridge, please ensure that it is built prior to further construction traffic.

Thank you,

Christine and Cody Sloan
6290 Brookshire Drive, Rocklin

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From: Christina Smith <cmaples02@gmail.com>
Sent: Tuesday, April 19, 2022 1:20 PM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: 3 new subdivisions concerns

Dear Rocklin Planning Commission,

It has been brought to our attention that developers are attempting to bypass the construction of the Monument Springs bridge and build more homes at the end of Greenbrae Rd. As a resident of Greenbrae road, this is very concerning. With current development already in progress off of Greenbrae and Aguilar, this would only create more traffic issues in the area. Even upon the current development completion, this would add years of construction traffic on Aguilar road. It would be in the city's best interest to deny the developers of this request. The Monument Springs Bridge and a fix to Aguilar road should be completed first.

Why does the Planning Commission and the City Council allow these developers to continue to delay the bridge knowing this creates heavy traffic issues and quality of life for all the residents in our area?

Thank you for your time,
Christina & Dustin Smith
4524 Greenbrae Rd

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Christina Smith
cmaples02@gmail.com

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From: Carol Rubin <midwaydrivewoodland@gmail.com>
Sent: Tuesday, April 19, 2022 12:31 PM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: Monument Springs Bridge, questions for City Planners

Hello, After reading the documents referenced in this item, I have a number of questions about the Monument Springs Bridge project that I hope the City of Rocklin planners and/or the Planning Commission can address at tonight's hearing:

Exactly how many permits are the developers requesting before bridge construction begins?

Staff Report P 6--- says the builders want 110 permits issued before construction of the bridge begins But the modified proposal is 78 for GLE? Does this include the 48 already built?

See P 4 of the addendum to the previous EIR: 57 for Vista Oaks II (10) and III (47)

= 135 permits (78 GLE+57 VO)? Or 87 permits (30 GLE + 57 VO) or 110 permits? (how derived?)

How certain is BOLD Funding?

In the Staff Report and proposed resolutions, the “developers” (GLE, VO & HPA? – please spell out specifically who is bound by these agreements) are only required to “cooperate in the formation of a BOLD CFD.” If this “cooperation” does not result in issuance of BOLD financing or if the agreement falls apart (developers can sell to another investor, go bankrupt, or decide to wait for better economic conditions to complete a phase, for example) before the 85/110/135 building permits issued for bridge construction to BEGIN it appears that development would proceed up to 110 houses even if BOLD funding does not materialize.

From the Staff Report (p 6)

To that end the Granite Lake Estates and Vista Oaks representatives have initiated the first steps in the process to obtain BOLD CFD bond issuance to fund the construction of the Monument Springs bridge and roadway extensions. They retained the firm of Development & Financial Advisory, who has done other BOLD CFDs in the City, which determined that to achieve the required loan to value (LTV) and debt service coverage (DSC) needed to support an initial BOLD CFD bond issuance, between the three projects an estimated total of 110 building permits would need to be issued prior to the start of bridge construction.

The City’s CFD underwriter, Piper Sandler, has independently examined and confirmed the analyses supporting this figure

Exactly who are the “three projects” referred to? GLE & VO II & III? GLE, VO & HPA? Some other combo? How many parties are going to have to agree to this BOLD funding plan?

Staff Report P 7:

This entire proposal, to allow home construction to proceed ahead of completion of the Monument Springs bridge and associated roadway improvements in order to allow for the issuance of bonds to fund construction of those improvements, rests upon the requirement that the projects, independent of the BOLD process, will post performance and completion bonds for any unfinished improvements, including the construction of the Monument Springs bridge and roadway improvements, with each phase of the respective projects for which recording of a final map is requested. Building permits for construction of homes within a given phase of a subdivision may not be issued prior to recording of a final map, with the exception of a limited number of building permits for model homes. When a final map is recorded it is generally assumed that the majority of required improvements (streets, utilities, etc.) have been completed So BOLD funding is not required? What does this language mean exactly? If the developers have to post performance bonds anyway, why the BOLD funding requirement?

What exactly will happen if 109 houses are built (i.e., BOLD trigger is not reached) but the Bridge is not? Lots of vague language in the proposed resolutions.

Staff Report P 7: With regard to the Granite Lake Estates, Vista Oaks, and Highlands Parcel A subdivisions, it would be expected that, as each phase developed, the respective developer would enter into a subdivision improvement agreement and post performance bonds for any remaining work within the phase, including

WHAT? “It would be expected??” not “required?”

Staff Report P 7:

“ with the subdivision improvement agreement and performance bonds in place, the City and the public would be assured that funding to complete the Monument Springs bridge and roadway improvements would be in place prior to construction of any new homes, with the possible exception of a limited number of model homes

But funding is NOT assured; only that the developers “cooperate in seeking a BOLD agreement”:

P 10 of GLE proposed resolution:

i) The subdivider shall have cooperated in the formation of a Bond Opportunities for Land Development (BOLD) Community Facilities District (CFD)

P 19 of GLE proposed resolution:

The landowner and City will cooperate in the formation of a Bond Opportunities for Land Development (BOLD)

Community Facilities District (CFD) for purposes of financing construction of the Monument Springs Bridge and roadway extension

P 1 of VO proposed resolution:

Both the Vista Oaks and Highlands Parcel A project have conditions of approval requiring that extension of Monument Springs Drive, up to and including the Monument Springs Bridge, be constructed prior to filing a final map for either Phase II or III of Vista Oaks, or for the single phase of Highlands. All three (3) current property owners (for Vista Oaks, Highlands Parcel A, and Granite Lake Estates) have cooperatively engaged consultants and created the process and timeline by which a Bond Opportunities for Land Development (BOLD) Community Financing District (CFD) might be formed to build the bridge and associated approach improvements, all of which were previously contemplated and approved. The City’s bond consultant underwriter (Piper Sandler) has confirmed the methods and means presented by the landowners and their financing consultant. To create the BOLD CFD the developers must complete site improvements and build approximately 110 homes

“might” be formed? Not “will be formed”

P10 of VO proposed resolution:

iii. The subdivider shall have cooperated in the formation of a Bond Opportunities for Land Development (BOLD) Community Facilities District (CFD) consistent with policies and procedures for Land Secured Financings adopted pursuant to Resolution No. 2005-112 for purposes of financing construction of the Monument Springs bridge

Thank you

Carol Rubin
5770 Aguilar Road

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From: Deborah Dillon <deborahmdillon@gmail.com>
Sent: Tuesday, April 19, 2022 11:40 AM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: Monument Springs Bridge

Dear Planning Commission:

My name is Deborah Dillon and I reside in Granite Lake Estates, near the end of Greenbrae Road where the proposed development of 30 homes will be built. I have observed first-hand what the residents of Aguilar Road have had to endure as construction along their "country road" has occurred. It is way past time to give them and those of us who use the road a modernization of Aguilar and an alternative route to the neighborhoods beyond. I thought that when the Aguilar Road area was incorporated into Rocklin that it would bring sidewalks and light to the street, making it a safer place to walk and drive. Adding the travel of residents of another 30 homespun top of the 27 that are currently being built with no plans for the building of the Monument Springs Bridge is worrisome. Not only will the residents stress this narrow road, but the construction traffic will bring heavy truck and equipment down Aguilar, as well.

Please consider ensuring that a bridge be built before granting more building permits.
Thank you for your time,
Deborah Dillon

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From: Jon Buch <jdbuch1@gmail.com>
Sent: Tuesday, April 19, 2022 10:32 AM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Cc: Jon Buch <jdbuch1@gmail.com>
Subject: Planning Commission review of expanded development for Granite Lakes Estates/Vista Oaks/Highlands

To whom it may concern,

I am a resident of Granites Lakes Estates on Brookshire Dr in Rocklin. I am writing because I understand there is a hearing regarding additional home development in the area and there is a proposal to again delay prioritization/funding/construction of the Monument Springs Bridge. I am not able to attend the meeting so I am providing feedback via email.

I have been a resident of the neighborhood since 2009 and have seen the construction of the bridge deferred at least three times as continued development projects are approved. The primary and sole access point is Aguilar Rd which is an undeveloped county road, is not conducive to the levels of motor and pedestrian traffic currently on the road (much less the added traffic from additional homes), and has been left in deplorable condition by recent construction projects. Furthermore, I am concerned about Aguilar Rd being the primary exit route in the event of an emergency (assuming an emergency impacted the area west of the Aguilar and Greenbrae intersection).

I have seen the Rocklin Planning Commission and City Council continue to defer construction of the Monument Springs Bridge with the promise that the next construction project will be required to fund the bridge. How many more times will the bridge construction be deferred? In a recent City Council meeting, it was stated by city officials that "not one more home" would be built without the bridge being prioritized, however here we are again facing approval of at least 30 more homes to be constructed without the bridge.

The Planning and City Councils need to consider their past guidance/promises, the impact of continued construction and increased citizen/motor traffic on an undeveloped and unsafe road (Aguilar) especially with regard to their citizens safety, the availability and flow of emergency vehicle and citizen traffic in the event of an emergency, their own past decisions/guidance that the next construction project (this will now be the fourth "next" project) will warrant construction of the bridge, and finally prioritize construction of the bridge.

Thank you for your consideration of my comments.

-- **Jon Buch**

jdbuch1@gmail.com

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From: David <djlubeck@msn.com>
Sent: Tuesday, April 19, 2022 9:57 AM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: Granite Lakes Estates Modification

I understand that tonight there will be a discussion to add more homes and in turn more traffic to Aguilar road. This road can not take more traffic. Years ago my daughter named it "The Suicide Street" because at that time it was too dangerous to walk on. You do not see people walking on Aguilar any more. Now it is getting to dangerous to drive on. The road conditions are so bad that people drive on the wrong side of the road to avoid the pot holes.

The Monument Springs Bridge must be built to protect this community.

To me Aguilar is a clogged artery. It needs the bypass to give life to our neighborhood. What the city is doing allowing 30 homes at a time to be built would be like a doctor letting a patient put on 30 pounds at a time but not giving them the life saving bypass surgery to save them. The city putting in 30 homes every few years may not sound like much, but after doing that many times over you are killing this beautiful neighborhood.

Please uphold the promise made to this community and first build the bridge and then add the homes. You promised, now is the time to back up your promise.

David Lubeck
6317 Monument Springs Drive
Rocklin CA

=====
From: Angel Armstrong <angel.armstrong@yahoo.com>
Sent: Tuesday, April 19, 2022 9:42 AM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: Monument Springs Bridge

Good Morning,

Thank you to the Planning Commission for meeting to discuss the Monument Springs Bridge this afternoon. And thank you for giving consideration to the current residents and our concerns about the building of future homes given the current infrastructure.

My family is concerned about the amount of construction and residential traffic which will traverse our neighborhood streets if the City of Rocklin allows the building of new homes before constructing the MSB. Aguilar Rd is the ingress/egress path most people are forced to take and its barely a two lane road in parts of it. On one occasion, I had to pull over for a little boy, Bowen, about three years old, who was crouched in the bushes trying not to get hit by the passing cars, traveling too fast, and couldn't see him. Fortunately, he was so bright that he knew his mother's phone number and I was able to stay with him until Dad came to get him.

There is also a large number of youth and adults who walk, run, ride bikes, etc., along Aguilar, which adds to the risk of accidents and injuries. Adding sidewalks and a bike lane would be greatly appreciated but would not really alleviate the danger associated with heavy traffic on that narrow road. We sincerely hope you consider building the MSB before building new homes. We do realize the City's budget may not include the MSB as a line item but hope you could adjust the budget for it.

If you would like to reach out, my contact information is; cell 916.301.2592, email angel.armstrong@yahoo.com.

Have a great rest of your day.
Very Respectfully,
John, Angel, and Trevor Ruffcorn

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From: rcaretti <myalexis2003@aol.com>
Sent: Tuesday, April 19, 2022 5:38 AM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: Additional New Housing Construction Grante Lakes Estates/Vista Oaks/Highlands

Planning Commission: I am a Resident of the [Rocklin](#) area since 1980 and in Particular the [Aguilar Road/Greenbrae Rd](#) Area for the past 14 yrs. A major concern to me since moving to this area was the access via [Aguilar Rd](#). This is a major substandard Road. Extremely dangerous and unsafe for the

residents and traffic in 2010 and 100 times more dangerous since the addition of two more construction projects since 2020.

[Aguilar](#) Rd must be brought up to current standards for safety for existing residents prior to any more [additional](#) Traffic, whether it be Residential or Construction. The area also must have a Monument Springs Bridge in place prior to the consideration of new Housing Projects. This is an absolute condition for further Housing Expansion.

Please do not approve the additional development in the area. For the safety and well being of the area Residents the Request by Developers to construct another 30 homes with out [Aguilar](#) Rd and the Bridge being in place must be denied.

Thank You for making the Right Decision and Denying the Developers Request.

Ronald E. [Caretti](#)
4484 [Greenbrae](#) Rd
[Rocklin](#), California 95677

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From: Evanne Conley <evannejconley@icloud.com>
Sent: Monday, April 18, 2022 7:42 PM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: Monument Springs Bridge

Dear Commissioners McKenzie, Cortez, Bass, Barron, and Vass:
Regarding the Granite Lake Estates and Vista Oaks Modifications of the Conditions of Approval, I respectfully request that you **deny** the proposed Modifications.

As a resident on Aguilar Road, construction of the the Monument Springs Bridge is an absolute necessity before any additional communities proceed. The current level of traffic on Aguilar road is extremely unsafe and should be addressed immediately.

Thank you for your time.
Evanne Conley

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From: Ftaylor844 <ftaylor844@aol.com>
Sent: Monday, April 18, 2022 7:40 PM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: DO NOT BYPASS the current development agreement

Staff:

Please DO NOT BYPASS THE CURRENT DEVELOPMENT AGREEMENT TO CONSTRUCT THE MONUMENT SPRINGS BRIDGE (MSB) BEFORE ANY MORE BUILDING PERMITS ARE ISSUED. DO NOT EXTEND THE PERMITS TO ALLOW MORE HOUSES WITHOUT THE CONSTRUCTION OF THE MONUMENT SPRINGS BRIDGE.

Respectively,

Floy & Moses Taylor
4441 Greenbrae Road
Rocklin, CA 95677
(408) 226-5826

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From: Abdul Siddique <abdul.siddique@gmail.com>
Sent: Monday, April 18, 2022 6:14 PM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: Fwd: City of Rocklin General Plan

Thank you for the information, I reviewed them at my best. If I understood them correctly, the new single family houses are planned to be built right and left of the Ursula Way,

https://www.rocklin.ca.us/sites/main/files/file-attachments/granite_lake_estates_modification_project_info.pdf?1648221821

1. How far are (in feet?) these new houses from Ursula way to the east?

2. Are these new proposed houses single or double story?

I attached my parcels sketch for understanding, please see attached "455-210-006-000_325 ADRIANA CT". It may help to conceptualize my point of view. I was suspecting I'll end up sharing my north fence (046-020-071-000_Right Behind my home) with multiple houses in the backyard, so it would be a privacy concern. If you could **please help me understand the parcel's (046-020-071-000_Right Behind) planning that I would share alongside my north fence in future** that would be greatly appreciated.

3. How many houses per acre this lot has? the zoning ?

Currently there is a dirt road between my parcel#455-210-006-000 & the adjacent parcel #046-020-071-000.

4. Would the dirt road stay or will go away situated alongside the north fence of my house, please reply!

Please address these questions, if you need additional property information I'll be best reached at 916-580 9110,

Thank you,

Abdul Siddique
325 Adriana Court
Roseville, CA 95661

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From: Carol Rubin <midwaydrivewoodland@gmail.com>
Sent: Monday, April 18, 2022 5:57 PM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Cc: Justin and Jessica Rozek <jjrozek@gmail.com>
Subject: No new building permits without Monument Springs Bridge

Good Evening,

I am a property owner on Aguilar Road. I wholeheartedly support the comment (attached) submitted by Jessica and Justin Rozek concerning the planned Granite Lake Estates/Vista Oaks/Highlands Parcel developments.

Traffic along Aguilar Road is already too dangerous for a roadway of this size and Rocklin Meadows isn't even built out yet. The best solution to the Aguilar Road traffic issue is to build the promised Monument Springs Bridge. Until the bridge is built, traffic congestion, noise and air pollution on Aguilar will increase, and access for emergency vehicles and emergency egress for residents will worsen.

As long as funding for the Monument Springs Bridge depends on agreements with multiple developers, any of whom may go bankrupt, sell out to other investors, or simply change their minds, this bridge will never be built. I do not understand why the City of Rocklin is letting a bunch of deep-pocket outfits worth billions of dollars push them around over a few million to fund the bridge. The City has to stand firm and let it be known that not a single building permit will be issued until bridge funding is deposited in a cast-iron escrow account, no matter what happens to the developers or their plans.

Carol Rubin
5770 Aguilar Road

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From: rudytw811@gmail.com <rudytw811@gmail.com>
Sent: Monday, April 18, 2022 5:52 PM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: Monument springs drive and bridge

Sent from my iPhone. As a resident of monument springs drive I find it astonishing that our city and planning commission would consider the same failed proposals of the last two decades concerning this bridge and roadway. The city should fund this bridge and road prior to building any more homes. Monies gained from future property taxes will more than reimburse our city. Do the right thing, don't keep making the same failed policies of the past, over and over. Thanks

=====
From: Jim Clifford <ltcjimclifford@gmail.com>
Sent: Monday, April 18, 2022 3:17 PM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: Concerns about traffic issues on Aguilar Road with proposed developments

Commissioners McKenzie, Cortez, Bass, Barron, and Vass:

Regarding the Granite Lake Estates and Vista Oaks Modifications of the Conditions of Approval, I respectfully request that you deny the proposed Modifications.

You may or may not be aware of the long-standing issue of the Monument Springs Bridge (MSB) associated with the GLE/VO properties, resulting from the failures of previous City and Placer County officials which continue to negatively affect our residences and quality of life. These failings resulted in the MSB not being completed decades ago. In summary, the City set *Conditions for Approval* for any future development (specifically GLE/VO/ Highlands Parcel) with a trigger (the 49th permit) to initiate construction of the bridge before any additional permits are issued. That was after the City allowed Developer #1 to complete 40 homes before the bridge to "offset the construction cost" (Staff Report, May 28th 2002), then allowed Developer #2 to push out construction to the 48th permit (Staff Report February 23, 2010 referencing Planning Commission meeting dated November 17, 2009). Now in 2022, the GLE and VO3 developers have teamed up to again request another delay in the bridge at the 78th permit. All while the developers/owners of the GLE and VO properties were well aware of the expectations and, more specifically, the *Conditions of Approval* for development of these properties.

The Planning Commission has before it a request by the developers of GLE and VO to extend the 'trigger' for bridge construction from the 49th permit to the 78th permit. What this means is the Developers want to construct another 30 homes, which includes adding years of construction traffic onto Aguilar Road, and only upon completion of these 30 homes will the developer begin the process of permitting, approvals, and construction of the MSB. The City of Rocklin is acutely aware that Aguilar is a substandard, unsafe road for the existing traffic, let alone ANY additional construction or residential traffic. By approving the GLE/VO modifications, the City will be forcing this new construction and additional residential traffic onto Aguilar Rd, the singular access point for this area. The *Conditions of*

Approval for the remaining GLE/VO properties were explicitly established to ensure that the MSB was constructed **before** any additional development in the area.

History, context and timelines should be considered when evaluating the existing issues of this area and proposals that are currently before you regarding GLE/VO modifications and the MSB. This isn't the first time, it's the third time that Developers are asking to extend the permits out more houses without the construction of the MSB. The issues surrounding the MSB and poor condition of Aguilar Road are inextricably connected with the GLE/VO properties, which is why the City established the current *Conditions for Approval* and why the request for Modifications of the *Conditions of Approval* must be denied.

There is no guarantee especially considering the current economic climate that the funding mechanism proposed will be viable in 3-5 years following the construction of 30 additional homes in an already challenging area. The MSB must be built before any further development, period. The developer knew the MSB was a requirement *prior* to more homes and the City knows the history and its previous mishandling of the developments in the area. It is time to do the right thing and **uphold the current Conditions of Approval and deny any modifications that do not result in the construction of MSB prior to any additional development.** *If* the GLE/VO developers construct the MSB, then further development can proceed as approved in the General Plan with the construction traffic and residences utilizing the new bridge.

Thank you for your consideration. Please feel free to contact us should you have any questions or would like to discuss this matter further.

James and Teresa Clifford
4443 Greenbrae Road
Rocklin, CA
916-899-1985

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From: Molly Duckett <duckett.molly@gmail.com>
Sent: Monday, April 18, 2022 2:33 PM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: Comments for 4/19/21 Public Hearing

Hello,

As a resident of Viola Way, which backs up to the proposed Vista Oaks Modification proposal, we would like to join our community in expressing concern regarding the increase in dwellings per acre.

We are concerned that the increase in housing will increase the time it will take to build and we will see a significant increase in unwelcome traffic/activity.

Thank you for the consideration,

The Duckett Family

=====
From: Jessica Rozek <jessicacook2016@gmail.com>
Sent: Monday, April 18, 2022 1:32 PM
To: Gregg McKenzie <Gregg.McKenzie@rocklin.ca.us>; robert.cortez@rocklin.ca.us; David Bass <David.Bass@rocklin.ca.us>; Michael Barron <Michael.Barron@rocklin.ca.us>; Michele Vass <Michele.Vass@rocklin.ca.us>; Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: Granite Lake Estates & Vista Oaks (Modification Request) - 4/19/22 Planning Commission Meeting

Commissioners McKenzie, Cortez, Bass, Barron, and Vass:

Regarding the Granite Lake Estates and Vista Oaks Modifications of the Conditions of Approval, I respectfully request that you deny the proposed Modifications.

You may or may not be aware of the long-standing issue of the Monument Springs Bridge (MSB) associated with the GLE/VO properties, resulting from the failures of previous City and Placer County officials which continue to negatively affect our residences and quality of life. These failings resulted in the MSB not being completed decades ago. In summary, the City set *Conditions for Approval* for any future development (specifically GLE/VO/ Highlands Parcel) with a trigger (the 49th permit) to initiate construction of the bridge before any additional permits are issued. That was after the City allowed Developer #1 to complete 40 homes before the bridge to "offset the construction cost" (Staff Report, May 28th 2002), then allowed Developer #2 to push out construction to the 48th permit (Staff Report February 23, 2010 referencing Planning Commission meeting dated November 17, 2009). Now in 2022, the GLE and VO3 developers have teamed up to again request another delay in the bridge at the 78th permit. All while the developers/owners of the GLE and VO properties were well aware of the expectations and, more specifically, the *Conditions of Approval* for development of these properties.

The Planning Commission has before it a request by the developers of GLE and VO to extend the 'trigger' for bridge construction from the 49th permit to the 78th permit. What this means is the Developers wants to construct another 30 homes, which includes adding years of construction traffic onto Aguilar Road, and only upon completion of these 30 homes will the developer begin the process of permitting, approvals, and construction of the MSB. The City of Rocklin is acutely aware that Aguilar is a substandard, unsafe road for the existing traffic, let alone ANY additional construction or residential traffic. By approving the GLE/VO modifications, the City will be forcing this new construction and additional residential traffic onto Aguilar Rd, the singular access point for this area. The *Conditions of Approval* for the remaining GLE/VO properties were explicitly established to ensure that the MSB was constructed before any additional development in the area.

History, context and timelines should be considered when evaluating the existing issues of this area and proposals that are currently before you regarding GLE/VO modifications and the MSB. This isn't the first time, it's the third time that Developers are asking to extend the permits out more houses without the

construction of the MSB. The issues surrounding the MSB and poor condition of Aguilar Road are inextricably connected with the GLE/VO properties, which is why the City established the current *Conditions for Approval* and why the request for Modifications of the *Conditions of Approval* must be denied.

There is no guarantee especially considering the current economic climate that the funding mechanism proposed will be viable in 3-5 years following the construction of 30 additional homes in an already challenging area. The MSB must be built before any further development, period. The developer knew the MSB was a requirement *prior* to more homes and the City knows the history and it's previous mishandling of the developments in the area. It is time to do the right thing and **uphold the current Conditions of Approval and deny any modifications that do not result in the construction of MSB prior to any additional development.** *If* the GLE/VO developers construct the MSB, then further development can proceed as approved in the General Plan with the construction traffic and residences utilizing the new bridge.

Thank you for your consideration. Please feel free to contact me should you have any questions or would like to discuss this matter further.

Sincerely,

Jessica Rozek
4200 Caribou Court
Rocklin, CA 95677
916.879.0821

=====

From: Rob Kinder <robkinder@comcast.net>
Sent: Monday, April 18, 2022 8:48 AM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: Vista Oaks Modification

Good Morning,

My family is concerned about the request to increase the number of homes in the vista oaks project. The neighborhood is located in the back of existing neighborhoods that already have a steady flow of traffic. Adding even more than the planned number of houses would create an increase number of cars and traffic. We ask that you please limit the amount of parcels to the currently approved amount. Thank you.

Rob Kinder
Principal
Davis Joint Unified School District

=====
From: Colleen Kinder <colleenkinder9@gmail.com>
Sent: Monday, April 18, 2022 8:32 AM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: No to the Vista oaks modification

Hello,

This email is pertaining to the Vista Oaks modification. I wanted to share my concerns about this change and it having a negative impact on our neighborhood. Making this change will effect the neighborhood traffic and the safety of kids getting to play outside. We already deal with fast drivers & many cars parked along side of houses. Adding even more houses would cause additional issues at the nearby park which also has a negative impact on neighbors whom live closes to the park and unsafe travels for kids scootering when sidewalks are not visible and cars having to slow down when a oncoming car is driving by as well. Please do not approve this change.

Thank you,

Colleen Kinder

--

*Always,
Colleen Kinder*

=====

4/18/22

RE: Granite Lakes Estates Modification APN# 046-030-070

Dear City of Rocklin,

It is my understanding that the Planning Commission will consider the tentative subdivision map and general development plan to allow additional residential lots be constructed in the "Monument Springs/ Greenbrae" neighborhood at the April 19, 2023 hearing. I would like to attend the meeting in person, however I will be out of town on business, and so I would like to instead share my thoughts as a longtime resident in that neighborhood and former planning commissioner.

Prior to the construction of the primary housing developments in this region, and as part of the adopted traffic element, the City of Rocklin proposed utilizing developer fees to construct a **bridge across Secret Ravine at Monument Springs Drive** and provide a further means of access/access to these neighborhoods beyond Aguilar Road. Prior to annexation by the City, and as part of what was formerly a County unincorporated "island," most of Aguilar Road (south of China Garden Road) was constructed as a narrow, country road, not meeting the requirements of the City of Rocklin in terms of width and pedestrian amenities.

Since that time, multiple housing developments have been approved including the Granite Lakes Estates (Snyder/ Meritage portions), Rocklin Meadows and Grey Lodge Loop with the City failing to impose any agreement to participate in the construction of the bridge. At each approval the sentiment of the neighborhood has been clear that **no more homes be constructed until the bridge is completed.**

The primary concern is that the single point of access/ egress, coupled with the fact that Aguilar is a narrow road absent of sidewalks, creates both a dangerous vehicle and pedestrian situation, and in the event of a natural disaster and Aguilar is compromised at Greenbrae, the neighborhood has no other way out.

I take no exception to further construction at the top of Monument Springs (accessed off of Scarborough Drive) nor China Garden (accessed off of Rocklin Road and Aguilar Road) as these neighborhoods presently have access/ egress the meet City standards. However, the proposal to construct at least 30 lots on the lower side of Monument Springs (north), without connecting Monument Springs to the upper side (south) continues to add traffic to Aguilar directly. While this is not the fault of the current developer, in the absence of the City to impose these requirements on prior developments, it has left the City and this developer with the shared responsibility.

Unless the City is prepared to find a solution for construction of the bridge prior to the adoption of the home sites, the **development on the lower section of Monument Springs Drive (north) should not be allowed.**

Sincerely,



Brian P. Whitmore, AIA, LEED AP
President & CEO

Studio **W** Architects

=====
The following information was forwarded by Mr. Rollie Peterson without cover letter

From: rollie peterson <rollieapeterson@yahoo.com>

Sent: Tuesday, April 19, 2022 2:53 PM

To: Meeting Comments <MeetingComments@rocklin.ca.us>

Subject: Planning Commission Meeting April 19, 2022

PETERSON & KELL

A Law Corporation

11230 Gold Express Drive
Suite 310 #321
Gold River, Ca 95670-4484
Tel: (916) 541-2119
rpeterson@peterson-kell.com

March 24, 2021

VIA: ELECTRONIC MAIL

Of Counsel:
Philip W. Kell

Re: Planning Commission Monument Springs Road Extension Easement

Dear Members:

We represent the Bell Family, whom own the servient estate, having granted the Monument Springs Road Extension Easement. The Rocklin Southeast Circulation Element requires the Monument Springs Drive's extension, including the bridge over Secrete Ravine Creek. I attach several documents that are pertinent to this easement. I have attached the Easement Agreement, between the Bells and Allegany Properties, the original developer of Granite Lakes Estates. Also attached is the Supplemental Agreement between the Bells and Granite Lake Estates LLC, Allegany's assignee. The file attached as "supplemental agreement" actually includes several other documents. These documents include the subdivision final map, Phase 1.

I Attach the Development Agreement between the City of Rocklin and Allegany, which allows for the final subdivision map, in phases. When this agreement was executed, Rocklin had a copy of the Easement Agreement.

The first phase had building lots 1-48. Bike trails, green belts, utility easements, etc., are found within dedicated lots, identified as letters A-O. Lot P of the final map will be the second phase, with the remaining 71 lots. The Development Agreement between Allegany and Rocklin provided that the developer could build 40 home site lots, without having to improve the easement. The Development Agreement provided that once an occupancy certificate issued for a lot in phase one that lot was released from the terms of the Development Agreement. It further provided that the Developer could ***not*** later collect any monies from the Phase One home buyers to build out the easement (estimated at \$4,000,000).

In the Development Agreement, the City of Rocklin was to form a Mello Roos District, and tax each home owner \$800 a year, until they paid their share of the project. To date that would be about \$250,000. The City did not form the district and the City has not collected any monies from the homeowners.

The Bells however, did not make that same agreement in the Easement Agreement. My clients granted the easement in sole consideration of the easement's development by the developers. It now appears that the city of Rocklin will allow the remainder of the Granite Lake Estates

Property to be developed, without the construction of the road/bridge easement. It does not require that upon the sale of any one of the 71 lots, the developer to pay a proportionate share of the easement development costs. Moreover, the amendment will place a burden on the servient estate to pay for the easements construction. This is the very thing the Bells had required of the developers in granting to them the easement, being the sole consideration they received for their land.

The city also allowed the Highlands' developer to build out two phases of a three-phase development, without participating in the easement's development. My clients are not willing to give away their land, then have to participate in paying for the easement's development.

Before the City allows any amendment of the Development Agreement it must require proportional construction cost on the sale of the 71 lots, and exclude the Bells from any responsibility to contribute upon the sale of their land.

PETERSON & KELL,
A LAW CORPORATION

By: Dictated but Not Signed
ROLLIE A. PETERSON, ESQ.

RAP/skh

ORDINANCE NO. 856

ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF ROCKLIN APPROVING A DEVELOPMENT AGREEMENT
BY AND BETWEEN THE CITY OF ROCKLIN
AND ALLEGHANY PROPERTIES, INC. FOR
DEVELOPMENT OF THE PROPERTY KNOWN
AS GRANITE LAKES ESTATES
(Granite Lakes Estates / DA 2000-01)

The City Council of the City of Rocklin does resolve as follows:

Section 1. The City Council of the City of Rocklin finds and determines that:

- A. An environmental impact report has been certified for the project;
- B. The development agreement is consistent with and implements the policies of the City of Rocklin's General Plan, including the Housing Element;
- C. The development agreement is compatible with the land uses and development regulations prescribed by the planned development zoning (PDG-2000-08) for the site;
- D. The development agreement will not be detrimental to the health, safety, and welfare of persons residing in the immediate area nor be detrimental or injurious to property or persons in the general neighborhood or to the general welfare of residents of the city as a whole;
- E. The development agreement will not adversely affect the orderly development of property or the preservation of property, on or off the project site;
- F. The agreement is consistent with the provisions of Government Code Sections 65864 through 65869.5.

Section 2. The City Council of the City of Rocklin hereby approves the development agreement by and between the City of Rocklin and Alleghany Properties, Inc. Relative to the Development Known as Granite Lakes Estates, attached hereto and incorporated by reference herein as Exhibit 1.

Section 3. The City Council of the City of Rocklin hereby directs the Mayor to sign the Development Agreement By and Between the City of Rocklin and Alleghany Properties, Inc. Relative to the Development Known as Granite Lakes Estates on behalf of the City of Rocklin and directs City Clerk to record said document with the Placer County Recorder.

Section 4. Within fifteen days of passage of this ordinance, the City Clerk shall cause the full text of the ordinance, with the names of those City Council members voting for and against the ordinance, to be published in the Placer Herald. In lieu of publishing the full text of the ordinance, the City Clerk, if so directed by the City Attorney and within fifteen days, shall cause a summary of the ordinance, prepared by the City Attorney and with the names of the City Council members voting for and against the ordinance, to be published in the Placer Herald, and shall post in the office of the City Clerk a certified copy of the City Council members voting for and against the ordinance. The publication of a summary of the ordinance in lieu of the full text of the ordinance is authorized only where the requirements of Government Code section 36993 (c) (1) are met.


PASSED AND ADOPTED this 11th day June, 2002, by the following roll call vote:

AYES: Councilmembers: Magnuson, Storey, Lund


NOES: Councilmembers: None

ABSENT: Councilmembers: Hill, Yorde

ABSTAIN: Councilmembers: None


Kathy Lund, Vice Mayor

ATTEST:



City Clerk

First Reading: 5-28-02
Second Reading: 6-11-02
Effective Date: 7-11-02

E:\clerk\ord\Granite Lakes DA Ordinance.doc

RECORDING REQUESTED BY
AND RETURN TO:

CITY CLERK
CITY OF ROCKLIN
3970 ROCKLIN ROAD
ROCKLIN, CA 95677



PLACER, County Recorder
JIM MCCAULEY Co Recorder Office
DOC- 2002-0079207

Wednesday, JUL 10, 2002 09:38:19
NOC \$0.00

Ttl Pd \$0.00

Nbr-0000655516

rec/R2/1-35

DEVELOPMENT AGREEMENT
BY AND BETWEEN THE
CITY OF ROCKLIN
AND
ALLEGHANY PROPERTIES, INC.
RELATIVE TO THE DEVELOPMENT KNOWN AS
GRANITE LAKE ESTATES

TABLE OF CONTENTS

RECITALS 3

A. AUTHORIZATION..... 3

B. DEVELOPMENT AGREEMENT PROCEDURES. 3

C. PROPERTY. 3

D. PLANNING COMMISSION CONSIDERATION AND RECOMMENDATION..... 3

E. ENVIRONMENTAL IMPACT REPORT. 4

F. ENTITLEMENTS. 4

G. GENERAL PLAN..... 4

H. SUBSTANTIAL COSTS TO DEVELOPER. 4

I. DEVELOPMENT AGREEMENT ORDINANCE. 5

J. CONSISTENCY WITH GENERAL PLAN..... 5

K. PROPERTY DESCRIPTION AND BINDING COVENANTS. 5

AGREEMENT 6

1. DEFINITIONS 6

2. COMMENCEMENT AND EXPIRATION 6

3. DEVELOPMENT OF THE PROPERTY 7

4. PROCESSING OF PERMITS AND ENTITLEMENTS..... 10

5. IMPLEMENTATION..... 10

6. AMENDMENT 13

7. COOPERATION IN THE EVENT OF LEGAL ACTION 13

8. DEFAULT; REMEDIES; TERMINATION..... 14

9. NOTICES..... 17

10. ASSIGNMENT 17

11. COVENANTS RUN WITH THE LAND 18

12. PROVISIONS RELATING TO LENDERS 18

13. MISCELLANEOUS..... 19

14. ENTIRE AGREEMENT, COUNTERPARTS, EXHIBITS AND RECORDING 21

**DEVELOPMENT AGREEMENT
CITY OF ROCKLIN/ALLEGHANY PROPERTIES, INC.
GRANITE LAKE ESTATES**

This Development Agreement ("Agreement") is entered into this 11th day of June, 2002 ("Effective Date"), by and between the CITY OF ROCKLIN, a Municipal Corporation of the State of California, ("City") and ALLEGHANY PROPERTIES, INC., ("Developer") pursuant to the authority of Government Code sections 65864 through 65869.5.

RECITALS

A. Authorization.

To strengthen the public planning process, encourage private participation in comprehensive long range planning, and reduce the economic risk of development, the Legislature of the State of California adopted Government Code section 65864 et seq. authorizing the City to enter into a development agreement with any person or business entity having a legal or equitable interest in real property within the City regarding the development of such property and establishing certain development rights therein.

B. Development Agreement Procedures.

The City has adopted policies, ordinances, procedures, and requirements regarding its consideration of development agreements. This Agreement has been processed, considered, and executed in accordance with those City policies, ordinances, procedures, and requirements.

C. Property.

Developer has a legal and equitable interest in those certain parcels of land consisting of approximately 80 acres situated in the City of Rocklin, County of Placer (hereinafter, the "Property"), as more particularly described and shown in Exhibit "A," attached hereto and by this reference incorporated herein. The nature of this ownership and equitable interest is such that Developer has or will have control of the use of the Property as contemplated by this Agreement.

D. Planning Commission Consideration and Recommendation.

On March 19, 2002, the City of Rocklin's Planning Commission, designated by Rocklin Municipal Code section 17.92.110 as the planning agency for purposes of development agreement review pursuant to Government Code section 65867, in a duly noticed and conducted public hearing, considered the Granite Lakes Estates Subdivision development project including the Final Environmental Impact Report (EIR) (hereinafter the "Project")

and this Agreement and recommended that the City Council of the City of Rocklin approve this agreement.

E. Environmental Impact Report.

On May 28, 2002, the City Council of the City of Rocklin, in a duly noticed public hearing, in Resolution No. 2002-165, certified as adequate and complete the Final Environmental Impact Report ("EIR") (EIR-2000-01) for the Granite Lake Estates Project. Mitigation measures were identified in the EIR and are incorporated to the extent feasible in the conditions of approval for the Project and in the terms and conditions of this Agreement, as reflected by the findings adopted by the City Council concurrently with this Agreement.

F. Entitlements.

The City Council of the City of Rocklin has approved the following land use entitlements for the Property, which entitlements are the subject of this Agreement:

1. Tentative Subdivision Map (SD-2000-02), Resolution No. 2002-166
2. Oak Tree Preservation Permit (TRE-2000-33), Resolution No. 2002-166
3. General Development Plan. (PDG-2000-08), Ordinance No. 855
4. Mitigation Monitoring Program (EIR-2000-01), Resolution No. 2002-165

The approvals described in paragraphs 1 through 4, inclusive, are referred to herein as the "Entitlements."

G. General Plan.

Development of the Property in accordance with the Entitlements and this Agreement will provide for orderly growth and development of the area as contemplated by, and consistent with, the goals, policies, and other provisions of the City of Rocklin's General Plan.

H. Substantial Costs to Developer.

Developer has incurred and will incur substantial costs in order to comply with conditions of approval of the Entitlements and to assure development of the Property in accordance with the Entitlements and the terms of this Agreement.

I. Development Agreement Ordinance.

The City and Developer have taken all actions mandated by, and have fulfilled all requirements set forth in, the Development Agreement Ordinance of the City of Rocklin, Title 17, Chapter 17.92 of the Rocklin Municipal Code.

J. Consistency with General Plan.

Having duly examined and considered this Agreement and having held properly noticed public hearings hereon, the City Council of the City of Rocklin, in approving this Agreement, specifically finds as follows:

1. This Agreement and the Entitlements are consistent with the objectives, policies, general land uses, and programs in the City of Rocklin's General Plan;
2. This Agreement and the Entitlements are compatible with the uses authorized in, and the regulations prescribed for, the land use districts in which the Property is located;
3. This Agreement and the Entitlements are in conformity with the public convenience, general welfare, and good land use practices;
4. This Agreement and the Entitlements will not be detrimental to the health, safety, and general welfare of persons residing in the general neighborhood of the Property or the City of Rocklin as a whole;
5. This Agreement and the Entitlements will not adversely affect the orderly development of the Property or the preservation of property values; and
6. This Agreement is consistent with and is subject to the provisions of Government Code sections 65864 through 65869.5.

K. Property Description and Binding Covenants.

The Property is that property described in Exhibit A. The City and Developer recognize and determine that the terms and conditions of this Agreement constitute covenants that shall run with the Property and the benefits and burdens hereof shall bind, and be legally enforceable by, each of them and/or all successors in interest to and assigns of the parties hereto. Accordingly, all references herein to "Developer" shall mean and refer to Alleghany Properties, Inc., and each and every subsequent purchaser or transferee of the Property or any portion thereof from Developer.

AGREEMENT

1. DEFINITIONS

"City Manager" means and refers to the City Manager of the City of Rocklin.

"County" means and refers to the County of Placer.

"Council" means and refers to the City Council of the City of Rocklin.

"Conditions of Approval" means and refers to the conditions attached to the Entitlements and shall be collectively included in any reference to the Entitlements.

"Developer" means Alleghany Properties, Inc., or, where applicable, its successor(s) in interest.

"Developer Improvements" means and refers to those improvements required of Developer under the Entitlements and any Subsequent Approvals.

"Entitlements" means Tentative Subdivision Map (SD-2000-02), Oak Tree Preservation Permit (TRE-2000-33), General Development Plan. (PDG-2000-08), and EIR and Mitigation Monitoring Program (EIR-2000-01) inclusive.

"General Plan" means and refers to the General Plan of the City of Rocklin.

"Subsequent Approvals" means and refers to all approvals by the City, whether discretionary or ministerial, requested or agreed to by Developer, required under the Entitlements, or required by City laws, rules, regulations, or official policies, which are necessary or desirable for development of the Property and which occur on or after the Effective Date of this Agreement.

Subsequent Approvals may include, but are not limited to, final subdivision maps, grading permits, encroachment permits, building permits, zoning approvals, boundary adjustments, certificates of occupancy, certificates of compliance, modifications to the current zoning, and modifications to the Entitlements.

2. COMMENCEMENT AND EXPIRATION

- a. **Initial Term.** The term of this Agreement shall commence on the Effective Date and shall extend for a period of ten (10) years thereafter, unless said term is terminated, modified, or extended by circumstances set forth in this Agreement or by mutual consent of the parties hereto.

b. Termination; Extension of Time.

Following the expiration of the initial term this Agreement shall be deemed terminated and of no further force and effect; provided, however, said termination of this Agreement shall not affect any right or duty emanating from City entitlements on the Property approved concurrently with or subsequent to the approval of this Agreement.

If any litigation affecting development of the Property is filed challenging the Entitlements, any Subsequent Approvals, or this Agreement, including, but not limited to, any environmental determinations related to any of the foregoing, or challenging the validity and binding nature of this Agreement, the term of this Agreement shall be extended for the period of time such litigation is pending. Upon the conclusion of such litigation by dismissal or entry of final judgment, Developer and the City shall indicate the period of such extension by amendment to this Agreement and by recording a notice of such effect.

3. DEVELOPMENT OF THE PROPERTY

a. Vested Right to Develop.

- i. This Agreement confers on Developer vested development rights to use and develop the Property in accordance with the terms and conditions of the Entitlements and this Agreement. Except as otherwise specified in this Agreement, the laws, rules, regulations, and official policies governing the permitted uses of the Property, the density and intensity of use, and the design, improvement and construction standards and specifications applicable to the on-site development and use of the Property, are those of the City of Rocklin in force on the Effective Date.
- ii. All subsequent actions applicable to the Property, including applications made to City for Subsequent Approvals necessary or convenient to exercise the development rights under the Entitlements, and actions to abate nuisances and other activities injurious to the public health, safety, and welfare, shall be subject to the laws, rules, regulations and official policies of City then in effect; provided that these laws, rules, regulations and official policies shall not be applied in a manner that will interfere with the full exercise of Developer's rights under the Entitlements or to prohibit Developer from applying for, or City from taking action on, a modification to the Entitlements and any conditions of those Entitlements.

Actions of the City which would be deemed to interfere with the full exercise of Developer's rights under this Agreement are actions which limit or reduce the density or intensity of the Project as permitted under the Entitlements, or which change the location of roads, grading, or other improvements included in the Entitlements.

In addition (and to the extent all necessary Subsequent Approvals of a discretionary nature have been obtained and have been made a part of the Development Agreement) actions which would be deemed to interfere with the full exercise of Developer's rights under this Agreement are actions which limit or control the timing or phasing of construction, which restrict or limit Developer's ability to receive building permits, or which limit the rate of development over time, unless such actions apply on a Citywide basis, or apply uniformly to all properties within the City which are zoned in the same classification as this Property as set forth in the Entitlements.

- iii. This section shall not preclude the application to the Property of changes in City laws, rules, regulations, or official policies specifically mandated by county, state, other state or local agencies with applicable jurisdiction, or federal laws, rules, or regulations.
 - iv. This section shall not be construed to limit the authority or obligation of the City to hold necessary public hearings, or to limit discretion of the City or any of its officers or officials with regard to rules, ordinances, regulations, or policies that require the exercise of discretion by the City or any of its officers or officials, provided that subsequent discretionary actions do not interfere with the full exercise of Developer's rights under this Agreement as described in part ii, above.
- b. **Permitted Uses.** The permitted uses of the Property, the density and intensity of use, the maximum height and size of proposed buildings, provisions for reservation or dedication of land for public purposes and location of public improvements, and other terms and conditions of development applicable to the Property shall be those set forth in the Entitlements and this Agreement.
 - c. **Taxes, Fees and Assessments.** Development of the Property and the Project under this Agreement shall be subject to all existing and future City fees, taxes and assessments; provided that these fees, taxes, or assessments do not unreasonably interfere with the full exercise of Developer's rights under the Entitlements, and Developer's obligation to pay future fees is limited to those fees adopted on a City-wide basis or that apply uniformly to all properties within the City of Rocklin that are zoned in the same classification as the Property as set forth in the Entitlements.

d. Laws of Other Agencies.

