Final Environmental Impact Report

May 2015

Z12-002
GP12-002
EIR12-002
SCH No. 2009072070

COUNTY OF NEVADA

Housing Element Rezone Program Implementation



RBF CONSULTING
A Baker Company

County of Nevada
Housing Element Rezone Implementation Program

Final Environmental Impact Report
Rezone (Z12-002)
General Plan Map Amendment (GP12-002)
Certification of EIR (EIR12-002)
SCH No. 2009072070

May 2015

Prepared For:

County of Nevada
Community Development Agency
Planning Department
950 Maidu Avenue
Nevada City, California 95959
Contact: Tyler Barrington, Principal Planner

Prepared By:

RBF
A Baker Company
4540 Duckhorn Drive, Suite 202
Sacramento, CA 95834-2597

JN: 131242

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1.0 INTRODUCTION

1.1 BACKGROUND

This Final Environmental Impact Report (FEIR) was prepared in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines (Section 15132). The County of Nevada (County) is the lead agency for the environmental review of the proposed Housing Element Rezone Program Implementation (project) and has the principal responsibility for approving the project. This FEIR assesses the expected environmental impacts resulting from approval of the project and associated impacts from subsequent development of the project, as well as responds to comments received on the Draft EIR.

CEQA requires California public agencies to consider the environmental consequences of projects for which they have discretionary authority. The public agency with the principal responsibility for carrying out or approving a project is the "lead agency." CEQA requires the lead agency to prepare an EIR if there is substantial evidence, in light of the whole record, that a project may have a significant effect on the environment. A significant effect is defined in CEQA as a substantial and adverse physical change in the environment. Nevada County (County) is the lead agency for the proposed project.

1.2 PURPOSE OF THE EIR

An EIR is an informational document that is written to inform public agency decision-makers and the public of the significant environmental effects of a proposed project. The purpose of an EIR is to:

- Analyze the environmental effects of a proposed project
- Indicate mitigation measures to avoid or minimize the potentially significant environmental effects of a proposed project
- Identify alternatives to the project that would avoid or substantially lessen the significant effects of the project

Environmental effects that are addressed in an EIR consist of potentially significant, adverse effects of the project across a full spectrum of environmental topics; growth-inducing effects of the project; and significant cumulative effects of past, present and reasonably anticipated future projects.

It is not the purpose of an EIR to recommend either approval or denial of a project. Rather, EIRs provide relevant information that will assist decision-makers in their decision to approve or deny a project. The lead agency may choose to approve a project that would result in significant environmental effects that cannot be mitigated. If this occurs, the lead agency is required to adopt a "Statement of Overriding Considerations."

1.3 SCOPE OF THE EIR

The focus of this EIR is limited to specific issues and concerns identified as causing potentially significant effects on the environment.

1.3.1 NOTICE OF PREPARATION

The County deemed that an Initial Study would not provide a sufficient amount of environmental analysis for this particular project and elected to skip the preparation of an Initial Study and prepare an EIR. To determine the scope of the EIR, the County prepared and distributed a Notice of Preparation (NOP), dated September 21, 2012, for the proposed project. An NOP is a document that is sent by the lead agency to notify public agencies and interested parties that the lead agency plans to prepare an EIR for a proposed

project. The purpose of an NOP is to solicit comments from public agencies and interested parties, and to identify specific environmental issues that should be considered in the EIR.

The NOP identified the following issues to be addressed in this EIR:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gases
- Hydrology and Water Quality
- Land Use and Planning
- Transportation/Traffic

The NOP was sent via certified mail to trustee and responsible agencies, and the State Clearinghouse for a 30-day public review period, extending from September 21 to October 26, 2012. The NOP and written comments received from public agencies and interested parties are contained in Appendix A (Notice of Preparation and Public Comments) of the Draft EIR.

1.3.2 PUBLIC REVIEW AND SCOPING MEETING

On October 3, 2012, a public meeting on the scope of the EIR was held. A public notice of the meeting was sent to members of the public and interested parties. At the meeting, members of the public had the opportunity to identify issues of special concern and to suggest additional issues to be considered in the EIR.