- i.** If any public agency, other than the City, adopts any new law, regulation, or ordinance, or imposes any new condition (hereinafter referred to collectively as the "New Law") after the Effective Date of this Agreement, which prevents or precludes either the City or Developer, or both, from complying with one or more provisions of this Agreement, then immediately following the enactment of the New Law, the parties shall meet and confer in good faith to determine whether the New Law applies to the Property, and whether suitable amendments to this Agreement can be made, in order to maintain Developer's right to develop the Property in a reasonable manner pursuant to the Entitlements and this Agreement.
- ii.** In the event that the parties, after having engaged in good faith negotiations, are unable to agree on such amendments, the parties shall consider whether suspension of the term of this Agreement is appropriate, and if so, what the terms and conditions of any such suspension should be. In the event that the parties, after having engaged in good faith negotiations are unable to agree on the suspension issues, either party shall have the right to terminate this Agreement by giving the other party sixty (60) days written notice of termination.
- iii.** Developer or the City shall have the right to institute litigation relating to the New Law, and raise any issues relating to its validity. If such litigation is filed, this Agreement shall remain in full force and effect until final judgment is issued. Provided, however, that if any action that the City would take in furtherance of this Agreement would be rendered invalid, facially or otherwise, by the New Law, the City shall not be required to undertake such action until the litigation is resolved, or the New Law is otherwise determined invalid, inapplicable, or is repealed. In the event that such judgment invalidates the New Law, or determines that it does not affect the validity of this Agreement, this Agreement shall remain in full force and effect, and its term shall be extended by the amount of time between the effective date of the New Law, and the effective date of the judgment. In the event that such judgment determines that the validity of this Agreement is directly or indirectly affected by the New Law, the provisions of subparagraphs (A) and (B) above shall apply.

4. PROCESSING OF PERMITS AND ENTITLEMENTS

- a. **Subsequent Approvals.** The City shall accept for processing, review, and action all applications submitted by Developer for Subsequent Approvals necessary or convenient for the exercise of Developer's rights under the Entitlements for the use and development of the Property, and shall act upon such applications in a timely manner.
- b. **Application of Development Agreement to Subsequent Approvals.** At Developer's request, an amendment to add any approved Subsequent Approval as an Entitlement under this Agreement shall be processed and approved by the City.
- c. **Extension of Entitlements.** Pursuant to Government Code section 66452.6, all vesting tentative subdivision maps, parcel maps, subdivision tentative maps, conditional use permits, or any other maps, rezonings, or land use entitlements of potentially limited duration previously, contemporaneously, or subsequently approved for the Property which are, or are added as, Entitlements under this Agreement, shall be valid for a minimum term equal to the remaining term of this Agreement, or for a period of thirty-six (36) months, whichever is longer, but in no event for a shorter period than the maximum period of time permitted by the Subdivision Map Act or Government Code for such land use entitlements. The provisions of this Agreement relating to estoppel certificates shall apply to any request made by Developer to the City with respect to the life of any entitlement covered by this subparagraph. Nothing in this section shall be construed or operate to extend the term of this Agreement.

5. IMPLEMENTATION

- a. **Timing of Project Construction.** Except as specifically identified in the Entitlements, this Agreement, or Subsequent Approvals, Developer shall not be required to develop the Property in accordance with any time schedule except Developer's schedule, unless an action by City which limits or controls timing or phasing of construction, or restricts or limits Developer's ability to receive building permits, or limits the rate of development over time, is adopted on a City-wide basis or applies uniformly to all properties within the City that are zoned in the same classification as the Property as set forth in the Entitlements.

b. Developer Improvements and Other Obligations.

i. Developer Improvements shall be constructed in accordance with the Entitlements and Subsequent Approvals, except that Improvement plans for development of the Property shall reflect the most current City Construction Standards and Specifications except for those Construction Standards and Specifications which would conflict with, or be inconsistent with, the permitted uses, density and intensity of use, rate or timing of construction, maximum building height and size, or provisions for reservation and dedication of land as provided in this Agreement and the Entitlements. Specifically, it is intended that the street widths, number, size and location of sidewalks, and roadway curvatures and grades are to be constructed in substantial compliance with the approved tentative subdivision map, and shall not be modified to conform with changes made to the City Construction Standards and Specifications after the Effective Date of this Agreement. However, in all other respects construction of improvements shall conform to the most current City Construction Standards and Specifications in place at the time of approval of the Subdivision Improvement Plans.

ii. Consistent with the terms and conditions of approval of the Entitlements, Developer shall:

(1) Donate the public open space area shown as Lot J on the Tentative Subdivision Map to the City, with the exception of land within the proposed fence around the small quarry.

(2) Provide surveying and mapping services to identify, map, and prepare a legal description of the peninsula area at the north edge of Lot J which is bordered by the creeks, so that this land may be subsequently transferred to the adjoining landowner to expand the existing dedicated preserve area in exchange for property needed for a future trail connection of the bicycle and pedestrian trail described below.

(3) Design and construct a bicycle and pedestrian trail through the Open Space Lot J and dedicate said trail to the City upon completion of all of the trail facilities. Construction of the bicycle and pedestrian trail with temporary access as described in the Entitlements shall be completed in Phase 1 of the project. The permanent access facility for the bicycle and pedestrian trail shall be constructed in Phase 2.

(4) Annex into City of Rocklin Community Facilities District No. 5 to fund the maintenance of the City owned open space and bicycle and pedestrian trail.

(5) Extend Monument Springs Drive from the entrance of the Project on Greenbrae Road, across the parcel to the north of the Project site commonly known as the "Bell property," to connect the Property to the existing terminus of Monument Springs Drive. This extension of Monument Springs Drive connecting China Garden Road with Greenbrae Road is consistent with the Southeast Rocklin Circulation Element, and shall include design and construction of a bridge over Secret Ravine Creek, connecting the City of Rocklin to the County of Placer. The bridge shall be completely constructed and open to the public prior to issuance of the 41st building permit for the project.

- c. **City Obligation to Cooperate with Financing District.** In consideration for the planning, design, and construction, at Developer's expense, of the bridge over Secret Ravine Creek connecting the City of Rocklin to the County of Placer, City agrees to form and implement a Mello-Roos Community Facilities District to finance the bridge and ancillary improvements to be constructed by Developer. (the "CFD") Any such CFD shall be formed consistent with and adhere to the City's standards governing the formation of such districts, including Developer's payment of application fees. City and Developer shall cooperate in good faith with each other in the formation of the CFD and the ultimate issuance of bonds thereunder to fund the bridge improvements consistent with the applicable substantive and procedural requirements, however, the CFD financing shall be structured so that no individual single family parcel within the project shall be taxed in excess of eight hundred and 00/100 dollars (\$800.00) per year to repay the costs of financing the bridge, any ancillary improvements, and the administrative costs associated with the CFD.
- d. **Participation in Bridge Financing By Other Benefited Properties.** The planning, design, and construction, at Developer's expense, of the bridge over Secret Ravine Creek connecting the City of Rocklin to the County of Placer will benefit the City generally, and future developers of similarly situated properties in particular. Therefore, the City shall, to the extent permitted by law, require that all other landowners of undeveloped land located southeast of Interstate 80, south of Rocklin Road and within one mile of the borders of the project, and benefited by the bridge improvements, participate in the CFD and pay their proportionate share of such costs as determined by the City.
- e. **City Obligations.** The City agrees to cooperate with Developer in securing all permits that may be required by the City. Each party agrees to extend to the other its prompt and reasonable cooperation in modifying this Agreement or the approved plans, should a future modification of the Agreement or approved plans become necessary.

- f. **Other Government Permits.** Developer shall be responsible for applying for and obtaining approvals required by other governmental agencies having jurisdiction over, or providing services to, development of the Property. To the extent possible, the City shall cooperate with Developer in obtaining all such approvals in a timely manner.

- g. **Operating Memorandum.** The City and Developer desire to retain a certain degree of flexibility with respect to the details of the development of the Property and with respect to those items covered in general terms in this Agreement. If and when the City and Developer find that clarifications, minor changes, or minor adjustments are necessary or appropriate to the implementation of this Agreement and development of the Property, the clarification, minor change, or minor adjustment shall be stated in a written operating memorandum agreed to and approved by Developer and the City Manager acting on behalf of the City. As used in this section, "minor" shall not include an increase in the number of dwelling units otherwise allowed by the Entitlements and applicable City rules, regulations, ordinances, and official policies, or reduce the amount of public open space by more than one percent (1%). Contents of the operating memorandum shall not constitute an amendment to this Agreement, and shall not require prior public notice or hearing.

6. AMENDMENT

This Agreement may be amended from time to time or may be voluntarily canceled by mutual consent of the City and Developer in accordance with the provisions of Government Code section 65868 and Rocklin Municipal Code section 17.92.150. Reference to "Agreement" shall include any such amendments properly approved and executed by the parties.

7. COOPERATION IN THE EVENT OF LEGAL ACTION

- a. **Third Party Challenge.** If any legal action or proceeding is instituted challenging the validity of any provision of this Agreement, the Project, or the Entitlements, the parties shall cooperate in defending against such challenge. Developer, at Developer's expense, shall defend such action as the real party in interest and assist the City in its defense. To the extent that any such action challenges Developer's right to proceed with the Project under this Agreement, Developer shall have control of the defense of the action or proceeding and may use legal counsel of its choice. Developer shall indemnify the City for any liability incurred by the City as a result of any such action or proceeding, including any award of attorneys' fees or costs.

- b. **Reconsideration.** If any litigation results in a judgment wherein the courts order the City to reconsider any matter pertaining to this Agreement or the Entitlements, the City and Developer agree that such reconsideration shall be expeditiously performed to remedy any defects noted in the judgment. If such remedy includes the need to re-approve any or all of the Entitlements, the City agrees to expeditiously re-approve any or all of the Entitlements in a manner consistent with the requirements of the judgment and to the extent re-approval is in harmony with the spirit and intent of this Agreement, the original Entitlements, and the public welfare.

8. DEFAULT; REMEDIES; TERMINATION

- a. **General Provisions.** Subject to any extensions of time by mutual consent of the parties, and subject to the cure provisions set forth herein, any failure or unreasonable delay by either party to perform any material term or provision of this Agreement shall constitute a default.
- i. **Developer Default.** In addition to any other remedy specified herein, in the event that notice of default has been given in accordance with this section, wherein a default by Developer is alleged, the City shall not be obligated to issue any building permit, or grant any entitlement as to which an application has been filed.
- ii. **City Default.** In addition to any other remedy specified herein, in the event that notice of default has been given in accordance with this section, wherein a default by the City is alleged, any resulting delays in Developer's performance caused by the City's default shall not constitute a Developer default, or be grounds for termination or cancellation of this Agreement.
- iii. **Successors in Interest.** Where the Property, following the Effective Date, has been lawfully conveyed in whole or in part to one or more successors in interest, in such a manner as to invoke the provisions of section 10 of this Agreement, and one or more of such successors in interest is in default with respect to the portion of the Property owned by it, neither Developer nor any other non-defaulting successor in interest shall be liable for the default, if the provisions of section 10 have been complied with, and in accordance with the terms and conditions of that section.

- b. **Cure of Default.** In the event of an alleged default or breach of any terms or conditions of this Agreement, the party alleging such default or breach shall give the other party notice in writing specifying the nature of the alleged default and the manner in which said default may be satisfactorily cured and a reasonable period of time in which to cure, that shall in no event be less than thirty (30) days. During any such period, the party charged shall not be considered in default for purposes of termination or institution of legal proceedings.
- c. **Remedies After Expiration of Cure Period.** After notice and expiration of the thirty (30) day period, if the alleged default has not been cured in the manner set forth in the notice, the other party may at its option:
- i. institute legal proceedings to obtain appropriate judicial relief, including but not limited to mandamus, specific performance, injunctive relief, or termination of this Agreement; or
 - ii. give the other party notice of intent to terminate this Agreement pursuant to Government Code section 65868. In the event that such notice is given, the City shall schedule the matter for public hearing before the City Council to review the matter and make specific written findings regarding the alleged default. Where Developer is the party alleged to be in default, Developer shall be afforded a reasonable opportunity to respond to all allegations of default at such public hearing. The City shall provide Developer at least thirty (30) days prior written notice of such public hearing, as well as provide Developer copies of all City staff reports prepared in connection therewith at least five (5) days prior to the hearing.
- d. **Annual Review.**
- i. General Provisions. In accordance with Government Code section 65865.1, the City shall, at least every twelve (12) months during the term of this Agreement, review the extent of good faith compliance by Developer with the terms of this Agreement. Failure of the City to conduct an annual review shall not constitute a waiver by the City or Developer to conduct a future annual review or to otherwise enforce the provisions of this Agreement, nor shall a party have or assert any defense to such enforcement by reason of any such failure. The failure of the City to undertake such review shall not, in itself, invalidate the terms of this Agreement or excuse any party hereto from performing its obligations under this Agreement.
 - ii. Scope of Review. The annual review shall be limited in scope to compliance with the terms and conditions of this Agreement.

- iii. **Proceedings.** The procedures specified in Rocklin Municipal Code Chapter 17.92 for conduct of the annual review shall apply to this Agreement. At least ten (10) days prior to the commencement of any annual review, the City shall deliver to Developer a copy of any public staff reports and other documents to be used or relied upon in conducting the review. Developer shall be permitted an opportunity to respond to the City's evaluation of Developer's performance by written and oral testimony at the public hearing to be held before the Planning Commission or, if the matter is referred to the City Council, before said Council.

At the conclusion of the annual review, the City shall make written findings and determinations on the basis of substantial evidence, as to whether or not Developer or its successors have complied in good faith with the terms and conditions of this Agreement.

- e. **Failure of Compliance.** Any determination of failure of compliance shall be subject to the notice requirements and cure periods set forth in this Agreement. If termination is proposed, it shall apply solely with respect to that portion of the Property (if less than all) affected by the failure to show good faith compliance. If modification of the Development Agreement is proposed, the modification shall pertain solely to the provisions hereof as applicable to that portion of the Property (if less than all) affected by the condition that has prompted the proposed modification.
- f. **Termination Upon Completion of Development.** This Agreement shall terminate as to each lot or parcel of property contained within the Property when that lot or parcel of property has been fully developed and all of Developer's obligations in connection therewith are satisfied, as reasonably determined by the City. In no event shall Developer's obligations in connection with development of the Property apply to the owner of any lot or parcel once the City issues an occupancy permit for that lot or parcel. The City shall, upon written request made by Developer to the City's Community Development Department, determine if the Agreement has terminated with respect to any lot or parcel, and shall not unreasonably withhold termination as to that parcel if Developer's obligations therewith are satisfied. The City shall be entitled to receive payment of a fee commensurate with the cost of processing the request and making such a determination, including but not limited to the City's administrative and legal expenses. Upon termination of this Agreement, the City shall upon Developer's request record a notice of such termination in a form satisfactory to the City Attorney that the Agreement has been terminated. The aforesaid notice may specify, and Developer agrees, that termination shall not affect in any manner any continuing obligation to pay any item specified by this Agreement.

9. NOTICES

A. Any notice, demand, or other communication ("Notice") required and given under this Agreement, the enabling legislation, or the City of Rocklin's procedures adopted pursuant to Government Code section 65865 shall be in writing and delivered in person or sent by registered or certified mail, postage prepaid and return receipt requested. If given by registered or certified mail, Notice shall be deemed to have been given and received upon actual receipt by the addressee. A courtesy copy of the Notice may be sent by facsimile transmission. Any party may designate any other address in substitution of the address contained herein by like written notice.

B. Notice shall be given to the parties at their addresses set forth below.

If to City, to:
City Manager
City of Rocklin
3980 Rocklin Road
Rocklin, California 95677
Telephone: (916) 632-4050
Facsimile: (916) 624-8010

with copy to

Director of Community
Development
City of Rocklin
3970 Rocklin Road
Rocklin, California 95677
Telephone: (916) 632-4020
Facsimile: (916) 624-4759

If to Developer to:
David Bugatto
Alleghany Properties, Inc.
2150 River Plaza Drive, Suite 155
Sacramento, California 95833
Telephone: (916) 648-7700
Facsimile: (916) 648-7739

with copy to

James G. Moose
Remy, Thomas and Moose, LLP
455 Capitol Mall, Suite 210
Sacramento, California 95814
Telephone: (916) 443-2745
Facsimile: (916) 443-9017

10. ASSIGNMENT

Developer shall have the right to sell, assign, or transfer its interest under this Agreement as part of a contemporaneous and related sale, assignment or transfer of its interest in the Property, or any portion thereof, without the consent of the City, provided that Developer shall notify the City of such sale, assignment or transfer by providing written notice thereof to the City in the manner provided in this Agreement. Developer shall remain obligated to perform all terms and conditions of this Agreement, unless such purchaser, assignee or transferee, to the satisfaction of and in a form acceptable to the City Attorney, executes and delivers to the City an express agreement to assume all of the obligations and other terms and conditions of this Agreement with respect to the Property or such portion thereof sold, assigned or transferred. The execution of such an assumption agreement shall relieve Developer of the obligations expressly assumed only if: (a) Developer is not in default under this Agreement at the time of the assignment or transfer; and (b) Developer has provided the

City with notice of said assignment or transfer in the manner provided hereunder. Any such assumption agreement with respect to Developer's obligations under this Agreement shall be deemed to be to the satisfaction of the City Attorney if executed in the form of the Assignment and Assumption Agreement attached hereto as Exhibit "C" and incorporated herein by this reference, or such other form as shall be proposed by Developer and approved by the City Attorney prior to the effective date of the assignment.

Any purchaser, assignee, or transferee shall be obligated and bound by the terms and conditions of this Agreement, and shall be the beneficiary thereof and a party thereto, only with respect to the Property, or such portion thereof, sold, assigned, or transferred to it. Any such purchaser, assignee, or transferee shall observe and fully perform all of the duties and obligations of Developer under this Agreement, as such duties and obligations pertain to the portion of the Property sold, assigned, or transferred.

11. COVENANTS RUN WITH THE LAND

All of the provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land pursuant to applicable law, including without limitation, section 1648 of the California Civil Code, provided that in no event shall Developer's obligations in connection with development of the Property apply to the owner of any lot or parcel once the City issues an occupancy permit for that lot or parcel. Each covenant to do or refrain from doing some act on the Property: (i) is for the benefit of the Property and shall be a burden upon the Property; (ii) runs with the Property; and (iii) is binding upon each party and each permitted successor owner during its ownership of the Property or any portion thereof, and each person or entity having any interest therein derived in any manner through any owner of the Property, or any portion thereof, and shall benefit each party and the Property hereunder, and each other person or entity succeeding to an interest in the Property.

12. PROVISIONS RELATING TO LENDERS

a. Lender Rights and Obligations.

- i. Prior to Lender Possession.** No lender shall have any obligation or duty under this Agreement to construct or complete the construction of improvements, or to guarantee such construction or completion, and shall not be obligated to pay any fees or charges which are liabilities of Developer or Developer's successors in interest, but shall otherwise be bound by all of the terms and conditions of this Agreement, which pertains to the Property or such portion thereof in which it holds an interest. Nothing in this section shall be construed to grant to a lender rights beyond those of Developer hereunder, or to limit any remedy the City has hereunder in the event of default by Developer, including but not limited to termination and/or refusal to grant entitlements with respect to the Property.

ii. **Lender in Possession.** A lender who comes into possession of the Property, or any portion thereof, pursuant to foreclosure of a mortgage or deed of trust, or a deed in lieu of foreclosure, shall not be obligated to pay any fees or charges which are obligations of Developer, and which remain unpaid as of the date such lender takes possession of the Property or portion thereof. Provided, however, that a lender shall not be eligible to apply for or receive entitlements with respect to the Property, or otherwise be entitled to develop the Property or devote the Property to any uses or to construct any improvements thereon other than the development contemplated or authorized by this Agreement, which development shall be subject to all of the terms and conditions hereof, including payment of all fees (delinquent, current and accruing in the future) and charges, and assumption of all obligations of Developer hereunder; provided, further, that no lender, or successor thereof, shall be entitled to the rights and benefits of the Developer hereunder or entitled to enforce the provisions of this Agreement against the City unless and until such lender or successor thereof qualifies as a recognized assignee under the provisions of section 10 this Agreement.

b. **Notice of Developer's Default Hereunder.** If the City receives notice from a lender requesting a copy of any notice of default given Developer hereunder and specifying the address for service thereof, then the City shall deliver to such lender, concurrently with service thereon to Developer, any notice given to Developer with respect to any claim by the City that Developer has committed a default, and if the City makes a determination of non-compliance, the City shall likewise serve notice of such non-compliance on such lender concurrently with service thereof on Developer.

c. **Lender's Right to Cure.** Each lender shall have the right (but not the obligation) during the same period of time available to Developer to cure or remedy, on behalf of Developer, the default claimed or the areas of non-compliance set forth in the City's notice. Such action shall not entitle a lender to develop the property or otherwise partake of any benefits of this Agreement unless such lender shall assume and perform all obligations of Developer hereunder.

13. MISCELLANEOUS

a. **No Agency, Joint Venture, or Partnership.** The Project is a private development, and the Developer shall have full power over and exclusive control of the Project, subject to the terms and conditions of this Agreement. Although the City and Developer intend to cooperate to carry out the Project, the parties renounce the existence of any form of agency relationship, joint

venture, or partnership between the City and Developer, and nothing contained herein or in any document executed in connection herewith shall be construed as creating any such legal relationship.

- b. **Severability.** If any term, covenant, or condition of this Agreement or the application thereof to any person, entity, or circumstance shall, to any extent, be determined invalid or unenforceable by a court of competent jurisdiction, the remainder of this Agreement shall not be affected thereby; and each term, covenant, or condition of this Agreement shall be valid, and shall be enforced to the fullest extent permitted by law, provided that if any provision of this Agreement is determined to be invalid or unenforceable and the effect of said determination is to deprive a party hereto of an essential benefit of its bargain hereunder, then such party so deprived shall have the option to terminate this Agreement from and after such determination.
- c. **Other Necessary Acts.** Each Party shall execute and deliver to the other all further instruments and documents as may be reasonably necessary to carry out this Agreement in order to provide and secure to each party the full and complete enjoyment of its rights and privileges hereunder.
- d. **Estoppel Certificate.** Either party may, at any time, and from time to time, deliver written notice to the other party requesting such party to certify in writing that, to the knowledge of the certifying party: (i) this Agreement is in full force and effect and a binding obligation of the parties; (ii) this Agreement has not been amended or modified either orally or in writing, or if so amended, identifying the amendments; and (iii) the requesting party is not in default in the performance of its obligations under this Agreement, or if in default, to describe therein the nature of such default in the form attached hereto as Exhibit "B." The party receiving a request hereunder shall execute and return such certificate within thirty (30) days following the receipt thereof. The City acknowledges that a certificate hereunder may be relied upon by transferees and mortgagees of Developer.
- e. **Construction.** This Agreement shall be subject to and construed in accordance with the laws of the State of California and the Rocklin Municipal Code, as it may be amended, provided that such amendments do not affect the rights granted to the parties by this Agreement. This Agreement has been reviewed and revised by legal counsel for both the City and Developer, and no presumption or rule that ambiguities shall be construed against the drafting party shall apply to the interpretation or enforcement of this Agreement.

- f. **Attorneys' Fees.** If the services of any attorney are required by any party to secure the performance of this Agreement or otherwise upon the breach or default of another party, or if any judicial remedy or arbitration is necessary to enforce or interpret any provisions of this Agreement or the rights and duties of any person in relation to this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees, costs and other expenses, in addition to any other relief to which such party may be entitled. Prevailing party includes (a) a party who dismisses an action in exchange for sums allegedly due; (b) the party that receives performance from the other party of an alleged breach of covenant or a desired remedy, if it is substantially equal to the relief sought in an action; or (c) the party determined to be prevailing by a court of law.

Whenever provision is made in this Agreement for the payment of attorney's fees, such fees shall be payable whether the legal services are rendered by a salaried employee for the party or by independent counsel and shall include such fees as are incurred in connection with any pretrial proceeding, trial or appeal of the action.

Any award of damages following judicial remedy or arbitration as a result of the breach of this Agreement or any of its provisions shall include an award of prejudgment interest from the date of the breach at the maximum amount of interest allowed by law.

- g. **Third Party Beneficiaries.** This Agreement is made and entered into for the sole protection and benefit of the City and Developer and their successors and assigns. No other person shall have any right of action based upon any provision in this Agreement.
- h. **Limitation on Actions.** No court action shall be filed by a party to this Agreement on the grounds of default or breach of its terms unless such action is filed within one hundred and eighty (180) days from the date of discovery by the aggrieved party of the facts underlying the claim of breach or default.

14. ENTIRE AGREEMENT, COUNTERPARTS, EXHIBITS AND RECORDING

- a. **Waivers.** No provision or condition of the Agreement shall be considered waived unless such waiver is in writing and signed by the party to be bound.
- b. **Duty to Act Reasonably and in Good Faith.** Each party shall act reasonably in giving consent, approval, or taking any other action under this Agreement. The City and Developer agree that each of them shall at all times act in good faith in order to carry out the terms of this Agreement, and each of them covenants that it will not at any time voluntarily engage in any actions that frustrate the purpose and intent of the parties, which is to develop

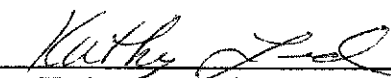
the Property in conformity with the terms and conditions specified in this Agreement.

- c. **Recording.** The City shall cause this Agreement, any amendment hereto, and any other termination thereof to be recorded with the County Recorder within ten (10) days of this Agreement or such amendment or termination becoming effective. In accordance with the provisions of Government Code Section 65868.5, and from and after the time of recording of this Agreement, the Agreement shall impart such notice thereof to all persons as is afforded by the recording laws of the State of California. The burdens of this Agreements shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties to this Agreement.
- d. **Time of Essence.** Time is of the essence in the performance of each and every covenant and obligation to be performed by the parties hereunder.
- e. **Entire Agreement.** This Agreement, together with all exhibits hereto, constitutes the entire agreement between the parties with respect to the subject matter of this Agreement. This Agreement is specifically intended by the parties to supersede all prior agreements, whether written or oral, for the Property that may exist between the City and Developer.
- f. **Counterparts.** This Agreement may be executed in any number of counterparts and shall be deemed duly executed when each of the parties has executed such a counterpart.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto on the day and year first above written.

City

CITY OF ROCKLIN

By: 
Kathy Lund, Vice Mayor

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
 County of Placer } ss.

On 19 June 2002, before me, S. DAVIES NOTARY PUBLIC
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared KATHY LUND
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.
S. Davies
 Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

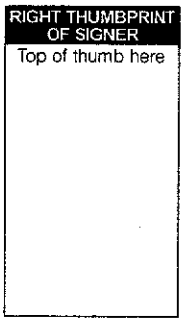
Description of Attached Document
 Title or Type of Document: Development Agreement - Or. 856

Document Date: 6-11-02 Number of Pages: —

Signer(s) Other Than Named Above: Allegany Properties, Inc.

Capacity(ies) Claimed by Signer

- Signer's Name: _____
- Individual
 - Corporate Officer — Title(s): _____
 - Partner — Limited General
 - Attorney in Fact
 - Trustee
 - Guardian or Conservator
 - Other: _____



Signer Is Representing: _____


Developer

ALLEGHANY PROPERTIES, INC.

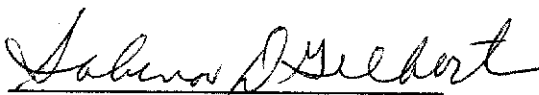
By: 
David Bugatto

Its: PRESIDENT & CEO

ATTEST


City Clerk

APPROVED AS TO FORM:

By: 
Sabina Gilbert, City Attorney

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of Sacramento } ss.

On June 7, 2002 before me, Lillian Ann Higgins
Date Name and Title of Officer (e.g., Jane Doe, Notary Public)
personally appeared David J. Bucatto
Name(s) of Signer(s)

personally known to me
 proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.
Lillian Ann Higgins
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____

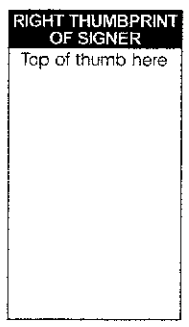


EXHIBIT "A"

PROPERTY LEGAL DESCRIPTION

GRANITE LAKES ESTATES

DESCRIPTION

CITY OF ROCKLIN

PARCEL ONE:

PARCELS 2, AND 3, AS SHOWN AND DESIGNATED UPON THAT CERTAIN PARCEL MAP FILED FEBRUARY 27, 1990, IN BOOK 25, AT PAGE 98.

EXCEPTING THEREFROM: PARCEL 4, AS DESCRIBED IN THE PARTIAL RECONVEYANCE DATED MAY 11, 1990, EXECUTED BY CENTRAL VALLEY SECURITY COMPANY, A CALIFORNIA CORPORATION, RECORDED JUNE 18, 1990, IN BOOK 3928, PAGE 345, OFFICIAL RECORDS.

PARCEL TWO:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AND PUBLIC UTILITIES, OVER AND ACROSS THOSE CERTAIN PARCELS OF REAL PROPERTY LOCATED IN THE COUNTY OF PLACER, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL A:

THE EAST 114.00 FEET OF THE SOUTH 25.00 FEET OF PARCEL "A", AS SAID PARCEL IS SHOWN ON THAT MAP RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF PLACER COUNTY, STATE OF CALIFORNIA, IN BOOK 7 OF PARCEL MAPS, AT PAGE 105.

PARCEL B:

THE WEST 32.00 FEET OF THE EAST 83.00 FEET OF THE FOLLOWING DESCRIBED REAL PROPERTY:

ALL THAT PORTION OF THE NORTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 29, TOWNSHIP 11 NORTH, RANGE 7 EAST, MOUNT DIABLO BASE AND MERIDIAN, SITUATE IN THE COUNTY OF PLACER, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL "A", AS SHOWN ON THAT MAP RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF PLACER COUNTY, STATE OF CALIFORNIA, IN BOOK 7 OF PARCEL MAPS, AT PAGE 105; THENCE SOUTH 00°14'00" WEST 35.00 FEET; THENCE SOUTH 89°46'00" EAST 241.03 FEET TO A POINT IN THE EAST LINE OF SAID NORTHWEST ONE-QUARTER AS SAID EAST LINE IS SHOWN ON THAT SURVEY RECORDED IN THE OFFICE OF SAID RECORDER IN BOOK 1 OF SURVEYS, AT PAGE 58; THENCE ALONG SAID EAST LINE, NORTH 00°03'00" EAST 35.00 FEET TO THE NORTHEAST CORNER OF SAID NORTHWEST ONE-QUARTER AS SHOWN ON SAID SURVEY, SAID CORNER ALSO BEING THE SOUTH LINE OF SAID PARCEL "A", NORTH 89°46'00" WEST 241.00 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION THEREOF CONTAINED IN DEED TO THE HEIRS OR DEVISEES OF IVAN B. QUINCEY, SR., DECEASED, SUBJECT TO ADMINISTRATION OF THE ESTATE OF SAID DECEDENT, RECORDED AUGUST 4, 1965, IN BOOK 1075, AT PAGE 152, PLACER COUNTY RECORDS.

PARCEL C:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AND PUBLIC UTILITIES, OVER AND ACROSS THAT CERTAIN PARCEL OF REAL PROPERTY LOCATED IN THE COUNTY OF PLACER, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THE WEST 168.87 FEET OF AREA "K", AS SAID AREA IS SHOWN ON THAT MAP RECORDED IN

Page 2 of Exhibit A
to Development Agreement
Ord. No. 856

DESCRIPTION

THE OFFICE OF THE COUNTY RECORDER OF PLACER COUNTY, STATE OF CALIFORNIA, BOOK 7 OF PARCEL MAPS, AT PAGE 105.

PARCEL THREE:

THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 11 NORTH, RANGE 7 EAST, MOUNT DIABLO BASE AND MERIDIAN.

EXCEPTING THEREFROM THE EAST 496.0 FEET THEREOF.

ALSO EXCEPTING THEREFROM ALL THAT PORTION THEREOF LYING WITHIN THE PARCEL CONVEYED TO DRY MIX MATERIALS COMPANY, A CALIFORNIA CORPORATION, RECORDED JUNE 16, 1959, IN BOOK 799, OFFICIAL RECORDS, PAGE 292.

ALSO EXCEPTING THEREFROM ALL THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 11 NORTH, RANGE 7 EAST, MOUNT DIABLO BASE AND MERIDIAN, FROM WHICH A 3/4 IRON PIPE WITH CAP STAMPED LS 2720 MARKING THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER BEARS NORTH 0°03' EAST 472.26 FEET; THENCE FROM SAID POINT OF BEGINNING ALONG SAID WEST LINE SOUTH 0°03' WEST 172.85 FEET TO A SIMILAR IRON PIPE; THENCE SOUTH 89°46' EAST 138.64 FEET TO A SIMILAR IRON PIPE; THENCE NORTH 0°03' EAST 172.85 FEET TO A SIMILAR IRON PIPE; THENCE NORTH 89°46' WEST 138.65 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM ANY PORTION THEREOF LYING ON THE WEST SIDE OF THE FOLLOWING DESCRIBED LINE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 3/4 INCH CAPPED IRON PIPE STAMPED L.S. 2720, LOCATED IN THE NORTH LINE OF SAID SECTION 29, AS SHOWN ON THAT CERTAIN "RECORD OF SURVEY OF SECTION 29, TOWNSHIP 11 NORTH, RANGE 7 EAST, MOUNT DIABLO BASE AND MERIDIAN," FILED IN THE OFFICE OF THE PLACER COUNTY RECORDER ON JULY 14, 1959, IN BOOK 1 OF SURVEYS AT PAGE 58, FROM WHICH THE NORTHWEST CORNER OF SAID SECTION 29 BEARS NORTH 89°46'00" WEST 1,321.87 FEET; THENCE FROM SAID POINT OF BEGINNING SOUTH 00°03'30" WEST 1,311.80 FEET TO A SIMILAR 3/4 INCH CAPPED IRON PIPE.

PARCEL FOUR:

ALL THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 29, TOWNSHIP 11 NORTH, RANGE 7 EAST, MOUNT DIABLO BASE AND MERIDIAN, LYING ON THE EAST SIDE OF THE FOLLOWING DESCRIBED LINE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 3/4 INCH CAPPED IRON PIPE STAMPED L.S. 2720, LOCATED IN THE NORTH LINE OF SAID SECTION 29, AS SHOWN ON THAT CERTAIN "RECORD OF SURVEY OF SECTION 29, TOWNSHIP 11 NORTH, RANGE 7 EAST, MOUNT DIABLO BASE AND MERIDIAN," FILED IN THE OFFICE OF THE PLACER COUNTY RECORDER ON JULY 14, 1959, IN BOOK 1 OF SURVEYS AT PAGE 58, FROM WHICH THE NORTHWEST CORNER OF SAID SECTION 29 BEARS NORTH 89°46'00" WEST 1,321.87 FEET; THENCE FROM SAID POINT OF BEGINNING SOUTH 00°03'30" WEST 1,311.80 FEET TO A SIMILAR 3/4 INCH CAPPED IRON PIPE.

Page 3 of Exhibit A
to Development Agreement
Ord. No. 856

DESCRIPTION

PARCEL FIVE:

BEGINNING AT A 3/4 INCH IRON PIPE WITH CAP STAMPED L.S. 2720 MARKING THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 11 NORTH, RANGE 7 EAST, MOUNT DIABLO BASE AND MERIDIAN; THENCE ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER SOUTH 0°03' WEST 472.26 FEET; THENCE NORTH 89°46' WEST 50.76 FEET TO A 3/4 INCH IRON PIPE WITH CAP STAMPED L.S. 2720; THENCE NORTH 0°03' EAST 471.92 FEET TO A SIMILAR IRON PIPE IN THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE ALONG SAID NORTH LINE NORTH 89°50'49" EAST 50.76 FEET TO THE POINT OF BEGINNING.

PARCEL SIX:

AN EASEMENT FOR ROADWAY AND PUBLIC UTILITY PURPOSES OVER AND ACROSS THE WEST 30 FEET OF THE EAST 527 FEET OF THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 11 NORTH, RANGE 7 EAST, MOUNT DIABLO BASE AND MERIDIAN.

PARCEL SEVEN:

AN EASEMENT FOR ROADWAY PURPOSES AND INCIDENTS THERETO AS CONTAINED IN THAT CERTAIN INSTRUMENT ENTITLED, "GRANT OF RIGHT OF WAY, ROAD DEVELOPMENT AND MAINTENANCE, AND ENTITLEMENT PROCESSING AGREEMENT", RECORDED JULY 14, 1999, SERIES NO. 99-0062739.

ASSESSOR'S PARCEL NUMBER 046-030-052, 046-030-055 AND 046-030-058

Page 4 of Exhibit A
to Development Agreement
Ord. No. 856

EXHIBIT "B"

ESTOPPEL CERTIFICATE

_____ (Third Party Address)

RE: Granite Lake Estates Development Agreement
Dated: _____
Between the City of Rocklin ("City" and "Developer")

Dear _____:

Reference is made to the above-described Development Agreement between the City and Developer. The City understands that you are entering into a transaction with Developer that relates to, among other things, this Agreement. The City represents that:

1. A true and correct copy of the Agreement is attached as Exhibit "A."
2. There are no modifications, amendments, supplements, arrangements, side letters, or understandings, oral or written, of any sort, modifying, amending, altering, supplementing, or changing the terms of the Agreement except as follows: _____.
3. The Agreement is in full force, and the Agreement has been duly executed and delivered by, and is a binding obligation of, the City.
4. The City acknowledges that Developer is in full compliance with all terms of the Development Agreement, as well as all other City ordinances, regulations, and policies regulating the use and development of the Developer's property subject to this Development Agreement.
5. The undersigned is authorized to execute this letter on the City's behalf.

Very truly yours,

CITY OF ROCKLIN

By: _____

Its: Community Development Director

EXHIBIT "C"

ASSIGNMENT AND ASSUMPTION AGREEMENT

THIS ASSIGNMENT AND ASSUMPTION AGREEMENT (herein this "Agreement") is entered into this _____ day of _____, 20 ____, by and between _____ (herein "DEVELOPER") and _____ (herein "ASSIGNEE").

RECITALS

A. DEVELOPER has entered into a Development Agreement (herein "the Development Agreement") dated _____, with the City of Rocklin, pursuant to which DEVELOPER agreed to develop certain property more particularly described in the Development Agreement (herein "the Property") subject to certain conditions and obligations set forth in the Development Agreement.

B. DEVELOPER has assigned its interests under the Development Agreement to ASSIGNEE under a written agreement dated _____, as to that part of the Property identified and incorporated herein by this reference (herein the "Assigned Parcel(s)").

C. ASSIGNEE desires to assume all of Developer's rights and obligations and other terms and conditions under the Development Agreement with respect to the Assigned Parcel(s).

AGREEMENTS

NOW, THEREFORE, DEVELOPER AND ASSIGNEE HEREBY AGREE AS FOLLOWS:

1. ASSIGNEE hereby assumes all of the burdens and obligations of DEVELOPER under the Development Agreement, and agrees to observe and fully perform all of the duties and obligations of DEVELOPER under the Development Agreement, and to be subject to all of the terms and conditions thereof, with respect to the Assigned Parcel(s), it being the express intention of both DEVELOPER and ASSIGNEE that, upon the execution of this Agreement, ASSIGNEE shall become substituted for DEVELOPER as the "DEVELOPER" under the Development Agreement with respect to the Assigned Parcel(s).

2. ASSIGNEE understands and agrees that this Agreement is subject to Section 10 of the Development Agreement. Section 10 reads as follows:

Page 1 of Exhibit C
to Development Agreement
Ord. No. 856

SECTION 11. ASSIGNMENT

Developer shall have the right to sell, assign, or transfer its interest under this Agreement as part of a contemporaneous and related sale, assignment or transfer of its interest in the Property, or any portion thereof, without the consent of the City, provided that Developer shall notify the City of such sale, assignment or transfer by providing written notice thereof to the City in the manner provided in this Agreement. Developer shall remain obligated to perform all terms and conditions of this Agreement, unless such purchaser, assignee or transferee, to the satisfaction of and in a form acceptable to the City Attorney, executes and delivers to the City an express agreement to assume all of the obligations and other terms and conditions of this Agreement with respect to the Property or such portion thereof sold, assigned or transferred. The execution of such an assumption agreement shall relieve Developer of the obligations expressly assumed only if: (a) Developer is not in default under this Agreement at the time of the assignment or transfer; and (b) Developer has provided the City with notice of said assignment or transfer in the manner provided hereunder. Any such assumption agreement with respect to Developer's obligations under this Agreement shall be deemed to be to the satisfaction of the City Attorney if executed in the form of the Assignment and Assumption Agreement attached hereto as Exhibit "D" and incorporated herein by this reference, or such other form as shall be proposed by Developer and approved by the City Attorney prior to the effective date of the assignment.

Any purchaser, assignee, or transferee shall be obligated and bound by the terms and conditions of this Agreement, and shall be the beneficiary thereof and a party thereto, only with respect to the Property, or such portion thereof, sold, assigned, or transferred to it. Any such purchaser, assignee, or transferee shall observe and fully perform all of the duties and obligations of Developer under this Agreement, as such duties and obligations pertain to the portion of the Property sold, assigned, or transferred.

3. At the request of the City, ASSIGNEE agrees to enter into a separate development agreement with respect to the Assigned Parcel(s).

4. All of the covenants, terms and conditions set forth herein shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, successors and assigns.

5. ASSIGNEE agrees that it has read, and has sought and received all required legal and other expert consultation with regard to the Development Agreement, and fully understands all of its terms and conditions. ASSIGNEE further agrees that: (i) DEVELOPER has furnished ASSIGNEE with a copy of the City of Rocklin's Zoning Ordinance and all other documents and materials containing or relating to terms and conditions of development of the Property pursuant to this Agreement; (ii) ASSIGNEE has read and understands all of the terms and conditions of said documents and materials; and (iii) with such knowledge and understanding, which includes the nature and extent of the fees, taxes, assessments and other financial mechanisms and obligations inherent in such documents and materials, nevertheless has voluntarily, freely and knowingly assumed and agreed to perform all of the obligations and requirements, and be bound by all of the provisions of such documents and materials.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date and year first above written.

By: _____
"ASSIGNEE"

ORDINANCE NO. 856

ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF ROCKLIN APPROVING A DEVELOPMENT AGREEMENT
BY AND BETWEEN THE CITY OF ROCKLIN
AND ALLEGHANY PROPERTIES, INC. FOR
DEVELOPMENT OF THE PROPERTY KNOWN
AS GRANITE LAKES ESTATES
(Granite Lakes Estates / DA 2000-01)

The City Council of the City of Rocklin does resolve as follows:

Section 1. The City Council of the City of Rocklin finds and determines that:

- A. An environmental impact report has been certified for the project;
- B. The development agreement is consistent with and implements the policies of the City of Rocklin's General Plan, including the Housing Element;
- C. The development agreement is compatible with the land uses and development regulations prescribed by the planned development zoning (PDG-2000-08) for the site;
- D. The development agreement will not be detrimental to the health, safety, and welfare of persons residing in the immediate area nor be detrimental or injurious to property or persons in the general neighborhood or to the general welfare of residents of the city as a whole;
- E. The development agreement will not adversely affect the orderly development of property or the preservation of property, on or off the project site;
- F. The agreement is consistent with the provisions of Government Code Sections 65864 through 65869.5.

Section 2. The City Council of the City of Rocklin hereby approves the development agreement by and between the City of Rocklin and Alleghany Properties, Inc. Relative to the Development Known as Granite Lakes Estates, attached hereto and incorporated by reference herein as Exhibit 1.

Section 3. The City Council of the City of Rocklin hereby directs the Mayor to sign the Development Agreement By and Between the City of Rocklin and Alleghany Properties, Inc. Relative to the Development Known as Granite Lakes Estates on behalf of the City of Rocklin and directs City Clerk to record said document with the Placer County Recorder.

Section 4. Within fifteen days of passage of this ordinance, the City Clerk shall cause the full text of the ordinance, with the names of those City Council members voting for and against the ordinance, to be published in the Placer Herald. In lieu of publishing the full text of the ordinance, the City Clerk, if so directed by the City Attorney and within fifteen days, shall cause a summary of the ordinance, prepared by the City Attorney and with the names of the City Council members voting for and against the ordinance, to be published in the Placer Herald, and shall post in the office of the City Clerk a certified copy of the City Council members voting for and against the ordinance. The publication of a summary of the ordinance in lieu of the full text of the ordinance is authorized only where the requirements of Government Code section 36993 (c) (1) are met.

PASSED AND ADOPTED this 11th day June, 2002, by the following roll call vote:

AYES: Councilmembers: Magnuson, Storey, Lund

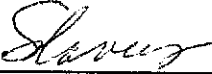
NOES: Councilmembers: None

ABSENT: Councilmembers: Hill, Yorde

ABSTAIN: Councilmembers: None


Kathy Lund, Vice Mayor

ATTEST:



City Clerk

First Reading: 5-28-02
Second Reading: 6-11-02
Effective Date: 7-11-02

The foregoing instrument is a correct copy of the original document on file in this office.

Attest: 

City Clerk, City of Rocklin

E:\clerk\ord\Granite Lakes DA Ordinance.doc

Easement Road Maintenance

PLACER, County Recorder
JIM MOCAULEY Co Recorder Office

DOC - 99-0062739

Acct 3-CHICAGO TITLE

Wednesday, JUL 14, 1999 08:00:00

REC \$37.00 MIC \$9.00 AUT \$31.00

SBS \$28.00

Ttl Pd \$105.00

Nbr-0000208987

odn/R2/3-29

RECORDING REQUESTED BY AND
Chicago Title
WHEN RECORDED/ RETURN TO:

ALLEGHANY PROPERTIES, INC.
2150 River Plaza Drive, Suite 155
Sacramento, California 95833
Attention: Michael C. Brumbaugh

(Space above this line for Recorder's use)

GRANT OF RIGHT-OF-WAY,
ROAD DEVELOPMENT AND MAINTENANCE,
AND ENTITLEMENT PROCESSING AGREEMENT

This Agreement is made by and between HELEN A. BELL, SURVIVING TRUSTEE OF THE LELAND AND HELEN BELL FAMILY 1988 REVOCABLE TRUST ("Bell"), and ALLEGHANY PROPERTIES, INC., a Delaware corporation ("API"), who agree as follows:

ARTICLE I. GENERAL.

1.01. API Property. API is the owner of the fee interest in certain real property located in the City of Rocklin, County of Placer, State of California, which is shown on the map attached hereto as Exhibit A and is more particularly described in Exhibit B hereto (the "API Property").

1.02. Bell Property. Bell is the owner of the fee interest in certain real property located in the City of Rocklin and/or County of Placer, State of California, which is shown on the map attached hereto as Exhibit A and is more particularly described in Exhibit C hereto (the "Bell Property").

1.03. API Access Road. API desires to have a roadway (the "API Access Road") running through the Bell Property which, in conjunction with additional roadways, will provide access from China Garden Road to the API Property. At some future time, API or its successors or assigns may desire to extend the API Access Road into and/or through the API Property to such point or points as API or its successors or assigns may choose upon the terms and subject to the conditions set forth in Section 2.03 of this Agreement.

API/GRANITE/EASEMENT(BELL)

1

5/3/99.V8

1.04. Purpose. This Agreement provides for, among other things, the grant by Bell to API of a right-of-way over a portion of the Bell Property, all upon the terms and subject to the conditions set forth herein.

1.05. Effective Date. The effective date of this Agreement shall be the date upon which it is returned unmodified by the last party to execute it to the first party to execute it. Following the occurrence of the effective date of this Agreement, API and Bell immediately shall cause this Agreement to be recorded in the Official Records of the County of Placer, State of California.

ARTICLE 2. GRANT OF API EASEMENT.

2.01. Construction Easement. During the time in which the contractor(s) engaged pursuant to Section 3.04 hereof are constructing the API Access Road and related improvements, or as contractors otherwise are engaged from time to time in connection with the use of the API Easement (as hereinafter defined), such contractor(s) shall have a temporary, nonexclusive easement over the API Easement Area (as hereinafter defined), as well as over two (2) additional portions of the Bell Property (each of which additional portions is twenty (20) feet wide, is contiguous to the applicable outside boundary of the API Easement Area, and runs the full length of the API Easement Area, all as shown on Exhibit A attached hereto) for use in conjunction with said construction work. The construction easement granted in this section shall terminate upon the acceptance by the authorities (as defined in Section 3.01B below) of a dedication of the API Access Road and related improvements as public facilities.

2.02. API Access Easement. Bell hereby grants to API, for the benefit of the API Property and such other property to or through which the API Access Road may be extended in the future, a nonexclusive right-of-way and easement (the "API Easement") over that portion of the Bell Property designated as the "API Easement Area" on Exhibit A hereto (the "API Easement Area"). The API Easement Area is more particularly described in Exhibit D hereto. The API Easement shall be for the purpose of vehicular and pedestrian ingress and egress (including, without limitation by means of a paved roadway) and sanitary sewer lines, storm drainage lines, electrical, telephone, gas, water and other utility lines and related appurtenances and facilities, including, without limitation, pipes, valves and pumps, curbs, gutters, sidewalks and landscaping (and for the installation, construction, operation, use, maintenance, repair, replacement and reconstruction of all of the foregoing, as well as of any other related improvements) from and including the southern boundary of the Bell Property to and including the northern boundary of the Bell Property and each portion thereof, as more particularly described in Exhibit D hereto. The API Easement shall continue in perpetuity unless and until the API Access Road and related improvements are dedicated as public facilities and accepted by the authorities (as defined in Section 3.01B below).

2.03. Future Extension: Scope. API's easement rights granted by this Article 2 shall in no way limit or impair API's right, hereby acknowledged by the parties, to at some future time extend the API Access Road and related improvements and/or other improvements made or installed in accordance with the API Easement through the Bell Property to such point or points that API or its successors or assigns may, in its sole discretion, choose (which points may include, without limitation, points within or beyond the API Property). The parties hereby agree that any increased use of the API Access Road and related improvements and/or other improvements made or installed in accordance with the API Easement due to such extension shall not constitute an unreasonable burden upon or interference with the API Easement Area or the rights of any person or entity therein. Without in any way limiting the foregoing, Bell hereby acknowledges that API or a successor or assign of API intends to subdivide and develop the API Property for residential and commercial uses, and that such development will result in significantly greater usage of the API Easement than the usage anticipated prior to such development. Bell hereby acknowledges and agrees that such development of the API Property as has already or hereinafter may be allowed and approved by governmental agencies and authorities having jurisdiction over the API Property or any portion thereof, and such increased usage of the API Easement as may result therefrom, is and shall remain authorized and allowed by conveyance of the API Easement pursuant to this Agreement. Bell hereby further acknowledges and agrees that the scope of use of the API Easement shall include, without limitation, ingress and egress by emergency, fire, police, ambulance, utility and other public health and safety vehicles and personnel.

ARTICLE 3. CONSTRUCTION; GENERAL.

3.01. API Access Road Design.

A. Prior to any construction of a roadway within the API Easement Area, API shall, at its sole cost, engage a qualified engineer or engineering firm (the "Project Engineer") to prepare a set of proposed scaled drawings, plans and specifications for the construction of the API Access Road and related improvements.

B. As used herein, "related improvements" shall include those improvements related to the API Access Road which the appropriate governmental authorities (the "authorities") may require API to construct as a condition to obtaining all necessary permits and approvals for the installation of the API Access Road, as well as such other improvements, appurtenances and facilities as API reasonably may elect to make or install in accordance with the rights granted to API pursuant to this Agreement (including, without limitation, bridge improvements and road extensions). In addition, "related improvements" as used herein shall include those improvements which the Project Engineer reasonably estimates will increase the likelihood that the appropriate authorities will accept the dedication contemplated in Section 4.01 hereof. The related improvements may include, by way of example only, sidewalks, lighting, signalization, bus turnouts, bicycle lanes, divider medians and landscaping.

C. Prior to any construction of a roadway within the API Easement Area, API shall use its good faith and reasonable efforts to secure from the appropriate authorities an approved location for the API Access Road and specification thereby of all features of the API Access Road and all necessary and desirable related improvements and shall cause the Project Engineer to consult with the authorities in order that the same shall be determined as early as possible in the design process. Bell shall reasonably cooperate in all respects with such efforts by API, including, without limitation, any relocation of the API Access Road.

D. In the event that a roadway within the API Easement Area is constructed, as part of the construction of such roadway, there shall be installed, at no cost or expense to Bell: (i) water, sewer, electricity, gas, cable television, and storm drainage utilities lines within such roadway which are sized to service the Bell Property (including the one (1) residence existing thereon as of the date of this Agreement and any lots created pursuant to the Entitlement Processing, as defined in Section 5.01), the one (1) residence existing on the Lee Property (as shown on Exhibit A and Exhibit D attached hereto) as of the date of this Agreement, and the API Property; and (ii) a new asphalt driveway which is adequate to provide reasonable vehicular access from such roadway to the one (1) residence existing on the Bell Property as of the date of this Agreement, as well as the one (1) residence existing on the Lee Property as of the date of this Agreement.

3.02. Submission of Proposed Plans to Parties.

A. Prior to any construction of a roadway within the API Easement Area, API shall cause the Project Engineer to prepare and submit to the parties the proposed drawings, plans and specifications for the API Access Road and related improvements referred to in Section 3.01 hereof. Bell shall have the right to reasonably approve or disapprove the proposed size and other features of the API Access Road and related improvements; provided, however, that Bell shall not disapprove of any such features to the extent such features are required by or are acceptable to the authorities. Such approval or disapproval by Bell shall be accomplished by written notice to API.

B. Bell's failure to disapprove of such plans and specifications in writing within ten (10) days of receipt thereof shall be deemed to constitute Bell's approval of such plans and specifications. In the event that Bell reasonably disapproves the proposed location and size of the API Access Road and related improvements, the parties shall confer, cooperate in good faith and make every reasonable effort necessary to remove the source of Bell's reasonable disapproval and to arrive at a mutually satisfactory set of proposed plans and specifications as soon as possible after such reasonable disapproval. API shall cause the Project Engineer to make, in a timely manner, all revisions to the plans and specifications necessary to arrive at a mutually satisfactory set thereof, at API's sole cost. In the event that the parties are unable to agree upon a mutually satisfactory set of proposed plans and specifications, the parties shall

adopt such plans and specifications as the authorities advise are minimally acceptable to the authorities.

C. Once the parties have agreed upon a mutually satisfactory set of proposed plans and specifications, or in lieu thereof otherwise have adopted plans and specifications pursuant to Section 3.02B above, API shall cause the same to be submitted to the appropriate governmental entities for approval pursuant to Section 3.03 hereof.

3.03. Submission to Authorities.

A. As soon as is reasonably possible after the parties have agreed upon the proposed plans and specifications and irrespective of the possible differences in the individual development timetables of API and Bell, API shall make all necessary applications and submittals and otherwise work toward having the authorities approve the location and other features of the API Access Road and related improvements and issue all necessary permits for the construction thereof.

B. In the event that the authorities require revisions of the proposed plans and specifications or attach conditions to the final approvals thereof, API promptly shall inform Bell of such revisions or conditions. Bell shall thereupon have a reasonable period of time (not to exceed, in any event ten (10) days) in which to review, approve or, in its reasonable discretion, disapprove of the same in writing. If Bell reasonably disapproves such revisions or conditions, the parties shall consult with the authorities to remove the source of Bell's disapproval, and otherwise shall cooperate in good faith and make every reasonable effort to remove the source of Bell's reasonable disapproval and to arrive at a mutually satisfactory set of revisions or conditions. In the event that the parties are unable to agree upon a mutually satisfactory set of revisions or conditions, the parties shall consent to the adoption of such revisions and conditions as the authorities advise are minimally acceptable to the authorities.

3.04. Contracts. Prior to the construction of a roadway within the API Easement Area, API shall engage one or more prime contractors for the purpose of constructing the API Access Road and related improvements.

3.05. Construction. Following commencement of construction by API's prime contractor(s) of the API Access Road and related improvements, API shall cause the construction commenced to be diligently pursued to completion.

3.06. Payments.

A. API shall be responsible for making all payments to the prime contractor(s) under the contract(s) let by API; provided, however, that nothing contained herein is intended to constitute, nor shall it be deemed or construed as constituting, any abrogation,

limitation or waiver of any right or opportunity API now or hereinafter may have to seek or recover from property owners other than Bell reimbursement of, among other things, payments for infrastructure improvements (including, without limitation, water service improvements and sewer service improvements) if and as permitted by applicable governmental authorities or otherwise, all of which reimbursement rights, if any, are hereby expressly reserved by API.

B. In the event that API fails to pay any prime contractor when due the costs of construction of the API Access Road and related improvements, Bell shall have the right, but not the obligation, upon ten (10) days' written notice to API, to make such payment to the contractor for and on behalf of API. Upon such payment, Bell shall submit to API a statement showing the amounts paid and API shall reimburse Bell the amount of the costs so paid by Bell. Such reimbursement by API shall be within fifteen (15) business days of the date of the receipt of such statement showing payment made by Bell on API's behalf. API shall be responsible for any penalties or late payment fees resulting from API's failure to timely pay any contractor and shall reimburse Bell the full amount of any such penalty or fee paid by Bell. Notwithstanding anything to the contrary contained in this Section 3.06.B., Bell shall not have the rights described in this Section 3.06.B. in the event that API refuses to pay all or any portion of the costs of construction due to a bona fide dispute with the contractor performing such work, provided that such refusal does not result in any lien being filed against all or any portion of the Bell Property, or if any lien is so filed, provided that at least ten (10) business days prior to foreclosure thereof API posts a bond sufficient to cause removal of such lien as an encumbrance on the Bell Property or any portion thereof. In the event that API does not reimburse Bell amounts paid by Bell as provided in this Section 3.06.B. by the date on which such reimbursement is due, the amount due shall bear interest at the lower of the maximum rate of interest not prohibited by law or an annual rate of interest that is two percent (2%) above the prime rate then announced by Bank of America, N.A., San Francisco, California, Main Office. Interest shall run from time of advancement until paid. If the amount due is not paid within thirty (30) days after the date on which such reimbursement is due, then Bell may record a notice of lien in the amount owed by API, plus accrued interest. Such notice of lien shall be recorded against the API Property and shall set forth, among other things, the amount owing and a brief statement of the nature thereof, the property encumbered thereby, and a reference to this Agreement as the source and authority for such lien. Such notice of lien may be enforced by Bell, or such trustee as Bell may appoint, by applicable foreclosure procedures in a like manner as a deed of trust on real property is judicially and/or non-judicially foreclosed under the laws of the State of California. Bell shall have the right to bid in at any foreclosure sale on behalf of itself, and if the successful bidder, Bell shall acquire title thereto. No such foreclosure sale shall release or extinguish any rights, remedies or provisions contained in this instrument in the event of any further violation of any covenant set forth herein. API hereby consents to the recording of such notice of lien if reimbursement of principal and interest is not made by API. On payment by API of all reimbursement amounts due Bell under this Section 3.06.B., plus accrued interest, Bell shall record a release of lien with respect to the property liened under this Section 3.06.B.

3.07. Notice of Non-Responsibility. Bell hereby expressly reserves such rights as it may have from time to time under applicable law to post and maintain on the Bell Property (including, without limitation, the portion thereof consisting of the API Easement Area), and to record in the Office of the Recorder, Placer County, California, such notice(s) of non-responsibility as may be reasonably necessary to protect Bell and the Bell Property against liability for any mechanics' or materialmen's lien arising from construction of a roadway within the API Easement Area.

ARTICLE 4. MAINTENANCE AND REPAIR.

4.01. Interim Maintenance. The parties intend to dedicate the API Access Road and related improvements, as well as the fee interest in the land thereunder, to the appropriate authorities for use as a public street and public facilities. During the time after completion and before the API Access Road and related improvements are dedicated to and accepted by such entity (the "Interim Maintenance Period"), API shall cause the API Access Road and related improvements to be maintained in good condition and repair ("API's maintenance obligation"), the intent of the parties being that such condition will increase the likelihood that the dedication will be accepted. API's maintenance obligation shall include, but not be limited to, such repairing, repaving, relandscaping, replanting, replacement and reconstruction of the API Access Road and related improvements as is reasonably necessary to maintain the same in good condition and repair. All costs and expenses of such maintenance shall be at no cost or expense to Bell; provided, however, that notwithstanding anything to the contrary contained in the foregoing or in any other provision of this Agreement, from and after the later to occur of the first Due Date or such time, if any, as the API Access Road and/or related improvements are actually used for the benefit of all or any portion of the Bell Property, Bell shall reimburse to API upon demand by API a proportionate share of the costs and expenses of such maintenance in an amount equal to the product obtained by dividing the gross acreage of the Bell Property by the aggregate gross acreage of the API Property and the Bell Property; provided, further, however, that nothing contained herein is intended to constitute, nor shall it be deemed or construed as constituting, any abrogation, limitation or waiver of any right or opportunity API now or hereinafter may have to seek or recover from Bell and property owners other than Bell additional reimbursement of maintenance costs and expenses if and as permitted by applicable governmental authorities or otherwise, all of which reimbursement rights, if any, are hereby expressly reserved by API. If Bell fails to reimburse API for such expenses within fifteen (15) business days of such demand by API, the amount due from Bell but unpaid shall bear interest and API shall have lien rights against the Bell Property in accordance with Section 5.02 of this Agreement.

4.02. Dedication: Nonacceptance. Upon the request of either API or Bell, the other party hereto shall exercise good faith and make reasonable efforts to cause the applicable authorities to accept a dedication of the API Access Road and related improvements as public facilities with maintenance thereof to be performed by the authorities following the satisfaction

of such criteria for public dedication and maintenance as may be required by the authorities. Without in any way limiting the foregoing, API and Bell agree to execute and deliver at any time hereinafter, upon request of the other party hereto, such instruments or documents (including, without limitation, an irrevocable offer of dedication) as may be reasonably necessary in furtherance of the foregoing. Bell and API hereby further agree that in the event that such dedication is consummated, neither party shall object to (and, if requested, shall expressly vote to affirm) the creation of a maintenance district which will, among other things, levy assessments on any property (and/or the owners thereof) that abuts or is served by the API Access Road for the purpose of maintaining and/or repairing the API Access Road and related improvements and for such other purposes, if any, which are ancillary thereto as may be required or approved by the authorities. In the event that the applicable authorities accept a dedication of the API Access Road and related improvements, API's maintenance obligations under this Article 4 shall terminate concurrently with the effectiveness of such acceptance by the authorities. In the event that the applicable authorities refuse to accept a dedication of the API Access Road and related improvements, API's maintenance obligation as provided herein shall not cease, but shall continue until such time as the parties mutually agree to alter such obligation by a written instrument.

4.03. Failure to Maintain. In the event that API fails to exercise its maintenance obligation, Bell shall have the right, but not the obligation, upon ten (10) days' written notice to API, to perform API's maintenance obligation for and on behalf of API. Upon such performance, Bell shall submit to API a statement showing amounts expended by Bell in performing API's maintenance obligation, and API shall reimburse Bell for all reasonable expenses incurred by Bell in doing so, less Bell's share of such expenses. If API fails to reimburse Bell for such expenses within fifteen (15) business days of receipt of such statement, the amount due from API but unpaid shall bear interest as provided for in Section 3.06.D of this Agreement.

ARTICLE 5. ENTITLEMENT PROCESSING

5.01 Bell Property Entitlements. Bell hereby grants API permission and authority to undertake the Entitlement Processing. API shall commence the Entitlement Processing within thirty (30) business days after recordation of this Agreement in the Official Records of Placer County, California, and thereafter shall exercise good faith and reasonable efforts to complete the Entitlement Processing. Notwithstanding anything to the contrary contained in the foregoing, Bell hereby expressly acknowledges that no promise, guaranty or other assurance is or has been made by API that the Entitlement Processing will be completed or will be completed within any particular time period. Bell hereby further expressly acknowledges that various groups previously have opposed the proposed development of the API Property, that such groups or others in the future may oppose the Entitlement Processing, the development of the API Property and/or the Bell Property (or any combination of any of the foregoing), and that any such opposition may delay or jeopardize, among other things, the completion of the Entitlement Processing. As used herein, "Entitlement Processing" is the process of submitting

applications for and obtaining approval from local governmental or quasi-governmental agencies or authorities having jurisdiction over all or any portion of the Bell Property (collectively, the "Authorities") of a tentative subdivision map for a subdivision of the Bell Property into the maximum number of single-family residential lots (having an average lot size of at least approximately Twelve Thousand Five Hundred (12,500) square feet) as API, in its sole but good faith discretion, determines are feasible.

5.02 Payment. API shall advance all the engineers' and consultants' fees, application and plan check fees, and other costs and expenses for any Entitlement Processing undertaken by API. Bell shall reimburse to API, in collectible funds, all amounts advanced by API pursuant to this Section 5.02 from time to time not later than seven (7) calendar days after API delivers to Bell a notice requesting such payment, together with invoices evidencing the amount of such fees, costs and/or expenses; provided, however, that notwithstanding anything to the contrary contained in the foregoing, Bell shall not have any obligation to reimburse any amount to API pursuant to this Section 5.02 unless and until the date (the "Due Date") of the occurrence of the sale, transfer or conveyance of all or any portion of the Bell Property (in the event that the Bell Property is sold, transferred or conveyed in more than one portion, a Due Date will occur upon the date of each sale, transfer or conveyance of any portion of the Bell Property); and provided, further, however, that in the event of the occurrence of any Due Date by reason of a sale of any portion (but not all) of the Bell Property, the sum Bell is obligated to pay to API pursuant to this Section 5.02 in relation to such Due Date shall consist of the following (and the following shall also apply to each subsequent sale of any other portion (but not all) of the Bell Property):

(a) a sum equal to eighty percent (80%) of the net cash sale proceeds or, subject to clause (b) below, other consideration generated for Bell by such sale at the closing thereof (calculated by deducting reasonable and customary closing costs from the gross sale proceeds or other consideration generated by such sale at the closing thereof), which sum shall be due and payable to API, without notice or demand by API, seven (7) calendar days after the closing of such sale; and

(b) in the event that the consideration generated for Bell by such sale at the closing thereof includes a promissory note, a sum equal to eighty percent (80%) of any amount which becomes due and payable to Bell from time to time under such promissory note, which sum shall be due and payable to API, without notice or demand by API, seven (7) calendar days after the date upon which such amount under such promissory note becomes due and payable to Bell. Bell hereby agrees to provide to API a copy of any such promissory note immediately following execution and delivery thereof to Bell.

Except as otherwise expressly stated in this Section 5.02, this is an unconditional obligation on the part of Bell to fund such costs upon request by API. In the event that Bell does not pay to API when due amounts as provided in this Section 5.02, the amount due shall bear interest at the lower of the maximum rate of interest not prohibited by law or an annual rate of interest that is

two percent (2%) above the prime rate then announced by Bank of America, N.A., San Francisco, California, Main Office. Interest shall run from the applicable Due Date until paid. If the amount due is not paid within thirty (30) days after the applicable Due Date, then API may record and enforce a notice of lien against the Bell Property in the amount owed by Bell, plus accrued interest, all in accordance with the procedures applicable to a notice of lien as set forth in Section 3.06(B) above. Bell hereby consents to the recording of such notice of lien if reimbursement of principal and interest is not made by Bell. On payment by Bell of all amounts due API under this Section 5.02, plus accrued interest, API shall record a release of lien with respect to the property lien under this Section 5.02.

5.03 Bell's Cooperation. Bell agrees to cooperate reasonably with API with the Entitlement Processing by executing upon API's request all documents, applications and maps, and attending meetings and hearings (or having Bell's agents attend) or taking such other action as API shall reasonably request.

ARTICLE 6. MISCELLANEOUS.

6.01. Successors and Assigns; Covenants Running With the Land. The API Access Easement and other rights granted or created herein are appurtenant to the API Property and every portion thereof, as well as such other property to or through which the API Access Road may be extended in the future. The obligations imposed upon API and Bell by this Agreement are covenants burdening and benefitting the API Property and burdening and benefitting the Bell Property, and, pursuant to applicable law, including, but not limited to, Section 1468 of the Civil Code of the State of California, such covenants shall be binding upon the successive owners of the API Property and the Bell Property for the benefit of API and Bell and the successive owners of the API Property and the Bell Property. Without in any way limiting the foregoing, API shall have the right expressly to assign its rights and to delegate its obligations under this Agreement to any governmental authority, municipal utility company or to any person or entity which acquires from API fee title to all or any portion of the API Property, and concurrently with the assumption by API's assignee of API's obligations under this Agreement API shall be fully released from its obligations under this Agreement.

6.02. Notices. Notices required or permitted by this Agreement shall be personally delivered or sent by first-class mail, postage prepaid, addressed as follows:

Bell: Helen A. Bell
4185 Greenbrae Rd
Rocklin, California 95677

Doug Bell
1249 Crisp Court
Sacramento, California 95864

API: Alleghany Properties, Inc.
2150 River Plaza Drive, Suite 155
Sacramento, California 95833
Attention: Michael C. Brumbaugh

Notices which are personally delivered shall be deemed to be given upon delivery. Notices which are mailed shall be deemed to be given on the day (excluding Sundays) during which the notice is deposited in the U.S. mail.

6.03. Interpretation. This Agreement has been executed in Rocklin, California. This Agreement shall be governed by and construed in accordance with the laws of the State of California. The captions of paragraphs used in this Agreement are for convenience only.

6.04. Time of Essence. The parties hereby acknowledge and agree that time is strictly of the essence with respect to each and every term, condition, obligation and provision hereof.

6.05. Attorneys' Fees. In the event either party shall commence legal proceedings against the other party for the purpose of enforcing any provision or condition hereof, or by reason of any breach arising under the provisions hereof, then the successful party in such proceeding shall be entitled to reasonable attorneys' fees.

6.06. Integration. This Agreement contains the entire agreement of the parties hereto, and supersedes any prior written or oral agreements between them concerning the subject matter contained herein. There are no representations, agreements, arrangements or understandings, oral or written, relating to the subject matter hereof which are not fully expressed herein.

6.07. Indemnity. API agrees to indemnify, defend and hold Bell harmless for and from any and all claims, damages and liability resulting from API's activities with respect to the construction on the Bell Property and API's use of the API Easement Area. Bell agrees to indemnify, defend and hold API harmless for and from any and all claims, damages and liability resulting from Bell's activities, if any, with respect to the construction on the Bell Property and Bell's use, if any, of the API Easement Area. In the event that the applicable authorities accept a dedication of the API Access Road and related improvements, API's and Bell's respective indemnification obligations under this Section 5.07 shall terminate concurrently with the effectiveness of such acceptance by the authorities with respect to claims which first arise thereafter.

6.08. Negation of Partnership. Nothing contained herein shall be construed as creating or intending to create any partnership, principal-agent relationship, joint venture or any association between API and Bell with respect to the subject matter of this Agreement.

6.09. No Third Party Rights. This Agreement is entered into for the sole benefit of API and Bell, and their respective permitted successors and assigns, and no natural person, entity, or governmental agency or authority shall have any third party beneficiary or other similar rights under or arising from this Agreement.

6.10. Representations and Warranties.

A. As an inducement to API to enter into this Agreement, Bell hereby represents and warrants to API that the following matters are true and correct as of the effective date of this Agreement :

(i) Bell has the right, power, legal capacity and authority to enter into and perform its obligations under this Agreement. The execution, delivery and performance by Bell of its obligations under this Agreement, and the consummation by Bell of the transactions contemplated hereunder, have been duly authorized by all necessary partnership action on the part of Bell.

(ii) The terms and provisions of the covenants by Bell under this Agreement constitute valid and legally binding obligations of Bell enforceable against Bell in accordance with their respective terms.

B. As an inducement to Bell to enter into this Agreement, API hereby represents and warrants to Bell that the following matters are true and correct as of the execution of this Agreement:

(i) API is a corporation duly organized, validly existing and in good standing under the laws of the State of Delaware, and is qualified or authorized to transact business in the State of California.

(ii) API has the right, power, legal capacity and authority to enter into and perform its obligations under this Agreement. The execution, delivery and performance by API of its obligations under this Agreement, and the consummation by API of the transactions contemplated hereunder, have been duly authorized by all necessary corporate action on the part of API .

(iii) The terms and provisions of the covenants by API under this Agreement constitute valid and legally binding obligations of API enforceable against API in accordance with their respective terms.

6.11. Further Assurances. From time to time, at the sole cost and expense of the party making such request, each party hereto shall execute and deliver such instruments or documents as may be reasonably requested by the other party hereto in order to carry out the purposes and intent of this Agreement or to consummate the transactions contemplated hereunder.

6.12. Exhibits.

- A - Map
- B - Description of API Property
- C - Description of Bell Property
- D - Description of API Easement Area

IN WITNESS WHEREOF, API and Bell have executed this Agreement as of the date and year first above written.

"Bell":

Helen A. Bell Trustee
HELEN A. BELL, SURVIVING TRUSTEE
OF THE LELAND AND HELEN BELL
FAMILY 1988 REVOCABLE TRUST

"API":

ALLEGHANY PROPERTIES, INC.,
a Delaware corporation

By: *Michael C. Brumbaugh*
Its: *Senior Vice President*

EXHIBIT A

Map

(See Attached).

API/GRANITE/EASEMENT(BELL)

15

5/3/99.V8

Description: Placer, CA Document-Year.DocID 1999.62739 Page: 15 of 29
Order: larry Comment:



LEGEND:

- ① API PROPERTY
- ② API EASEMENT AREA
- ③ BELL PROPERTY
- ④ ROAD IMPROVEMENT TO ALLOW PROPER APPROACH TO BRIDGE
- ⑤ LEE PROPERTY

GRANITE LAKES ESTATES / BELL PROPERTY

EXHIBIT "A"

API EASEMENT AREA



16

EXHIBIT B

Description of API Property

All of that certain real property located in the County of Placer,
State of California, and more particularly described as follows:

(See Attached).

API/GRANTEE/EASEMENT(BELL)

1

5/3/99.V8

17

Description: Placer, CA Document-Year.DocID 1999.62739 Page: 17 of 29
Order: larry Comment:

DESCRIPTION

PARCEL ONE:

PARCELS 2, AND 3, AS SHOWN AND DESIGNATED UPON THAT CERTAIN PARCEL MAP FILED FEBRUARY 27, 1990, IN BOOK 25, AT PAGE 98.

EXCEPTING THEREFROM: PARCEL 4, AS DESCRIBED IN THE PARTIAL RECONVEYANCE DATED MAY 11, 1990, EXECUTED BY CENTRAL VALLEY SECURITY COMPANY, A CALIFORNIA CORPORATION, RECORDED JUNE 18, 1990, IN BOOK 1928, PAGE 345, OFFICIAL RECORDS.

PARCEL TWO:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AND PUBLIC UTILITIES, OVER AND ACROSS THOSE CERTAIN PARCELS OF REAL PROPERTY LOCATED IN THE COUNTY OF PLACER, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL A:

THE EAST 114.00 FEET OF THE SOUTH 25.00 FEET OF PARCEL "A", AS SAID PARCEL "A" SHOWN ON THAT MAP RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF PLACER COUNTY, STATE OF CALIFORNIA, IN BOOK 7 OF PARCEL MAPS, AT PAGE 105.

PARCEL B:

THE WEST 32.00 FEET OF THE EAST 83.00 FEET OF THE FOLLOWING DESCRIBED REAL PROPERTY:

ALL THAT PORTION OF THE NORTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 29, TOWNSHIP 11 NORTH, RANGE 7 EAST, MOUNT DIABLO BASE AND MERIDIAN, SITUATE IN THE COUNTY OF PLACER, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL "A", AS SHOWN ON THAT MAP RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF PLACER COUNTY, STATE OF CALIFORNIA, IN BOOK 7 OF PARCEL MAPS, AT PAGE 105; THENCE SOUTH $00^{\circ}14'00''$ WEST 35.00 FEET; THENCE SOUTH $89^{\circ}46'00''$ EAST 241.03 FEET TO A POINT IN THE EAST LINE OF SAID NORTHWEST ONE-QUARTER AS SAID EAST LINE IS SHOWN ON THAT SURVEY RECORDED IN THE OFFICE OF SAID RECORDER IN BOOK 1 OF SURVEYS, AT PAGE 58; THENCE ALONG SAID EAST LINE, NORTH $00^{\circ}03'00''$ EAST 35.00 FEET TO THE NORTHEAST CORNER OF SAID NORTHWEST ONE-QUARTER AS SHOWN ON SAID SURVEY, SAID CORNER ALSO BEING THE SOUTH LINE OF SAID PARCEL "A", NORTH $89^{\circ}46'00''$ WEST 241.00 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION THEREOF CONTAINED IN DEED TO THE HEIRS OR DEVISEES OF EVAN B. QUINCEY, SR., DECEASED, SUBJECT TO ADMINISTRATION OF THE ESTATE OF SAID DECEDENT, RECORDED AUGUST 4, 1965, IN BOOK 1675, AT PAGE 152, PLACER COUNTY RECORDS.

PARCEL C:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AND PUBLIC UTILITIES, OVER AND ACROSS THAT CERTAIN PARCEL OF REAL PROPERTY LOCATED IN THE COUNTY OF PLACER, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

DESCR50 -- 12/04/91 AA

18

DESCRIPTION

THE WEST 168.87 FEET OF AREA "K", AS SAID AREA IS SHOWN ON THAT MAP RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF PLACER COUNTY, STATE OF CALIFORNIA, BOOK 7 OF PARCEL MAPS, PAGE 108.

PARCEL THREE:

THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 11 NORTH, RANGE 7 EAST, MOUNT DIABLO BASE AND MERIDIAN.

EXCEPTING THEREFROM THE EAST 496.0 FEET THEREOF.

ALSO EXCEPTING THEREFROM ALL THAT PORTION THEREOF LYING WITHIN THE PARCEL CONVEYED TO DRY MIX MATERIALS COMPANY, A CALIFORNIA CORPORATION, RECORDED JUNE 16, 1959, IN BOOK 799, OFFICIAL RECORDS, PAGE 292.

ALSO EXCEPTING THEREFROM ALL THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 11 NORTH, RANGE 7 EAST, MOUNT DIABLO BASE AND MERIDIAN, FROM WHICH A 3/4 INCH IRON PIPE WITH CAP STAMPED LS 2720 MARKING THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER BEARS NORTH 0°03' EAST 472.26 FEET; THENCE FROM SAID POINT OF BEGINNING ALONG SAID WEST LINE SOUTH 0°03' WEST 172.85 FEET TO A SIMILAR IRON PIPE; THENCE SOUTH 89°46' EAST 138.64 FEET TO A SIMILAR IRON PIPE; THENCE NORTH 0°03' EAST 172.85 FEET TO A SIMILAR IRON PIPE; THENCE NORTH 89°46' WEST 138.65 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM ANY PORTION THEREOF LYING ON THE WEST SIDE OF THE FOLLOWING DESCRIBED LINE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 3/4 INCH CAPPED IRON PIPE STAMPED L.S. 2720, LOCATED IN THE NORTH LINE OF SAID SECTION 29, AS SHOWN ON THAT CERTAIN "RECORD OF SURVEY OF SECTION 29, TOWNSHIP 11 NORTH, RANGE 7 EAST, MOUNT DIABLO BASE AND MERIDIAN," FILED IN THE OFFICE OF THE PLACER COUNTY RECORDER ON JULY 14, 1959, IN BOOK 1 OF SURVEYS AT PAGE 58, FROM WHICH THE NORTHWEST CORNER OF SAID SECTION 29 BEARS NORTH 89°46'00" WEST 1,321.87 FEET; THENCE FROM SAID POINT OF BEGINNING SOUTH 00°03'30" WEST 1,311.80 FEET TO A SIMILAR 3/4 INCH CAPPED IRON PIPE.

PARCEL FOUR:

ALL THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 29, TOWNSHIP 11 NORTH, RANGE 7 EAST, MOUNT DIABLO BASE AND MERIDIAN, LYING ON THE EAST SIDE OF THE FOLLOWING DESCRIBED LINE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 3/4 INCH CAPPED IRON PIPE STAMPED L.S. 2720, LOCATED IN THE NORTH LINE OF SAID SECTION 29, AS SHOWN ON THAT CERTAIN "RECORD OF SURVEY OF SECTION 29, TOWNSHIP 11 NORTH, RANGE 7 EAST, MOUNT DIABLO BASE AND MERIDIAN," FILED IN

DESCR50 -- 12/04/91 AA

19

3

DESCRIPTION

THE OFFICE OF THE PLACER COUNTY RECORDER ON JULY 14, 1959, IN BOOK 1 OF SURVEYS AT PAGE 50, FROM WHICH THE NORTHWEST CORNER OF SAID SECTION 29 BEARS NORTH 89°46'00" WEST 1,321.87 FEET; THENCE FROM SAID POINT OF BEGINNING SOUTH 00°03'30" WEST 2,311.80 FEET TO A SIMILAR 3/4 INCH CAPPED IRON PIPE.

PARCEL FIVE:

BEGINNING AT A 3/4 INCH IRON PIPE WITH CAP STAMPED L.S. 2720 MARKING THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 11 NORTH, RANGE 7 EAST, MOUNT Diablo BASE AND MERIDIAN; THENCE ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER SOUTH 0°03' WEST 472.26 FEET; THENCE NORTH 89°46' WEST 50.76 FEET TO A 3/4 INCH IRON PIPE WITH CAP STAMPED L.S. 2720; THENCE NORTH 0°03' EAST 471.92 FEET TO A SIMILAR IRON PIPE IN THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE ALONG SAID NORTH LINE NORTH 89°50'49" EAST 50.76 FEET TO THE POINT OF BEGINNING.

PARCEL SIX:

AN EASEMENT FOR ROADWAY AND PUBLIC UTILITY PURPOSES OVER AND ACROSS THE WEST 30 FEET OF THE EAST 527 FEET OF THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 11 NORTH, RANGE 7 EAST, MOUNT Diablo BASE AND MERIDIAN.

CITY OF ROCKLIN

ASSESSOR'S PARCEL NUMBER 046-030-052, 046-030-053 AND 046-030-058

DESCR50 -- 12/04/91 AA

20

DESCRIPTION

PARCEL ONE:

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 7 EAST, MDB&M., BEING FURTHER DESCRIBED AS PARCEL "A" OF PARCEL MAP NO. P71232, RECORDED NOVEMBER 19, 1975 IN BOOK 7 OF PARCEL MAPS, AT PAGE 105, PLACER COUNTY RECORDS.

PARCEL TWO:

AN EASEMENT FOR ROAD AND UTILITY PURPOSES OVER AREA "K" OF SAID PARCEL MAP NO. P71232.

PARCEL THREE:

ALL THAT PORTION OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, T. 11 N., R. 7E., M.D.B.&M., SITUATE IN THE COUNTY OF PLACER, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL "A", AS SHOWN ON THAT MAP RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF PLACER COUNTY, STATE OF CALIFORNIA, IN BOOK 7 OF PARCEL MAPS, AT PAGE 105; THENCE SOUTH 00°14'00" WEST 35.00 FEET; THENCE SOUTH 89°46'00" EAST 241.03 FEET, TO A POINT IN THE EAST LINE OF SAID NORTHWEST 1/4, AS SAID EAST LINE IS SHOWN ON THAT SURVEY RECORDED IN THE OFFICE OF SAID RECORDER IN BOOK 1 OF SURVEYS, AT PAGE 58; THENCE ALONG SAID EAST LINE, NORTH 00°03'00" EAST 35.00 FEET, TO THE NORTHEAST CORNER OF SAID NORTHWEST 1/4 AS SHOWN ON SAID SURVEY, SAID CORNER ALSO BEING IN THE SOUTH LINE OF SAID PARCEL "A"; THENCE ALONG THE SOUTH LINE OF SAID PARCEL "A", NORTH 89°46'00" WEST 241.00 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION CONTAINED IN DEED TO THE HEIRS OR DEVISEES OF IVAN B. QUINCY SR., DECEASED, SUBJECT TO THE ADMINISTRATION OF THE ESTATE OF SAID DECEDENT, RECORDED AUGUST 5, 1965, IN BOOK 1075 AT PAGE 152, PLACER COUNTY RECORDS.

ASSESSOR'S PARCEL NUMBER: 045-120-041-000 AND 045-120-042

21



EXHIBIT C

Description of Bell Property

All of that certain real property located in the County of Placer,
State of California, and more particularly described as follows:

(See Attached).

API/GRANITE/EASEMENT(BELL)

1

5/3/99.V8

22

DESCRIPTION

A PORTION OF THE SOUTHWEST ONE-QUARTER OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 7 EAST, M.D.B.6M., PLACER COUNTY, CA, DESCRIBED AS FOLLOWS:

BEGINNING AT A 3/4" PIPE TAGGED L.S. 3475, ON THE WEST LINE OF THE "BELL PROPERTY, AS DESCRIBED IN BOOK 897, OFFICIAL RECORDS, AT PAGE 14 AND FURTHER DELINEATED ON THE MAP OF "QUARRY MEADOWS" SUBDIVISION, ON FILE IN BOOK "Q" OF MAPS, AT PAGE 73, PLACER COUNTY RECORDS; FROM WHICH THE SOUTHWEST CORNER OF SAID SECTION 20 BEARS THE FOLLOWING FOUR COURSES: (SAID SECTION CORNER IS MARKED BY A 6X6 GRANITE MONUMENT AS SHOWN ON SAID MAP OF "QUARRY MEADOWS" SUBDIVISION.)

1. NORTH 89 DEGREES 53'12" WEST, 50.00 FEET.
2. SOUTH 00 DEGREES 06'48" WEST, 110.00 FEET.
3. NORTH 89 DEGREES 53'12" WEST, 636.25 FEET.
4. SOUTH 00 DEGREES 06'48" WEST, 341.00 FEET, MEASURED ALONG THE WEST LINE OF SAID SECTION 20.

THENCE FROM POINT OF BEGINNING, SOUTH 60 DEGREES 23'04" EAST, 225.29 FEET.

THENCE NORTH 55 DEGREES 00'00" EAST, 108.00 FEET.

THENCE NORTH 34 DEGREES 11'06" WEST, 504.74 FEET, TO THE NORTHWEST CORNER OF THE "BELL" PROPERTY, AS DESCRIBED IN BOOK 897, OFFICIAL RECORDS, AT PAGE 14, SAID CORNER IS MARKED BY A NAIL AND L.S. TAG #3475, SET IN GRANITE OUTCROPPING, AS SHOWN ON SAID MAP OF "QUARRY MEADOWS" SUBDIVISION.

THENCE SOUTH 89 DEGREES 48'27" EAST, 77.05 FEET ALONG THE NORTH LINE OF SAID "BELL" PROPERTY, TO A POINT MARKED BY A 3/4" I.P. TAGGED L.S. #3475, AS SHOWN ON SAID MAP OF "QUARRY MEADOWS" SUBDIVISION.

THENCE ALONG THE BOUNDARY AS SHOWN ON THAT CERTAIN PARCEL MAP ON FILE IN BOOK 25 OF PARCEL MAPS, AT PAGE 85, PLACER COUNTY RECORDS, THE FOLLOWING THREE COURSES, EACH ARE MARKED BY A 3/4" I.P. TAGGED L.S. #3475, AS SHOWN ON SAID MAP OF "QUARRY MEADOWS" SUBDIVISION.

1. SOUTH 00 DEGREES 11'33" WEST, 6.00 FEET.
2. SOUTH 89 DEGREES 48'27" EAST, 20.00 FEET.
3. NORTH 00 DEGREES 11'33" EAST, 6.00 FEET.

THENCE SOUTH 89 DEGREES 48'27" MARCH, 544.94 FEET, ALONG THE NORTH LINE OF SAID "BELL" PROPERTY AS DESCRIBED IN BOOK 897, OFFICIAL RECORDS, AT PAGE 14 AND FURTHER DELINEATED ON THE MAP OF "QUARRY MEADOWS" SUBDIVISION, TO A 3/4" I.P. TAGGED L.S. #3475, MARKING A POINT ON THE "EAST LINE" OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 20. SAID POINT LIES, NORTH 00 DEGREES 04'33" EAST, 820.10 FEET FROM THE SOUTH LINE OF SAID SECTION 20, AS MEASURED ALONG SAID "EAST LINE".

THENCE SOUTH 00 DEGREES 04'33" WEST, 36.46 FEET, ALONG SAID "EAST LINE", TO A 3/4" I.P. TAGGED L.S. #3475, MARKING A POINT ON THE NORTH LINE OF THE "BELL" PROPERTY, AS DESCRIBED IN BOOK 938, OFFICIAL RECORDS, AT PAGE 395.

DESCRIPTION

THENCE ALONG SAID NORTH LINE, SOUTH 89 DEGREES 22'45" EAST, 379.54 FEET, TO THE MOST NORTHWESTERLY CORNER OF SAID, "QUARRY MEADOWS" SUBDIVISION, SAID CORNER IS MARKED BY A 3/4" I.P. TAGGED L.S. #3475.

THENCE ALONG THE BOUNDARY OF SAID "QUARRY MEADOWS" SUBDIVISION, THE FOLLOWING FOUR COURSES:

1. SOUTH 00 DEGREES 22'57" WEST, 480.80 FEET, TO A 3/4" I.P. TAGGED L.S. #3475.
2. NORTH 89 DEGREES 48' 27" WEST, 295.00 FEET, TO A 3/4" I.P. TAGGED L.S. #3475.
3. SOUTH 00 DEGREES 11'33" WEST, 250.00 FEET, TO A 3/4" I.P. TAGGED L.S. #3465, MARKING THE MOST SOUTHWESTERLY CORNER OF LOT NUMBER 4 OF SAID "QUARRY MEADOWS" SUBDIVISION.
4. NORTH 89 DEGREES 48'27" WEST, 50.00 FEET, TO A POINT ON THE EAST LINE OF PARCEL "A" OF THAT PARCEL MAP, ON FILE IN BOOK 7 OF PARCEL MAPS, AT PAGE 105, PLACER COUNTY RECORDS, SAID POINT IS MARKED BY A 3/4" I.P. TAGGED L.S. #3475.

THENCE ALONG THE BOUNDARY OF SAID PARCEL MAP THE FOLLOWING THREE COURSES:

1. NORTH 00 DEGREES 11'33" EAST, 110.00 FEET, TO THE NORTHEAST CORNER OF SAID PARCEL "A" MARKED BY A 3/4" I.P. TAGGED L.S. #3475.
2. NORTH 89 DEGREES 48' 27" WEST, 272.00 FEET, TO THE NORTHWEST CORNER OF SAID PARCEL "A" MARKED BY A 1" I.P. TAGGED L.S. #3423.
3. SOUTH 00 DEGREES 11'33" WEST, 160.00 FEET, TO THE SOUTHWEST CORNER OF SAID PARCEL "A" MARKED BY A 1" I.P. TAGGED L.S. #3423. SAID POINT LIES ON THE SOUTH LINE OF SAID SECTION 20.