1.3.3 CONTENTS OF DRAFT EIR

All of the environmental issues listed in the NOP were determined to have potentially significant impacts, and the issues identified during the public review period for inclusion in the EIR have been incorporated into this EIR. For each environmental issue, the EIR describes the environmental setting (current conditions), then discusses and analyzes the potential related impacts that could be caused by project implementation.

For each potentially significant impact, the EIR specifies ways to mitigate the impact, including implementation of one or more of the following mitigation measures:

- Existing goals, objectives, policies and programs of the General Plan
- Applicable mitigation measures of the Draft and Final EIR for the General Plan
- Project-specific mitigation measures designed to mitigate one or more project impacts, as described in this EIR

The project developer must implement all mitigation measures identified in the EIR or their environmental equivalent. "Environmental equivalent" means any mitigation measure and/or timing thereof, subject to the approval of the County, that, when compared to the mitigation measure, would have the same or superior result and would have the same or superior effect on the environment. The Community Development Agency, in conjunction with appropriate agencies or other County departments, would determine the adequacy of any proposed environmental equivalent. Any costs associated with information or environmental documentation required to determine environmental equivalency would be borne by the

project developer. As with other mitigation measures, the County would ensure compliance with an environmental equivalent through the mitigation monitoring process.

1.4 FINAL EIR AND PROJECT APPROVAL

1.4.1 PUBLIC REVIEW OF DRAFT EIR

In accordance with CEQA, a good-faith effort has been made during the preparation of this EIR to contact all affected agencies, organizations and persons who may have an interest in this project.

This Draft EIR, with an accompanying Notice of Completion (NOC), was circulated to the California State Clearinghouse, trustee agencies, responsible agencies, other government agencies and interested members of the public for a 60-day review period exceeding the minimum required 45-day public review period as required by CEQA. The review period for the Draft EIR was between September 12 and November 12, 2013. The County held three public comment meetings, one in each of proposed areas of the County where the project is proposed, in addition to the County Planning Commission Hearing held on October 10, 2013.

1.4.2 CONTENTS OF FINAL EIR

In addition to the Draft EIR, the following requirements will collectively compose the Final EIR:

- **Chapter 1.0: Introduction**

  Chapter 1.0 provides an overview of the EIR process to date and what the FEIR is required to contain.

- **Chapter 2:0 Errata**

  Chapter 4.0 consists of revisions to the Draft EIR that are a result of responses to comments, as well as minor staff edits that do not change the intent or conclusions of the analysis or mitigation measures.

- **Chapter 3.0 Comments and Responses to Comments on the EIR**

  Chapter 3.0 provides a list of commenters, copies of written comments, and the responses to those written comments made on the Draft EIR.

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SECTION 2.0 ERRATA TO THE DRAFT EIR

This section includes minor edits to the Draft EIR. These modifications resulted in response to comments received during the Draft EIR public review period and other changes intended represent minor corrections or clarify or amplify specific points made in the analysis.

Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, nor do they alter the conclusions of the environmental analysis. Changes are provided in revision marks (underline for new text and ~~strikeout~~ for deleted text) and are organized by section of the Draft EIR.

Chapter 1: Introduction

Section 1.1, page 1-1

~~To meet state housing requirements identified in the County's Housing Element, high density residential zoning (R3) for an additional 1,270 low and very low income housing units are required to meet the County's unmet housing needs. The project proposes to implement rezoning through the Zoning Map Amendment process to rezone sufficient acreage to higher density residential, or the equivalent of higher density residential, to meet the minimum low and very low income requirements. The specific rezoning process is proposed through the implementation of Housing Element Programs HD-8.1.3 and HD-8.1.4, including adding the "RH" Zoning Combining District to those sites included in Program HD-8.1.5.~~

The proposed project that is reviewed and analyzed throughout this Environmental Impact Report, is a proposed General Plan Land Use and Zoning District Map Amendment project that is intended to establish adequate zoning to provide for a minimum of 699-units (previously 1,270-units) of high density residential zoning at 16-units minimum per acre. To allow the County to address its unmet need of 699-units of high density residential zoning all 18-candidate sites are being reviewed to provide a menu of options to the County decision-making bodies (Planning Commission/Board of Supervisors) that would allow the greatest amount of flexibility when making a final decision on the project.