THENCE NORTH 89 DEGREES 48'27" WEST, 452.09 FEET, ALONG THE SOUTH LINE OF SAID SECTION 20, TO THE SOUTHWEST CORNER OF THE "BELL" PROPERTY, MARKED BY A CHISELED CROSS IN LARGE GRANITE OUTCROPPING, FROM WHICH THE SOUTHWEST CORNER OF SAID SECTION 20 BEARS NORTH 89 DEGREES 48'27" WEST, 636.93 FEET.

THENCE ALONG THE WEST LINE OF "BELL" PROPERTY DUE NORTH, 341.88 FEET, TO A POINT ON SAID WEST LINE, SAID POINT IS MARKED BY A CHISELED CROSS IN LARGE GRANITE OUTCROPPING.

CONTINUING ALONG SAID WEST LINE OF "BELL" PROPERTY, NORTH 00 DEGREES 06'48" EAST, 110.00 FEET, TO AN ANGLE POINT IN SAID WEST LINE SAID ANGLE POINT FALLS IN THE STREAM BED OF "SECRET RAVINE".

THENCE SOUTH 89 DEGREES 53'12" EAST, 50.00 FEET, TO THE POINT OF BEGINNING.

SAID PARCEL IS DELINEATED AS PARCEL NO. 1 ON THE LOT LINE ADJUSTMENT RECORDED SEPTEMBER 30, 1997, SERIES NO. 97-0060214, OFFICIAL RECORDS.

APNS: 45-120-063 AND 45-360-001

EXHIBIT D

Description of API Easement Area

(See Attached).

API/GRANITE/EASEMENT(BELL)

5/3/99.VB

25

EXHIBIT "D"

Monument Springs Road Tentative Road Easement
Across
Bell Property, Doc. 97-0060214-00

A Portion of the Southwest one-quarter of Section 20, Township 11 North, Range 7 East, M.D.M., situate in the County of Placer, State of California, described as follows:

A strip of land 60 feet in width, the centerline of which is described as follows:

Beginning at a point on the Southerly line of that certain real property ("Bell Property"), described in the Resolution to Approve a Minor Boundary Line Adjustment, as Resultant Legal Description, "Parcel 1", being recorded on September 30, 1997, as Document # 97-0060214-00, Placer County Official Records, from which the Southwest corner of said real property bears the following three courses:

1. North 89°48'27" West 106.58 feet;
2. South 00°11'33" East 160.00 feet;
3. North 89°48'27" West 452.09 feet;

thence from said Point of Beginning, leaving said Southerly line North 22°05'18" West 99.58 feet to the beginning of a curve to the right having a radius of 350.00 feet; thence 132.53 feet along said curve through a central angle of 21°41'41" to the beginning of a reverse curve having a radius of 350.00 feet; thence 183.12 feet along said curve through a central angle of 29°58'39"; thence North 30°22'16" West 307.10 feet to the terminus of this description, being a point on the Northerly line of said real property from which the Northeast corner of said real property bears the following three courses:

1. South 89°48'27" East 401.04 feet;
2. South 00°04'33" West 36.46 feet;
3. South 89°22'45" East 379.54 feet.

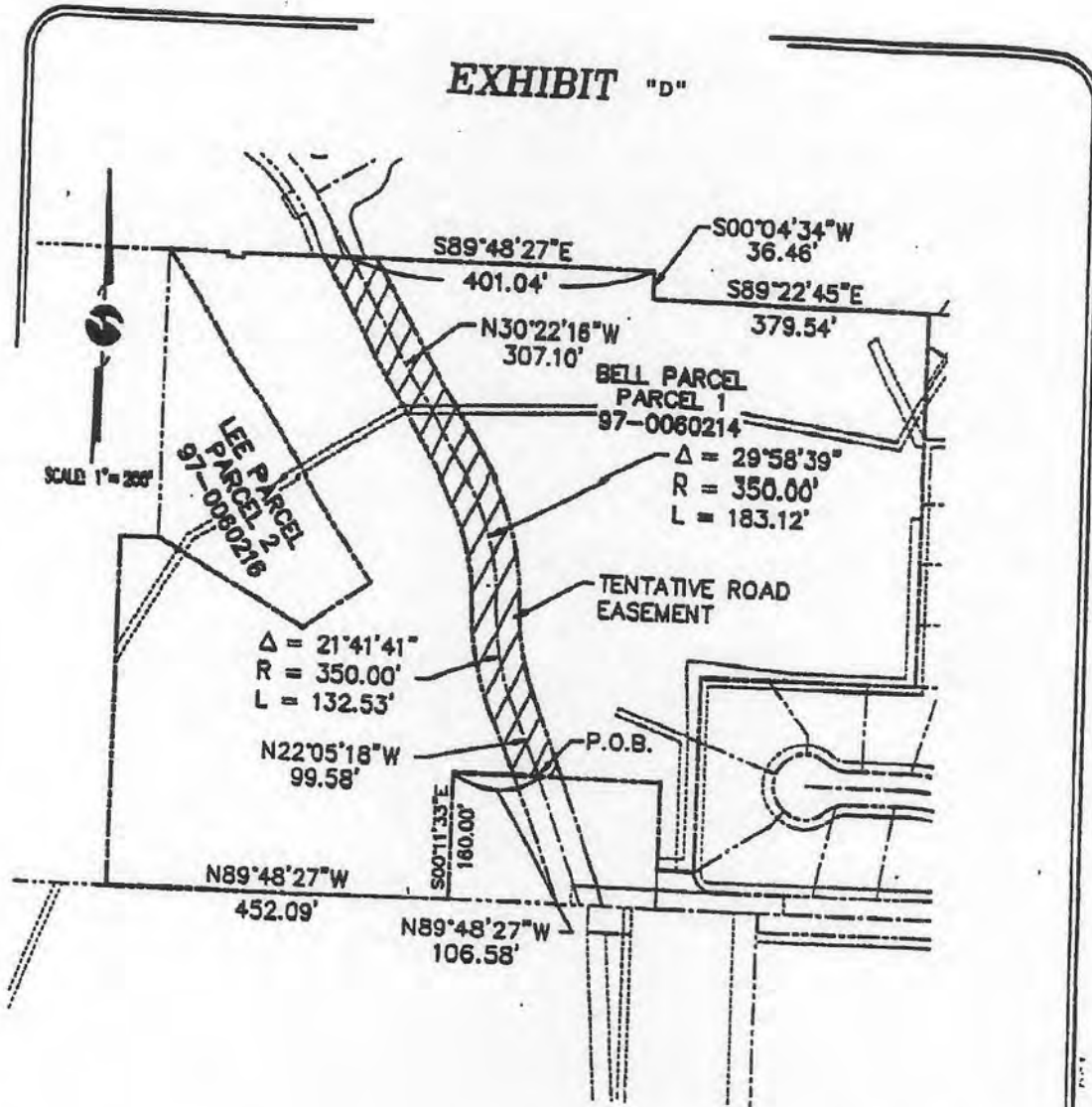
Robert C Bangert 3-29-99
Robert C Bangert LS 5250 Date
License Expires 12-31-99



(S095LGL001/25-5850-03)

26

EXHIBIT "D"



Robert C Bangert
 ROBERT C BANGERT LS 5250
 LICENSE EXPIRES 12-31-99

3-29-99
 DATE



Granite Lakes Estates/Bell Property
Monument Springs Rd Tentative Road Easement

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

COUNTY OF PLACER)

ss.

On MAY 4, 1998, before me, V. Diane BRISTOW, Notary Public, personally appeared Helen A Bell

personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

V. Diane Bristow
(SIGNATURE OF NOTARY)

OPTIONAL SECTION

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:

TITLE OR TYPE OF DOCUMENT GRANT OF RIGHT-OF-WAY, ROAD DEVELOPMENT AND MAINTENANCE AGREEMENT

Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form.

NUMBER OF PAGES _____ DATE OF DOCUMENT _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

COUNTY OF PLACER

)
)ss.
)

On MAY 4, 1999, before me, V. DIANE BRISOW, Notary Public, personally appeared MICHAEL C. BROMBAUGH

personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

V. Diane Brisow
(SIGNATURE OF NOTARY)

OPTIONAL SECTION

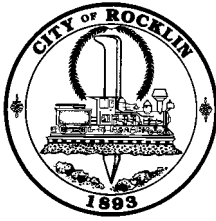
THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:

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NUMBER OF PAGES _____ DATE OF DOCUMENT _____

29



CITY OF ROCKLIN

MEMORANDUM

DATE: February 23, 2010

TO: Honorable Mayor and City Council

FROM: Carlos A. Urrutia, City Manager
Terry A. Richardson, Assistant City Manager
Sherri Abbas, Development Services Manager
Bret Finning, Associate Planner

RE: GRANITE LAKE ESTATES MODIFICATION
General Development Plan Amendment, PDG-2000-08A
Development Agreement Amendment, DA-2000-01A

ORD NO: 958 and 959

SUMMARY AND RECOMMENDATION

The Planning Commission and staff recommend that the City Council approve the following:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKLIN APPROVING AN ORDINANCE AMENDING THE GRANITE LAKE ESTATES GENERAL DEVELOPMENT PLAN (ORDINANCE 855)
(Granite Lake Estates Modification / PDG-2000-08A)

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKLIN APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ROCKLIN AND GRANITE LAKES, LLC. FOR DEVELOPMENT OF THE PROPERTY KNOWN AS GRANITE LAKES ESTATES EXTENDING THE TERM OF THE AGREEMENT TO JULY 11, 2020, AND CHANGING THE LIMITATION ON THE NUMBER OF BUILDING PERMITS THAT MAY BE ISSUED WITHIN THE PROJECT AREA PRIOR TO THE COMPLETION OF THE MONUMENT SPRINGS DRIVE BRIDGE FROM 40 TO 48
(Granite Lakes Estates Modification / DA 2000-01A)

Application Request and Project Overview

The project applicants are seeking approval of a General Development Plan Amendment (PDG-2000-08A) and a Development Agreement Amendment (DA-2000-01A) for the Granite Lakes Estates project.

The General Development Plan Amendment will allow an increase in the total number of homes that may be built in the Granite Lakes Estates subdivision from 40 to 48 prior the completion of the Monument Springs Bridge.

The proposed Development Agreement Amendment will extend the term of the Agreement to the year 2020 and increase the total number of homes that may be built in the Granite Lakes Estates subdivision from 40 to 48 prior the completion of the Monument Springs Bridge.

Summary of Planning Commission Action

The Planning Commission held a public hearing to consider this project on November 17, 2009. Several people addressed the Planning Commission to express concerns with the Granite Lake Estates project.

Richard Villers, Rocklin, CA, expressed concerns with the adequacy of the traffic barriers at the easterly terminus of Monument Springs Drive (adjacent to the Secret Ravine Subdivision). Staff stated that the City Engineer, Larry Wing, would be consulted regarding repairs and improvements that could be made to the barrier at the end of the street and his findings would be reported to the City Council when the project went before them.

Debbie Valadika, Rocklin, CA, asked if there were a guarantee that the bridge to extend Monument Springs Drive across Secret Ravine would be built. She asked if the bridge was not built, that Aguilar Road be improved as it is in disrepair. Staff stated that the guarantee that the bridge would be constructed before the issuance of the 49th building permit is in the development agreement, which runs with the land. So, if the project is sold it is still bound by the development agreement. Staff also pointed out that about a third of Aguilar Road is in Placer County's jurisdiction so the City is unable to do any improvements on a large portion of the road.

Mark & Sonia Coopwood, Rocklin, CA, stated that they would like to have the two construction trailers that are across the street from their home removed (See Photo Attachment 3). They indicated that the reason the developer had given them for not moving the trailers was the poor economy. When asked by the Planning Commission the applicant, David Snyder, stated that the trailers are in good repair. However, there are problems with the mobility of the trailers and added that he hoped to sell them when he sold the project.

Commission Deliberation/Discussion:

During deliberations the Planning Commission generally found the following:

1. They concurred with the concerns regarding the traffic barrier on Monument Springs Drive and asked staff to provide the City Council with information to allow the City Council to direct a resolution to the issue.
2. With regard to the condition of Aguilar Road they recommended that the City Council communicate directly with District Supervisor Robert Weygandt in order to resolve the Aguilar Road repair issue.
3. That the construction trailers are significant concern for them as approving this project would help the applicant out of a difficult business situation. However, they did not feel that the applicant was extending the same consideration to the residents. As it was not possible to condition the entitlements before the Planning Commission to require the removal of the trailers they determined that they would recommend approval of the project with the strong recommendation that the City Council address the issue on the residents' behalf.

Upon completion of deliberations the Planning Commission voted, 3-0, 2 absent, to recommend that the City Council approve the proposed modifications to the Granite Lake Estates general development plan and development agreement. Please see the attached minutes of the Planning Commission meeting for additional detail.

Actions Subsequent to the Planning Commission Meeting of November 17, 2009

After the Planning Commission meeting on November 17, 2009, staff learned that the Granite Lake Estates project had been sold. The new owner is S360 Granite Lakes LLC, a California Limited Liability Company. The managing partner of S360 Granite Lakes LLC is Ray Sahadeo. Staff subsequently met with the S360 Granite Lakes LLC team to discuss the project and the issues that came up at the Planning Commission meeting on November 17, 2010. As of February 17, 2010 both of the construction trailers had been removed from the Granite Lake Estates project. The new owners have also repaired and improved the traffic barrier at the terminus of Monument Springs Drive, see photo Attachment 4.

The Public Works Director inspected Aguilar Road. He found that the road section located south of the Aguilar Tributary to Secret Ravine, the portion of the road located in Placer County, was in reasonable repair. The stretch of Aguilar Road located north of the intersection with China Garden Road was also found to be in a reasonable state of repair. However, he determined that the portion of Aguilar Road located between China Garden Road and the Aguilar Tributary to Secret Ravine does need work. Accordingly the needed repair and refurbishment of Aguilar Road between China Garden Road and the

Aguilar Tributary to Secret Ravine has been included on the list of future Capital Improvement Projects (CIP).

ANALYSIS

Location

The subject property is generally located southwest of the western end of Greenbrae Road and east of the Rustic Hills Subdivision. APN # 454-070-001 thru 054, and 046-030-070.

Owner/Applicant

The property owner and applicant is S360 Granite Lakes LLC.

Site Characteristics

The project site has varied terrain and contains a stock pond, two quarry ponds and year round stream. The elevation of the property ranges from 250 feet on the northern end to over 400 feet on the southeast end. Generally, the site slopes in a westerly direction and is heavily covered with oak trees. Two streams traverse through the property, Secret Ravine Creek along the western portion and Sucker Ravine Creek in the northwest corner. Both creeks have a substantial floodplain on the site. The first phase of the project has been developed and approximately 9 of the 48 lots therein have been developed.

Background

The project concept of single family residential development at this location was approved by the City on two previous occasions.

In 1989, the City of Rocklin approved a tentative subdivision map (SD-87-24) and Mitigated Negative Declaration (MND) for the project site. That project, also known as Granite Lakes Estates, was a 128-lot subdivision and specific plan use. The 1989 project received all of the time extensions available under City ordinances and by the State of California. The property owner was unable to final the map during the permitted time frame and requested approval of a new tentative subdivision map and specific plan use permit for the project site in 1998 (SD-96-04, SPU-98-29, and TRE-96-25).

The City prepared and circulated a Mitigated Negative Declaration (MND) for the 1998 application. The MND, the 1998 tentative subdivision map application, and other associated entitlements were approved by the City Council in April 1999.

The MND was challenged by a group of citizens (Concerned Citizens of Rocklin) and in February 2000, the Superior Court of Placer County ruled that the City must set aside all project approvals until an Environmental Impact Report was prepared that re-addressed the project's impact on the environment. Rather than file an appeal, the City and the applicant chose to comply with the writ of mandate issued by the court, by preparing a project-specific EIR that examined the environmental impacts of the project. In addition, the applicant re-designed the project to address specific flooding and biological concerns raised under the lawsuit. The project EIR and revised application entitlements were approved by the City Council on June 11, 2002.

Primary access to the Granite Lakes Estates development is currently provided via Aguilar Road. Greenbrae Road also provides for a more circuitous secondary access via Foothills Road, El Don Drive and Southside Ranch Road. Aguilar Road is a two-lane local roadway considered "under improved" because it lacks sidewalk, curb, and gutter in addition the roadway's narrow right-of-way and the location of several homes with minimal setbacks from the street made it prohibitively costly to try and widen Aguilar Road. As a result, one of the components of the Southeast Rocklin Circulation Element, adopted by the City council in 1993, is the severing of Aguilar Road (near its crossing of the Aguilar Tributary). Instead of Aguilar Road primary access to the Granite Lakes Estates development and other projects off of Greenbrae Road, access would be provided by the extension of Monument Springs Drive. Monument Springs Drive is planned to extend from the entrance to the subdivision on Greenbrae Road north to connect with the existing terminus of Monument Springs Drive (near the southerly entrance to Secret Ravine Estates subdivision). The extension includes a two-lane bridge spanning Secret Ravine Creek at the northerly terminus of Monument Springs Drive.

The General Development Plan and the Development Agreement approved for the Granite Lakes Estates project allowed up to 40 lots (approximately one-third of the project) to be constructed and occupied prior to construction of the Monument Springs Bridge being completed. Forty (40) is the number of lots the project applicant negotiated with staff to allow some development to occur to off-set the construction cost of the bridge with minimal traffic increases on existing roads and was not based upon any impact thresholds being exceeded with the 41st home. Nonetheless, as approved in 2002 the bridge across Secret Ravine Creek and the extension of Monument Springs Drive would have to be completed prior to issuance of the 41st building permit in the Granite Lakes Estates project.

The first phase of the subdivision, consisting of 48 lots, has constructed. Approximately 9 homes have been built in the Phase I development to date. However, the extension of Monument Springs Drive has been delayed by several factors, including a revision to the proposed roadway alignment, difficulties with right-of-way acquisition, and the downturn in the economy.

Application Request

The project applicant has submitted an application to modify the approvals for the Granite Lakes Estates project to allow an additional eight homes to be constructed prior to the completion of the extension of Monument Springs Road and bridge. This change would allow homes to be built on all of the 48 lots created by the recording of the first phase of the subdivision. As noted previously the cap of 40 homes was a number negotiated by the applicant and staff prior to the original project approval in 2002 and was not based upon any specific impact threshold that would be crossed if more than 40 homes were built prior to the completion of the Monument Springs Drive extension. Given that, the Planning Commission and staff have no objection to the applicant's proposal to change the change the maximum number of homes that could be developed in the subdivision prior to the completion of the Monument Springs Drive extension over Secret Ravine from a maximum of 40 units to 48 units.

In addition, the applicant has requested that the term of the development agreement be extended by for another 8 years to vest the project entitlements through the year 2020. Currently the development agreement will expire on July 11, 2012. Given the recent economic downturn the Planning Commission and staff have no objection to this request.

Implementation of the proposed modifications will require that the General Development Plan and the Development Agreement approved for the Granite Lakes Estates project in 2002 be amended as follows:

General Development Plan

Section 9. Special Conditions, D. Phasing Requirements for SD-2000-02, 1. (General Development Plan, page 4 of 4)

1. The extension of Monument Springs Drive and construction of a bridge over Secret Ravine Creek connecting the City of Rocklin to the County of Placer shall be completed and open to the public as authorized by Placer County prior to the issuance of the 41st **49th** building permit for the project.

Development Agreement

RECITALS

1. Recitals, Section F (Development Agreement, page 4 of 23)

F. Entitlements.

The City Council of the City of Rocklin has approved the following land use entitlements for the Property, which entitlements are the subject of this Agreement:

1. Tentative Subdivision Map (SD-2000-02), Resolution No. 2002-166
 2. Oak Tree Preservation Permit (TRE-2000-33), Resolution No. 2002-166
 3. General Development Plan. (PDG-2000-08), Ordinance No. 855
 4. **General Development Plan Modification (PDG-2000-08A) Ordinance No.**
 5. Mitigation Monitoring Program (EIR-2000-01), Resolution No. 2002-165
2. Agreements, Section 2. COMMENCEMENT AND EXPIRATION, a. Initial Term (Development Agreement, page 6 of 23)
- a. **Initial Term.** The term of this Agreement shall commence on the Effective Date and shall extend for a period of ~~ten (10)~~ **eighteen (18)** years thereafter **(Expiring July 11, 2020)**, unless said term is terminated, modified, or extended by circumstances set forth in this Agreement or by mutual consent of the parties hereto.
3. Agreements, Section 5. IMPLEMENTATION, b. Developer Improvements and Other Obligations, ii, (5) (Development Agreement, page 12 of 23)
- (5) Extend Monument Springs Drive from the entrance of the Project on Greenbrae Road, across the parcel to the north of the Project site commonly known as the "Bell property," to connect the Property to the existing terminus of Monument Springs Drive. This extension of Monument Springs Drive connecting China Garden Road with Greenbrae Road is consistent with the Southeast Rocklin Circulation Element, and shall include design and construction of a bridge over Secret Ravine Creek, connecting the City of Rocklin to the County of Placer. The bridge shall be completely constructed and open to the public prior to issuance of the 41st **49th** building permit for the project.

Attachments

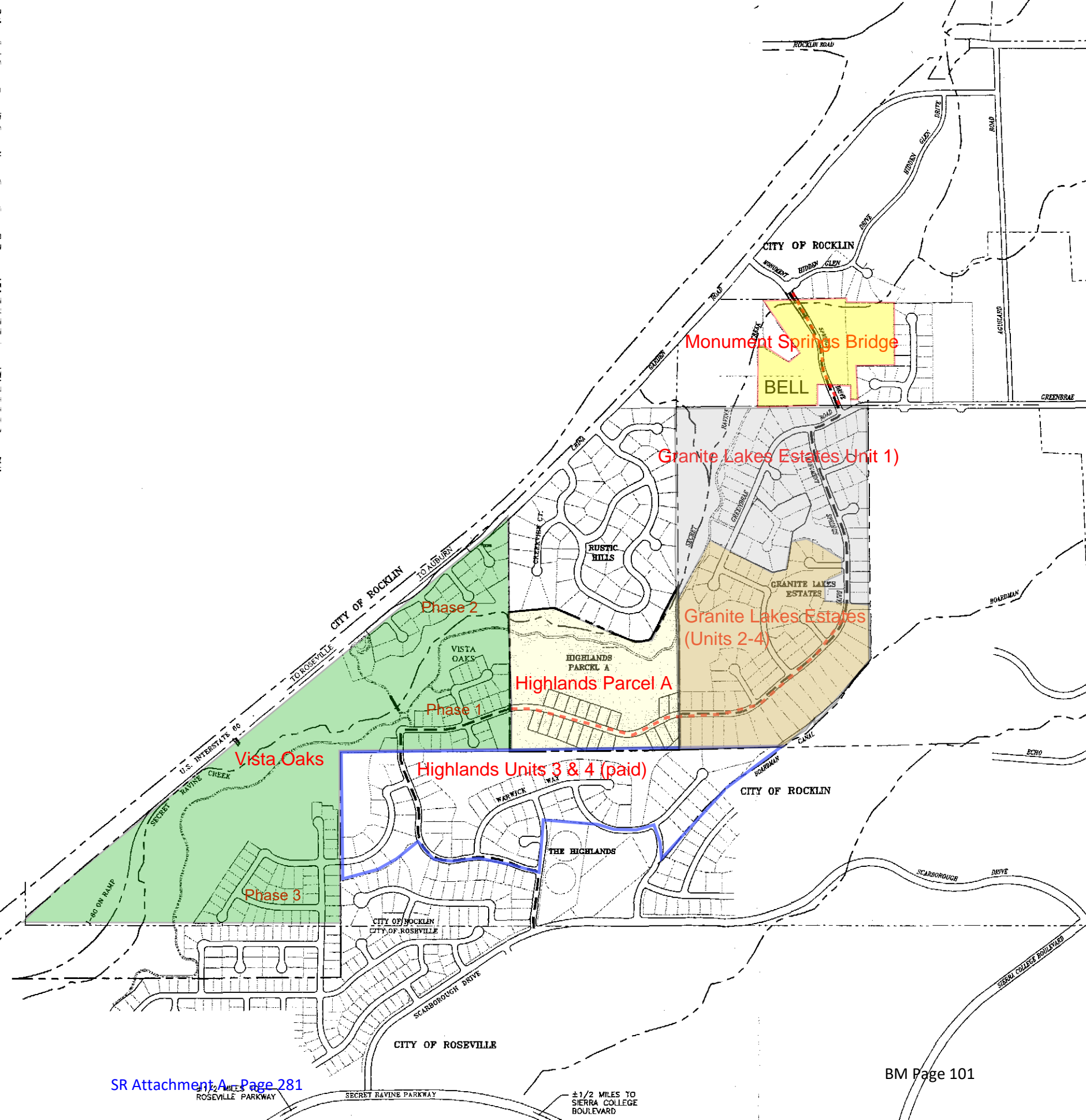
1. Vicinity Map
2. Minutes of the Planning Commission Meeting of 11/17/2009
3. Photo of Construction Trailers.
3. Photo of reconstructed Monument Springs Road traffic barrier.

Attachment 1. Vicinity Map

Attachment 2. Minutes of the PC Meeting of 11/17/2009

Attachment 3. Photo of Construction Trailers.

**Attachment 4. Photo of Reconstructed Monument Springs
Road Traffic Barrier.**



RESOLUTION NO.2006-351

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ROCKLIN APPROVING
A TENTATIVE SUBDIVISION MAP
(Vista Oaks / SD-2001-04, TRE-2001-30)

The City Council of the City of Rocklin does resolve as follows:

Section 1. The City Council of the City of Rocklin finds and determines that:

A. Tentative Subdivision Map (SD-2001-04, TREE-2001-30) allows the subdivision of 93.2 acres generally located at the southerly terminus of China Garden Road into 100 residential lots and 5 open space parcels.

B. An Environmental Impact Report prepared for this project has been certified via City Council Resolution No. 2006-349.

C. The City Council has considered the effect of the approval of this subdivision on the housing needs of the region, and has balanced those needs against the public service needs of its residents and available fiscal and environmental resources.

D. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the zoning classification on the property.

E. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the objectives, policies, general land uses and programs in the City of Rocklin's General Plan.

F. The site is physically suitable for the proposed type and density of development.

G. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage, nor will they substantially and avoidably injure fish or wildlife or their habitat.

H. The design of the subdivision and type of improvements will not cause serious public health problems.

I. The design of the subdivision and type of improvements will not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision.

J. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

Section 2. The Vista Oaks tentative subdivision map (SD-2001-04, TRE-2001-30) as depicted in Exhibits A & B, attached hereto and by this reference incorporated herein, is hereby recommended for approval, subject to the conditions listed below. The approved Exhibits A & B shall govern the design and construction of the project. Any condition directly addressing an element incorporated into Exhibits A & B shall be controlling and shall modify Exhibits A & B. All other plans, specifications, details, and information contained within Exhibit A shall be specifically applicable to the project and shall be construed as if directly stated within the conditions for approval. Unless otherwise expressly stated, the applicant / developer shall be solely responsible for satisfying each condition, and each of these conditions must be satisfied prior to or concurrently with the submittal of the final map with the City Engineer for the purpose of filing with the City Council. The agency and / or City department(s) responsible for ensuring implementation of each condition is indicated in parenthesis with each condition.

A. Notice to Applicant of Fees & Exaction Appeal Period

The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code §66020(d), these conditions constitute written notice of the amount of such fees, and a description of the dedications, reservations, and other exactions.

The applicant is hereby notified that the 90-day protest period, commencing from the date of approval of the project, has begun. If the applicant fails to file a protest regarding any of the fees, dedication requirements, reservation requirements or other exaction contained in this notice, complying with all the requirements of Government Code §66020, the applicant will be legally barred from later challenging such exactions.

B. Conditions

1. Utilities

- a. Water – Water service shall be provided to the subdivision from Placer County Water Agency (PCWA) in compliance with all applicable PCWA standards and requirements. PCWA shall verify ability to serve the subdivision by signing off on the subdivision improvement plans. All necessary easements shall be shown and offered (or Irrevocable Offer of Dedication provided) on or with the final map. All necessary improvements shall be included on the subdivision improvement plans. (PCWA, ENGINEERING)
- b. Sewer – Sewer service shall be provided to the subdivision from South Placer Municipal Utility District (SPMUD) in compliance with all applicable SPMUD standards and requirements. SPMUD shall verify ability to serve the subdivision by signing off on the subdivision improvement plans. All necessary easements shall be shown and offered (or Irrevocable Offer of Dedication provided) on or with the final map. All improvements shall be included on the subdivision improvement plans. (SPMUD, ENGINEERING)

Copies of any required permits from federal, state, and local agencies having jurisdiction over wetland/riparian areas, which may be impacted by the placement of the sewer system within the plan area, shall be submitted to the City and SPMUD prior to approval of the sewer plan for the project. (ENGINEERING)

- c. Telephone, Gas, and Electricity – Telephone, gas and electrical service shall be provided to the subdivision from Roseville Telephone, Pacific Bell, and Pacific Gas & Electric (PG&E). (APPLICABLE UTILITY, ENGINEERING)
- d. Postal Service – Mailbox locations shall be determined by the local postmaster. A letter from the local postmaster verifying all requirements have been met shall be filed with the City Engineer. (ENGINEERING)

- e. Prior to recordation of final map, the project shall be included in the appropriate City financing districts as needed to most efficiently provide for public maintenance of public landscaping, improvements such as sound walls, and provision of new or enhanced services such as street lighting. (FINANCE, ENGINEERING, PUBLIC WORKS)

It is anticipated that the following will be necessary:

Annexation into: CFD No. 1, Lighting & Landscaping District No. 2, CFD No. 5 (annexation into CFD No. 5 to also cover maintenance of the portion of the Monument Springs Drive Extension and Bridge that is located in Placer County).

De-annexation from: Lighting & Landscape District No. 1

2. Schools

- a. Financing: The following conditions shall be satisfied to mitigate the impact of the proposed development on school facilities (ROCKLIN UNIFIED SCHOOL DISTRICT, BUILDING):
 - 1) At the time of issuance of a building permit, the developer shall pay to the Rocklin Unified School District all fees required under Education Code section 17620 and Government Code Section 65995, to the satisfaction of the Rocklin Unified School District.
 - 2) The above condition shall be waived by the City Council if the applicant and the District reach agreement to mitigate the impacts on the school facilities caused by the proposed development and jointly request in writing that the condition be waived.

3. Fire Service

- a. Improvement plans shall show the location and size of fire hydrants and water mains in conformance with the standards and requirements of the Rocklin Fire Chief and Placer County Water Agency (PCWA). (PCWA, FIRE, ENGINEERING)
- b. Proposed street names shall be reviewed and approved by the Rocklin Fire Chief. (ENGINEERING, FIRE)
- c. Fire Department access into open space areas shall be provided in the general locations indicated on Exhibit A. (FIRE)

- d. An Open Space Management and Fuel Modification Plan shall be prepared by the subdivider and approved by the City of Rocklin prior to recording of any final maps for the project. The Open Space Management and Fuel Modification Plan shall provide for but not be limited to the following (ENGINEERING, PUBLIC WORKS, FIRE) (VII-1.):
 - 1) Identification of thirty (30') foot wide fuel modification (fuel break) zones in all open space areas where adjacent to residential parcels (on and off site), taking into account Elderberry bushes and their surrounding none disturbance areas, to reduce fire hazards.
 - 2) Thinning and removal of vegetation in the open space areas to create and maintain the fuel modification zones. Said thinning shall consist of pruning all tree branches to approximately six (6') feet above grade and trimming grasses and shrubs to maintain them at not more than approximately six (6") inches in height.

4. Improvements/Improvement Plans

Project improvements shall be designed, constructed and / or installed as shown on the approved improvement plans, in compliance with applicable city standards including but not limited to the City's Standard Specifications then in effect. The project improvement plans shall be subject to and / or provide for the following (ENGINEERING, PLANNING):

- a. Improvement plans shall be valid for a period of two years from date of approval by the City Engineer. If substantial work has not been commenced within that time, or if the work is not diligently pursued to completion thereafter, the City Engineer may require the improvement plans to be resubmitted and/or modified to reflect changes in the standard specifications or other circumstances. (ENGINEERING)
- b. All improvements shall be constructed and/or installed prior to submitting the final map with the City Engineer for the purpose of filing with the City Council, unless the subdivider executes the City's standard form subdivision improvement agreement and provides the financial security and insurance coverage required by the agreement, prior to or concurrent with submitting the final map with the City Engineer. (ENGINEERING)
- c. A detailed grading and drainage plan prepared by a registered civil engineer, in substantial compliance with the approved project exhibit(s). The grading and drainage plan shall include the following:

- 1) All storm drainage run-off from site shall be collected into a City standard sand and oil trap manhole (or an equal as approved by the City Engineer) prior to discharge of storm run-off offsite.
- 2) Individual lot drainage including features such as lined drainage swales.
- 3) All storm drainage inlets shall be stamped with City Engineer approved wording indicating that dumping of waste is prohibited and identifying that the inlets drain into the creek system.
- 4) Prior to the commencement of grading operations, and if the project site will not balance with respect to grading, the contractor shall identify the site where any excess earthen material shall be deposited. If the deposit site is within the City of Rocklin, the contractor shall submit a report issued by a technical engineer to verify that the exported materials are suitable for the intended fill and show proof of all approved grading plans. Haul routes to be used shall be specified. If the site requires importing of earthen material, then prior to the commencement of grading operations, the contractor shall identify the site where the imported earthen material is coming from and the contractor shall submit a report issued by a technical engineer to verify that the imported materials are suitable for the intended fill and show proof of all approved grading plans. Haul routes to be used shall be specified.
- 5) Prior to any grading or construction activities, the applicant shall comply with the provisions of Attachment 4 in the City's Storm water Permit to the satisfaction of the City Engineer. These provisions shall also be applicable to the limited graded lots on Phase 1 of the Vista Oaks project site. (4.4MM-3b)
- 6) Construction related and permanent Best Management Practices (BMPs) and Best Available Technologies (BATs) shall be incorporated into the final project design and / or noted on the Improvement Plans as appropriate to reduce urban pollutants in runoff, consistent with goals and standards established under Federal and State non-point source discharge regulations (NPDES permit) and Basin Plan water quality objectives. Storm water runoff BMPs selected from the Storm Water Quality Task Force, the Bay Area Storm Water Management Agencies Association Start at the Source – Design Guide Manual, or equally effective measures shall be identified prior to final design approval and shall be incorporated into project design and / or noted on the Improvement Plans as appropriate.

To maximize effectiveness, the selected BMPs shall be based on finalized site-specific hydrologic conditions, with consideration for the types and locations of development. Mechanisms to maintain the BMPs shall be identified in on improvement plans. (4.4MM-4a)

- d. Prior to any grading or construction activities, the subdivider shall:
 - 1) Obtain a General Construction Activity Storm Water Permit as a part of the National Pollutant Discharge Elimination System (NPDES) permit process from the Regional Water Quality Control Board. (ENGINEERING) (4.4MM-3a)
 - 2) Submit verification from the U.S. Army Corp of Engineers and the California Department of Fish and Game that the project meets all regulations and that the subdivider has obtained all required permits relating to wetlands and waterways. (ENGINEERING)
- e. The following subdivision improvements shall be designed, constructed, and/or installed:
 - 1) All on-site standard subdivision improvements, including streets, curbs*, gutters, sidewalks, drainage improvements, utility improvements (including cable television trenching), street lights, and fire hydrants. (*All curbs shall be vertical curbs and not rolled curbs)
 - 2) Developer shall dedicate to City a telecommunication easement, and shall install and dedicate to City telecommunication conduit within the easement. The easement shall be located in the public utility easement of each street within the subdivision, and any adjacent streets as necessary to connect the easement to the City's public street and easement network. The easement shall be for telecommunications use by City, in whatever manner City may, in its sole discretion, elect. The conduit shall be large enough for at least two (2) sets of coaxial cable (approximately three (3) inches total diameter), shall include access to the cable spaced at reasonable distances, and shall otherwise comply with City standards and specifications in effect at the time the conduit is installed.

Developer shall provide any City telecommunication franchisee, including any cable television franchisee, access to the easement for the purpose of installing cable and conduit while the public utility trench is open and prior to the street being paved.

3) The following on-site special improvements, timing of construction shall be as noted in Condition 12. Phasing, below:

- i. A property line noise barrier measuring 9-feet above the nearest adjacent travel lane of I-80 for a total height of approximately 14-feet from finished grade shall be required for the Phase I area along the south side of the I-80 right-of-way (ROW) (north side of China Garden Road) in front of the first row of lots facing I-80 in order to meet the lower limit exterior noise level of 60 dB L_{dn} .

The barrier shall connect with the existing 14-foot noise barrier to the east and shall extend southwesterly along the project site's boundary with I-80 and along the easterly boundary of Parcel B terminating approximately 300 feet to the west of lot #23 to prevent sound flanking as shown on Exhibits A & B.

The barrier wall shall be designed and built to closely match that existing sound wall. The design of the sound wall shall include a locking solid metal door constructed of 16-gauge steel or equivalent, powder coated dark bronze. Said door shall have a minimum width of 8-feet and a minimum height of 9-feet to provide access to Parcel B and be designed to seal so that it doesn't compromise the integrity of the sound wall. If revisions are made to the grading plans for Phase I, then the noise analysis must be similarly revised and appropriate changes made to the sound wall design. (4.9MM-2)(ENGINEERING, PLANNING)

- ii. A property line noise barrier measuring 3-feet above the nearest adjacent travel lane of I-80 for a total height of approximately 8-feet from adjacent finished grade shall be required for the Phase I area along the south side of the I-80 right-of-way (ROW) (north side of China Garden Road) to allow the park site, Parcel E, to meet the lower limit exterior noise level of 69 dB L_{dn} .

The 8 feet high wall shall be required to extend west from the terminus of the 14-foot barrier, which is required for the Phase I residential area to a point 100 feet past the western terminus of the Phase I area as indicated on Exhibits A & B. Except for height the sound wall shall be designed and built to match the 14-foot sound wall. If revisions are made to the grading plan for Parcel E, then the noise analysis must be similarly revised and appropriate changes made to the sound wall design. (4.9MM-2)(ENGINEERING, PLANNING)

- iii. Within the Phase III site, noise barrier walls shall be constructed along the rear lot lines of Lots 70 through 79 between the rear yard (outdoor activity area) and I-80. The noise barrier walls shall wrap around 2 feet onto the side lot lines on Lots 70 and 79 before terminating. On Lot 100 the noise barrier wall shall begin at the front yard set back line on the lot's westerly property line and extend north, turn and run along the length of the northern property line and wrap around 2 feet onto the easterly property line before terminating (as shown on Exhibit B). The noise barrier walls shall be made of double sided split faced block with a grey granite color. The wall shall be topped with a decorative concrete cap. Noise barrier walls shall be constructed to a height of 6 feet above each building pad elevation. There shall be no openings in the walls. If revisions are made to the grading plan for Phase III, then the noise analysis must be similarly revised and appropriate changes made to the sound wall design. (4.9MM-2)(ENGINEERING, PLANNING)
- iv. Along any property line where any residential lot abuts an open space area, except where masonry sound walls are required for noise attenuation, the following fencing shall be required to be installed (ENGINEERING, PLANNING):
 - (a) Within 25-feet of the public right-of-way a 30-inch high masonry wall constructed of double sided split faced block with a grey granite color with a decorative concrete cap.
 - (b) More than 25-feet from the public right-of-way 30-inch high masonry wall constructed double sided split faced block with a grey granite color with a decorative concrete cap. The masonry wall shall be topped with a decorative tubular steel or wrought iron style fence constructed of medium gauge, or better, steel or aluminum powder-coated black or dark bronze approximately 42-inches in height for a total fence height of 6-feet.
 - (c) Where open space parcels extend between or next to residential lots to accommodate fire access to open space areas (between Lots 3 & 4, 10 & 11, 21 & 22, and south of Lot # 70) a solid six foot high redwood fence with metal fence posts. Matching wooden gate(s) with locks and permanent identification signage shall be installed where the fire access transitions from an easement across the adjacent lot(s) to the open space parcel. (ENGINEERING, FIRE)

- v. A six foot high masonry wall shall be constructed along the common property line between Lots 22 & 23 and Parcel E (the park site). The wall shall be constructed of a grey granite color double sided split faced block with a decorative concrete cap and pop out decorative pilasters constructed of the same materials at each end. (ENGINEERING, PLANNING)
- vi. Decorative tubular metal fencing approximately 3'-6" high installed 10 - feet back of sidewalk where open space areas are adjacent to streets. Said fencing shall be powder coated black or bronze and constructed of medium gauge, or better, steel or aluminum. Gates / opening shall be located at the access points to the trail system as indicated on Exhibit A and as required by the Public Works Director for maintenance access. (ENGINEERING, PUBLIC WORKS, PLANNING)
- vii. Prior to recording a final map for Phase I the existing billboard sign located approximately at the intersection of China Garden Road and Road L shall be removed.

If the existing billboard sign located on in Parcel A is not removed, ownership and control of the sign shall be transferred to the City of Rocklin prior to recording and a final map for Phase I. (ENGINEERING, PLANNING)

- viii. Electricity, water, drainage, phone, and conduit lines shall be stubbed out into Parcel B to accommodate future landscaping and signage on the site to the satisfaction of the City Engineer. (ENGINEERING)
- ix. Electricity, water, sewer, phone, and conduit lines shall be stubbed out for Parcel E to accommodate future park improvements on the site. (ENGINEERING, COMMUNITY SERVICES & FACILITIES)
- x. An off-road trail system through Parcels A & E, as shown on Exhibit A, with an all-weather surface suitable for bicycling and pedestrians including striping and appropriate signage to City standards. Collapsible or removable bollards or other acceptable means to restrict public vehicular access to the trail system shall be implemented where the trail system connects to all public streets and rights-of-way.

The portion of the trail connecting China Garden Road to Monument Springs Drive shall be constructed of concrete to support a 40,000 pound vehicle, provide for an 11 foot minimum width, and provide for turn radii of a minimum of 43-foot at the center line. (ENGINEERING, FIRE, PUBLIC WORKS)

- xi. An emergency access / pedestrian bridge linking Phases I & II, bridge design to provide for but not be limited to the following (ENGINEERING, FIRE, PUBLIC WORKS):
 - (a) Be passable during a minimum of a 10-year storm event.
 - (b) Provide for a minimum 12-foot wide deck.
 - (c) Be designed to carry a minimum load of 40,000 lb.
 - (d) Provide for a 20-foot wide minimum "non-angulated" approach.
 - (e) Provide for approach turn radii of a minimum of 43-foot at the center line.
 - (f) Bridge deck and piers shall be treated with a marine coating.
 - (g) Bridge railings shall be 54-inches high tubular metal powder coated black or bronze and constructed of medium gauge, or better, steel or aluminum. Spacing between vertical posts shall be consistent with swimming pool fencing standards. Railing sections shall be designed to be able to manually pivot parallel to the flow of water during storm events which inundate the bridge deck.
 - (h) Collapsible or removable bollards shall be installed at either end of the bridge to prevent public vehicular access.
 - (i) Other standards as may be required by the City Engineer.
- xii. Implement the approved Open Space Management and Fuel Modification Plan. (VII-1.) (ENGINEERING, FIRE, PUBLIC WORKS)
- xiii. The trailhead parking and roundabout on Parcel E as indicated on Exhibit A. (ENGINEERING, FIRE, PUBLIC WORKS)
- xiv. The sewer line connection between Phase I and Phase II shall be constructed with and hung from the emergency access bridge across Secret Ravine Creek to minimize impacts to salmon. It is recognized that a sewer lift station may be required to accommodate this design. (ENGINEERING)

- 4) The following off-site improvements:
- i. If not already built the project shall be required to obtain rights of way and construct Monument Springs Drive, including the bridge, from China Garden Road to the project site prior to recording a final map for either Phases II or III as shown on Exhibit A. Said Monument Springs Drive extension shall consist of 2 – travel lanes and shoulders and shall be located as indicated on the Granite Lake Estates subdivision (SD-2000-02) and Highlands Parcel A subdivision (SD-2003-05) approvals.

A four foot wide meandering sidewalk of an appropriate material such as a decomposed granite, asphalt or concrete shall be constructed along China Garden Road, from the northerly edge of the project's China Garden Road frontage to the northerly most intersection of China Garden Road and Rustic Hill Drive. The final design and material shall be to the satisfaction of the Public Works Director and the City Engineer (ENGINEERING, PLANNING)

- f. Landscape and irrigation plans shall be included with the project improvement plans and shall comply with the following: (ENGINEERING, PUBLIC WORKS, PLANNING)

- 1) Landscaping to be installed in the following areas:

- i. In the landscape strip between China Garden Road and the freeway sound wall.
- ii. In a 10-foot wide strip immediately behind the public curb and / or sidewalk as applicable where open space parcels A, C, and D abut a public street.

- 2) The landscaping plan shall be prepared by a landscape architect and shall include:

- i. A legend of the common and botanical names of specific plant materials to be used. The legend should indicate the size of plant materials. Shrubs shall be a minimum five-(5) gallon and trees a minimum of 15 gallon.
- ii. A section diagram of proposed tree staking.
- iii. An irrigation plan including an automatic irrigation system. The plan shall include drip irrigation wherever possible.