Additionally, this project and EIR, as it has evolved, is designed to provide an opportunity for the County decision-makers to consider additional high density residential zoning to address anticipated future housing needs for those sites that will not be selected to address the current unmet need of 699-units since the original minimum zoning requirements included an unmet need to 1,270-units. The County Planning Commission and Board of Supervisors would have the option of re-designating any of the other candidate sites that were not included to address the unmet need of 699-units at just Urban High Density Residential (UHD/R3) densities without having to adhere to the requirements of the RH zoning combining district or Government Code Section 65583.2 (h), primarily the 16-unit per acre minimum and the development by-right requirements.

Chapter 2: Executive Summary

Section 2.1, page 2-1

~~To meet state housing requirements identified in the County's Housing Element, high density residential zoning (R3) for an additional 1,270 low and very low income housing units are required to meet the County's unmet housing needs. The project proposes to implement rezoning through the Zoning Map Amendment process to rezone sufficient acreage to higher density residential, or the equivalent of higher density residential, to meet the minimum low and very low income requirements. The specific rezoning process is proposed through the implementation of Housing Element Programs HD-8.1.3 and HD-8.1.4, including adding the "RH" Zoning Combining District to those sites included in Program HD-8.1.5. Additionally, the project sites will require General Plan Map Amendments for each of the 18 sites, with the exception of site 6. The General Plan Map Amendment will change each land use designation to a proposed Urban High Density designation, which will accommodate a proposed density of 16-20 du/acre. The land use designation of site 6 is already Urban High Density; therefore, this site will not require a General Plan Map Amendment. Table 3-2, General Plan (GP) Land Use Designations, shows the existing and proposed General Plan designation for each site and the proposed allowable density for each site.~~

The proposed project that is reviewed and analyzed throughout this Environmental Impact Report, is a proposed General Plan Land Use and Zoning District Map Amendment project that is intended to establish adequate zoning to provide for a minimum of 699-units (previously 1,270-units) of high density residential zoning at 16-units minimum per acre. To allow the County to address its unmet need of 699-units of high density residential zoning all 18-candidate sites are being reviewed to provide a menu of options to the County decision-making bodies (Planning Commission/Board of Supervisors) that would allow the greatest amount of flexibility when making a final decision on the project.

Additionally, this project and EIR, as it has evolved, is designed to provide an opportunity for the County decision-makers to consider additional high density residential zoning to address anticipated future housing needs for those sites that will not be selected to address the current unmet need of 699-units since the original minimum zoning requirements included an unmet need to 1,270-units. The County Planning Commission and Board of Supervisors would have the option of re-designating any of the other candidate sites that were not included to address the unmet need of 699-units at just Urban High Density Residential (UHD/R3) densities without having to adhere to the requirements of the RH zoning combining district or Government Code Section 65583.2 (h), primarily the 16-unit per acre minimum and the development by-right requirements.

Section 2.2.12, page 2-5

Mitigation requiring ~~the replacement of some sections~~developers to demonstrate the adequacy of the County and City's sewer ~~pipeline~~ facilities prior to development would address this impact.

This change made in response to Comment 6-D.

Summary Table

Revisions to Table 2-1, *Summary of Impacts and Mitigation*, are provided at the end of this section. Revisions to the table reflect revisions that were made to specific mitigation measures as a result of the County's responses to comments on the Draft EIR.