- iv. Use of granite or moss rock boulders along the planting areas.
 - v. Certification by the landscape architect that the landscape plans meets the requirements of the Water Conservation and Landscaping Act. Government Code §65591, et seq.
 - vi. Certification by the landscape architect that the soil within the landscape area is suitable for the proposed landscaping and / or specify required soil treatments and amendments needed to ensure the health and vigor of landscape planting.
 - vii. Evergreen climbing vines to grow on the southerly side of the freeway sound walls.
 - viii. Landscaping in the open space areas adjacent to the public rights-of-way shall provide for a mix of drought tolerant trees, shrubs, and groundcovers substantially similar to the landscaping along the edge of open space areas in the adjacent Highlands Phase 3 & 4 project.
- 3) All landscaping improvements shall be constructed and/or installed prior to submitting the final map for filing with the City Council, unless the subdivider executes the City's standard form subdivision landscaping agreement and provides the financial security and insurance coverage required by the subdivision landscaping agreement, prior to or concurrent with submitting the final map.
 - 4) The subdivider shall maintain the landscaping and irrigation systems for two years from the date the landscaping is accepted by the City, without reimbursement. The subdivider shall apply for and obtain an encroachment permit to do any maintenance in the public right-of-way until such time as the City takes over maintenance of the landscaping.
- g. All rights-of-way and easements associated with the subdivision improvements shall be offered on, or by separate instrument concurrently with, the final subdivision map; provided, that street rights-of-way shall be offered by means of an irrevocable offer of dedication (IOD). (ENGINEERING)
 - h. Improvement plans shall contain provisions for dust control, revegetation of disturbed areas, and erosion control. If an application for a grading permit is made prior to execution of a subdivision improvement agreement, it shall include an erosion control plan and shall be accompanied by financial security to ensure implementation of the plan. (ENGINEERING)

- i. Prior to commencement of grading, the subdivider shall submit a dust control plan for approval by the City and the Placer County Air Pollution Control District. This plan shall identify adequate dust control measures and shall provide for but not be limited to the following (4.8MM-2a) (ENGINEERING, PLACER COUNTY AIR POLLUTION CONTROL DISTRICT):
 - 1) A pre-construction meeting prior to any grading activities to discuss the construction emission / dust control plan with employees and / or contractors. The Placer County Air Pollution Control District is to be invited.
 - 2) The subdivider shall suspend all grading operations when fugitive dusts exceed District Rule 228 Fugitive Dust limitations.
 - 3) The subdivider shall provide for a representative, certified by the California Air Resources Board (CARB) to perform Visible Emissions Evaluations (VEE), to routinely evaluate compliance to Rule 228, Fugitive Dust.
 - 4) It is to be noted that fugitive dust is not to exceed 40% opacity and not go beyond the property boundary at any time.
 - 5) If lime or other drying agents are utilized to dry out wet grading areas, they shall be controlled as not to exceed District Rule 228 Fugitive Dust Limitations.
 - 6) An enforcement plan established in coordination with the Placer County Air Pollution Control District to weekly evaluate project-related on- and off-road heavy-duty vehicle engine emission opacities, using standards as defined in California Code of Regulations, Title 13, Sections 2180-2194. An Environmental Coordinator, CARB-certified to perform Visible Emissions Evaluations (VEE), shall routinely evaluate project related off-road and heavy duty on-road equipment emissions for compliance with this requirement. (4.8MM-2d)

- j. Prior to any grading or construction activities including issuance of improvement plans, the improvement plans shall clearly indicate that if shallow ground water exists at the time of proposed grading, subdrainage shall be installed in advance of the grading operations to de-water soils within the depth of influence of grading to the extent reasonable. A qualified geologist and/or geotechnical engineer shall estimate the configuration and design of the subdrain systems during exposure of field conditions at the time of or immediately before construction. The contractor may also recommend an alternative which may be mutually agreed upon by the City Engineer and Public Works Director.(4.5MM-4) (ENGINEERING)

- k. Prior to any grading or construction activities including issuance of improvement plans, the developer shall submit a design-level soil investigation for the review and approval of the City Engineer and Chief Building Official that evaluates soil and rock conditions, particularly the potential for expansive soils. The professional engineer that prepared the soil investigation shall recommend appropriate roadway construction and foundation techniques and other best practices that are to be implemented by the project during construction. These techniques and practices shall address expansive soils or other geological concerns requiring remediation, including but not limited to (4.5MM-5) (ENGINEERING):
- Recommendations for building pad and footing construction;
 - Use of soil stabilizers or other additives; and
 - Recommendations for surface drainage.
- l. Improvement plans shall contain provisions to ensure that (4.5MM-1) (ENGINEERING):
- 1) Fill placed on slopes steeper than a 6:1 slope gradient (horizontal to vertical), shall be provided with a base key at the toe of the fill slope. The base key shall extend approximately two feet (vertically) into firm material. Fill slopes constructed on the site are expected to be stable if they are constructed on gradients no steeper than 2:1 (horizontal to vertical) and are provided with a base key.
 - 2) Cut slopes in surficial soil or stream deposits shall not exceed a 2:1 gradient. Cut slopes in underlying rock may be stable at gradients up to 1.5:1 depending on the degree of cementation, groundwater seepage, and the orientation of fractures.
- m. If construction is proposed by the developer during the breeding season (February-August) of special-status migratory bird species, the project applicant, in consultation with the City of Rocklin and California Department of Fish & Game, shall conduct a pre-construction migratory bird survey of the project site during the same calendar year that construction is planned to begin. The survey shall be conducted by a qualified biologist in order to identify active nests of any special-status bird species on the project sites. The results of the survey shall be submitted to the Community Development Department. If active nests are not found during the pre-construction survey, further mitigation is not required. If

active nests are found, an adequately sized temporary non-disturbance buffer zone shall be determined based on California Department of Fish & Game consultation, shall be established around the active nest. Intensive new disturbances (e.g., heavy equipment activities associated with construction) that may cause nest abandonment or forced fledging shall not be initiated within this buffer zone between March 1 and September 1. Any trees containing nests that must be removed as a result of project implementation shall be removed during the non-breeding season (September to January). (4.6MM-2a) (ENGINEERING, PLANNING)

- n. Prior to any grading or construction activities, including issuance of improvement plans, the project applicant, in consultation with the City of Rocklin and California Department of Fish & Game, shall conduct a pre-construction breeding-season survey (approximately February 15 through August 1) of the project site during the same calendar year that construction is planned to begin. The survey shall be conducted by a qualified raptor biologist to determine if any birds-of-prey are nesting on or directly adjacent to the Proposed Project site.

If phased construction procedures are planned for the proposed project, the results of the above survey shall be valid only for the season when it is conducted.

A report shall be submitted to the City of Rocklin following the completion of the survey that includes, at the minimum, the following information:

- A description of methodology including dates of field visits;
- The names of survey personnel with resume;
- A list of references cited and persons contacted;
- A map showing the location(s) of any raptor nests observed on the project site.

If the above survey does not identify any nesting raptor species on the project site, further mitigation would not be required. However, should any raptor species be found nesting on the project site, the following mitigation measures shall be implemented (4.6MM-13a) (ENGINEERING, PLANNING):

- 1) Construction activities shall avoid any identified raptor nest sites during the breeding season while the nest is occupied with adults and/or eggs or young. The occupied nest shall be monitored by a qualified raptor biologist to determine when the nest is no longer used. Avoidance shall include the establishment of a nondisturbance buffer zone around the nest site. The size of the buffer zone would be determined by a

qualified raptor biologist in consultation with the City of Rocklin and California Department of Fish & Game. Highly visible temporary construction fencing shall be installed delineate the buffer zone. (4.6MM-13b)

- 2) If the nest of any legally-protected raptor species is located in a tree designated for removal, the removal shall be deferred until after August 30th, or until the adults and young are no longer dependent on the nest site, as determined by a qualified biologist. (4.6MM-13c)
- o. Prior to any grading or construction activities including issuance of improvement plans a pre-construction survey for western pond turtle shall be conducted by a qualified biologist, to determine presence or absence of this species in the project site. If construction is planned after April 1st, this survey shall include looking for turtle nests within the construction area. If northwestern pond turtles are not found within the project site, no further mitigation is required. If juvenile or adult turtles are found within the proposed construction area, the individuals shall be moved out of the construction site with technical assistance from California Department of Fish & Game. If a nest is found within the construction area, construction shall not take place within 30 meters (100 feet) of the nest until the turtles have hatched.

If a turtle is observed on the site, work shall cease in the area until the turtle can be moved to a safe location consistent with California Department of Fish & Game regulations. The survey shall be valid for one year; if construction does not take place within one year of the survey, a new survey shall be conducted. (4.6MM-2c) (ENGINEERING, PLANNING)

- p. Prior to any grading or construction activities including issuance of improvement plans a pre-construction protocol-level survey for western spadefoot toad shall be conducted by a qualified biologist, to determine presence or absence of this species on the project sites. The survey shall be conducted in accordance with all applicable California Department of Fish & Game guidelines. If western spadefoot toads are not found within the project site, no further mitigation is required. If juvenile or adult spadefoot toads are found within the proposed construction area, the individuals shall be moved out of the construction site with technical assistance from California Department of Fish & Game. If spadefoot toad eggs are found within the construction area, construction shall not take place within 30 meters (100 feet) of the nest until the toads have hatched. (ENGINEERING, PLANNING)

If a spadefoot toad is observed on the site, work shall cease in the area until the frog can be moved to a safe location consistent with California Department of Fish & Game regulations. The survey shall be valid for one year; if construction does not take place within one year of the survey, a new survey shall be conducted. (4.6MM-2e) (ENGINEERING, PLANNING)

- q. Prior to any grading or construction activities including issuance of improvement plans, the proposed emergency access bridge connecting Phases I and II of the project and related construction plans shall be designed to comply with the following consistent with the Policies of the Southeast Rocklin Circulation Element (ENGINEERING, PLANNING):
- 1) The bridge shall be designed to allow the year-round passage of steelhead and Chinook salmon and so that it traverses the creek in a manner that does not in any way impede its current normal (non-storm event) flow. (4.6MM-4a)
 - 2) The width of a creek crossing construction zone within the riparian corridor shall be limited to a maximum of 100 feet. Construction outside of this corridor will be allowed only if design constraints require a zone greater than 100 feet and must be authorized by the City Engineer.
 - 3) Prior to any construction activities in the creek or related riparian areas the precise location of the creek crossing construction zone (corridor) shall be flagged to allow easy identification. Use of heavy equipment shall be restricted to this designated corridor. (4.6MM-4b)
 - 4) Prior to issuance of improvement plans the applicant / subdivider shall provide photographs that clearly document the streambed and bank contours within the creek crossing construction zone. These photographs shall be submitted to and kept on file at the Rocklin Community Development Department. Following construction creek bed and bank contours shall be restored, as near as possible, to pre-project conditions.
 - 5) Topsoil removed by grading to construct the emergency access bridge and approaches shall be reserved and for revegetation and recontouring efforts within the creek crossing construction zone.
- r. Prior to issuance of Improvement Plans, the subdivider shall apply for and obtain all permits and approvals from the Army Corps of Engineers and the California Department of Fish and Game as required by those agencies or provide written verification from the applicable agency that no permits are required. The subdivider shall comply with the terms and conditions of all such permits. (4.6MM-8a, 4.6MM-8b, & 4.6MM-8c) (ENGINEERING)

- s. Prior to any grading or construction activities, including issuance of improvement plans, the subdivider shall provide for no net loss of vernal pool habitat by either (4.6MM-10) (ENGINEERING, PLANNING):
- 1) Documenting that the project design avoids all vernal pool habitats on the project site.
 - 2) Submitting written verification from the United States Fish and Wildlife Service that the loss of on site vernal pool habitat has been approved and mitigated through the Section 404 / Section 7 Consultation permit process.
- t. Prior to any grading or construction activities including issuance of improvement plans, pre-construction protocol-level surveys shall be conducted by a qualified biologist on the portions of the project site planned for development, in order to identify the presence of any of the following special-status plant species: Boggs Lake hedge-hyssop (*Gratiola heterosepala*), Sacramento Orcutt grass (*Orcuttia viscida*), Slender Orcutt grass (*Orcuttia tenuis*). Pre-construction protocol-level surveys shall be conducted during the appropriate blooming period (March-October) for all plant species to adequately ensure recognition of potentially-occurring species. Because the blooming period of all potentially-occurring plant species covers a wide range, a minimum of three focused rare plant surveys timed approximately one month apart are recommended from April through June to cover the peak blooming period. The results of the surveys shall be submitted to California Department of Fish & Game and the City of Rocklin for review.
- If, as a result of the survey(s), special-status plant species are determined not to occur on the sites, further action shall not be required. If special-status plant species are detected on either site, locations of these occurrences shall be mapped with GPS and consultation with California Department of Fish & Game shall be initiated, and a mitigation plan shall be prepared based on the consultation. The plan shall detail the various mitigation approaches to ensure no net loss of plant species. (4.6MM-11) (ENGINEERING, PLANNING)
- u. Prior to any grading or construction activities, including issuance of improvement plans, the subdivider shall provide for no net loss of elderberry shrubs by either (4.6MM-12a & 4.6MM-12c):
- 1) Documenting that the project design avoids all elderberry shrubs on the project site.

- 2) Submitting written verification that the necessary take permit for Valley Elderberry Longhorn Beetle (VELB) has been obtained from the United States Fish and Wildlife Service through the Section 404 / Section 7 Consultation permit process. All necessary steps required to comply with the take permit including avoidance and replacement of elderberry shrubs consistent with United States Fish and Wildlife Service guidelines must be incorporated into the project improvement plans.
 - 3) Should on site replacement of elderberry shrubs be required the subdivider / developer shall enter into an agreement with the City of Rocklin, prior to final map approval, to ensure that the expenses and liabilities associated with the establishment and maintenance of a Valley Elderberry Longhorn Beetle (VELB) preserve on the project site will be the responsibility of the subdivider / developer and not the City of Rocklin until such time as the terms of the take permit issued by the United States Fish and Wildlife Service have been satisfied. (City Attorney)
- v. Prior to any grading or construction activities protective fencing shall be placed around all elderberry shrubs not scheduled for removal to create a 100-foot buffer protection zone around each shrub. All construction activities and equipment shall remain outside of the 100-foot buffer protection zone throughout the construction period. Where it is not feasible to provide the 100-foot protection zone the subdivider shall consult with the United States Fish and Wildlife Service to determine alternative measures to reduce impacts of construction activities to the elderberry shrubs and documentation of said consultation provided to the City. All construction activities shall be monitored by a qualified biologist to verify compliance with the above. The qualified biologist shall provide documentation of compliance to the City. (4.6MM-12b) (ENGINEERING, PLANNING)
 - w. Prior to any grading or construction activities, including issuance of improvement plans for any phase of the project the subdivider shall provided verification that a qualified archeologist has been retained, prepared a data recovery program for historic site PA-89-32 in consultation with the Community Development Director and will implement the data recovery program for historic site PA-89-32 prior to any grading or construction activities in that area. (4-10MM-1a) (ENGINEERING, PLANNING)
 - x. Prior to any grading or construction activities, including issuance of improvement plans for any phase of the project the subdivider shall

provided verification that a qualified paleontologist has been retained to monitor construction activities and provide written reports to the City. The paleontologist shall be on site at all times work is occurring during the grading and trenching phases of the project in order to observe and assess the potential for discovering paleontological resources. If after the grading and trenching phase the potential of discovering paleontological resources appears to be minimal as determined by the qualified paleontologist, periodic monitoring may be made thereafter. (4.10MM-2a) (ENGINEERING, PLANNING)

- y. Prior to any on or off- site grading or construction activities, including issuance of improvement plans, for any phase of the project the subdivider shall provide a Storm Water Management plan for preventing noncompliant storm water runoff at all times but especially during the rainy seasons for inclusion in the improvement plans. The plan would also need to cover the time period of the project after the subdivision improvements are installed and construction of the houses commences on disturbed soils. The Storm Water Management plan shall be prepared by a qualified storm water management professional. (ENGINEERING)
- z. Prior to any on or off- site grading or construction activities, including issuance of improvement plans for any phase of the project, the subdivider shall provide verification to the City Engineer that a qualified storm water management professional has been retained and is available to monitor construction activities and provide written reports to the City. This notification shall include name(s) and 24 hour contact information. The storm water management professional shall be present on site at all times necessary when work is occurring during the grading, trenching, and building construction phases (if homes to be built by subdivider) of the project in order to observe, assess, and direct on site storm water management. The storm water management professional shall also monitor the work site on a regular basis even when no construction activities are occurring to ensure that installed water quality and Best Management Practice devices or improvements are installed and functioning properly. The storm water management professional shall monitor the site prior to, during, and after any storm events. (ENGINEERING)
- aa. Prior to on or off- site any grading or construction activities, including issuance of improvement plans for any phase of the project, the subdivider shall provide funding for a qualified storm water management professional to be retained by the City to monitor the project's on and off site construction activities for compliance with the National Pollutant Discharge Elimination System (NPDES) Permitting Program and provide written reports to the City as directed by the City Engineer. The subdivider shall

pay a deposit based on the City Engineer's best estimate of the monitoring time required by the project and the cost to retain a storm water management professional prior to any grading or construction activity including issuance of improvement plans. For budgeting purposes this is estimated to be 6 hours per week in the wet season and 3 hours per week in the dry season. Additional costs over and above the estimate shall be billed to the subdivider on a time and materials basis payable to the City prior to acceptance of project improvements. (ENGINEERING)

- bb. The improvement plans shall clearly reflect and include all modifications and revisions to subdivision design as required by Condition Number 8, Subdivision Design.
- cc. The following shall be included in the project notes on the improvement plans:

Water Quality

- 1) Project construction shall be restricted within 100 feet of Secret Ravine Creek or the Aguilar Road tributary to the dry months of the year (i.e., May through October). (4.4MM-4b)
- 2) Work shall be scheduled to minimize construction activities in "high-risk" areas and the amount of active disturbed soil areas, during the rainy season (October 15 through May 1). "High-risk areas" include those areas within 50 feet of the USGS water courses, 100-year floodplains, regulated wetlands, and where slopes exceed 16 percent. Unless specifically authorized by the City Engineer or his designees during the rainy season, the developer shall not schedule construction activities in the "high-risk areas" or schedule to have more area of active disturbed soil area than can be managed in conformance with the regulations of the City of Rocklin, the Water Quality Control Board, or any other agency having jurisdiction in this area. (4.4MM-3c)

Air Quality

- 3) Traffic speeds on all unpaved road surfaces shall be posted at 25 m.p.h. or less.
- 4) All grading operations shall be suspended when wind speeds exceed 25 m.p.h.
- 5) All adjacent paved streets shall be swept during construction.
- 6) All trucks leaving the site shall be washed off to eliminate dust and debris.
- 7) All construction equipment shall be maintained in clean condition.

- 8) All exposed surfaces shall be revegetated as quickly as feasible.
- 9) Stockpiles of sand, soil, and other similar materials shall be covered and the beds of trucks hauling these materials to or from the site shall be covered to minimize the generation of airborne particles as required by the City Engineer.
- 10) Water or dust palliatives shall be applied on all exposed earth surfaces as necessary to control dust. Construction contracts shall include dust control treatment as frequently as necessary to minimize dust.
- 11) Construction equipment shall be properly maintained and tuned.
- 12) Low emission mobile construction equipment shall be utilized where possible.
- 13) Open burning of removed vegetation shall be prohibited. Vegetative material shall be chipped or delivered to waste or energy facilities. (4.8MM-2g)
- 14) Construction equipment exhaust emissions shall not exceed District Rule 202 Visible Emission limitations. (4.8MM-2b)
- 15) Idling time on the project site shall be limited to five (5) minutes for all diesel power equipment. (4.8MM-2e)
- 16) The California Air Resources Board (CARB) diesel fuel shall be used for all diesel-powered equipment. (4.8MM-2f)
- 17) The prime contractor shall submit to the District a comprehensive inventory (i.e. make, model, year, emission rating) of all the heavy-duty off-road equipment (50 horsepower or greater) that will be used for an aggregate of 40 or more hours for the construction project. The project representative shall provide the District with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman. The project shall provide a plan for approval by the District demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project wide fleet-average of 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average. The District should be contacted for average fleet emission data. Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products alternative fuels, engine retrofit technology, after-treatment products, and / or other options as they become available. As a resource, the Placer County Air Pollution Control District suggest contractors can access the Sacramento Metropolitan Air Quality Management District's web site, at <http://www.airquality.org/deqa/Constructionmitigationcalculator.xls>,

to determine if their off-road fleet meets the requirements listed in this measure. (4.8MM-2c)

Archeological and Paleontological Resources

- 18) Heavy equipment operators shall be briefed by the project paleontologist to gain awareness of visual identification techniques in order to identify potential paleontological resources. (4.10MM2b)
- 19) If any paleontological resources are discovered during construction activities, all work shall be halted in the vicinity of the find and the project paleontologist shall be consulted and the City's Community Development Director shall be notified. Upon determining the significance of the resource, the consulting paleontologist, in coordination with the City, shall determine the appropriate actions to be taken, which may include excavation. (4.10MM2c)
- 20) If during construction outside of the areas designated as the project applicant, any successor in interest, or any agents or contractors of the applicant or successor discovers a cultural resource that could qualify as either an historical resource or a unique archaeological resource, work shall immediately stop within 100 feet of the find, and both the City of Rocklin and an appropriate Native American representative shall be immediately notified unless the find is clearly not related to Native American's. Work within the area surrounding the find (i.e., an area created by a 100-foot radius emanating from the location of the find) shall remain suspended while a qualified archaeologist, retained at the subdivider's expense, conducts an onsite evaluation, develops an opinion as to whether the resource qualifies as either an historical resource or a unique archaeological resource, and makes recommendations regarding the possible implementation of avoidance measures or other appropriate mitigation measures. Based on such recommendations, as well as any input obtain from the Indian Community within 72 hours (excluding weekends and State and Federal holidays) of its receipt of notice regarding the find, the City shall determine what mitigation is appropriate. At a minimum, any Native American artifacts shall be respectfully treated and offered to the Indian Community for permanent storage or donation, at the Indian Community's discretion, and any Native American sites, such as grinding rocks, shall be respectfully treated and preserved intact. In considering whether to impose any more stringent mitigation measures, the City shall consider the potential cost to the applicant and any implications that additional mitigation may have for project design and feasibility. Where a discovered cultural resource is neither a Native American artifact, a Native American site, a historical resource, nor a

unique archaeological resource, the City shall not require any additional mitigation, consistent with the policies set forth in Public Resources Code sections 21083.2 and 21084.1. (4-10MM-4a)

- 21) Should human remains be found, then the Coroner's office shall be immediately contacted and all work halted until final disposition is made by the Coroner. Should the remains be determined to be of Native American descent, then the Native American Heritage Commission shall be consulted to determine the appropriate disposition of such remains. (4-10MM-4b)

Noise

- 22) Mufflers shall be installed on all equipment with high engine noise potential. The equipment shall be turned off when not in use. (4.9MM-1a)
- 23) Equipment warm up areas, water tanks, and equipment storage areas shall be located in areas as far away from existing residences as is feasible. (4.9MM-1a)
- 24) The project shall comply with the City of Rocklin Construction Noise Compatibility Guidelines, including restricting construction-related noise generating activities within or near residential areas to between 7:00 a.m. and 7:00 p.m. on weekdays and between 8:00 a.m. and 7:00 p.m. on weekends to the satisfaction of the City Engineer or Building Official. (4.9MM-1b)

Geotechnical, Blasting

- 25) If blasting activities are to occur in conjunction with the improvements, the contractor shall conduct the blasting activities in compliance with state and local regulations. The contractor shall obtain a blasting permit from the City of Rocklin prior to commencing any on-site blasting activities. The permit application shall include a description of the work to be accomplished and a statement of the necessity for blasting as opposed to other methods considered including avoidance of hard rock areas and safety measures to be implemented such as use of blast blankets. The contractor shall coordinate any blasting activities with police and fire departments to insure proper site access and traffic control, and public notification including the media, nearby residents, and businesses, as determined appropriate by the Rocklin Police Department. Blasting specifications and plans shall include a schedule that outlines the time frame in which blasting will occur in order to limit noise and traffic inconvenience. A note to this effect shall be included on the project's Improvement Plans. (4.9MM-1b & 4.5MM-7)

Biological Resources

- 26) If a horned lizard is observed on the site, work shall cease in the area until the lizard can be moved to a safe location consistent with California Department of Fish & Game regulations. (4.6MM-2b)
- 27) If a yellow-legged frog is observed on the site during the construction phase, work shall cease in the area until the frog can be moved to a safe location consistent with California Department of Fish & Game regulations. (4.6MM-2d)

5. Special Provisions

- a. To comply with Rocklin Municipal Code chapter 15.16 (Flood Hazard), the final map shall provide for the following (ENGINEERING):
 - 1) Delineation of the 100-year floodplain elevation(s);
 - 2) Identification of a finish floor elevation of each lot at two (2) feet above the 100-year floodplain elevation;
 - 3) Recordation of a flood zone easement across the area of the 100-year floodplain boundary or fifty (50) feet from center line; whichever is greater.
- b. Prior to or concurrent with the recording of final maps for each phase of the project, the following provisions shall be recorded by separate instrument to be implemented with the issuance of building permits for development of each lot created by this subdivision (ENGINEERING):
 - 1) Grading and construction on individual lots in the Phase I area, Lots 1 – 23, as indicated on the tentative subdivision map shall comply with the provisions of the Vista Oaks Design Guidelines, DR-2002-21, adopted per City Council Resolution Number 2006-352.
 - 2) All residential lots in the Vista Oaks subdivision as indicated on Exhibit A are subject to Rocklin Municipal Code section 15.04.120.C.2. requiring a fire sprinkler system in each home.
- c. Prior to recording of a final map for any phase of the project the subdivider shall provide evidence that the following have been satisfied (ENGINEERING):
 - 1) The project shall implement an offsite mitigation program, coordinated through the Placer County Air Pollution Control District, to offset the

project's long-term ozone precursor emissions. The project offsite mitigation program must be approved by Placer County Air Pollution Control District. The project's offsite mitigation program provides monetary incentives to sources of air pollutant emissions within the projects' air basin that are not required by law to reduce emissions. Therefore, the emissions reductions are real, quantifiable and implement provisions of the 1994 State Implementation Plan. The offsite mitigation program reduces emissions within the air basin that would not otherwise be eliminated.

In lieu of the applicant implementing their own offsite mitigation program, the applicant can choose to participate in the Placer County Air Pollution Control District Offsite Mitigation Program by paying an equivalent amount of money into the District program. The actual amount of emission reduction needed through the Offsite mitigation Program would be calculated when the project's average daily emissions have been determined. (4.8MM-5a) (ENGINEERING, PLACER COUNTY AIR POLLUTION CONTROL DISTRICT)

- d. Prior to recording a final map for any phase of the Vista Oaks project the project shall provide for the reimbursement of a fair share of the costs to build the Monument Springs Bridge consistent with the provisions of Ordinance 856 as follows:
 - 1) The subdivider shall provide funding to the City sufficient to pay for the preparation of an independent analysis to determine the entire Vista Oaks project's "fair share" of the costs associated with the construction of the Monument Springs Bridge. Said analysis shall establish a per lot fee to be applied equally to all of the residential lots created by the Vista Oaks subdivision. (CITY ATTORNEY, ENGINEERING)
 - 2) Once the Vista Oaks project's fair share of the Monument Springs Bridge has been established by the independent analysis required above, the project shall satisfy its reimbursement requirement by either (ENGINEERING):
 - i. Paying the "fair share" contribution identified by the approved analysis, on a per lot basis to the City of Rocklin for each lot created in that phase prior to or concurrently with recordation of the final map for that phase; or
 - ii. If a Community Facilities District has been established to fund the Monument Springs Bridge and ancillary improvements the

subdivider shall cause the entire Vista Oaks project to be annexed into said Community Facilities District prior to or concurrently with the recordation of the first phase of project development.

6. Improvements in the Public Right-of-Way

The applicant shall obtain an encroachment permit for all improvements within the public right-of-way. Applicant shall post a performance bond and labor and materials payment bond (or other equivalent financial security) in the amount of 100% of the cost of the improvements to be constructed in the public right-of-way as improvement security to ensure the faithful performance of all duties and obligations required of applicant in the construction of the improvements. Such improvement security shall be in a form acceptable to the City Attorney. Such security shall be either a corporate surety bond, a letter of credit, or other instrument of credit issued by a banking institution subject to regulation by the State or Federal government and pledging that the funds necessary to carry out this Agreement are on deposit and guaranteed for payment, or a cash deposit made either directly with the City or deposited with a recognized escrow agent for the benefit of the City. (PUBLIC WORKS, ENGINEERING)

7. Flood and Drainage Control Agreement

The property owner shall enter into a written agreement with the City of Rocklin not to protest or oppose the establishment or formation of an improvement, assessment or similar district or area of benefit, or the levy or imposition of any assessment, fee, lien, tax or other levy, whether or not in connection with a district or area of benefit, for the purpose of flood and drainage control in the City of Rocklin. The agreement shall also indemnify the City against claims arising from developer's construction of improvements or development of the project and shall be recorded and binding on successors in interest of developer. (ENGINEERING)

8. Subdivision Design

Prior to approval of improvement plans and / or recording of a final map for any phase of the Vista Oaks subdivision the project design shall be revised as follows (ENGINEERING):

- a. Emergency fire access routes, a minimum of 6-feet wide, shall be provided to the open space areas at the end of all cul-de-sacs (between Lots 3 & 4, 10 & 11, 21 & 22, and south of Lot # 70) by extending the open space parcels between the parcels to the front setback line. An access easement shall be recorded over the portions of the open space fire access routes that are located within the front yards of single-family residential lots. The

easements shall specify that no trees, fencing, or permanent structures may be installed within the easement area. Said access points shall provide for six foot high redwood or cedar solid wooden gates located at the front setback line from the street right-of-way. Gates shall be locking and shall be identified by “Fire Access Signs” bolted to the gates. (VII-1.). (ENGINEERING, FIRE)

- b. Extend the rear or easterly property lines of Lots 95 through 99 east 22 feet to the boundary with the adjacent Highlands Parcel A (APN 046-020-039).

9. Oak Tree Removal and Mitigation

- a. Prior to any grading or construction activities, or the issuance of improvement plans, for any portion of the subdivision, an inventory of all existing trees in the subdivision and in the phase in question shall be provided along with a schedule of removal of those trees shown on the improvement plan to be removed with that phase shall be submitted for review. (PLANNING, ENGINEERING)
- b. Prior to any grading or construction activities, or the issuance of improvement plans, for any portion of the subdivision, the subdivider shall retain a certified arborist to review the design of the subdivision improvements and recommend measures to protect the trees, which are designated to remain, both during construction and afterwards. The protection measures shall include but are not limited to appropriate fencing around those trees to remain. The protection measures shall be incorporated into the subdivision improvement plans or grading permit for any portion of the subdivision prior to approval. (ENGINEERING, PLANNING)
- c. Prior to any grading or construction activities, or the issuance of improvement plans, for any portion of the subdivision, the subdivider shall provide verification that a certified arborist has been retained and prepared an inspection plan providing for the periodic inspection of the site during grading and construction and the necessary tree and root trimming to accommodate construction of roads, trails, and the emergency access bridge. Said arborist will implement the inspection plan and provide written verification to the City Engineer that the approved protection measures are properly implemented. (4.6MM-4a)(ENGINEERING)
- d. Prior to recording a final map for any phase of the project the project arborist shall prepare a final list of all oak trees removed that are six inches in diameter or greater, including total number and inches of trees removed. Prior to recording the final map the subdivider shall mitigate for the removal of all oak trees within that phase that are six inches in diameter or

greater, in compliance with the provisions of the City of Rocklin Tree Ordinance (Chapter 17.77 of the Rocklin Municipal Code (Ordinance 676), including planting replacement of trees and / or payment of in-lieu fees. If adequate locations cannot be found to replace all removed oak trees, then the remaining mitigation requirement shall be met through payment into the existing City of Rocklin Tree Preservation Fund at the rate and formula specified in the City of Rocklin Municipal Code. (4.6MM-6a) (4.6MM-6b) (ENGINEERING, PLANNING)

- e. If planting of replacement trees is proposed to mitigate for the removal of oak trees a tree planting plan and related five year irrigation system shall be included with the improvement plans for that portion of the subdivision prior to issuance. The plan shall specify monitoring requirements including required inspections for at least a five-year period to ensure that the trees are established and able to survive on their own. The replacement trees shall be a minimum of 15-gallons in size and of oak species native to the Rocklin area as listed in Appendix A of the City of Rocklin Oak Tree Preservation Guidelines. Replacement trees shall be planted within open space parcels A, C, and D as deemed feasible by a certified arborist or landscape architect. (4.6MM-6a) (PLANNING, ENGINEERING)

10. Parks

- a. In lieu of paying the City's Neighborhood Park fees, Parcel E shall be improved and dedicated to the City as a park site.

Prior to recording any phase or portion of this tentative subdivision map, the subdivider shall execute the City's standard form turn key park improvement agreement requiring the subdivider to improve and dedicate, in fee, within a time established by the City, the park site with recreational equipment, facilities, and landscaping to the satisfaction of the Director of Community Services and Facilities. The agreement shall also provide for but not be limited to the following (Engineering, Community Services and Facilities):

- 1) The site shall be free of any physical condition or any title encumbrance to the land that would prevent their use as park sites.
- 2) The subdivider shall provide a verified delineation to the City for review and determination as to whether wetlands exist on the property. To the extent that there are wetlands on the parcel, the developer shall provide verification that they have complied with all federal and state permits for removal of any wetlands prior to dedication to the City.

- 3) The subdivider is responsible for installation of full street frontage improvement to City Standards (i.e., curb, gutter, and sidewalk, etc.) adjacent to and in the park site when China Garden Road is constructed. At the option of the City, sidewalks may be deferred and incorporated into the park development.

11. Riparian Area and Creek Protection

An open space and conservation easement (as described in Government Code section 51070, et seq.) shall be recorded over that portion of the subdivision described as follows for purposes of riparian area and creek protection (ENGINEERING, CITY ATTORNEY):

Parcels A, C, D, & E

The easement shall be in substantial compliance with the City's form Grant Of Open Space And Conservation Easement, and shall prohibit, among other things, grading, removal of native or mitigation vegetation, deposit of any type of debris, lawn clippings, chemicals, or trash, and the building of any structures, including fencing except a tubular steel fence to be located 10-feet behind the back of curb or sidewalk as applicable where the parcel abuts a street; provided, that native vegetation may be removed as necessary for flood control and protection pursuant to a permit issued by the California Department of Fish and Game.

12. Phasing

The project may be developed in up to three phases as indicated on Exhibit A subject to the following (ENGINEERING, PLANNING):

- a. The following shall be completed with the development of any phase of the Vista Oaks project:
 - 1) Implement the approved Open Space Management and Fuel Modification Plan prior to recording of a final map for any phase of the project or acceptance of the open space parcels by the City. (VII-1.)
 - 2) Prior to or concurrently with the recording of a map for the first phase of the project to be constructed Parcel B shall be dedicated to the City.
- b. The following improvements as described in these conditions of approval and noted below shall be completed with the development of Phase I as shown on Exhibit A:

- 4.e.3)i. (14-foot noise wall for homes);
- 4.e.3)ii. (8-foot noise wall for park);
- 4.e.3)iv. (residential / open space interface fencing);
- 4.e.3)v. (masonry wall between residential lots and park);
- 4.e.3)vii. (remove billboards);
- 4.e.3)ix. (stub utilities to Parcel B);
- 4.e.3)x. (stub utilities to Parcel E);
- 4.e.3)xi. (Construct trail system through Parcel A), and connect to end of Monument Springs Road in the Rocklin Highlands;
- 4.e.3)xii. (Construct emergency access bridge);
- 4.e.3)xiv. (construct trail head parking and turn around);
- 4.e.4)i. (extend Monument Springs Drive across Secret Ravine Creek to Highlands 3 & 4 subdivision);

c. The following improvements as described in the below noted conditions of approval shall be completed with the development of Phase II as shown on Exhibit A:

- 4.e.3)iv. (construct residential / open space interface fencing);
- 4.e.3)vi. (construct tubular steel fence along open space frontages);
- 4.e.3)xi. (construct trail system through Parcel A), and connect to end of China Garden Road;
- 4.e.3)xii. (construct emergency access bridge);
- 4.e.4)i. (extend Monument Springs Drive across Secret Ravine Creek to Highlands 3 & 4 subdivision);

d. The following improvements as described in the below noted conditions of approval shall be completed with the development of Phase III as shown on Exhibit A:

- 4.e.3)iii. (build rear yard sound walls);
- 4.e.3)iv. (residential / open space interface fencing);
- 4.e.3)vi. (construct tubular steel fence along open space frontages);
- 4.e.3)xiii. (implement fuel modification plan) Prior to recording a final map for Phase III the owner of the Parcel A open space area, as indicated on the tentative subdivision map, shall enter into an agreement with the City of Rocklin to maintain the Fuel Modification Zone adjacent to the Phase III development until such time as Parcel A is dedicated to the City. The contract shall specify that in the event that the property owner fails to fulfill the maintenance obligation the City may place a lien on the land and perform the required work.

13. Monitoring

Prior to any grading or construction activities including issuance of improvement plans, for any phase of the project the subdivider shall deposit with the City of Rocklin the current fee to pay for the City's time and material cost to administer the Mitigation Monitoring Program. The Community Development Director shall determine if and when additional deposits must be paid for administering the Mitigation Monitoring Program, including additional deposits on subsequent phase final maps. (ENGINEERING)

14. Validity

- a. This entitlement shall expire two years from the date of approval unless prior to that date a building permit has been issued or a time extension has been granted. (PLANNING)
- b. This entitlement shall not be considered valid and approved unless and until the concurrent entitlements have been approved: General Plan Amendment, GPA-2002-04; Rezone, Z-2002-02; General Development Plan, PDG-2001-07; and Design Review, DR-2002-21. (PLANNING)

PASSED AND ADOPTED this 14th day November, 2006, by the following roll call vote:

AYES: Councilmembers: Hill, Storey, Yorde, Magnuson

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ABSTAIN: Councilmembers: Lund

George Magnuson, Mayor

ATTEST:

Barbara Ivanusich, City Clerk

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EXHIBIT A

Available at the Community Development Department, Planning Division

RESOLUTION NO.2006-351

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ROCKLIN APPROVING
A TENTATIVE SUBDIVISION MAP
(Vista Oaks / SD-2001-04, TRE-2001-30)

The City Council of the City of Rocklin does resolve as follows:

Section 1. The City Council of the City of Rocklin finds and determines that:

A. Tentative Subdivision Map (SD-2001-04, TREE-2001-30) allows the subdivision of 93.2 acres generally located at the southerly terminus of China Garden Road into 100 residential lots and 5 open space parcels.

B. An Environmental Impact Report prepared for this project has been certified via City Council Resolution No. 2006-349.

C. The City Council has considered the effect of the approval of this subdivision on the housing needs of the region, and has balanced those needs against the public service needs of its residents and available fiscal and environmental resources.

D. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the zoning classification on the property.

E. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the objectives, policies, general land uses and programs in the City of Rocklin's General Plan.

F. The site is physically suitable for the proposed type and density of development.

G. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage, nor will they substantially and avoidably injure fish or wildlife or their habitat.

H. The design of the subdivision and type of improvements will not cause serious public health problems.

I. The design of the subdivision and type of improvements will not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision.

J. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

Section 2. The Vista Oaks tentative subdivision map (SD-2001-04, TRE-2001-30) as depicted in Exhibits A & B, attached hereto and by this reference incorporated herein, is hereby recommended for approval, subject to the conditions listed below. The approved Exhibits A & B shall govern the design and construction of the project. Any condition directly addressing an element incorporated into Exhibits A & B shall be controlling and shall modify Exhibits A & B. All other plans, specifications, details, and information contained within Exhibit A shall be specifically applicable to the project and shall be construed as if directly stated within the conditions for approval. Unless otherwise expressly stated, the applicant / developer shall be solely responsible for satisfying each condition, and each of these conditions must be satisfied prior to or concurrently with the submittal of the final map with the City Engineer for the purpose of filing with the City Council. The agency and / or City department(s) responsible for ensuring implementation of each condition is indicated in parenthesis with each condition.

A. Notice to Applicant of Fees & Exaction Appeal Period

The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code §66020(d), these conditions constitute written notice of the amount of such fees, and a description of the dedications, reservations, and other exactions.

The applicant is hereby notified that the 90-day protest period, commencing from the date of approval of the project, has begun. If the applicant fails to file a protest regarding any of the fees, dedication requirements, reservation requirements or other exaction contained in this notice, complying with all the requirements of Government Code §66020, the applicant will be legally barred from later challenging such exactions.

B. Conditions

1. Utilities

- a. Water – Water service shall be provided to the subdivision from Placer County Water Agency (PCWA) in compliance with all applicable PCWA standards and requirements. PCWA shall verify ability to serve the subdivision by signing off on the subdivision improvement plans. All necessary easements shall be shown and offered (or Irrevocable Offer of Dedication provided) on or with the final map. All necessary improvements shall be included on the subdivision improvement plans. (PCWA, ENGINEERING)
- b. Sewer – Sewer service shall be provided to the subdivision from South Placer Municipal Utility District (SPMUD) in compliance with all applicable SPMUD standards and requirements. SPMUD shall verify ability to serve the subdivision by signing off on the subdivision improvement plans. All necessary easements shall be shown and offered (or Irrevocable Offer of Dedication provided) on or with the final map. All improvements shall be included on the subdivision improvement plans. (SPMUD, ENGINEERING)

Copies of any required permits from federal, state, and local agencies having jurisdiction over wetland/riparian areas, which may be impacted by the placement of the sewer system within the plan area, shall be submitted to the City and SPMUD prior to approval of the sewer plan for the project. (ENGINEERING)

- c. Telephone, Gas, and Electricity – Telephone, gas and electrical service shall be provided to the subdivision from Roseville Telephone, Pacific Bell, and Pacific Gas & Electric (PG&E). (APPLICABLE UTILITY, ENGINEERING)
- d. Postal Service – Mailbox locations shall be determined by the local postmaster. A letter from the local postmaster verifying all requirements have been met shall be filed with the City Engineer. (ENGINEERING)

- e. Prior to recordation of final map, the project shall be included in the appropriate City financing districts as needed to most efficiently provide for public maintenance of public landscaping, improvements such as sound walls, and provision of new or enhanced services such as street lighting. (FINANCE, ENGINEERING, PUBLIC WORKS)

It is anticipated that the following will be necessary:

Annexation into: CFD No. 1, Lighting & Landscaping District No. 2, CFD No. 5 (annexation into CFD No. 5 to also cover maintenance of the portion of the Monument Springs Drive Extension and Bridge that is located in Placer County).

De-annexation from: Lighting & Landscape District No. 1

2. Schools

- a. Financing: The following conditions shall be satisfied to mitigate the impact of the proposed development on school facilities (ROCKLIN UNIFIED SCHOOL DISTRICT, BUILDING):
 - 1) At the time of issuance of a building permit, the developer shall pay to the Rocklin Unified School District all fees required under Education Code section 17620 and Government Code Section 65995, to the satisfaction of the Rocklin Unified School District.
 - 2) The above condition shall be waived by the City Council if the applicant and the District reach agreement to mitigate the impacts on the school facilities caused by the proposed development and jointly request in writing that the condition be waived.

3. Fire Service

- a. Improvement plans shall show the location and size of fire hydrants and water mains in conformance with the standards and requirements of the Rocklin Fire Chief and Placer County Water Agency (PCWA). (PCWA, FIRE, ENGINEERING)
- b. Proposed street names shall be reviewed and approved by the Rocklin Fire Chief. (ENGINEERING, FIRE)
- c. Fire Department access into open space areas shall be provided in the general locations indicated on Exhibit A. (FIRE)

- d. An Open Space Management and Fuel Modification Plan shall be prepared by the subdivider and approved by the City of Rocklin prior to recording of any final maps for the project. The Open Space Management and Fuel Modification Plan shall provide for but not be limited to the following (ENGINEERING, PUBLIC WORKS, FIRE) (VIII.):
 - 1) Identification of thirty (30') foot wide fuel modification (fuel break) zones in all open space areas where adjacent to residential parcels (on and off site), taking into account Elderberry bushes and their surrounding none disturbance areas, to reduce fire hazards.
 - 2) Thinning and removal of vegetation in the open space areas to create and maintain the fuel modification zones. Said thinning shall consist of pruning all tree branches to approximately six (6') feet above grade and trimming grasses and shrubs to maintain them at not more than approximately six (6") inches in height.

4. Improvements/Improvement Plans

Project improvements shall be designed, constructed and / or installed as shown on the approved improvement plans, in compliance with applicable city standards including but not limited to the City's Standard Specifications then in effect. The project improvement plans shall be subject to and / or provide for the following (ENGINEERING, PLANNING):

- a. Improvement plans shall be valid for a period of two years from date of approval by the City Engineer. If substantial work has not been commenced within that time, or if the work is not diligently pursued to completion thereafter, the City Engineer may require the improvement plans to be resubmitted and/or modified to reflect changes in the standard specifications or other circumstances. (ENGINEERING)
- b. All improvements shall be constructed and/or installed prior to submitting the final map with the City Engineer for the purpose of filing with the City Council, unless the subdivider executes the City's standard form subdivision improvement agreement and provides the financial security and insurance coverage required by the agreement, prior to or concurrent with submitting the final map with the City Engineer. (ENGINEERING)
- c. A detailed grading and drainage plan prepared by a registered civil engineer, in substantial compliance with the approved project exhibit(s). The grading and drainage plan shall include the following:

- 1) All storm drainage run-off from site shall be collected into a City standard sand and oil trap manhole (or an equal as approved by the City Engineer) prior to discharge of storm run-off offsite.
- 2) Individual lot drainage including features such as lined drainage swales.
- 3) All storm drainage inlets shall be stamped with City Engineer approved wording indicating that dumping of waste is prohibited and identifying that the inlets drain into the creek system.
- 4) Prior to the commencement of grading operations, and if the project site will not balance with respect to grading, the contractor shall identify the site where any excess earthen material shall be deposited. If the deposit site is within the City of Rocklin, the contractor shall submit a report issued by a technical engineer to verify that the exported materials are suitable for the intended fill and show proof of all approved grading plans. Haul routes to be used shall be specified. If the site requires importing of earthen material, then prior to the commencement of grading operations, the contractor shall identify the site where the imported earthen material is coming from and the contractor shall submit a report issued by a technical engineer to verify that the imported materials are suitable for the intended fill and show proof of all approved grading plans. Haul routes to be used shall be specified.
- 5) Prior to any grading or construction activities, the applicant shall comply with the provisions of Attachment 4 in the City's Storm water Permit to the satisfaction of the City Engineer. These provisions shall also be applicable to the limited graded lots on Phase 1 of the Vista Oaks project site. (4.4MM-3b)
- 6) Construction related and permanent Best Management Practices (BMPs) and Best Available Technologies (BATs) shall be incorporated into the final project design and / or noted on the Improvement Plans as appropriate to reduce urban pollutants in runoff, consistent with goals and standards established under Federal and State non-point source discharge regulations (NPDES permit) and Basin Plan water quality objectives. Storm water runoff BMPs selected from the Storm Water Quality Task Force, the Bay Area Storm Water Management Agencies Association Start at the Source – Design Guide Manual, or equally effective measures shall be identified prior to final design approval and shall be incorporated into project design and / or noted on the Improvement Plans as appropriate.

To maximize effectiveness, the selected BMPs shall be based on finalized site-specific hydrologic conditions, with consideration for the types and locations of development. Mechanisms to maintain the BMPs shall be identified in on improvement plans. (4.4MM-4a)

- d. Prior to any grading or construction activities, the subdivider shall:
- 1) Obtain a General Construction Activity Storm Water Permit as a part of the National Pollutant Discharge Elimination System (NPDES) permit process from the Regional Water Quality Control Board. (ENGINEERING) (4.4MM-3a)
 - 2) Submit verification from the U.S. Army Corp of Engineers and the California Department of Fish and Game that the project meets all regulations and that the subdivider has obtained all required permits relating to wetlands and waterways. (ENGINEERING)
- e. The following subdivision improvements shall be designed, constructed, and/or installed:
- 1) All on-site standard subdivision improvements, including streets, curbs*, gutters, sidewalks, drainage improvements, utility improvements (including cable television trenching), street lights, and fire hydrants. (*All curbs shall be vertical curbs and not rolled curbs)
 - 2) Developer shall dedicate to City a telecommunication easement, and shall install and dedicate to City telecommunication conduit within the easement. The easement shall be located in the public utility easement of each street within the subdivision, and any adjacent streets as necessary to connect the easement to the City's public street and easement network. The easement shall be for telecommunications use by City, in whatever manner City may, in its sole discretion, elect. The conduit shall be large enough for at least two (2) sets of coaxial cable (approximately three (3) inches total diameter), shall include access to the cable spaced at reasonable distances, and shall otherwise comply with City standards and specifications in effect at the time the conduit is installed.

Developer shall provide any City telecommunication franchisee, including any cable television franchisee, access to the easement for the purpose of installing cable and conduit while the public utility trench is open and prior to the street being paved.

3) The following on-site special improvements, timing of construction shall be as noted in Condition 12. Phasing, below:

- i. A property line noise barrier measuring 9-feet above the nearest adjacent travel lane of I-80 for a total height of approximately 14-feet from finished grade shall be required for the Phase I area along the south side of the I-80 right-of-way (ROW) (north side of China Garden Road) in front of the first row of lots facing I-80 in order to meet the lower limit exterior noise level of 60 dB L_{dn} .

The barrier shall connect with the existing 14-foot noise barrier to the east and shall extend southwesterly along the project site's boundary with I-80 and along the easterly boundary of Parcel B terminating approximately 300 feet to the west of lot #23 to prevent sound flanking as shown on Exhibits A & B.

The barrier wall shall be designed and built to closely match that existing sound wall. The design of the sound wall shall include a locking solid metal door constructed of 16-gauge steel or equivalent, powder coated dark bronze. Said door shall have a minimum width of 8-feet and a minimum height of 9-feet to provide access to Parcel B and be designed to seal so that it doesn't compromise the integrity of the sound wall. If revisions are made to the grading plans for Phase I, then the noise analysis must be similarly revised and appropriate changes made to the sound wall design. (4.9MM-2)(ENGINEERING, PLANNING)

- ii. A property line noise barrier measuring 3-feet above the nearest adjacent travel lane of I-80 for a total height of approximately 8-feet from adjacent finished grade shall be required for the Phase I area along the south side of the I-80 right-of-way (ROW) (north side of China Garden Road) to allow the park site, Parcel E, to meet the lower limit exterior noise level of 69 dB L_{dn} .

The 8 feet high wall shall be required to extend west from the terminus of the 14-foot barrier, which is required for the Phase I residential area to a point 100 feet past the western terminus of the Phase I area as indicated on Exhibits A & B. Except for height the sound wall shall be designed and built to match the 14-foot sound wall. If revisions are made to the grading plan for Parcel E, then the noise analysis must be similarly revised and appropriate changes made to the sound wall design. (4.9MM-2)(ENGINEERING, PLANNING)

- iii. Within the Phase III site, noise barrier walls shall be constructed along the rear lot lines of Lots 70 through 79 between the rear yard (outdoor activity area) and I-80. The noise barrier walls shall wrap around 2 feet onto the side lot lines on Lots 70 and 79 before terminating. On Lot 100 the noise barrier wall shall begin at the front yard set back line on the lot's westerly property line and extend north, turn and run along the length of the northern property line and wrap around 2 feet onto the easterly property line before terminating (as shown on Exhibit B). The noise barrier walls shall be made of double sided split faced block with a grey granite color. The wall shall be topped with a decorative concrete cap. Noise barrier walls shall be constructed to a height of 6 feet above each building pad elevation. There shall be no openings in the walls. If revisions are made to the grading plan for Phase III, then the noise analysis must be similarly revised and appropriate changes made to the sound wall design. (4.9MM-2)(ENGINEERING, PLANNING)

- iv. Along any property line where any residential lot abuts an open space area, except where masonry sound walls are required for noise attenuation, the following fencing shall be required to be installed (ENGINEERING, PLANNING):
 - (a) Within 25-feet of the public right-of-way a 30-inch high masonry wall constructed of double sided split faced block with a grey granite color with a decorative concrete cap.

 - (b) More than 25-feet from the public right-of-way 30-inch high masonry wall constructed double sided split faced block with a grey granite color with a decorative concrete cap. The masonry wall shall be topped with a decorative tubular steel or wrought iron style fence constructed of medium gauge, or better, steel or aluminum powder-coated black or dark bronze approximately 42-inches in height for a total fence height of 6-feet.

 - (c) Where open space parcels extend between or next to residential lots to accommodate fire access to open space areas (between Lots 3 & 4, 10 & 11, 21 & 22, and south of Lot # 70) a solid six foot high redwood fence with metal fence posts. Matching wooden gate(s) with locks and permanent identification signage shall be installed where the fire access transitions from an easement across the adjacent lot(s) to the open space parcel. (ENGINEERING, FIRE)

- v. A six foot high masonry wall shall be constructed along the common property line between Lots 22 & 23 and Parcel E (the park site). The wall shall be constructed of a grey granite color double sided split faced block with a decorative concrete cap and pop out decorative pilasters constructed of the same materials at each end. (ENGINEERING, PLANNING)
- vi. Decorative tubular metal fencing approximately 3'-6" high installed 10 - feet back of sidewalk where open space areas are adjacent to streets. Said fencing shall be powder coated black or bronze and constructed of medium gauge, or better, steel or aluminum. Gates / opening shall be located at the access points to the trail system as indicated on Exhibit A and as required by the Public Works Director for maintenance access. (ENGINEERING, PUBLIC WORKS, PLANNING)
- vii. Prior to recording a final map for Phase I the existing billboard sign located approximately at the intersection of China Garden Road and Road L shall be removed.

If the existing billboard sign located on in Parcel A is not removed, ownership and control of the sign shall be transferred to the City of Rocklin prior to recording and a final map for Phase I. (ENGINEERING, PLANNING)

- viii. Electricity, water, drainage, phone, and conduit lines shall be stubbed out into Parcel B to accommodate future landscaping and signage on the site to the satisfaction of the City Engineer. (ENGINEERING)
- ix. Electricity, water, sewer, phone, and conduit lines shall be stubbed out for Parcel E to accommodate future park improvements on the site. (ENGINEERING, COMMUNITY SERVICES & FACILITIES)
- x. An off-road trail system through Parcels A & E, as shown on Exhibit A, with an all-weather surface suitable for bicycling and pedestrians including striping and appropriate signage to City standards. Collapsible or removable bollards or other acceptable means to restrict public vehicular access to the trail system shall be implemented where the trail system connects to all public streets and rights-of-way.

The portion of the trail connecting China Garden Road to Monument Springs Drive shall be constructed of concrete to support a 40,000 pound vehicle, provide for an 11 foot minimum width, and provide for turn radii of a minimum of 43-foot at the center line. (ENGINEERING, FIRE, PUBLIC WORKS)

- xi. An emergency access / pedestrian bridge linking Phases I & II, bridge design to provide for but not be limited to the following (ENGINEERING, FIRE, PUBLIC WORKS):
 - (a) Be passable during a minimum of a 10-year storm event.
 - (b) Provide for a minimum 12-foot wide deck.
 - (c) Be designed to carry a minimum load of 40,000 lb.
 - (d) Provide for a 20-foot wide minimum "non-angulated" approach.
 - (e) Provide for approach turn radii of a minimum of 43-foot at the center line.
 - (f) Bridge deck and piers shall be treated with a marine coating.
 - (g) Bridge railings shall be 54-inches high tubular metal powder coated black or bronze and constructed of medium gauge, or better, steel or aluminum. Spacing between vertical posts shall be consistent with swimming pool fencing standards. Railing sections shall be designed to be able to manually pivot parallel to the flow of water during storm events which inundate the bridge deck.
 - (h) Collapsible or removable bollards shall be installed at either end of the bridge to prevent public vehicular access.
 - (i) Other standards as may be required by the City Engineer.
- xii. Implement the approved Open Space Management and Fuel Modification Plan. (VII-1) (ENGINEERING, FIRE, PUBLIC WORKS)
- xiii. The trailhead parking and roundabout on Parcel E as indicated on Exhibit A. (ENGINEERING, FIRE, PUBLIC WORKS)
- xiv. The sewer line connection between Phase I and Phase II shall be constructed with and hung from the emergency access bridge across Secret Ravine Creek to minimize impacts to salmon. It is recognized that a sewer lift station may be required to accommodate this design. (ENGINEERING)

- 4) The following off-site improvements:
- i. If not already built the project shall be required to obtain rights of way and construct Monument Springs Drive, including the bridge, from China Garden Road to the project site prior to recording a final map for either Phases II or III as shown on Exhibit A. Said Monument Springs Drive extension shall consist of 2 – travel lanes and shoulders and shall be located as indicated on the Granite Lake Estates subdivision (SD-2000-02) and Highlands Parcel A subdivision (SD-2003-05) approvals.

A four foot wide meandering sidewalk of an appropriate material such as a decomposed granite, asphalt or concrete shall be constructed along China Garden Road, from the northerly edge of the project's China Garden Road frontage to the northerly most intersection of China Garden Road and Rustic Hill Drive. The final design and material shall be to the satisfaction of the Public Works Director and the City Engineer (ENGINEERING, PLANNING)

- f. Landscape and irrigation plans shall be included with the project improvement plans and shall comply with the following: (ENGINEERING, PUBLIC WORKS, PLANNING)

- 1) Landscaping to be installed in the following areas:

- i. In the landscape strip between China Garden Road and the freeway sound wall.
- ii. In a 10-foot wide strip immediately behind the public curb and / or sidewalk as applicable where open space parcels A, C, and D abut a public street.

- 2) The landscaping plan shall be prepared by a landscape architect and shall include:

- i. A legend of the common and botanical names of specific plant materials to be used. The legend should indicate the size of plant materials. Shrubs shall be a minimum five-(5) gallon and trees a minimum of 15 gallon.
- ii. A section diagram of proposed tree staking.
- iii. An irrigation plan including an automatic irrigation system. The plan shall include drip irrigation wherever possible.

- iv. Use of granite or moss rock boulders along the planting areas.
 - v. Certification by the landscape architect that the landscape plans meets the requirements of the Water Conservation and Landscaping Act. Government Code §65591, et seq.
 - vi. Certification by the landscape architect that the soil within the landscape area is suitable for the proposed landscaping and / or specify required soil treatments and amendments needed to ensure the health and vigor of landscape planting.
 - vii. Evergreen climbing vines to grow on the southerly side of the freeway sound walls.
 - viii. Landscaping in the open space areas adjacent to the public rights-of-way shall provide for a mix of drought tolerant trees, shrubs, and groundcovers substantially similar to the landscaping along the edge of open space areas in the adjacent Highlands Phase 3 & 4 project.
- 3) All landscaping improvements shall be constructed and/or installed prior to submitting the final map for filing with the City Council, unless the subdivider executes the City's standard form subdivision landscaping agreement and provides the financial security and insurance coverage required by the subdivision landscaping agreement, prior to or concurrent with submitting the final map.
 - 4) The subdivider shall maintain the landscaping and irrigation systems for two years from the date the landscaping is accepted by the City, without reimbursement. The subdivider shall apply for and obtain an encroachment permit to do any maintenance in the public right-of-way until such time as the City takes over maintenance of the landscaping.
- g. All rights-of-way and easements associated with the subdivision improvements shall be offered on, or by separate instrument concurrently with, the final subdivision map; provided, that street rights-of-way shall be offered by means of an irrevocable offer of dedication (IOD). (ENGINEERING)
 - h. Improvement plans shall contain provisions for dust control, revegetation of disturbed areas, and erosion control. If an application for a grading permit is made prior to execution of a subdivision improvement agreement, it shall include an erosion control plan and shall be accompanied by financial security to ensure implementation of the plan. (ENGINEERING)

- i. Prior to commencement of grading, the subdivider shall submit a dust control plan for approval by the City and the Placer County Air Pollution Control District. This plan shall identify adequate dust control measures and shall provide for but not be limited to the following (~~4.8MM-2a~~) (ENGINEERING, PLACER COUNTY AIR POLLUTION CONTROL DISTRICT):
 - 1) A pre-construction meeting prior to any grading activities to discuss the construction emission / dust control plan with employees and / or contractors. The Placer County Air Pollution Control District is to be invited.
 - 2) The subdivider shall suspend all grading operations when fugitive dusts exceed District Rule 228 Fugitive Dust limitations.
 - 3) The subdivider shall provide for a representative, certified by the California Air Resources Board (CARB) to perform Visible Emissions Evaluations (VEE), to routinely evaluate compliance to Rule 228, Fugitive Dust.
 - 4) It is to be noted that fugitive dust is not to exceed 40% opacity and not go beyond the property boundary at any time.
 - 5) If lime or other drying agents are utilized to dry out wet grading areas, they shall be controlled as not to exceed District Rule 228 Fugitive Dust Limitations.
 - 6) An enforcement plan established in coordination with the Placer County Air Pollution Control District to weekly evaluate project-related on- and off-road heavy-duty vehicle engine emission opacities, using standards as defined in California Code of Regulations, Title 13, Sections 2180-2194. An Environmental Coordinator, CARB-certified to perform Visible Emissions Evaluations (VEE), shall routinely evaluate project related off-road and heavy duty on-road equipment emissions for compliance with this requirement. (~~4.8MM-2d~~)

- j. Prior to any grading or construction activities including issuance of improvement plans, the improvement plans shall clearly indicate that if shallow ground water exists at the time of proposed grading, subdrainage shall be installed in advance of the grading operations to de-water soils within the depth of influence of grading to the extent reasonable. A qualified geologist and/or geotechnical engineer shall estimate the configuration and design of the subdrain systems during exposure of field conditions at the time of or immediately before construction. The contractor may also recommend an alternative which may be mutually agreed upon by the City Engineer and Public Works Director. (~~4.5MM-4~~) (ENGINEERING)

- k. Prior to any grading or construction activities including issuance of improvement plans, the developer shall submit a design-level soil investigation for the review and approval of the City Engineer and Chief Building Official that evaluates soil and rock conditions, particularly the potential for expansive soils. The professional engineer that prepared the soil investigation shall recommend appropriate roadway construction and foundation techniques and other best practices that are to be implemented by the project during construction. These techniques and practices shall address expansive soils or other geological concerns requiring remediation, including but not limited to ~~(4.5MM-5)~~ (ENGINEERING):
- Recommendations for building pad and footing construction;
 - Use of soil stabilizers or other additives; and
 - Recommendations for surface drainage.
- l. Improvement plans shall contain provisions to ensure that ~~(4.5MM-1)~~ (ENGINEERING):
- 1) Fill placed on slopes steeper than a 6:1 slope gradient (horizontal to vertical), shall be provided with a base key at the toe of the fill slope. The base key shall extend approximately two feet (vertically) into firm material. Fill slopes constructed on the site are expected to be stable if they are constructed on gradients no steeper than 2:1 (horizontal to vertical) and are provided with a base key.
 - 2) Cut slopes in surficial soil or stream deposits shall not exceed a 2:1 gradient. Cut slopes in underlying rock may be stable at gradients up to 1.5:1 depending on the degree of cementation, groundwater seepage, and the orientation of fractures.
- m. If construction is proposed by the developer during the breeding season (February-August) of special-status migratory bird species, the project applicant, in consultation with the City of Rocklin and California Department of Fish & Game, shall conduct a pre-construction migratory bird survey of the project site during the same calendar year that construction is planned to begin. The survey shall be conducted by a qualified biologist in order to identify active nests of any special-status bird species on the project sites. The results of the survey shall be submitted to the Community Development Department. If active nests are not found during the pre-construction survey, further mitigation is not required. If

active nests are found, an adequately sized temporary non-disturbance buffer zone shall be determined based on California Department of Fish & Game consultation, shall be established around the active nest. Intensive new disturbances (e.g., heavy equipment activities associated with construction) that may cause nest abandonment or forced fledging shall not be initiated within this buffer zone between March 1 and September 1. Any trees containing nests that must be removed as a result of project implementation shall be removed during the non-breeding season (September to January). (4.6MM-2a) (ENGINEERING, PLANNING)

- n. Prior to any grading or construction activities, including issuance of improvement plans, the project applicant, in consultation with the City of Rocklin and California Department of Fish & Game, shall conduct a pre-construction breeding-season survey (approximately February 15 through August 1) of the project site during the same calendar year that construction is planned to begin. The survey shall be conducted by a qualified raptor biologist to determine if any birds-of-prey are nesting on or directly adjacent to the Proposed Project site.

If phased construction procedures are planned for the proposed project, the results of the above survey shall be valid only for the season when it is conducted.

A report shall be submitted to the City of Rocklin following the completion of the survey that includes, at the minimum, the following information:

- A description of methodology including dates of field visits;
- The names of survey personnel with resume;
- A list of references cited and persons contacted;
- A map showing the location(s) of any raptor nests observed on the project site.

If the above survey does not identify any nesting raptor species on the project site, further mitigation would not be required. However, should any raptor species be found nesting on the project site, the following mitigation measures shall be implemented (4.6MM-13a) (ENGINEERING, PLANNING):

- 1) Construction activities shall avoid any identified raptor nest sites during the breeding season while the nest is occupied with adults and/or eggs or young. The occupied nest shall be monitored by a qualified raptor biologist to determine when the nest is no longer used. Avoidance shall include the establishment of a nondisturbance buffer zone around the nest site. The size of the buffer zone would be determined by a

qualified raptor biologist in consultation with the City of Rocklin and California Department of Fish & Game. Highly visible temporary construction fencing shall be installed delineate the buffer zone. (4.6MM-13b)

- 2) If the nest of any legally-protected raptor species is located in a tree designated for removal, the removal shall be deferred until after August 30th, or until the adults and young are no longer dependent on the nest site, as determined by a qualified biologist. (4.6MM-13c)
- o. Prior to any grading or construction activities including issuance of improvement plans a pre-construction survey for western pond turtle shall be conducted by a qualified biologist, to determine presence or absence of this species in the project site. If construction is planned after April 1st, this survey shall include looking for turtle nests within the construction area. If northwestern pond turtles are not found within the project site, no further mitigation is required. If juvenile or adult turtles are found within the proposed construction area, the individuals shall be moved out of the construction site with technical assistance from California Department of Fish & Game. If a nest is found within the construction area, construction shall not take place within 30 meters (100 feet) of the nest until the turtles have hatched.

If a turtle is observed on the site, work shall cease in the area until the turtle can be moved to a safe location consistent with California Department of Fish & Game regulations. The survey shall be valid for one year; if construction does not take place within one year of the survey, a new survey shall be conducted. (4.6MM-2c) (ENGINEERING, PLANNING)

- p. Prior to any grading or construction activities including issuance of improvement plans a pre-construction protocol-level survey for western spadefoot toad shall be conducted by a qualified biologist, to determine presence or absence of this species on the project sites. The survey shall be conducted in accordance with all applicable California Department of Fish & Game guidelines. If western spadefoot toads are not found within the project site, no further mitigation is required. If juvenile or adult spadefoot toads are found within the proposed construction area, the individuals shall be moved out of the construction site with technical assistance from California Department of Fish & Game. If spadefoot toad eggs are found within the construction area, construction shall not take place within 30 meters (100 feet) of the nest until the toads have hatched. (ENGINEERING, PLANNING)

If a spadefoot toad is observed on the site, work shall cease in the area until the frog can be moved to a safe location consistent with California Department of Fish & Game regulations. The survey shall be valid for one year; if construction does not take place within one year of the survey, a new survey shall be conducted. (4.6MM-2e) (ENGINEERING, PLANNING)

- q. Prior to any grading or construction activities including issuance of improvement plans, the proposed emergency access bridge connecting Phases I and II of the project and related construction plans shall be designed to comply with the following consistent with the Policies of the Southeast Rocklin Circulation Element (ENGINEERING, PLANNING):
- 1) The bridge shall be designed to allow the year-round passage of steelhead and Chinook salmon and so that it traverses the creek in a manner that does not in any way impede its current normal (non-storm event) flow. (4.6MM-4a)
 - 2) The width of a creek crossing construction zone within the riparian corridor shall be limited to a maximum of 100 feet. Construction outside of this corridor will be allowed only if design constraints require a zone greater than 100 feet and must be authorized by the City Engineer.
 - 3) Prior to any construction activities in the creek or related riparian areas the precise location of the creek crossing construction zone (corridor) shall be flagged to allow easy identification. Use of heavy equipment shall be restricted to this designated corridor. (4.6MM-4b)
 - 4) Prior to issuance of improvement plans the applicant / subdivider shall provide photographs that clearly document the streambed and bank contours within the creek crossing construction zone. These photographs shall be submitted to and kept on file at the Rocklin Community Development Department. Following construction creek bed and bank contours shall be restored, as near as possible, to pre-project conditions.
 - 5) Topsoil removed by grading to construct the emergency access bridge and approaches shall be reserved and for revegetation and recontouring efforts within the creek crossing construction zone.
- r. Prior to issuance of Improvement Plans, the subdivider shall apply for and obtain all permits and approvals from the Army Corps of Engineers and the California Department of Fish and Game as required by those agencies or provide written verification from the applicable agency that no permits are required. The subdivider shall comply with the terms and conditions of all such permits. (4.6MM-8a, 4.6MM-8b, & 4.6MM-8c) (ENGINEERING)

- s. Prior to any grading or construction activities, including issuance of improvement plans, the subdivider shall provide for no net loss of vernal pool habitat by either (4.6MM-10) (ENGINEERING, PLANNING):
- 1) Documenting that the project design avoids all vernal pool habitats on the project site.
 - 2) Submitting written verification from the United States Fish and Wildlife Service that the loss of on site vernal pool habitat has been approved and mitigated through the Section 404 / Section 7 Consultation permit process.
- t. Prior to any grading or construction activities including issuance of improvement plans, pre-construction protocol-level surveys shall be conducted by a qualified biologist on the portions of the project site planned for development, in order to identify the presence of any of the following special-status plant species: Boggs Lake hedge-hyssop (*Gratiola heterosepala*), Sacramento Orcutt grass (*Orcuttia viscida*), Slender Orcutt grass (*Orcuttia tenuis*). Pre-construction protocol-level surveys shall be conducted during the appropriate blooming period (March-October) for all plant species to adequately ensure recognition of potentially-occurring species. Because the blooming period of all potentially-occurring plant species covers a wide range, a minimum of three focused rare plant surveys timed approximately one month apart are recommended from April through June to cover the peak blooming period. The results of the surveys shall be submitted to California Department of Fish & Game and the City of Rocklin for review.

If, as a result of the survey(s), special-status plant species are determined not to occur on the sites, further action shall not be required. If special-status plant species are detected on either site, locations of these occurrences shall be mapped with GPS and consultation with California Department of Fish & Game shall be initiated, and a mitigation plan shall be prepared based on the consultation. The plan shall detail the various mitigation approaches to ensure no net loss of plant species. (4.6MM-11) (ENGINEERING, PLANNING)

- u. Prior to any grading or construction activities, including issuance of improvement plans, the subdivider shall provide for no net loss of elderberry shrubs by either (4.6MM-12a & 4.6MM-12c):
- 1) Documenting that the project design avoids all elderberry shrubs on the project site.

- 2) Submitting written verification that the necessary take permit for Valley Elderberry Longhorn Beetle (VELB) has been obtained from the United States Fish and Wildlife Service through the Section 404 / Section 7 Consultation permit process. All necessary steps required to comply with the take permit including avoidance and replacement of elderberry shrubs consistent with United States Fish and Wildlife Service guidelines must be incorporated into the project improvement plans.
 - 3) Should on site replacement of elderberry shrubs be required the subdivider / developer shall enter into an agreement with the City of Rocklin, prior to final map approval, to ensure that the expenses and liabilities associated with the establishment and maintenance of a Valley Elderberry Longhorn Beetle (VELB) preserve on the project site will be the responsibility of the subdivider / developer and not the City of Rocklin until such time as the terms of the take permit issued by the United States Fish and Wildlife Service have been satisfied. (City Attorney)
- v. Prior to any grading or construction activities protective fencing shall be placed around all elderberry shrubs not scheduled for removal to create a 100-foot buffer protection zone around each shrub. All construction activities and equipment shall remain outside of the 100-foot buffer protection zone throughout the construction period. Where it is not feasible to provide the 100-foot protection zone the subdivider shall consult with the United States Fish and Wildlife Service to determine alternative measures to reduce impacts of construction activities to the elderberry shrubs and documentation of said consultation provided to the City. All construction activities shall be monitored by a qualified biologist to verify compliance with the above. The qualified biologist shall provide documentation of compliance to the City. (~~4.6MM-12b~~) (ENGINEERING, PLANNING)
- w. Prior to any grading or construction activities, including issuance of improvement plans for any phase of the project the subdivider shall provided verification that a qualified archeologist has been retained, prepared a data recovery program for historic site PA-89-32 in consultation with the Community Development Director and will implement the data recovery program for historic site PA-89-32 prior to any grading or construction activities in that area. (~~4.10MM-1a~~) (ENGINEERING, PLANNING)
- x. Prior to any grading or construction activities, including issuance of improvement plans for any phase of the project the subdivider shall

provided verification that a qualified paleontologist has been retained to monitor construction activities and provide written reports to the City. The paleontologist shall be on site at all times work is occurring during the grading and trenching phases of the project in order to observe and assess the potential for discovering paleontological resources. If after the grading and trenching phase the potential of discovering paleontological resources appears to be minimal as determined by the qualified paleontologist, periodic monitoring may be made thereafter. (4.10MM-2a) (ENGINEERING, PLANNING)

- y. Prior to any on or off- site grading or construction activities, including issuance of improvement plans, for any phase of the project the subdivider shall provide a Storm Water Management plan for preventing noncompliant storm water runoff at all times but especially during the rainy seasons for inclusion in the improvement plans. The plan would also need to cover the time period of the project after the subdivision improvements are installed and construction of the houses commences on disturbed soils. The Storm Water Management plan shall be prepared by a qualified storm water management professional. (ENGINEERING)
- z. Prior to any on or off- site grading or construction activities, including issuance of improvement plans for any phase of the project, the subdivider shall provide verification to the City Engineer that a qualified storm water management professional has been retained and is available to monitor construction activities and provide written reports to the City. This notification shall include name(s) and 24 hour contact information. The storm water management professional shall be present on site at all times necessary when work is occurring during the grading, trenching, and building construction phases (if homes to be built by subdivider) of the project in order to observe, assess, and direct on site storm water management. The storm water management professional shall also monitor the work site on a regular basis even when no construction activities are occurring to ensure that installed water quality and Best Management Practice devices or improvements are installed and functioning properly. The storm water management professional shall monitor the site prior to, during, and after any storm events. (ENGINEERING)
- aa. Prior to on or off- site any grading or construction activities, including issuance of improvement plans for any phase of the project, the subdivider shall provide funding for a qualified storm water management professional to be retained by the City to monitor the project's on and off site construction activities for compliance with the National Pollutant Discharge Elimination System (NPDES) Permitting Program and provide written reports to the City as directed by the City Engineer. The subdivider shall

pay a deposit based on the City Engineer's best estimate of the monitoring time required by the project and the cost to retain a storm water management professional prior to any grading or construction activity including issuance of improvement plans. For budgeting purposes this is estimated to be 6 hours per week in the wet season and 3 hours per week in the dry season. Additional costs over and above the estimate shall be billed to the subdivider on a time and materials basis payable to the City prior to acceptance of project improvements. (ENGINEERING)

- bb. The improvement plans shall clearly reflect and include all modifications and revisions to subdivision design as required by Condition Number 8, Subdivision Design.
- cc. The following shall be included in the project notes on the improvement plans:

Water Quality

- 1) Project construction shall be restricted within 100 feet of Secret Ravine Creek or the Aguilar Road tributary to the dry months of the year (i.e., May through October). (4.4MM-4b)
- 2) Work shall be scheduled to minimize construction activities in "high-risk" areas and the amount of active disturbed soil areas, during the rainy season (October 15 through May 1). "High-risk areas" include those areas within 50 feet of the USGS water courses, 100-year floodplains, regulated wetlands, and where slopes exceed 16 percent. Unless specifically authorized by the City Engineer or his designees during the rainy season, the developer shall not schedule construction activities in the "high-risk areas" or schedule to have more area of active disturbed soil area than can be managed in conformance with the regulations of the City of Rocklin, the Water Quality Control Board, or any other agency having jurisdiction in this area. (4.4MM-3c)

Air Quality

- 3) Traffic speeds on all unpaved road surfaces shall be posted at 25 m.p.h. or less.
- 4) All grading operations shall be suspended when wind speeds exceed 25 m.p.h.
- 5) All adjacent paved streets shall be swept during construction.
- 6) All trucks leaving the site shall be washed off to eliminate dust and debris.
- 7) All construction equipment shall be maintained in clean condition.

- 8) All exposed surfaces shall be revegetated as quickly as feasible.
- 9) Stockpiles of sand, soil, and other similar materials shall be covered and the beds of trucks hauling these materials to or from the site shall be covered to minimize the generation of airborne particles as required by the City Engineer.
- 10) Water or dust palliatives shall be applied on all exposed earth surfaces as necessary to control dust. Construction contracts shall include dust control treatment as frequently as necessary to minimize dust.
- 11) Construction equipment shall be properly maintained and tuned.
- 12) Low emission mobile construction equipment shall be utilized where possible.
- 13) Open burning of removed vegetation shall be prohibited. Vegetative material shall be chipped or delivered to waste or energy facilities. (4.8MM-2g)
- 14) Construction equipment exhaust emissions shall not exceed District Rule 202 Visible Emission limitations. (4.8MM-2b)
- 15) Idling time on the project site shall be limited to five (5) minutes for all diesel power equipment. (4.8MM-2e)
- 16) The California Air Resources Board (CARB) diesel fuel shall be used for all diesel-powered equipment. (4.8MM-2f)
- 17) The prime contractor shall submit to the District a comprehensive inventory (i.e. make, model, year, emission rating) of all the heavy-duty off-road equipment (50 horsepower or greater) that will be used for an aggregate of 40 or more hours for the construction project. The project representative shall provide the District with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman. The project shall provide a plan for approval by the District demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project wide fleet-average of 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average. The District should be contacted for average fleet emission data. Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products alternative fuels, engine retrofit technology, after-treatment products, and / or other options as they become available. As a resource, the Placer County Air Pollution Control District suggest contractors can access the Sacramento Metropolitan Air Quality Management District's web site, at <http://www.airquality.org/deqa/Constructionmitigationcalculator.xls>,

to determine if their off-road fleet meets the requirements listed in this measure. (4.8MM-2c)

Archeological and Paleontological Resources

- 18) Heavy equipment operators shall be briefed by the project paleontologist to gain awareness of visual identification techniques in order to identify potential paleontological resources. (4.10MM2b)
- 19) If any paleontological resources are discovered during construction activities, all work shall be halted in the vicinity of the find and the project paleontologist shall be consulted and the City's Community Development Director shall be notified. Upon determining the significance of the resource, the consulting paleontologist, in coordination with the City, shall determine the appropriate actions to be taken, which may include excavation. (4.10MM2c)
- 20) If during construction outside of the areas designated as the project applicant, any successor in interest, or any agents or contractors of the applicant or successor discovers a cultural resource that could qualify as either an historical resource or a unique archaeological resource, work shall immediately stop within 100 feet of the find, and both the City of Rocklin and an appropriate Native American representative shall be immediately notified unless the find is clearly not related to Native American's. Work within the area surrounding the find (i.e., an area created by a 100-foot radius emanating from the location of the find) shall remain suspended while a qualified archaeologist, retained at the subdivider's expense, conducts an onsite evaluation, develops an opinion as to whether the resource qualifies as either an historical resource or a unique archaeological resource, and makes recommendations regarding the possible implementation of avoidance measures or other appropriate mitigation measures. Based on such recommendations, as well as any input obtain from the Indian Community within 72 hours (excluding weekends and State and Federal holidays) of its receipt of notice regarding the find, the City shall determine what mitigation is appropriate. At a minimum, any Native American artifacts shall be respectfully treated and offered to the Indian Community for permanent storage or donation, at the Indian Community's discretion, and any Native American sites, such as grinding rocks, shall be respectfully treated and preserved intact. In considering whether to impose any more stringent mitigation measures, the City shall consider the potential cost to the applicant and any implications that additional mitigation may have for project design and feasibility. Where a discovered cultural resource is neither a Native American artifact, a Native American site, a historical resource, nor a

unique archaeological resource, the City shall not require any additional mitigation, consistent with the policies set forth in Public Resources Code sections 21083.2 and 21084.1. (~~4-10MM-4a~~)

- 21) Should human remains be found, then the Coroner's office shall be immediately contacted and all work halted until final disposition is made by the Coroner. Should the remains be determined to be of Native American descent, then the Native American Heritage Commission shall be consulted to determine the appropriate disposition of such remains. (~~4-10MM-4b~~)

Noise

- 22) Mufflers shall be installed on all equipment with high engine noise potential. The equipment shall be turned off when not in use. (~~4.9MM-1a~~)
- 23) Equipment warm up areas, water tanks, and equipment storage areas shall be located in areas as far away from existing residences as is feasible. (~~4.9MM-1a~~)
- 24) The project shall comply with the City of Rocklin Construction Noise Compatibility Guidelines, including restricting construction-related noise generating activities within or near residential areas to between 7:00 a.m. and 7:00 p.m. on weekdays and between 8:00 a.m. and 7:00 p.m. on weekends to the satisfaction of the City Engineer or Building Official. (~~4.9MM-1b~~)

Geotechnical, Blasting

- 25) If blasting activities are to occur in conjunction with the improvements, the contractor shall conduct the blasting activities in compliance with state and local regulations. The contractor shall obtain a blasting permit from the City of Rocklin prior to commencing any on-site blasting activities. The permit application shall include a description of the work to be accomplished and a statement of the necessity for blasting as opposed to other methods considered including avoidance of hard rock areas and safety measures to be implemented such as use of blast blankets. The contractor shall coordinate any blasting activities with police and fire departments to insure proper site access and traffic control, and public notification including the media, nearby residents, and businesses, as determined appropriate by the Rocklin Police Department. Blasting specifications and plans shall include a schedule that outlines the time frame in which blasting will occur in order to limit noise and traffic inconvenience. A note to this effect shall be included on the project's Improvement Plans. (~~4.9MM-1b~~ & ~~4.5MM-7~~)

Biological Resources

- 26) If a horned lizard is observed on the site, work shall cease in the area until the lizard can be moved to a safe location consistent with California Department of Fish & Game regulations. (4.6MM-2b)
- 27) If a yellow-legged frog is observed on the site during the construction phase, work shall cease in the area until the frog can be moved to a safe location consistent with California Department of Fish & Game regulations. (4.6MM-2d)

5. Special Provisions

- a. To comply with Rocklin Municipal Code chapter 15.16 (Flood Hazard), the final map shall provide for the following (ENGINEERING):
 - 1) Delineation of the 100-year floodplain elevation(s);
 - 2) Identification of a finish floor elevation of each lot at two (2) feet above the 100-year floodplain elevation;
 - 3) Recordation of a flood zone easement across the area of the 100-year floodplain boundary or fifty (50) feet from center line; whichever is greater.
- b. Prior to or concurrent with the recording of final maps for each phase of the project, the following provisions shall be recorded by separate instrument to be implemented with the issuance of building permits for development of each lot created by this subdivision (ENGINEERING):
 - 1) Grading and construction on individual lots in the Phase I area, Lots 1 – 23, as indicated on the tentative subdivision map shall comply with the provisions of the Vista Oaks Design Guidelines, DR-2002-21, adopted per City Council Resolution Number 2006-352.
 - 2) All residential lots in the Vista Oaks subdivision as indicated on Exhibit A are subject to Rocklin Municipal Code section 15.04.120.C.2. requiring a fire sprinkler system in each home.
- c. Prior to recording of a final map for any phase of the project the subdivider shall provide evidence that the following have been satisfied (ENGINEERING):
 - 1) The project shall implement an offsite mitigation program, coordinated through the Placer County Air Pollution Control District, to offset the

project's long-term ozone precursor emissions. The project offsite mitigation program must be approved by Placer County Air Pollution Control District. The project's offsite mitigation program provides monetary incentives to sources of air pollutant emissions within the projects' air basin that are not required by law to reduce emissions. Therefore, the emissions reductions are real, quantifiable and implement provisions of the 1994 State Implementation Plan. The offsite mitigation program reduces emissions within the air basin that would not otherwise be eliminated.

In lieu of the applicant implementing their own offsite mitigation program, the applicant can choose to participate in the Placer County Air Pollution Control District Offsite Mitigation Program by paying an equivalent amount of money into the District program. The actual amount of emission reduction needed through the Offsite mitigation Program would be calculated when the project's average daily emissions have been determined. (4.8MM-5a) (ENGINEERING, PLACER COUNTY AIR POLLUTION CONTROL DISTRICT)

- d. Prior to recording a final map for any phase of the Vista Oaks project the project shall provide for the reimbursement of a fair share of the costs to build the Monument Springs Bridge consistent with the provisions of Ordinance 856 as follows:
 - 1) The subdivider shall provide funding to the City sufficient to pay for the preparation of an independent analysis to determine the entire Vista Oaks project's "fair share" of the costs associated with the construction of the Monument Springs Bridge. Said analysis shall establish a per lot fee to be applied equally to all of the residential lots created by the Vista Oaks subdivision. (CITY ATTORNEY, ENGINEERING)
 - 2) Once the Vista Oaks project's fair share of the Monument Springs Bridge has been established by the independent analysis required above, the project shall satisfy its reimbursement requirement by either (ENGINEERING):
 - i. Paying the "fair share" contribution identified by the approved analysis, on a per lot basis to the City of Rocklin for each lot created in that phase prior to or concurrently with recordation of the final map for that phase; or
 - ii. If a Community Facilities District has been established to fund the Monument Springs Bridge and ancillary improvements the

subdivider shall cause the entire Vista Oaks project to be annexed into said Community Facilities District prior to or concurrently with the recordation of the first phase of project development.

6. Improvements in the Public Right-of-Way

The applicant shall obtain an encroachment permit for all improvements within the public right-of-way. Applicant shall post a performance bond and labor and materials payment bond (or other equivalent financial security) in the amount of 100% of the cost of the improvements to be constructed in the public right-of-way as improvement security to ensure the faithful performance of all duties and obligations required of applicant in the construction of the improvements. Such improvement security shall be in a form acceptable to the City Attorney. Such security shall be either a corporate surety bond, a letter of credit, or other instrument of credit issued by a banking institution subject to regulation by the State or Federal government and pledging that the funds necessary to carry out this Agreement are on deposit and guaranteed for payment, or a cash deposit made either directly with the City or deposited with a recognized escrow agent for the benefit of the City. (PUBLIC WORKS, ENGINEERING)

7. Flood and Drainage Control Agreement

The property owner shall enter into a written agreement with the City of Rocklin not to protest or oppose the establishment or formation of an improvement, assessment or similar district or area of benefit, or the levy or imposition of any assessment, fee, lien, tax or other levy, whether or not in connection with a district or area of benefit, for the purpose of flood and drainage control in the City of Rocklin. The agreement shall also indemnify the City against claims arising from developer's construction of improvements or development of the project and shall be recorded and binding on successors in interest of developer. (ENGINEERING)

8. Subdivision Design

Prior to approval of improvement plans and / or recording of a final map for any phase of the Vista Oaks subdivision the project design shall be revised as follows (ENGINEERING):

- a. Emergency fire access routes, a minimum of 6-feet wide, shall be provided to the open space areas at the end of all cul-de-sacs (between Lots 3 & 4, 10 & 11, 21 & 22, and south of Lot # 70) by extending the open space parcels between the parcels to the front setback line. An access easement shall be recorded over the portions of the open space fire access routes that are located within the front yards of single-family residential lots. The

easements shall specify that no trees, fencing, or permanent structures may be installed within the easement area. Said access points shall provide for six foot high redwood or cedar solid wooden gates located at the front setback line from the street right-of-way. Gates shall be locking and shall be identified by "Fire Access Signs" bolted to the gates. (VI-1.). (ENGINEERING, FIRE)

- b. Extend the rear or easterly property lines of Lots 95 through 99 east 22 feet to the boundary with the adjacent Highlands Parcel A (APN 046-020-039).

9. Oak Tree Removal and Mitigation

- a. Prior to any grading or construction activities, or the issuance of improvement plans, for any portion of the subdivision, an inventory of all existing trees in the subdivision and in the phase in question shall be provided along with a schedule of removal of those trees shown on the improvement plan to be removed with that phase shall be submitted for review. (PLANNING, ENGINEERING)
- b. Prior to any grading or construction activities, or the issuance of improvement plans, for any portion of the subdivision, the subdivider shall retain a certified arborist to review the design of the subdivision improvements and recommend measures to protect the trees, which are designated to remain, both during construction and afterwards. The protection measures shall include but are not limited to appropriate fencing around those trees to remain. The protection measures shall be incorporated into the subdivision improvement plans or grading permit for any portion of the subdivision prior to approval. (ENGINEERING, PLANNING)
- c. Prior to any grading or construction activities, or the issuance of improvement plans, for any portion of the subdivision, the subdivider shall provide verification that a certified arborist has been retained and prepared an inspection plan providing for the periodic inspection of the site during grading and construction and the necessary tree and root trimming to accommodate construction of roads, trails, and the emergency access bridge. Said arborist will implement the inspection plan and provide written verification to the City Engineer that the approved protection measures are properly implemented. (4.6MM-4a)(ENGINEERING)
- d. Prior to recording a final map for any phase of the project the project arborist shall prepare a final list of all oak trees removed that are six inches in diameter or greater, including total number and inches of trees removed. Prior to recording the final map the subdivider shall mitigate for the removal of all oak trees within that phase that are six inches in diameter or

greater, in compliance with the provisions of the City of Rocklin Tree Ordinance (Chapter 17.77 of the Rocklin Municipal Code (Ordinance 676), including planting replacement of trees and / or payment of in-lieu fees. If adequate locations cannot be found to replace all removed oak trees, then the remaining mitigation requirement shall be met through payment into the existing City of Rocklin Tree Preservation Fund at the rate and formula specified in the City of Rocklin Municipal Code. (4.6MM-6a) (4.6MM-6b) (ENGINEERING, PLANNING)

- e. If planting of replacement trees is proposed to mitigate for the removal of oak trees a tree planting plan and related five year irrigation system shall be included with the improvement plans for that portion of the subdivision prior to issuance. The plan shall specify monitoring requirements including required inspections for at least a five-year period to ensure that the trees are established and able to survive on their own. The replacement trees shall be a minimum of 15-gallons in size and of oak species native to the Rocklin area as listed in Appendix A of the City of Rocklin Oak Tree Preservation Guidelines. Replacement trees shall be planted within open space parcels A, C, and D as deemed feasible by a certified arborist or landscape architect. (4.6MM-6a) (PLANNING, ENGINEERING)

10. Parks

- a. In lieu of paying the City's Neighborhood Park fees, Parcel E shall be improved and dedicated to the City as a park site.

Prior to recording any phase or portion of this tentative subdivision map, the subdivider shall execute the City's standard form turn key park improvement agreement requiring the subdivider to improve and dedicate, in fee, within a time established by the City, the park site with recreational equipment, facilities, and landscaping to the satisfaction of the Director of Community Services and Facilities. The agreement shall also provide for but not be limited to the following (Engineering, Community Services and Facilities):

- 1) The site shall be free of any physical condition or any title encumbrance to the land that would prevent their use as park sites.
- 2) The subdivider shall provide a verified delineation to the City for review and determination as to whether wetlands exist on the property. To the extent that there are wetlands on the parcel, the developer shall provide verification that they have complied with all federal and state permits for removal of any wetlands prior to dedication to the City.

- 3) The subdivider is responsible for installation of full street frontage improvement to City Standards (i.e., curb, gutter, and sidewalk, etc.) adjacent to and in the park site when China Garden Road is constructed. At the option of the City, sidewalks may be deferred and incorporated into the park development.

11. Riparian Area and Creek Protection

An open space and conservation easement (as described in Government Code section 51070, et seq.) shall be recorded over that portion of the subdivision described as follows for purposes of riparian area and creek protection (ENGINEERING, CITY ATTORNEY):

Parcels A, C, D, & E

The easement shall be in substantial compliance with the City's form Grant Of Open Space And Conservation Easement, and shall prohibit, among other things, grading, removal of native or mitigation vegetation, deposit of any type of debris, lawn clippings, chemicals, or trash, and the building of any structures, including fencing except a tubular steel fence to be located 10-feet behind the back of curb or sidewalk as applicable where the parcel abuts a street; provided, that native vegetation may be removed as necessary for flood control and protection pursuant to a permit issued by the California Department of Fish and Game.

12. Phasing

The project may be developed in up to three phases as indicated on Exhibit A subject to the following (ENGINEERING, PLANNING):

- a. The following shall be completed with the development of any phase of the Vista Oaks project:
 - 1) Implement the approved Open Space Management and Fuel Modification Plan prior to recording of a final map for any phase of the project or acceptance of the open space parcels by the City. (VII-1)
 - 2) Prior to or concurrently with the recording of a map for the first phase of the project to be constructed Parcel B shall be dedicated to the City.
- b. The following improvements as described in these conditions of approval and noted below shall be completed with the development of Phase I as shown on Exhibit A:

- 4.e.3)i. (14-foot noise wall for homes);
- 4.e.3)ii. (8-foot noise wall for park);
- 4.e.3)iv. (residential / open space interface fencing);
- 4.e.3)v. (masonry wall between residential lots and park);
- 4.e.3)vii. (remove billboards);
- 4.e.3)ix. (stub utilities to Parcel B);
- 4.e.3)x. (stub utilities to Parcel E);
- 4.e.3)xi. (Construct trail system through Parcel A), and connect to end of Monument Springs Road in the Rocklin Highlands;
- 4.e.3)xii. (Construct emergency access bridge);
- 4.e.3)xiv. (construct trail head parking and turn around);
- 4.e.4)i. (extend Monument Springs Drive across Secret Ravine Creek to Highlands 3 & 4 subdivision);

c. The following improvements as described in the below noted conditions of approval shall be completed with the development of Phase II as shown on Exhibit A:

- 4.e.3)iv. (construct residential / open space interface fencing);
- 4.e.3)vi. (construct tubular steel fence along open space frontages);
- 4.e.3)xi. (construct trail system through Parcel A), and connect to end of China Garden Road;
- 4.e.3)xii. (construct emergency access bridge);
- 4.e.4)i. (extend Monument Springs Drive across Secret Ravine Creek to Highlands 3 & 4 subdivision);

d. The following improvements as described in the below noted conditions of approval shall be completed with the development of Phase III as shown on Exhibit A:

- 4.e.3)iii. (build rear yard sound walls);
- 4.e.3)iv. (residential / open space interface fencing);
- 4.e.3)vi. (construct tubular steel fence along open space frontages);
- 4.e.3)xiii. (implement fuel modification plan) Prior to recording a final map for Phase III the owner of the Parcel A open space area, as indicated on the tentative subdivision map, shall enter into an agreement with the City of Rocklin to maintain the Fuel Modification Zone adjacent to the Phase III development until such time as Parcel A is dedicated to the City. The contract shall specify that in the event that the property owner fails to fulfill the maintenance obligation the City may place a lien on the land and perform the required work.

13. Monitoring

Prior to any grading or construction activities including issuance of improvement plans, for any phase of the project the subdivider shall deposit with the City of Rocklin the current fee to pay for the City's time and material cost to administer the Mitigation Monitoring Program. The Community Development Director shall determine if and when additional deposits must be paid for administering the Mitigation Monitoring Program, including additional deposits on subsequent phase final maps. (ENGINEERING)

14. Validity

- a. This entitlement shall expire two years from the date of approval unless prior to that date a building permit has been issued or a time extension has been granted. (PLANNING)
- b. This entitlement shall not be considered valid and approved unless and until the concurrent entitlements have been approved: General Plan Amendment, GPA-2002-04; Rezone, Z-2002-02; General Development Plan, PDG-2001-07; and Design Review, DR-2002-21. (PLANNING)

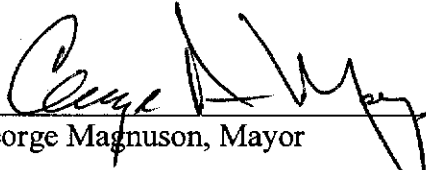
PASSED AND ADOPTED this 14th day November, 2006, by the following roll call vote:

AYES: Councilmembers: Hill, Storey, Yorde, Magnuson

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ABSTAIN: Councilmembers: Lund


George Magnuson, Mayor

ATTEST:


Barbara Ivanusich, City Clerk

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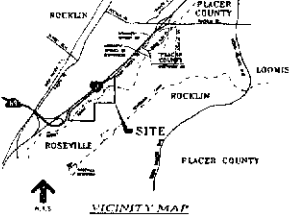
VISTA OAKS

TENTATIVE MAP

ROCKLIN, CALIFORNIA

CIRCULATION PLAN

DECEMBER 2003
SHEET 1 OF 9



OWNER / DEVELOPER
 222 EAST 4TH STREET
 ROCKLIN, CA 95368
 (916) 786-8111
 FAX (916) 786-2021

ENGINEER
 T.Y. ENGINEERS & LAND PLANNING
 1525 FURNACE ROAD, SUITE 102
 ROCKVILLE, CA 95361
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LEGEND

--- PROJECT BOUNDARY	--- CITY ROAD
--- EXISTING ROAD	--- NEW ROAD
--- EXISTING DRIVE	--- NEW DRIVE
--- EXISTING ALLEY	--- NEW ALLEY
--- EXISTING SIDEWALK	--- NEW SIDEWALK
--- EXISTING BIKEWAY	--- NEW BIKEWAY
--- EXISTING UTILITY	--- NEW UTILITY
--- EXISTING WATER	--- NEW WATER
--- EXISTING SEWER	--- NEW SEWER
--- EXISTING GAS	--- NEW GAS
--- EXISTING TELEPHONE	--- NEW TELEPHONE
--- EXISTING CABLE	--- NEW CABLE

GENERAL NOTES:

1. The tentative map is a preliminary plan and is subject to change without notice. The tentative map is not a guarantee of any particular service or product. It is a representation of the tentative map only and is not a contract.
2. The tentative map is not a final plan and is subject to change without notice. The tentative map is not a guarantee of any particular service or product. It is a representation of the tentative map only and is not a contract.
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UTILITY PROVIDERS:

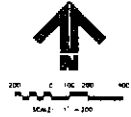
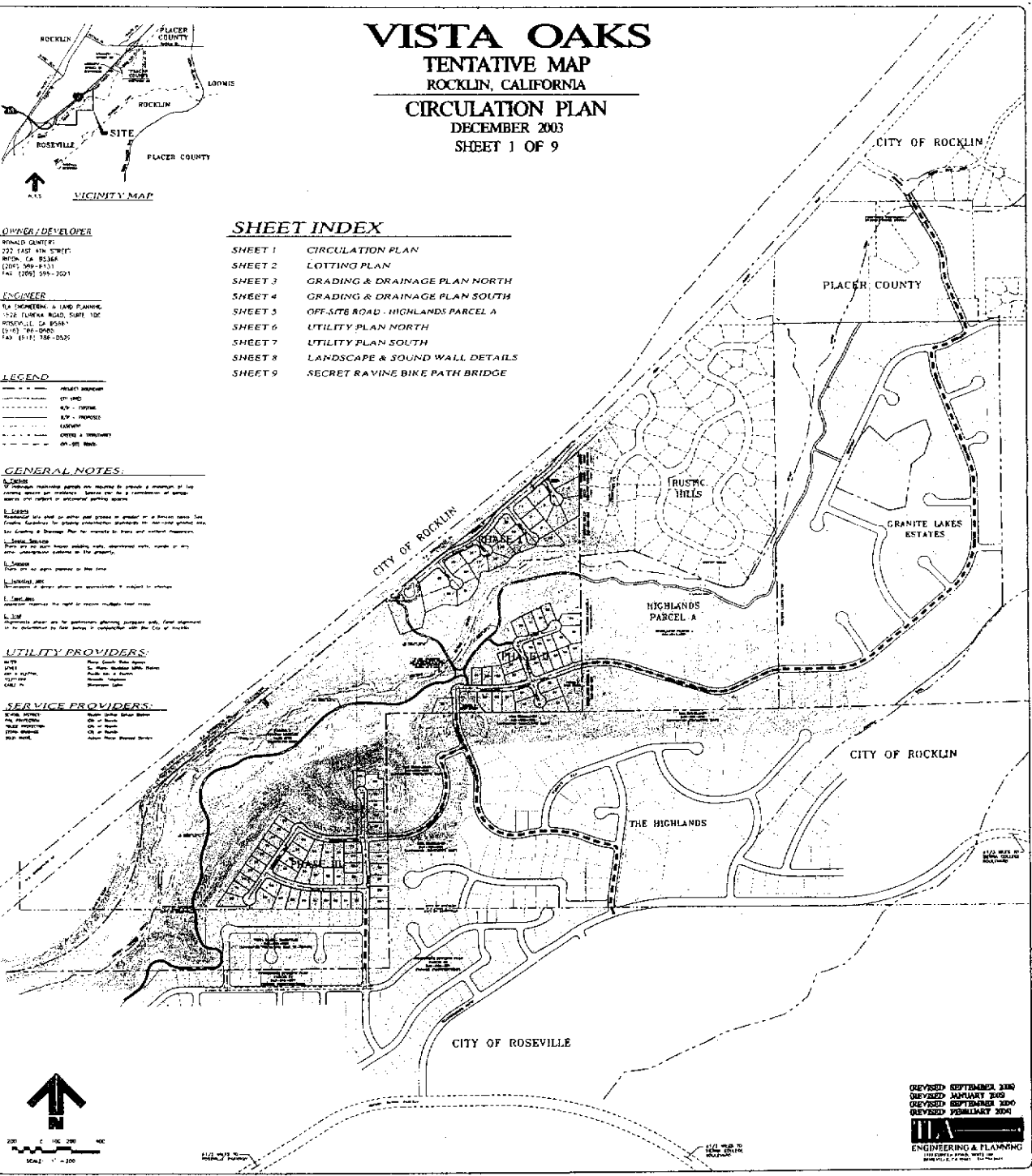
PG&E
 SFPD
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 SFPD
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SERVICE PROVIDERS:

PG&E
 SFPD
 SFPD
 SFPD
 SFPD

SHEET INDEX

SHEET 1	CIRCULATION PLAN
SHEET 2	LOTTING PLAN
SHEET 3	GRADING & DRAINAGE PLAN NORTH
SHEET 4	GRADING & DRAINAGE PLAN SOUTH
SHEET 5	OFF-SITE ROAD - HIGHLANDS PARCEL A
SHEET 6	UTILITY PLAN NORTH
SHEET 7	UTILITY PLAN SOUTH
SHEET 8	LANDSCAPE & SOUND WALL DETAILS
SHEET 9	SECRET RAVINE BIKE PATH BRIDGE



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 REVISED FEBRUARY 2004

T.Y. ENGINEERS & LAND PLANNING
 ENGINEERING & PLANNING

EXHIBIT 1
 FILE NO. SD-2001-04

SEP 13 2006

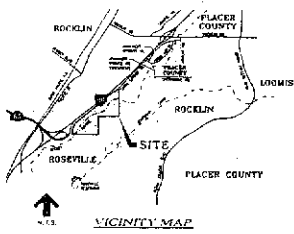
VISTA OAKS

TENTATIVE MAP

ROCKLIN, CALIFORNIA

LOTING PLAN

DECEMBER 2003
SHEET 2 OF 9

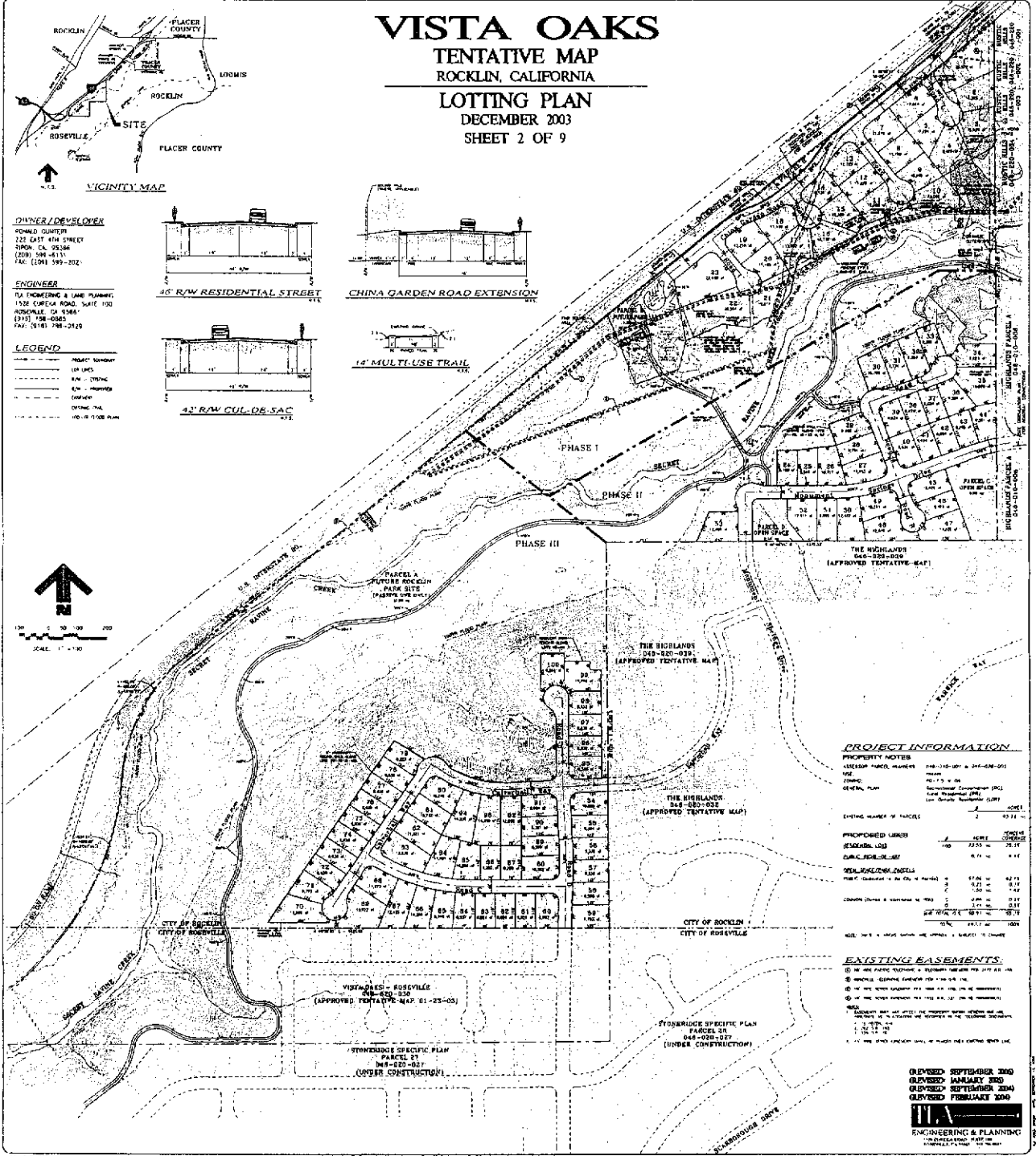
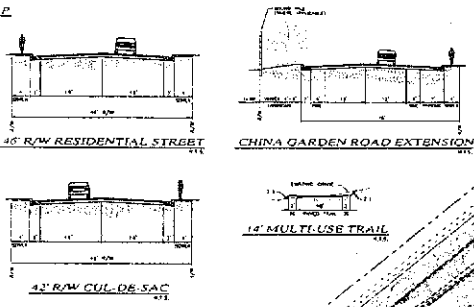


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 (916) 798-0863
 FAX: (916) 798-2929

LEGEND

- ADJACENT BOUNDARY
- LOT LINES
- R/W - ZONING
- R/W - UNZONED
- CANAL
- EXISTING TRAIL
- 100-18 TYPICAL



PROJECT INFORMATION

PROPERTY NOTES

ASSESSOR PARCEL NUMBER: 048-342-001 & 048-048-001
 AREA: 40.75 ± AC
 GENERAL PLAN: Agricultural Community (AC) / Urban Residential (UR)
 LOCAL MAP NUMBER: 048-028-039

EXISTING NUMBER OF PARCELS	ACRES
2	40.75

PROPOSED LOTS	ACRES	% CHANGED
100	33.55	75.1%
DUAL-CORNER LOTS	6.71	16.4%

DEVELOPER'S NOTES

1. THIS TENTATIVE MAP IS SUBJECT TO THE APPROVAL OF THE CITY OF ROCKLIN AND THE CITY OF ROSEVILLE.

EXISTING EASEMENTS:

- 1. 10' EASEMENT FOR UTILITY LINES
- 2. 10' EASEMENT FOR UTILITY LINES
- 3. 10' EASEMENT FOR UTILITY LINES
- 4. 10' EASEMENT FOR UTILITY LINES

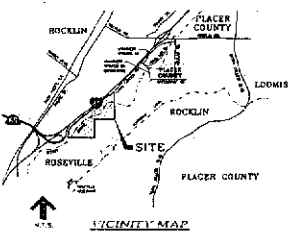
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 REVISED SEPTEMBER 2004
 REVISED FEBRUARY 2005

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VISTA OAKS

TENTATIVE MAP
ROCKLIN, CALIFORNIA

GRADING & DRAINAGE PLAN NORTH
DECEMBER 2003
SHEET 3 OF 9



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OAK TREE IMPACTS
Total Oak Trees within
Development Property: 1,824 (23,170 sq ft)
Remain & Lost Areas: 1,200 (18,000 sq ft)
Lost Oak Trees: 624 (8,170 sq ft)
Total Oak Tree Impact:
Remain & Lost Areas: 1,136 (17,130 sq ft)
Lost Oak Trees: 688 (8,040 sq ft)

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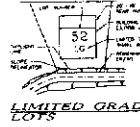
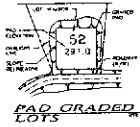
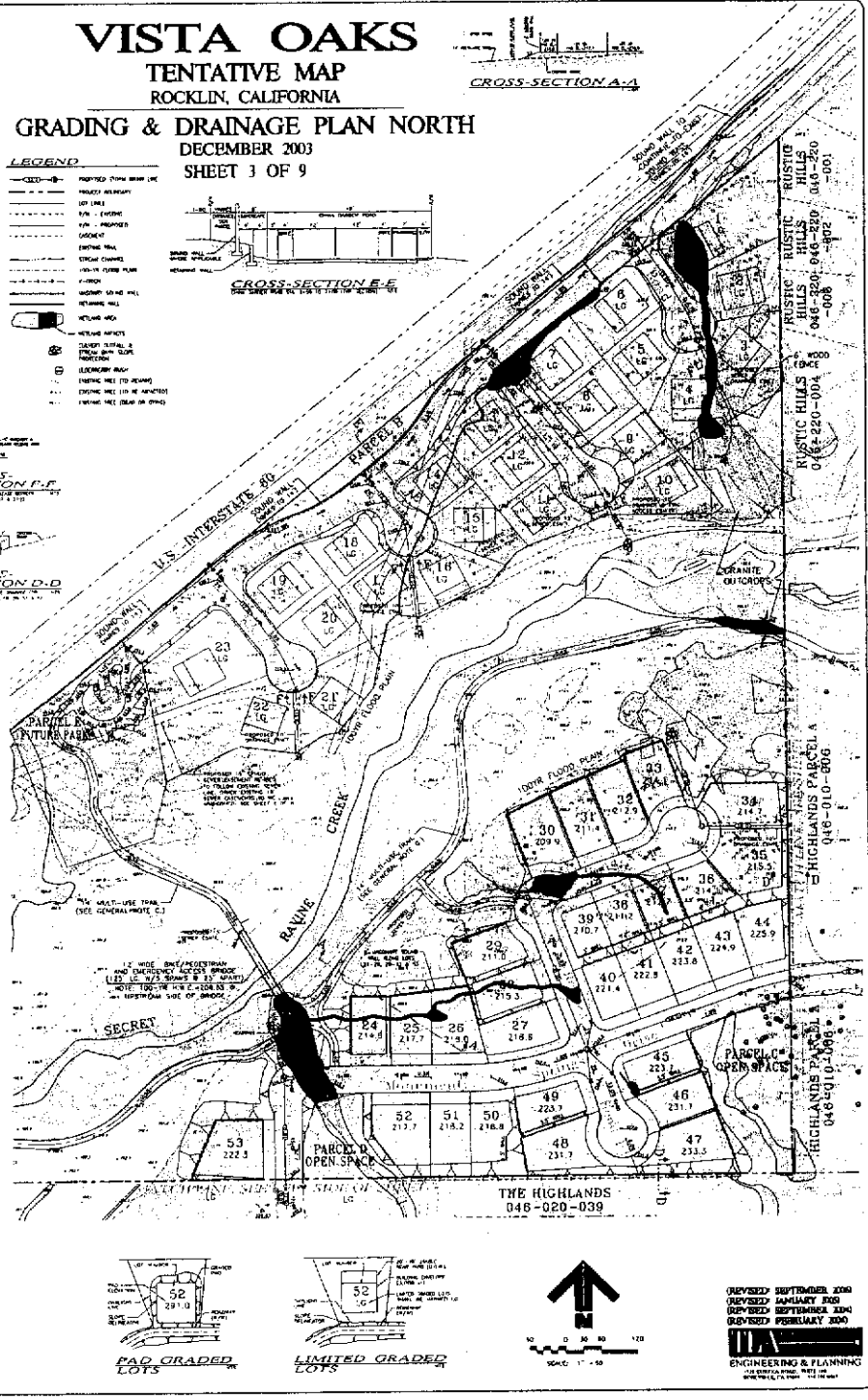
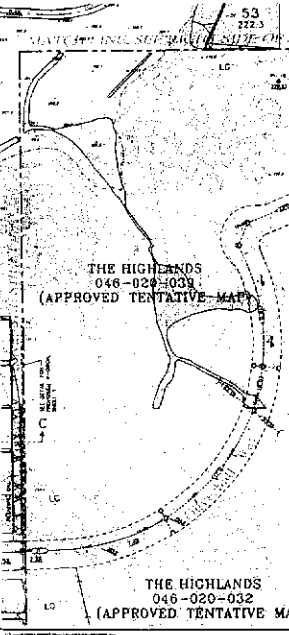
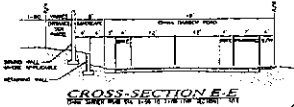
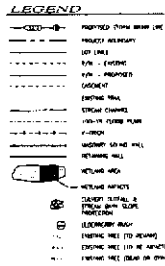
WETLAND IMPACTS
Total Wetlands: 23,528 sq ft
Wetlands Impacted: 21,443 sq ft
Area of Loss: 11,272 sq ft

GRADING DISTURBANCE

PHASE	PAVE	PAVE	PAVE	TOTAL
ADJUSTED	18,100	11,700	111,000	140,800
PER DISTRICT	18,100	11,700	111,000	140,800
TOTAL DISTURBANCE	18,100	11,700	111,000	140,800
TOTAL GRADING	731,500	100,000	1,200,000	2,031,500

GRADING CONCEPT NOTES

1. ALL SURF SHALL BE 2" MINIMUM GRANULAR COVER.
2. ALL GRADING SHALL BE 2% MINIMUM SLOPE TO THE STREET OR DRAINAGE DITCH.
3. ALL GRADING SHALL BE 1% MINIMUM SLOPE TO THE STREET OR DRAINAGE DITCH.
4. ALL GRADING SHALL BE 0.5% MINIMUM SLOPE TO THE STREET OR DRAINAGE DITCH.
5. ALL GRADING SHALL BE 0.2% MINIMUM SLOPE TO THE STREET OR DRAINAGE DITCH.
6. ALL GRADING SHALL BE 0.1% MINIMUM SLOPE TO THE STREET OR DRAINAGE DITCH.



REVISED SEPTEMBER 2003
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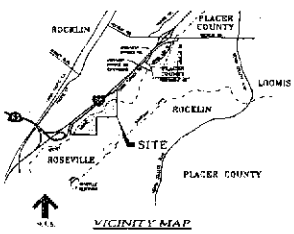
VISTA OAKS

TENTATIVE MAP

ROCKLIN, CALIFORNIA

UTILITY PLAN SOUTH

DECEMBER 2003
SHEET 7 OF 9



OWNER / DEVELOPER
 RONALD CURTNEY
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 RA ENGINEERING & LAND PLANNING
 1528 CURPISA ROAD, SUITE 100
 ROSEVILLE, CA 95661
 (916) 765-0281
 FAX: (916) 765-0319

- LEGEND**
- PROJECT BOUNDARY
 - LOT LINES
 - 4" - 8" DRAINAGE
 - 4" - 8" SEWER
 - 12" - 18" DRAINAGE
 - 12" - 18" SEWER
 - 24" - 30" DRAINAGE
 - 24" - 30" SEWER
 - 36" - 42" DRAINAGE
 - 36" - 42" SEWER
 - 48" - 54" DRAINAGE
 - 48" - 54" SEWER
 - 60" - 72" DRAINAGE
 - 60" - 72" SEWER
 - 72" - 84" DRAINAGE
 - 72" - 84" SEWER
 - 84" - 96" DRAINAGE
 - 84" - 96" SEWER
 - 96" - 108" DRAINAGE
 - 96" - 108" SEWER
 - 108" - 120" DRAINAGE
 - 108" - 120" SEWER
 - 120" - 144" DRAINAGE
 - 120" - 144" SEWER
 - 144" - 180" DRAINAGE
 - 144" - 180" SEWER
 - 180" - 216" DRAINAGE
 - 180" - 216" SEWER
 - 216" - 240" DRAINAGE
 - 216" - 240" SEWER
 - 240" - 300" DRAINAGE
 - 240" - 300" SEWER
 - 300" - 360" DRAINAGE
 - 300" - 360" SEWER
 - 360" - 420" DRAINAGE
 - 360" - 420" SEWER
 - 420" - 480" DRAINAGE
 - 420" - 480" SEWER
 - 480" - 540" DRAINAGE
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 - 540" - 600" DRAINAGE
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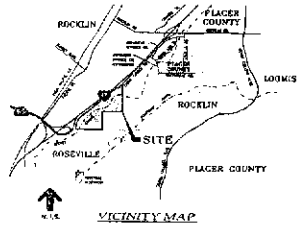
VISTA OAKS

TENTATIVE MAP

ROCKLIN, CALIFORNIA

LANDSCAPE & SOUND WALL DETAILS

DECEMBER 2003
SHEET 8 OF 9

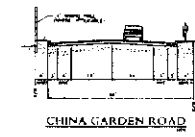
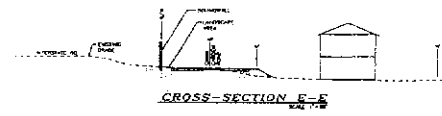
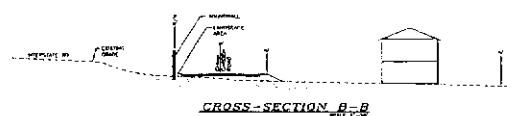
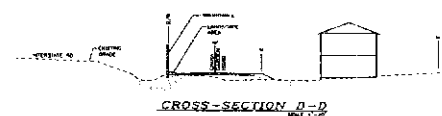
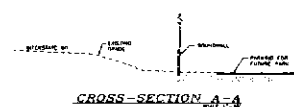
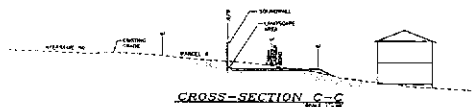
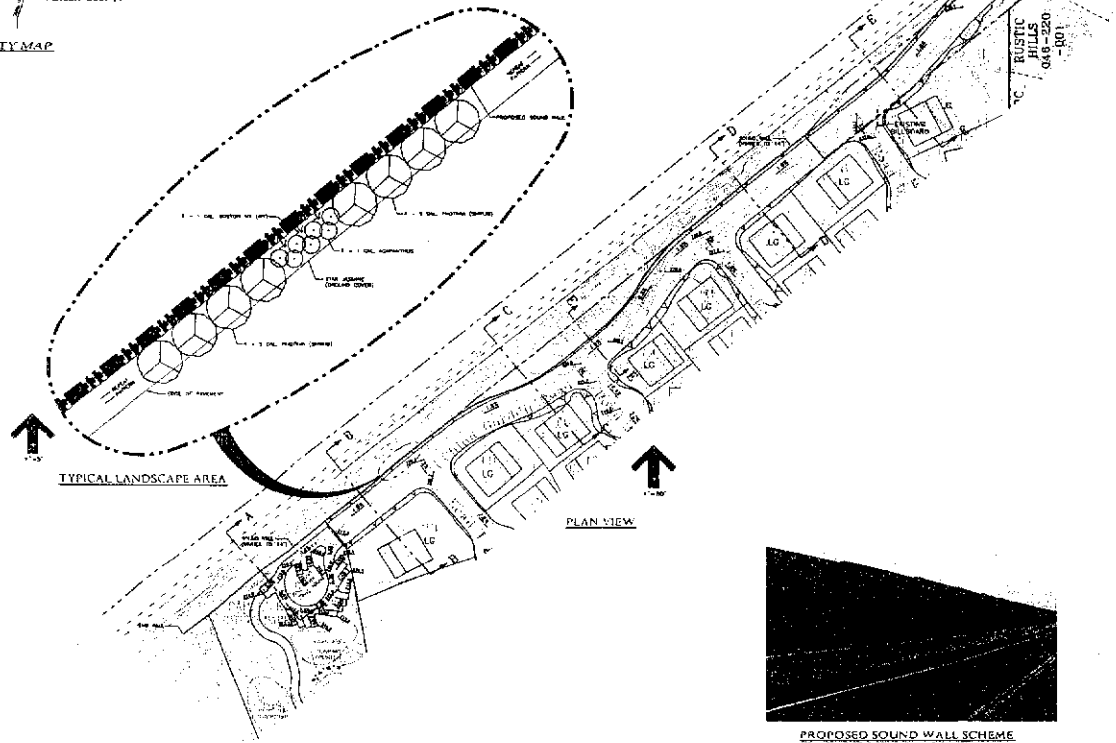


OWNER / DEVELOPER
 ZORNAL COMPANY
 222 EAST 9TH STREET
 RENO, CA 95568
 (707) 258-8131
 FAX: (707) 594-2021

ENGINEER
 TA ENGINEERING & LAND PLANNING
 1330 EDWARDS ROAD, SUITE 100
 ROSEVILLE, CA 95661
 (916) 785-0865
 FAX: (916) 788-0525

LEGEND

- PROJECT BOUNDARY
- LOT LINES
- SOUND WALL



REVISED: SEPTEMBER 2000
 REVISED: JANUARY 2001
 REVISED: SEPTEMBER 2001
 REVISED: FEBRUARY 2004

TA ENGINEERING & LAND PLANNING
 1330 EDWARDS ROAD, SUITE 100
 ROSEVILLE, CA 95661
 (916) 785-0865
 FAX: (916) 788-0525

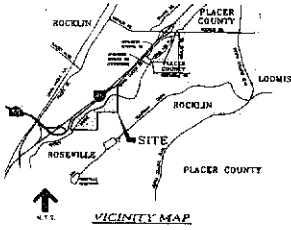
VISTA OAKS

TENTATIVE MAP

ROCKLIN, CALIFORNIA

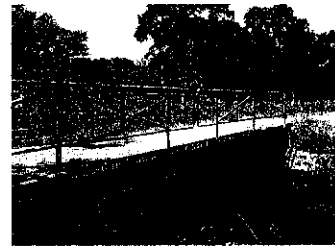
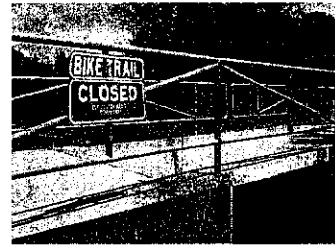
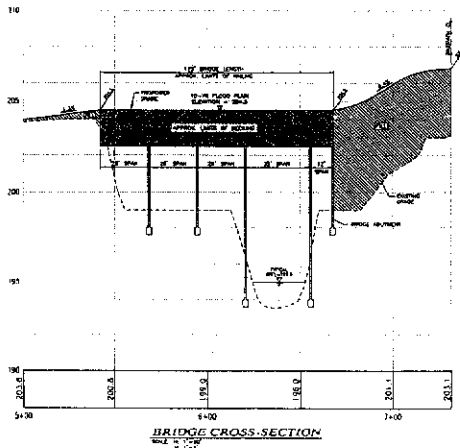
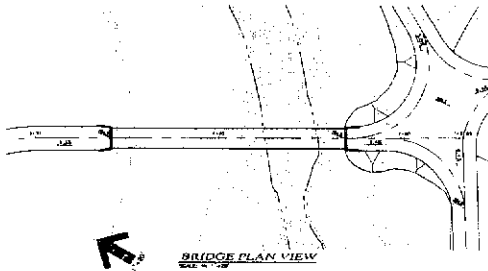
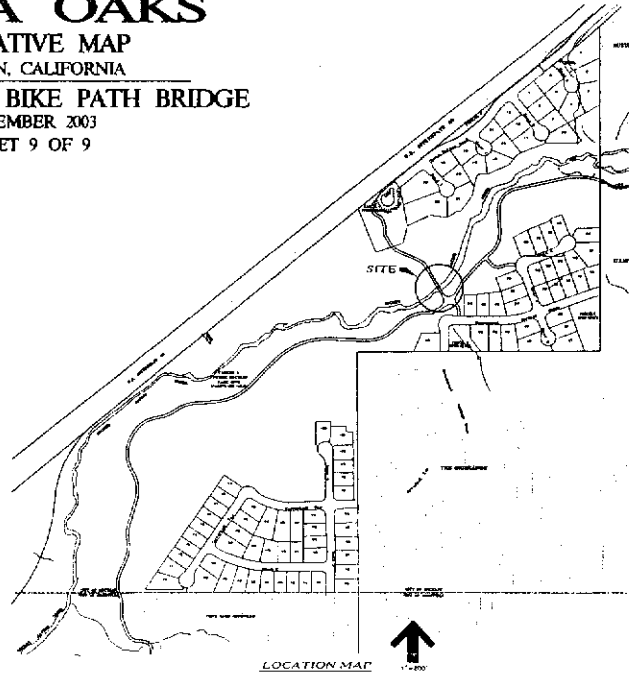
SECRET RAVINE BIKE PATH BRIDGE

DECEMBER 2003
SHEET 9 OF 9



OWNER / DEVELOPER
RONALD CURTIS
222 EAST 4TH STREET
ROCKLIN, CA 95765
TEL: (916) 939-8211
FAX: (209) 599-7021

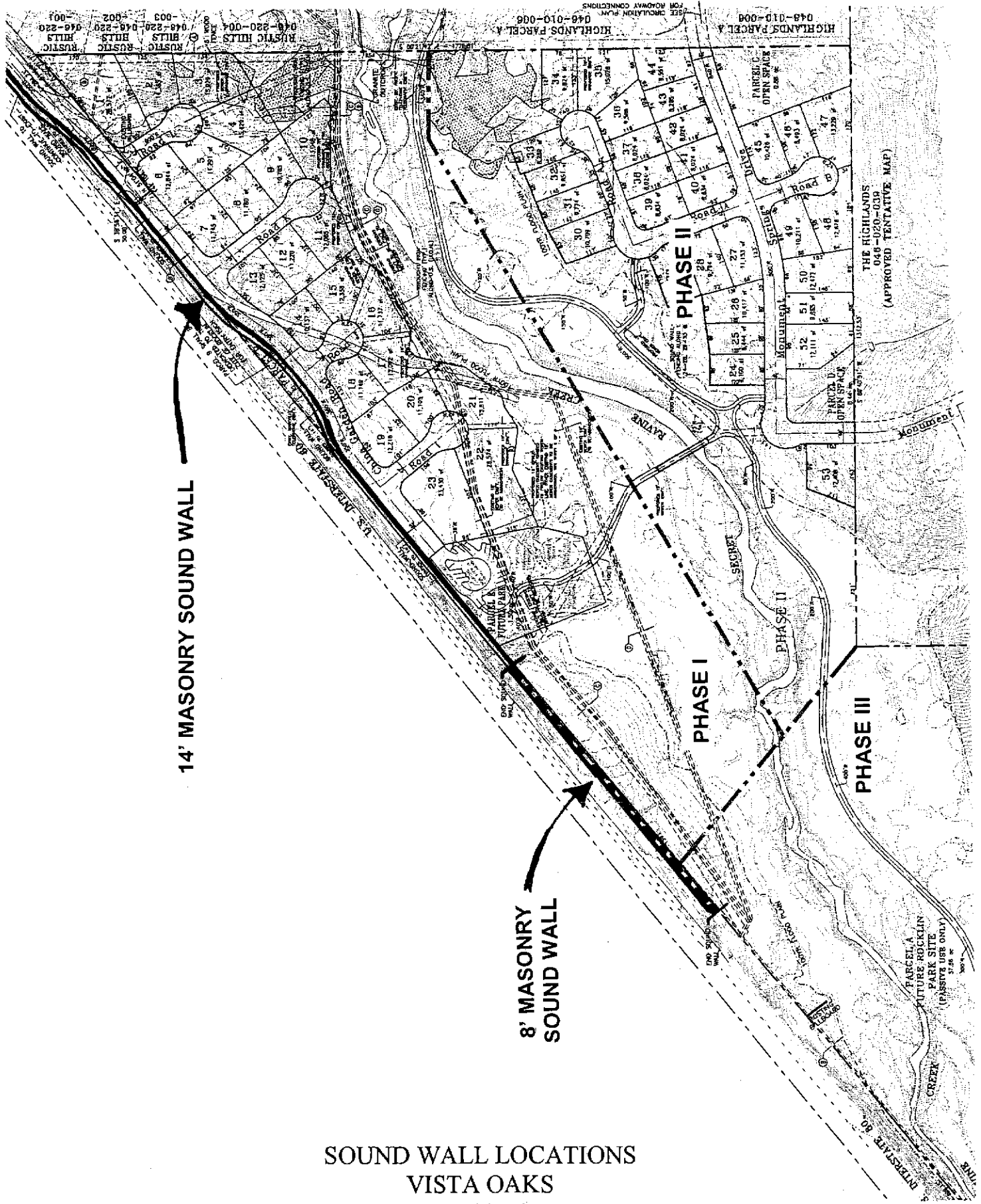
ENGINEER
TA ENGINEERING & LAND PLANNING
1528 ELREKA ROAD, SUITE 100
ROSEVILLE, CA 95661
TEL: (916) 786-0865
FAX: (916) 786-0529



DESIGNED: SEPTEMBER 2000
DESIGNED: JANUARY 2003
DESIGNED: SEPTEMBER 2004
DESIGNED: FEBRUARY 2006

T&A
ENGINEERING & PLANNING
1528 ELREKA ROAD, SUITE 100
ROSEVILLE, CA 95661

EXHIBIT B

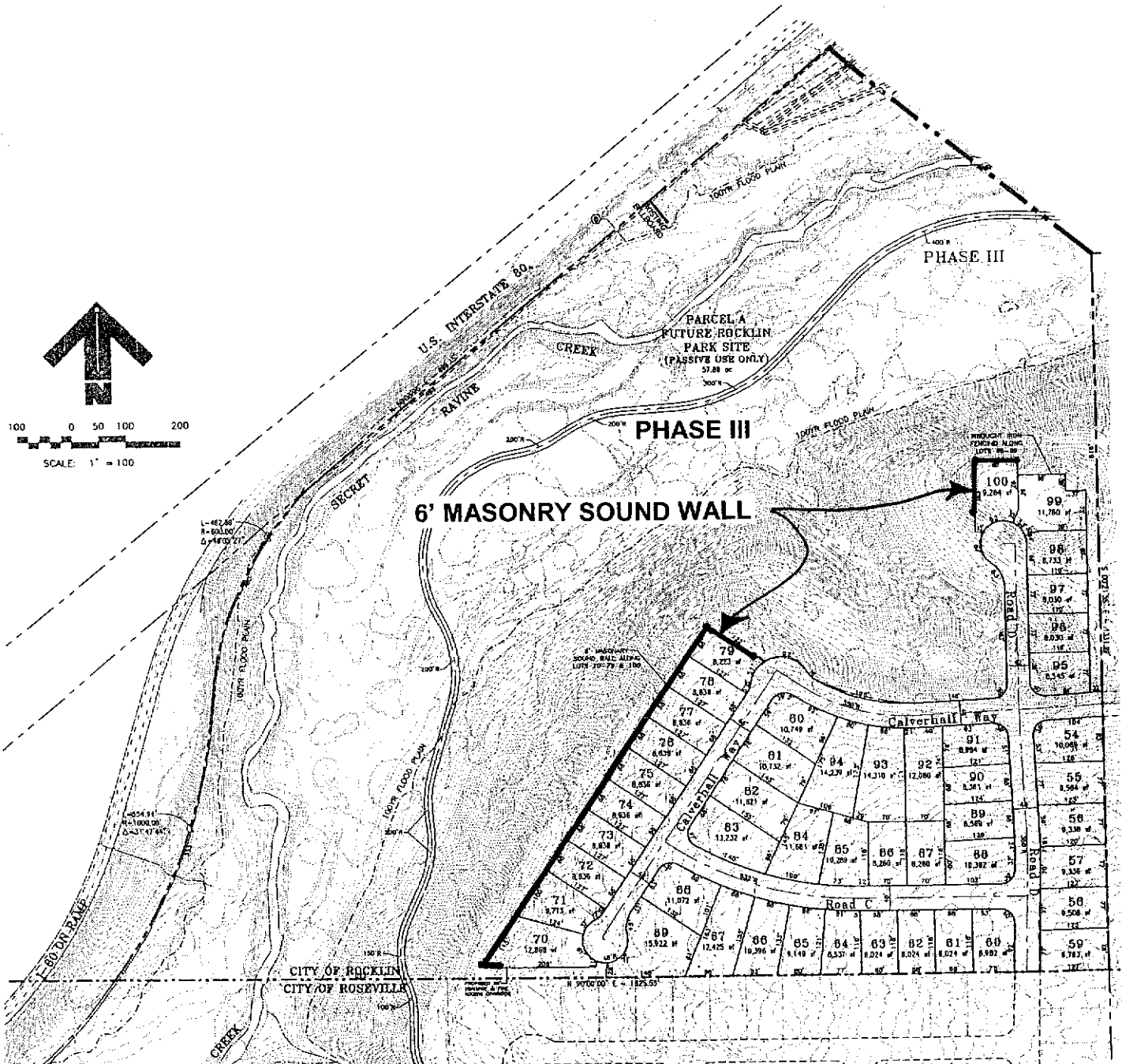


14' MASONRY SOUND WALL

8' MASONRY SOUND WALL

SOUND WALL LOCATIONS
VISTA OAKS
SD-2001-04

EXHIBIT B



SOUND WALL LOCATIONS
 VISTA OAKS
 SD-2001-04



CITY OF ROCKLIN

MEMORANDUM

DATE: May 10, 2022

TO: City Council

FROM: Aly Zimmermann, City Manager
David Mohlenbrok, Community Development Director
Bret Finning, Planning Services Manager

RE: Monument Springs Bridge and Roadway Improvements Subdivision Modifications
Item # 24
Correspondence

Subsequent to the publication of the May 10 agenda, additional correspondence was received and is provided here for your information.

City Council Blue Memo
Monument Springs Bridge, Item #24
May 10, 2022
Page 2

From: Erica Eder <eeder7331@gmail.com>
Sent: Tuesday, May 10, 2022 2:38 PM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: Public Hearing Meeting May 10, 2022- Monument Springs Bridge

Dear Rocklin City Council Members and Planning Commissioners,

We are residents of Granites Lakes Estates and live at 4320 Deer Lake Court. We purchased our home in 2013 with the expectation that the Monument Springs Bridge would be built prior to any more development in our community. We are writing because we understand there is a proposal to again allow more homes to be built and delay funding and construction of the Monument Springs Bridge and we are strongly opposed to this.

Prior to purchasing our home, we questioned the current access to the community (Aguilar Road) and were told that the Monument Springs Bridge was to be constructed as the main entry/exit point for the community. Meritage Homes told us that they would build up to lots 48 and that the city had set a condition of approval that no further permits would be issued or homes built until the bridge was completed. We purchased our home based on all of this information. We have been here almost 9 years and the bridge project has continually been delayed. Here we are in 2022 again discussing the same project that should have been built 15 years ago. At what point does the city stand by their decision of implementing the original condition of approval and say **NO MORE** homes until there is adequate access to the community by building the bridge? What is the reason for these meetings and the city's condition of approvals if they are not going to be upheld or are continually modified?

The City and Planning Department obviously saw the need for this permit trigger when first agreeing to the developments approval. They saw the need for another entry/exit point to these homes other than Aguilar Road and it is why the 40 permit condition of approval was implemented in the first place. They felt this need prior to any homes being built, so what has changed now that they are built?. No other roads have been installed for entry and exit so why does the Planning Department and City Council feel another 30 homes could be built before the bridge is constructed?

The primary access point to our community is Aguilar Rd which is an undeveloped country road. This road **IS NOT** conducive to the levels of motor and pedestrian traffic currently on the road (much less the added traffic from additional homes), and is constantly torn up, closed and has been left in deplorable condition by recent construction projects. This road was **NEVER** intended to be the main thoroughfare to this community, the Monument Springs Bridge was and it is why the condition of approval was put in place back in 2002, then modified again in 2009. This road is barely a 2 lane road and almost every time we drive it we have to pull to the side to let larger vehicles go past. It is not safe and **should not** and **was not** supposed to be the main entry/exit point to our neighborhood.

Since day one we have questioned the safety and escape route for our family and community who are tucked back in this corner with only one way out. Should a fire or any other emergency happen west of Aguilar, blocking Aguilar and Greenbrae, there would absolutely be no way out for us but on foot.

*City Council Blue Memo
Monument Springs Bridge, Item #24
May 10, 2022
Page 3*

We have seen the Rocklin Planning Commission and City Council continue to kick the can down the road and defer construction of the Monument Springs Bridge with the promise that the next construction project will be required to fund it. We have seen them modify the condition of approval over and over again allowing more and more homes to be built back here with Aguilar as the primary road for entry/exit.

The Planning Department and City Council need to consider their past guidance/promises, they were set for a reason, they saw the need for the condition of approval and permit trigger prior to any homes being built and need to review why they were put in place in the 1st place.

Please do the right thing for the residents of these communities. Protect us and install the Monument Springs Bridge as promised and provide us a safe and additional way to enter and exit our community. Please, **no new permits** until the Monument Springs Bridge is built.

Sincerely

Erica and Jeff Eder

City Council Blue Memo
Monument Springs Bridge, Item #24
May 10, 2022
Page 4

From: Mary Cowen <mrlcowen@sbcglobal.net>
Sent: Tuesday, May 10, 2022 2:01 PM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Cc: Bill Halldin <Bill.Halldin@rocklin.ca.us>
Subject: Monument Springs Bridge

*“I do not want construction traffic from the GLE project to be rerouted to our residential streets, specifically Greenbrae Rd, Foothill Rd, or El Don Dr. **Please deny the “Modifications to Conditions of Approval” for the GLE/VO properties.** No additional permits should be issued without the developers first completing the Monument Springs Bridge.”*

Mary & Rich Cowen
5940 Green Mountain Ln
Rocklin, CA 95677
MC (916) 952-6705

*City Council Blue Memo
Monument Springs Bridge, Item #24
May 10, 2022
Page 5*

From: Ftaylor844 <ftaylor844@aol.com>
Sent: Tuesday, May 10, 2022 12:45 PM
To: Bill Halldin <Bill.Halldin@rocklin.ca.us>; Jill Gayaldo <Jill.Gayaldo@rocklin.ca.us>; Joe Patterson <Joe.Patterson@rocklin.ca.us>; Ken Broadway <Ken.Broadway@rocklin.ca.us>; Greg Janda <Greg.Janda@rocklin.ca.us>; Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: Granite Lake Estates/Vista Oaks Modification Request 5/10 6:00 PM

Dear Council Members:

PLEASE DENY THE "MODIFICATIONS TO PROPERTIES" REQUEST. I do not want construction traffic from the GLE project to be rerouted to Greenbrae Road, Foothill Road, or El Don Drive. No additional permits should ever be issued without the developers first submitting a legal agreement to build the Monument Springs Bridge which would alleviate traffic problems caused from additional housing development.

Floy Taylor
4441 Greenbrae Road
Rocklin, CA 95677

City Council Blue Memo
Monument Springs Bridge, Item #24
May 10, 2022
Page 6

From: Derrick Schmidt <dgschmidtmdphd@gmail.com>
Sent: Tuesday, May 10, 2022 11:04 AM
To: Bill Halldin <Bill.Halldin@rocklin.ca.us>; Jill Gayaldo <Jill.Gayaldo@rocklin.ca.us>; Joe Patterson <Joe.Patterson@rocklin.ca.us>; Ken Broadway <Ken.Broadway@rocklin.ca.us>; Greg Janda <Greg.Janda@rocklin.ca.us>; Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: Please deny the Modifications to Conditions of Approval for GLE/VO

Dear Mayor and City Council members,

I have been a resident of Rocklin since 2004. It is a wonderful place to live. We moved here when my daughters were in middle and elementary school. They attended Rocklin public schools: Sierra Elementary, Springview Middle and Whitney High, my older daughter being in the first 4 year graduating class at Whitney. Such were the academics there that they were able to attend Stanford and Princeton with their Rocklin Unified High School Diplomas.

Back then, it was safe for them to wait for the bus. Now, however, with the traffic from continued development and the construction, most parents appear to wait with their children in the car until the bus comes. This is because there is only one route into the neighborhood, that being Aguilar Road which is dangerously narrow. While I don't have young children to worry about, I do like to walk my dogs and it is relatively death defying to walk down Aguilar at the best of times and I would never do it at night.

Many years ago, we were informed that there would be a road built; Monument Springs Bridge connecting to China Garden Rd. When the economy faltered, and new construction ceased it seemed reasonable to forestall construction of the bridge. Now that construction is booming, our neighborhood has become noisy, dusty, dangerous and there is too much traffic.

I do not want the GLE construction to be rerouted to our residential streets. Please deny the modifications to the conditions of approval for the GLE/VO properties. Additional permits should NOT be issued without the developers FIRST completing the Monument Springs Bridge.

Please do not wait until someone gets killed or ends up in the Intensive Care Unit before doing what was promised long ago and what is the right thing to do.

Respectfully,

Derrick Schmidt MD, PhD

4584 Greenbrae Road
Rocklin, CA 95677
dgschmidtmdphd@gmail.com

*City Council Blue Memo
Monument Springs Bridge, Item #24
May 10, 2022
Page 7*

From: linda schmidt <lindalouschmidt@gmail.com>
Sent: Tuesday, May 10, 2022 10:52 AM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: GLE/VO Properties

To whom it may concern,

I have been a resident of Rocklin since 2004. It is a wonderful place to live. However, we were informed back then that there would be a road built; Monument Springs Bridge connecting to China Garden Rd. When the economy faltered, and new construction ceased it seemed ok. Now that construction is booming our neighborhood has become noisy and dusty; there is too much traffic. Aguilar Road is not a safe place to walk. I do not want the GLE construction to be rerouted to our residential streets. Please deny the Modifications to the conditions of approval for the GLE/VO properties. Additional permits should NOT be issued without the developers FIRST completing the Monument Springs Bridge.

Sincerely,

Linda Schmidt

4584 Greenbrae Rd

Rocklin, CA 95677

lindalouschmidt@gmail.com

*City Council Blue Memo
Monument Springs Bridge, Item #24
May 10, 2022
Page 8*

From: pgorenflo@att.net <pgorenflo@att.net>
Sent: Tuesday, May 10, 2022 8:17 AM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: Granite Lake Estates/Vista Oaks Modification

Council Members,

We are 8 year Granite Lake Estate homeowners and we request/vote you deny the approval of Granite Lake Estates/Vista Oaks Modification on May 10ths Council meeting. City of Rocklin's previous and current staff have for many years documented their point of view to many individuals/inquires that construction of Monument bridge begins when the next home sub-division is approved.

KB homes added 78 homes, New Home Company adding 27 homes and another new home sub-division adding traffic on Aguilar road that is narrow, no street lights and in very poor condition. Is our expectations set too high for a nice road? Please drive through Aguilar road.....what do you think?

If Council Members approves the modification, what are the City of Rocklin's plans and timeline for road/bridge improvements?

Regards,

Patrick Gorenflo

*City Council Blue Memo
Monument Springs Bridge, Item #24
May 10, 2022
Page 9*

From: Gregory Pereira <greg4ry@me.com>
Sent: Tuesday, May 10, 2022 8:11 AM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: Granite Lakes project

I have reviewed the proposal to divert traffic for this project on to Greenbrae road, Foothill road, and El Don Road. This must Not occur. The bridge must be built first.

Please deny the “modifications to conditions of approval” for GLE/VO Properties.

No additional permits should be issued without the developers FIRST completing the Monument Springs Bridge.

Greg Pereira

City Council Blue Memo
Monument Springs Bridge, Item #24
May 10, 2022
Page 10

From: rcaretti <myalexis2003@aol.com>
Sent: Tuesday, May 10, 2022 5:34 AM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: Fwd: Additional New Housing Construction Grante Lakes Estates/Vista Oaks/Highlands

I am a Resident of the Rocklin area since 1980 and in Particular the Aguilar Road/Greenbrae Rd Area for the past 14 yrs. A major concern to me since moving to this area was the access via Aguilar Rd. This is a major substandard Road. Extremely dangerous and unsafe for the residents and traffic in 2010 and 100 times more dangerous since the addition of two more construction projects since 2020 (Rocklin Meadows and Granite Bluff).

Aguilar Rd must be brought up to current standards for safety of existing residents prior to any more additional Traffic, whether it be Residential or Construction. The area also must have a Monument Springs Bridge in place prior to the consideration of new Housing Projects. This is an absolute condition for further Housing Expansion.

Please do not approve the additional development in the area. For the safety and well being of the area Residents the Request by Developers to construct additional homes without Aguilar Rd and the Bridge being in place must be denied.

I do not want construction traffic from the GLE Project to be rerouted to our residential streets, specifically Greenbrae Rd, Foothill Rd, or El Don Dr. Please deny the Modifications to Conditions of Approval for the GLE.VO Properties. No additional permits should be issued without the developers first completing the Monument Springs Bridge and the and the bringing to Standard Aguilar Rd.

Thank You for making the Right Decision and Denying the Developers Request.

Ronald E. Caretti
4484 Greenbrae Rd
Rocklin, California 95677

From: Carol Rubin <midwaydrivewoodland@gmail.com>
Sent: Friday, May 6, 2022 5:10 PM
To: Bill Halldin <Bill.Halldin@rocklin.ca.us>; Jill Gayaldo <Jill.Gayaldo@rocklin.ca.us>; Joe Patterson <Joe.Patterson@rocklin.ca.us>; Ken Broadway <Ken.Broadway@rocklin.ca.us>; Greg Janda <Greg.Janda@rocklin.ca.us>; Public Comments <PublicComments@rocklin.ca.us>
Cc: Denise Gaddis <denise@wavecable.com>; Justin and Jessica Rozek <jjrozek@gmail.com>; Jessica Rozek <jessicacook2016@gmail.com>
Subject: Comment on 5/10/2022 City Council meeting agenda item # 24, Monument Springs Bridge

Hello All,

Please consider the following comment on the construction of the Monument Springs Bridge. Thank you.

- o The Monument Springs Bridge project has been planned for **20 years**. The developers should not have been surprised by the need to fund the bridge.
- o At the Planning Commission hearing it was stated about \$6 million is needed to build the bridge, and about \$1.5 million of this sum has been committed by the City of Rocklin.
- o No matter how it is funded, **no one will lose money** by building this bridge. The cost will be recovered when the houses are sold.
- o The current proposal merely requires the developers to seek funding for the bridge. It is silent about what will happen if funds are not acquired or if one or more of these parties sell out/go bankrupt/decide not to proceed. There is no timeline for acquisition of the funding.
- o The bridge is desperately needed to provide emergency vehicle access and emergency egress for residents in the Greenbrae Road area. Additionally, the **only** way to prevent continuing deterioration of conditions along Aguilar Road is to build the bridge. Rocklin Meadows is adding 27 homes, and the current proposal will send construction and residential traffic from 30 **additional** homes in Granite Lake Estates #2 down Aguilar Road to the freeway.
- o Per information presented at the Planning Commission hearing, the total number of lots among the three developments (GLE, VO and HPA) is 180. The developers want a commitment of 110 building permits, **60% of the total number, before bridge funding is even secured!**

o The housing market is slowing down. High materials costs, labor shortages, supply chain issues and spiking mortgage rates are raising costs and slowing buyer demand. Even if a BOLD/CFD agreement is reached, the unstable housing market may make it undesirable for one or more of the developers to proceed – but **they'll still have 110 building permits, and Rocklin won't get the bridge (again).**

o The City of Rocklin holds the high cards in this game: **the building permits.** The City needs to negotiate from a position of strength. There are two ways to proceed:

1. The developers, who **knew** a bridge would be required, need to search under their sofa cushions for the relatively insignificant \$1.5 million each to fund the bridge up front, post a performance bond and start bridge construction **before** any building permits are released. Building permits would be issued in phases, e.g., when the bridge is 50% complete, 50% of the building permits would be granted. If bridge construction stops, the City of Rocklin would invoke the terms of the performance bond, complete bridge construction, and collect any additional costs of bridge construction from the buyers of the properties. **OR**

2. The City of Rocklin would take over funding and construction of the bridge. **In this case, no building permits would be issued until bridge construction is complete.** The City would collect the cost of bridge construction from the developers when the properties are sold.

CONCLUSION: The current BOLD/CDF funding proposal is vague, unwieldy, and uncertain. Relying on the developers to find a loan for this relatively small investment carries a great risk that more houses will be built while bridge construction continues to stagnate. The City needs to tie issuance of building permits to bridge construction with a cast-iron, no loopholes agreement. The bridge is needed now. We cannot continue to push this project into the future.

Carol Rubin
5770 Aguilar Road

*City Council Blue Memo
Monument Springs Bridge, Item #24
May 10, 2022
Page 13*

From: Krystal Carrillo <krystalmc@gmail.com>
Sent: Monday, May 9, 2022 12:58 PM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: Traffic Impacts to El Don Dr.

To Whom It May Concern,

I do not want the construction traffic from the Granite Lake Estates and Vista Oaks projects to be rerouted to our residential streets, specifically Greenbrae Rd., Foothill Rd., or El Don Dr.

I've recently become a homeowner on El Don Dr. and am happy to now call East Rocklin home. However, El Don Dr. is already a busier street than other nearby neighborhood roads, and I'm extremely displeased to hear that this could become worse. I foresee this having a very negative impact on the quality of life that we were looking forward to having here, not to mention the increase in traffic and noise.

Please deny the "Modifications to Conditions of Approval" for the GLE/VO properties. No additional permits should be issued without the developers first completing the Monument Springs Bridge.

Sincerely,

Krystal Carrillo

City Council Blue Memo
Monument Springs Bridge, Item #24
May 10, 2022
Page 14

From: Lisa Wilson <llatte1@hotmail.com>
Sent: Monday, May 9, 2022 10:51 AM
To: meetingscomments@rocklin.ca.us <meetingscomments@rocklin.ca.us>; bill.halldin@rocklin.ca.us <bill.halldin@rocklin.ca.us>; jill.gayaldo@rocklin.ca.us <jill.gayaldo@rocklin.ca.us>; joe.patterson@rocklin.ca.us <joe.patterson@rocklin.ca.us>; ken.broadway@rocklin.ca.us <ken.broadway@rocklin.ca.us>; greg.janda@rocklin.ca.us <greg.janda@rocklin.ca.us>
Subject: GLE/VO Properties

I do not want construction and additional traffic from the GLE project to be rerouted to our residential streets, specifically Greenbrae Road, Foothill Road or El Don Drive. Even with the installation of the flashing stop signs on the corners of El Don and Wildflower if have already witnessed several near misses, including pedestrians in the crosswalk, with the current traffic load. The new development at the end of Wildflower has increased the numbers of families crossing El Don so that they can enjoy Monte Verde park.

Please deny the 'Modifications to Conditions of Approval' for the GLE/VO properties. For the safety of your constituents, no additional permits should be issued without the developers **first** completing the Monument Springs Bridge.

Respectfully,

Lisa Wilson
4700 Wildflower Lane
Rocklin, CA

City Council Blue Memo
Monument Springs Bridge, Item #24
May 10, 2022
Page 15

From: Nancy Schneidewind <chickadeens@juno.com>
Sent: Monday, May 9, 2022 10:24 AM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Cc: Bill Halldin <Bill.Halldin@rocklin.ca.us>; Jill Gayaldo <Jill.Gayaldo@rocklin.ca.us>; Joe Patterson <Joe.Patterson@rocklin.ca.us>; Ken Broadway <Ken.Broadway@rocklin.ca.us>; Greg Janda <Greg.Janda@rocklin.ca.us>
Subject: Denial of the Modifications to Conditions of Approval for the GLE/VO p roperties

Council members,

I do not want construction traffic from the GLE project to be rerouted to my/our residential streets, specifically Greenbrae Rd, Foothill Rd, or El Don Dr. ***Please deny the "Modifications to Conditions of Approval" for the GLE/VO properties.*** No additional permits should be issued without the developers ***first*** completing the Monument Springs Bridge. We are and will be experiencing much more traffic on Aguilar because of the two developments under construction. Please construct the bridge to alleviate further congestion and ensure safety in our neighborhood.

Thank you.

Sincerely,
Nancy Schneidewind

*City Council Blue Memo
Monument Springs Bridge, Item #24
May 10, 2022
Page 16*

From: Christina Smith <cmables02@gmail.com>
Sent: Monday, May 9, 2022 10:20 AM
To: Meeting Comments <MeetingComments@rocklin.ca.us>; Bill Halldin <Bill.Halldin@rocklin.ca.us>; Ken Broadway <Ken.Broadway@rocklin.ca.us>; Jill Gayaldo <Jill.Gayaldo@rocklin.ca.us>; Greg Janda <Greg.Janda@rocklin.ca.us>; Joe Patterson <Joe.Patterson@rocklin.ca.us>
Subject: GLE and VO Development Concerns- Meeting Comments 5/10

Hello,

In preparation for Tuesday's Council meeting, I would like to add my comments regarding the proposed future developments. I do NOT want constriction traffic from the GLE project to be rerouted to our residential streets, specifically Greenbrae Rd, Foothill Rd, or El Don Dr. Please DENY the "Modifications to Conditions of Approval" for the GLE/VO properties. No additional permits should be issued without the developers FIRST completing the Monument Springs Bridge.

Thank you,
Christina Smith
4524 Greenbrae Rd

From: Laurie Rindell <lrindell@pacbell.net>

Sent: Monday, May 9, 2022 8:47 AM

To: Public Comments <PublicComments@rocklin.ca.us>; Bill Halldin <Bill.Halldin@rocklin.ca.us>; Jill Gayaldo <Jill.Gayaldo@rocklin.ca.us>; Joe Patterson <Joe.Patterson@rocklin.ca.us>; Greg Janda <Greg.Janda@rocklin.ca.us>; Ken Broadway <Ken.Broadway@rocklin.ca.us>; Meeting Comments <MeetingComments@rocklin.ca.us>

Subject: Comments in regard to May 10 Council Meeting Agenda Item 24 - construction traffic reroute from Aguilar doesn't consider issues it creates on other streets

Dear Council Members & the City of Rocklin,

We will be unable to attend the May 10th City Council meeting in person and would like to submit our written comments. We oppose the proposed modifications that would allow additional homes to be built in advance of the planned Monument Springs Bridge. Without the bridge in place prior to building, the city unnecessarily places the community at risk to allow for additional traffic along the only two possible routes of El Don Dr. & Foothill Rd. to Greenbrae Rd., OR Aguilar Rd. to Greenbrae Rd. with no guarantee that the bridge will ever be built. The added condition which states that,

"Construction traffic for the Granite Lake Estates project shall be prohibited from using Aguilar Road between China Garden Road and Greenbrae Road."

places the burden of added construction traffic entirely on the ONE route of El Don, & Foothill. This condition does not adequately consider the effects & hazards that it shall have upon this area. Currently traffic bottlenecks at the corner of Foothill & Greenbrae. This is a difficult turn for large vehicles to make (including school buses that use this route). This spot is dangerous for pedestrians & bicyclists now (with a narrow street & only one sidewalk) but will become much worse if ALL the construction traffic is made to pass along this path.

The proposition to build in advance of the bridge also does NOT take into account the increases in traffic from other development projects that are occurring or planned to occur in the area at the same time. How would potential issues that might occur with the roadway like maintenance/repair of the overhead power lines or other utilities such as sewer along Foothill to El Don cause more traffic danger. Also, what traffic chaos will arise when the improvements to Aguilar Rd. are to take place?

Although financing the Monument Springs Bridge may be a difficult task, it should not fall to the current residents of Rocklin to bear the costs of this endeavor nor create safety risks. Taking time to do these things in a coordinated manner is essential.

Sincerely,

Laurie Rindell
Sharon Rindell

*City Council Blue Memo
Monument Springs Bridge, Item #24
May 10, 2022
Page 18*

From: Jessica Rozek <jessicacook2016@gmail.com>
Sent: Sunday, May 8, 2022 6:55 PM
To: Bill Halldin <Bill.Halldin@rocklin.ca.us>; Joe Patterson <Joe.Patterson@rocklin.ca.us>; Jill Gayaldo <Jill.Gayaldo@rocklin.ca.us>; Ken Broadway <Ken.Broadway@rocklin.ca.us>; Greg Janda <Greg.Janda@rocklin.ca.us>; Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: 5.10.22 City Council Meeting - Modifications to Conditions of Approval (i.e. the Monument Springs Bridge projects)

Council Members and Mayor,

Before Council on Tuesday, May 10th is a request by the Granite Lake Estates (GLE) and Vista Oaks (VO) developers proposing *Modifications of Conditions of Approval (Modifications)*. The major issues of contention are GLE/VOs request to build at least another 110 homes (of the total 180) before the completion of the Monument Springs Bridge (MSB). The vast majority of residents are not debating the current use designation nor are they requesting the City buy the property for "open space" (unlike the controversial Sunset Whitney Golf Course). Residents have been very reasonable, understanding that the area is zoned for the currently proposed development, and residents have voiced no opposition to its development. The primary concern of residents is holding the Developers accountable to the current *Conditions of Approval (Conditions)* by ensuring: 1) the Developers, not the City and taxpayers, front the funds for the MSB and 2) the MSB is completed **before** any more homes are permitted. What the GLE/VO developers have proposed is a "hail-mary" to evade their responsibilities and obfuscated the issue with suggestions to shift construction traffic off Aguilar Rd and the BOLD bond funding "shell game" for MSB. Council must hold firm on the existing *Conditions*, specifically not bail out the Developers with any more City/taxpayer funds beyond the approximately \$1.8M already set aside, and require the MSB completed before any more home permits.

As you know, the situation regarding the necessity for the bridge prior to any further development has substantial historical precedence of previous Council and Planning Commission meetings. A few brief examples are provided below:

Staff Report May 28th, 2002: *"According to the proposed Development Agreement, up to 40 lots (approximately one-third of the project) could be constructed and occupied prior to construction of the Monument Springs Bridge being completed. Forty (40) is the number of lots negotiated with staff to allow some development to occur to offset the construction cost of the bridge with minimal traffic increases on existing roads in compliance with the General Plan."*

5/9/22 COMMENT: This statement from Staff was **20 years ago!** The original development was predicated on 40 lots to "offset the construction cost" and minimize traffic increases on existing roads. Now, those 40 homes (+8 more in 2010) plus 100s of other homes (Rocklin Meadows, Granite Bluffs, Rock Saddle Ct) are affecting the traffic on 'existing roads' without contributing to the construction of the bridge.

February 23, 2010 City Council Memorandum: *"The Planning Commission held a public hearing to consider this project on November 17, 2009. Several people addressed the Planning Commission to express concerns with the Granite Lake Estates project."*

"Debbie Valadika, Rocklin, CA, asked if there were a guarantee that the bridge to extend Monument Springs Drive across Secret Ravine would be built. She asked if the bridge was not built, that Aguilar Road be improved as it is in disrepair. Staff stated that the guarantee that the bridge would be constructed before the issuance of the 49th building permit is in the development agreement, which runs with the land. So, if the project is sold it is still bound by the development agreement. Staff also pointed out that about a third of Aguilar Road is in Placer County's jurisdiction so the City is unable to do any improvements on a large portion of the road."

COMMENT: Ms. Valadika had concerns about guaranteeing the bridge construction **in 2009**, and staff assured residents that the bridge requirement was in the Development Agreement, which "runs with the land". So regardless whether the DA has expired or not, this requirement "runs with the land". But, here we are in 2022 with the same issues before us and the Developers attempting to evade their responsibilities. Groundhog's day?

Staff Report April 19, 2022: *"Nonetheless a provision, specific to the Granite Lake Estates tentative subdivision map, was included in the Granite Lake Estates General Development Plan when it was approved in 2002, limiting the number of homes that could be built in the subdivision to a maximum of 40 prior to completion of the Monument Springs bridge and roadway improvements. In 2010 the General Development Plan was modified to increase that limit to 48 homes to match the number of finished lots that had been created with the first phase of project development."*

COMMENT: So in 2002, it started as a limit of 40 permits, then in 2010 then the limit was increased to 48, and now in 2022 GLE/VO are requesting an increase to 78. However, the Developer's financial consultant stated that NO permit limits could be applied or the BOLD bonds could not be sold. Therefore there is NO guarantee and NO limit on construction regardless of the MSB completion. Depending on the continued uncertainty of the market, it is possible that the Developers could start building any number of homes, not meet the 4:1 Loan to Value (LTV) or stop building without the bridge ever being completed. Then, this would potentially shift the responsibility to finish the bridge to the City. The Developers walk away with the profits of the sold homes and leave the City holding the bag. Anyone see a theme?

October 26, 2021 - City Council Meeting - Greenbrae Tentative Map Agenda Item: Statements from Council members- [Joe Patterson](#) "I've always made this commitment that I've got concerns with anything that's going to add traffic to Aguilar. I've been very public about that." ; [Ken Broadway](#) (referring to Aguilar) "Even adding one more car is a bit of a challenge for me"; [Gayaldo](#) "I'm conflicted. I don't want to put another house on Aguilar until we do something".

COMMENT: Council members again voiced concerns over adding **just one house** to the Aguilar area and denied the proposal. How can Council seriously be considering the addition of at least 110 more houses by the Developers but denied the proposal of just one home in a similar area?

The City and residents are being asked to "trust" the Developers and their scheme to fund the bridge. But who are the Developers asking for this leap of faith? Dave Cook of Cook Development Consulting, is representing the owner of the GLE property, Capitol Equity Management Group (CEMG). At the 4/19/22 Planning Commission meeting, Mr. Cook admitted that the CEMG is not a builder and will be selling off the property to another developer. Mr. Cook and his client are simply rent-seekers, attempting to increase their profits by shedding the responsibility of MSB construction which will certainly sweeten the deal for any future buyer. CEMG and Dave Cook have no skin in the

game, neither are residents of Rocklin, and have no regard or care for the reduced quality of life and nuisance resulting from this project.

The funds needed to complete the MSB varies between \$5-6 million. VO is owned by the Guntert Family Trust, of the Guntert Steel Company, and Highland Parcel A is owned by Elliott Homes. Between Guntert Steel, Elliott Homes, and the "future" GLE developer (TBD), you cannot tell your constituents that the City and its taxpayers should shoulder the burden, either financially or otherwise for a requirement that these owners were well aware when they chose to purchase the land. Neither can you suggest that between these multi-million dollar companies, they cannot scratch together approximately \$3-4 million (in combination with the generous \$1.8M from the City) to complete the bridge and recoup the cost as they sell 180 homes. As an example, Skyline by Toll Brothers, currently being developed in Rocklin, has lot premiums up to \$150,000 *per lot* above the starting price of \$1.29 million! With 180 homes planned between these three developers, it is more than reasonable for them to front the funds for the bridge, as specifically required in their Development Agreements (DAs), and recoup the funds through lot premiums or otherwise. By simply holding firm on the current *Conditions*, the developers **will** find the funds to do what's required and the City and your constituents will not need to bear the burden of their projects. And if they chose not to build, so be it. We have lived here this long without it and Aguilar Road improvements are underway which include the sidewalks along the Rocklin Meadows development completed last week. As long as no more homes are added to the area and Aguilar improvements are completed, the situation is manageable.

Lastly, the Staff Report included a new Modification regarding construction traffic (Condition #19 - Special). This proposed Condition would shift all construction traffic along Greenbrae Rd to Foothill Rd and El Don Dr. So once again, residents in our area will be burdened with the nuisance and hazards of increased construction traffic along residential streets because Developers want to evade their responsibilities. Were the residents along Greenbrae, Foothill, and El Don notified by the City of this potential significant diversion of heavy construction equipment on their neighborhood streets for years to come? Have they been given the opportunity to comment on this proposed *Condition*? How will this be enforced? Would the City have to divert police resources to babysit Aguilar Rd to ensure that no construction from the GLE development traverses it? Or would this burden fall once again to the residents to monitor and report to the City? Will there be fines attached to any violations? Are we being asked to just 'trust' the Developers and all their subcontractors to abide by this *Condition*?

In conclusion, the residents and City of Rocklin can do better than the *Modifications* proposed by the Developers and the Cook/GLE rent-seekers. They knew the bridge was a requirement before any more permits would be issued, but they purchased the properties anyway. If it is so unfeasible, why did they purchase the properties under the existing *Conditions*? They have sat on these properties for years and now that their DAs are expired and they are coming up on January and May 2023 map deadlines, they are trying to force through what they describe as a "*last opportunity*". If you take a step back, it's not the "*last opportunity*", it's their hail mary to hood-wink the City into a Faustian deal. To that end, two of the five Planning Commissioners (Bass and Barron) opposed the proposed *Modifications* based on serious concerns over the lack of concrete language ensuring the completion of the bridge and the burden on the existing residents. As the saying goes, "Poor planning on your part doesn't constitute an emergency on mine", which holds true for this last ditch effort by the Developers to evade their responsibilities and saddle our community/your constituents with additional unacceptable burdens. If

City Council Blue Memo
Monument Springs Bridge, Item #24
May 10, 2022
Page 22

Modifications are approved, this is setting a concerning precedent that the City of Rocklin can be manipulated, strong-armed, and hood-winked to benefit Developers at the expense of their residents/constituents.

Vote NO to the *Modifications of Conditions of Approval* for the GLE/VO properties. No "Bail-Outs" for Developers. Please stand up for your constituents, taxpayers, and our community!

Thank you for your consideration and your vote to deny these *Modifications*.

Jessica Rozek
4200 Caribou Court
Rocklin, CA 95677
916.879.0821

*City Council Blue Memo
Monument Springs Bridge, Item #24
May 10, 2022
Page 23*

From: Jim Kalember <jim.kalember@gmail.com>
Sent: Saturday, May 7, 2022 11:58 AM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: Modifications to Conditions of Approval” for the GLE/VO properties.

Please, no additional permits should be issued without the developers first completing the Monument Springs Bridge--solve the traffic problem first.

We do not want construction traffic from the Granite Lake Estates and Vista Oaks projects to be rerouted to our residential streets, specifically Greenbrae Rd., Foothill Rd., or El Don Dr.

Please deny the “Modifications to Conditions of Approval” for the GLE/VO properties.

Thanks for your consideration

--

Jim Kalember
El Don Estates
4879 El Cid Dr, Rocklin, CA 95677
<https://www.linkedin.com/in/jkalember/>

*City Council Blue Memo
Monument Springs Bridge, Item #24
May 10, 2022
Page 24*

From: joe davena <joedavena@yahoo.com>
Sent: Saturday, May 7, 2022 8:57 AM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: Monument springs bridge

[Sent from Yahoo Mail on Android](#)

I do not want construction traffic from the GLE project to be rerouted to our residential streets specifically Greenbrae road, Foothills, or Eldon Dr. Please deny the "Modifications to Conditions of Approval" for the GLE/VO properties. No additional permits should be issued without the developers first completing the Monument Springs Bridge. I have lived on Greenbrae road for over 20 years and the traffic has gotten worse each year. This sounds like putting profits over the good people of this area of Rocklin. Let's do things right. That bridge should have been put in way before more houses were constructed. Sincerely Joe Davena 4760 Green rad Road

City Council Blue Memo
Monument Springs Bridge, Item #24
May 10, 2022
Page 25

From: Cherie Gaff <elciddr@gmail.com>

Sent: Friday, May 6, 2022 3:22 PM

To: Meeting Comments <MeetingComments@rocklin.ca.us>

Subject: I do not want construction traffic from the Granite Lake Estates and Vista Oaks projects to be rerouted to our residential streets

I do not want construction traffic from the Granite Lake Estates and Vista Oaks projects to be rerouted to our residential streets, specifically Greenbrae Rd., Foothill Rd., or El Don Dr. Please deny the "Modifications to Conditions of Approval" for the GLE/VO properties. No additional permits should be issued without the developers first completing the Monument Springs Bridge.

City Council Blue Memo
Monument Springs Bridge, Item #24
May 10, 2022
Page 26

From: Howard, Everett <Everett.Howard@whiting-turner.com>
Sent: Friday, May 6, 2022 3:10 PM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Cc: Bill Halldin <Bill.Halldin@rocklin.ca.us>; Jill Gayaldo <Jill.Gayaldo@rocklin.ca.us>; joe.patterson@rocklin.ca; Ken Broadway <Ken.Broadway@rocklin.ca.us>; Greg Janda <Greg.Janda@rocklin.ca.us>
Subject: Granite lake Estates & Vista Oaks Project - Potential Traffic Impacts

Good Afternoon,

I do not want construction traffic from the GLE project to be routed to our residential streets, specifically Greenbrae Rd., Foothill Rd, or El Don dr. The traffic impact on these streets shows a lack of understanding in site logistics and the impact/concern of building in an active community from the Developer & Builder. Poor initial site logistics and planning are often the first sign of projects with quality & safety issues. The developer & builder should be required to build the monument springs bridge which would allow minimal impact to the community and provide a more secure/controlled site entrance for the jobsites.

Please deny the "Modifications to conditions of Approval" for the GLE /VO properties. No additional permits should be issued without the developer & builder first completing the monument Springs bridge. Please let me know If you have any questions.

Thank you ,



Everett Howard
Project Manager
The Whiting-Turner Contracting Company
800 R Street
Sacramento, California 95811
Phone: 916-355-1355
Mobile: 916-586-9702
www.whiting-turner.com

City Council Blue Memo
Monument Springs Bridge, Item #24
May 10, 2022
Page 27

From: Greg Halstead <ghalstead@sbcglobal.net>
Sent: Friday, May 6, 2022 9:09 AM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: Monument Springs Bridge

Hello,

I live in the area of Greenbrae Dr and Aguilar Road. I urge you to require the Monument Springs bridge to be built prior to any new houses being constructed. Traffic and pedestrian safety should be a priority for the City. The current roads, Greenbrae and Aguilar aren't capable of safely absorbing more residents. I am out of town for Tuesday's meeting, or I would appear in person and urge you to deny any building approval until the bridge is completed.

Respectfully,
Greg



City Council Blue Memo
Monument Springs Bridge, Item #24
May 10, 2022
Page 28

From: Roman L Orenchuk <orenchuk@sbcglobal.net>
Sent: Thursday, May 5, 2022 9:14 PM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: Bridge construction

*I do not want construction traffic from the Granite Lake Estates and Vista Oaks projects to be rerouted to our residential streets, specifically Greenbrae Rd., Foothill Rd., or El Don Dr. **Please deny the “Modifications to Conditions of Approval” for the GLE/VO properties.** No additional permits should be issued without the developers first completing the Monument Springs Bridge. Thank You Roman Orenchuk*
5625 Foothill Road, Rocklin

*City Council Blue Memo
Monument Springs Bridge, Item #24
May 10, 2022
Page 29*

From: KrisL <krks1960@gmail.com>
Sent: Thursday, May 5, 2022 2:49 PM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: Hold developer feet to the fire!

Why have you allowed them to break requirements to build the bridge BEFORE additional permits are approved? Why do developers get to cheat the community, over and over, while our elected officials twiddle their thumbs while pretending not to see it happening?

Kris Lewis
Rocklin

*City Council Blue Memo
Monument Springs Bridge, Item #24
May 10, 2022
Page 30*

From: Amanda Pallas <amanda.n.pallas@gmail.com>
Sent: Thursday, May 5, 2022 2:37 PM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: GLE project / Monument Springs Bridge

Traffic from the GLE project would greatly impact residents of our community, specifically Aguilar, Foothill, Greenbrae and El Don. Please deny the “modifications to conditions or approval” for the GLE/VO properties. Do the right thing, please and do not allow additional permits without the developers completing the Monument Springs Bridge first. We moved to this area about 3 years ago, and although we like our house, there are some major issues with the infrastructure here. The additional permits before fixing these problems would make it significantly worse for residence. The aforementioned streets are already impacted by traffic significantly. Please do the right thing so we can get this bridge built. The more I learn about what has gone on with this issue (or lack thereof), the more it feels like the City of Rocklin doesn’t care about the residence and cares more about pleasing the developers/money which is extremely disappointing. I hope that changes. Please consider what the residence are saying. Thank you for your time.

-Amanda Elkins

City Council Blue Memo
Monument Springs Bridge, Item #24
May 10, 2022
Page 31

From: Angie Barreto <angie.barreto@gmail.com>
Sent: Thursday, May 5, 2022 1:40 PM
To: Bill Halldin <Bill.Halldin@rocklin.ca.us>; Jill Gayaldo <Jill.Gayaldo@rocklin.ca.us>; Joe Patterson <Joe.Patterson@rocklin.ca.us>; Ken Broadway <Ken.Broadway@rocklin.ca.us>; Greg Janda <Greg.Janda@rocklin.ca.us>; Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: Modifications to Conditions of Approval for the Granite Lake Estates (GLE) and Vista Oaks (VO)

*We do not want construction traffic from the Granite Lake Estates and Vista Oaks projects to be rerouted to our residential streets, specifically Greenbrae Rd., Foothill Rd., or El Don Dr. **Please deny the “Modifications to Conditions of Approval” for the GLE/VO properties.** No additional permits should be issued without the developers first completing the Monument Springs Bridge.*

Living here 30 years, there has already been way too much development on this "small" side of town. The road noise and traffic from Sierra College Blvd and Rocklin Road is now ridiculous. The new construction at Rocklin Road and Sierra College is utterly ugly, displacing a once beautiful pasture of oak trees and many animals I am sure. We are saddened watching Rocklin become an urban sprawl, money hungry community with much more crime, ugly zero lot line communities encouraging high density living, and increased traffic that has no respect for speed limits, courtesy or driving regulations.

[Angie & George Barreto](#)

5725 Ambassador Drive
Rocklin CA 95677

*City Council Blue Memo
Monument Springs Bridge, Item #24
May 10, 2022
Page 32*

From: Brian Lin Walsh <synapsconnection@gmail.com>

Sent: Thursday, May 5, 2022 1:21 PM

To: Joe Patterson <Joe.Patterson@rocklin.ca.us>; Bill Halldin <Bill.Halldin@rocklin.ca.us>; Jill Gayaldo <Jill.Gayaldo@rocklin.ca.us>; Ken Broadway <Ken.Broadway@rocklin.ca.us>; Greg Janda <Greg.Janda@rocklin.ca.us>; Meeting Comments <MeetingComments@rocklin.ca.us>

Subject: Granite Lake Estates and Vista Oaks Developments - Opposition

As you consider the developers request to bypass a condition of their agreement, please note that I, and the residents directly impacted, do not want traffic diverted to Greenbrea Rd., Foothill Rd, or El Don Rd. No additional permits should be given until all conditions are met. Further, a new traffic impact study should also be done to take into consideration the other two large developments approved along Rocklin Rd. At this time based on the traffic reports, the current commute time from the intersection of Rocklin Rd and Sierra College to the Rocklin Rd I-80 on ramp will increase from 5 minutes to over 13 minutes - this is a one mile stretch. This is without the additional 180 proposed units. The council promotes at each opportunity how its focus is the quality of life for Rocklin residents, the small town feel, and planned sustainable growth. It is time to make those words action. It should be the template that all infrastructure is in place prior to any new development. I along with many others do not want to have Rocklin turned into Sacramento ie bad roads, traffic congestion, and decreased quality of living because a few developers saw that the real estate market is heading to a decline and they want to get their money in now. Also by waiving the bridge requirement now, the city will have no leverage to ensure it actually gets built as once the houses are up, we can't take them down and the company can reorg its debt and never face up to its obligations.

City Council Blue Memo
Monument Springs Bridge, Item #24
May 10, 2022
Page 33

From: Angel Armstrong <angel.armstrong@yahoo.com>
Sent: Thursday, May 5, 2022 11:46 AM
To: Meeting Comments <MeetingComments@rocklin.ca.us>; Bill Halldin <Bill.Halldin@rocklin.ca.us>; Ken Broadway <Ken.Broadway@rocklin.ca.us>; Jill Gayaldo <Jill.Gayaldo@rocklin.ca.us>; Greg Janda <Greg.Janda@rocklin.ca.us>; Joe Patterson <Joe.Patterson@rocklin.ca.us>
Subject: Monument Springs Bridge

*I do not want construction traffic from the GLE project to be rerouted to our residential streets, specifically Aguilar Rd, Greenbrae Rd, Foothill Rd, or El Don Dr. **Please deny the "Modifications to Conditions of Approval" for the GLE/VO properties.** No additional permits should be issued without the developers first completing the Monument Springs Bridge.*

Aguilar Rd. is a mess of potholes and patches. This is damaging to vehicles who traverse it several times a day.

Aguilar, Greenbrae, Foothill and El Don all have significant pedestrian, vehicular, and bike traffic all day.

This string of broken promises by the Rocklin City Council is a let down to those who voted for each member.

Please keep this promise to improve the infrastructure by building the Monument Springs Bridge before any new homes are approved or built.

Angel Ruffcorn

City Council Blue Memo
Monument Springs Bridge, Item #24
May 10, 2022
Page 34

From: Risse, Linda M <linda.m.risse@ampf.com>
Sent: Thursday, May 5, 2022 10:56 AM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: GLE Project
Importance: High

I do not want construction traffic from the GLE project to be rerouted to our residential streets, specifically Greenbrae Rd, Foothill Rd, or El Don Dr. **Please deny the “Modifications to Conditions of Approval” for the GLE/VO properties.** No additional permits should be issued without the developers first completing the Monument Springs Bridge.

Concern resident,
Linda



Linda Risse
Client Service Specialist | with the practice of Trinity Wealth Advisors

.....
Ameriprise Financial Services, LLC
1130 Iron Point Road Suite 150
Folsom, CA 95630

Office: 916.351.0000 x 103 | Fax: 916.983.5008
[Visit my team website](#)

City Council Blue Memo
Monument Springs Bridge, Item #24
May 10, 2022
Page 35

From: Pamela Franklin <pamelajean12@att.net>
Sent: Wednesday, May 4, 2022 4:00 PM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: Monument Springs Bridge

As a long term resident of Rocklin I am opposed to the issuing of permits to builders until the Monument Springs Bridge is constructed. Not doing so will negatively impact the Greenbrae, Foothill, El Don streets and residences in that area. The traffic situation should be mitigated by construction of the bridge before development as there would be no incentive for builders to construct the bridge after the fact.

Pamela Franklin
6055 Stonehill Drive
Rocklin, CA 95677

916-719-3055

City Council Blue Memo
Monument Springs Bridge, Item #24
May 10, 2022
Page 36

From: Albert Erwin <alberterwin@att.net>
Sent: Wednesday, May 4, 2022 2:44 PM
To: bill.halidin@rocklin.ca.us
Cc: Jill Gayaldo <Jill.Gayaldo@rocklin.ca.us>; joe.patteron@rocklin.ca.us; Ken Broadway <Ken.Broadway@rocklin.ca.us>; gregjanda@rocklin.ca.us; Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: Traffic impacts on Greenbrae Road and Foothill Road, and El Don.

Please deny the "Modifications to Conditions of Approval" for the GLE/VO properties. I do not want construction traffic from the GLE project rerouted through our streets of Greenbrae Road, Foothill Road, or El Don Drive in Rocklin.

Thanks in advance,

Albert S. Erwin, resident and neighbor.

City Council Blue Memo
Monument Springs Bridge, Item #24
May 10, 2022
Page 37

From: Jesse Elting <eltingj@gmail.com>
Sent: Wednesday, May 4, 2022 2:33 PM
To: Meeting Comments <MeetingComments@rocklin.ca.us>; Bill Halldin <Bill.Halldin@rocklin.ca.us>; Jill Gayaldo <Jill.Gayaldo@rocklin.ca.us>; Joe Patterson <Joe.Patterson@rocklin.ca.us>; Ken Broadway <Ken.Broadway@rocklin.ca.us>; Greg Janda <Greg.Janda@rocklin.ca.us>
Subject: Monument Springs Bridge Construction

To all concerned;

Fact, 20 years of pushing out the "Monument Springs Bridge" construction says the "Rocklin City Council" has been favoring "Developers" to forgo the construction of the afore mentioned bridge. 20 years is a long time to push out something that when completed would benefit everybody in every way.

It would also make a very favorable impression on the citizens of Rocklin knowing that finally the "Rocklin City Council" has done right by them.

The developers will still get the job done. Yes, they would have to pay up front. But they get better access to their development in return with much less hassle for the existing citizens.

The proposed route to the construction site would be utterly ridiculous for heavy equipment to navigate at the corner of Greenbrae and Foothill road, the same would apply at the corner of Foothill Road and Eldon Drive. A flagman would need to be present at all times at both intersections for traffic control. This could then potentially become a continual traffic jam at both locations especially at rush hour.

Please deny the "Modifications to Conditions of Approval" for the GLE/VO properties. No additional permits should be issued without the developers first completing the "Monument Springs Bridge".

Respectfully;

Jesse M. Elting

City Council Blue Memo
Monument Springs Bridge, Item #24
May 10, 2022
Page 38

From: Marshann Fuqua <marshannfuqua@gmail.com>
Sent: Tuesday, May 3, 2022 10:12 AM
To: Meeting Comments <MeetingComments@rocklin.ca.us>
Subject: Public Hearing Notice RE: Vista Oaks Modification

My name is Marshann Fuqua and I live at 2157 Viola Way in Roseville. My backyard fence is the border to the Vista Oaks project in Rocklin. When I bought my property back in 2006, I was told by the planning department that development of that property was contingent upon a bridge being constructed to facilitate traffic movement. Our Stonebridge community of over 200 homes presently has one entrance/exit out onto Scarborough Drive. That means that approximately 400 cars have one way out. You have now approved construction of the Vista Oaks homes prior to the bridge going in. This means that the traffic coming and going through our neighborhoods will tremendously increase.

Now the planning department is considering allowing the developer to get permits for additional homes to be built. The current plans are for 1 home per acre. The developer now' wants to build 1.5 homes per acre....before the bridge is constructed. That means even more traffic coming down Ursula Way and out through our neighborhood

Our community in Roseville deserves a voice in this decision. All the homeowners here have substantial investments in their properties based on promises from the Rocklin planning department. I know there is a need for residential development, but not at the expense of going back on promises already made to current landowners. You made a commitment to me back in 2006 please don't go back on your promise.

Thank you,
Marshann Fuqua