Chapter 3: Project Description

In the process of reviewing the Final EIR, County staff made revisions to the Project Description section of the Draft EIR to provide updated information regarding the County's adoption of the 2014-2019 Housing Element which occurred in June 2014 after the Draft EIR was published and before the Final EIR was completed. Other portions of this section were reorganized for clarity. The entire Chapter 3: Project Description section is included in this Errata document to allow the reader to benefit from the clarifications provided with the reorganized text. New text is provided in underline format, revised text shown in ~~strikeout~~ format, and original text that has been included but not changed is shown as plain text without any strikeout or underline.

3.1 ~~PROJECT BACKGROUND~~ PROPOSED PROJECT

The proposed project that is reviewed and analyzed throughout this Environmental Impact Report, is a proposed General Plan Land Use and Zoning District Map Amendment project that is intended to establish adequate zoning to provide for a minimum of 699-units (previously 1,270-units) of high density residential zoning at 16-units minimum per acre. This EIR is intended to provide both a programmatic and project level review of all of the 18-candidate rezone sites, including establishing site densities based on the requirements of Regional Housing Need (RH) zoning combining district (Land Use and Development Code (LUDC) Section L-II 2.7.11.B.3), establishment of building footprints suitable for development at anticipated densities, and identification of potential environmental impacts and mitigation measures to allow for the by-right development of the rezoned sites consistent with LUDC Section L-II 2.7.11.C. While this EIR does not review specific projects, it is intended to analyze the hypothetical build-out of each site to take into account the "worst case scenario" for this project which is based on "theoretical maximum yield" for each site as explained below. Project outcomes are anticipated to be much less intensive that those outlined throughout this EIR as not all sites are required to be rezoned and the density allocation criteria outlined in LUDC Section L-2.7.11.B.3 reduces the build-out density for the vast majority of the sites.

To allow the County to address its unmet need of 699-units of high density residential zoning all 18-candidate sites are being reviewed to provide a menu of options to the County decision-making bodies (Planning Commission/Board of Supervisors) that would allow the greatest amount of flexibility when making a final decision on the project. Additionally, this project and EIR, as it has evolved, is designed to provide an opportunity for the County decision-makers to consider additional high density residential zoning to address anticipated future housing needs for those sites that will not be selected to address the current unmet need of 699-units since the original minimum zoning requirements included an unmet need to 1,270-units. The County Planning Commission and Board of Supervisors would have the option of re-designating any of the other candidate sites that were not included to address the unmet need of 699-units at just Urban High Density Residential (UHD/R3) densities without having to adhere to the requirements

of the RH zoning combining district or Government Code Section 65583.2 (h), primarily the 16-unit per acre minimum and the development by-right requirements.

The following sites have been determined to be the most suitable for re-designation and the application of the RH combining districts standards: Sites 3, 5, 6, 11, 12, 14, 16 and 18. These sites and would be considered the first tier for implementing the project and meeting the project objectives. There are several different combinations however that will accomplish the same goal. The second tier of sites which are almost equally suitable as the tier one sites include Sites 4, 9, 13 (at 91-units only) and 15. These sites are considered tier two sites because they are located in the immediate vicinity the tier one sites that accomplishes the project's objectives. These sites could be mixed in with the first eight sites to go beyond the unmet need of 699-units or could be switched with one or multiple first tier sites with similar identified aggregate densities to meet the minimum of 699 units of density. The least desirable sites, or the third tier sites, are those that are considered the most constrained or only minimally implement the project goals and include Sites 1, 7, 8, 10, and 17. As a result of this EIR, the third tier sites could effectively be chosen for rezoning, but are less suitable than the twelve sites that are identified as first and second tier sites. A discussion of the individual site characteristics, including their location, environmental constraints, existing and proposed General Plan and Zoning designations, as well as their anticipated future assigned density is provided in detail below.

3.1.1 PROJECT OBJECTIVES

The following are the project objectives:

- Identify private properties that can be feasibly rezoned to meet the County's obligation to provide high-density housing opportunities as required by State Law;
- Increase high-density housing opportunities in different areas of unincorporated Nevada County;
- To address state mandated rezone requirements, develop a menu of suitable candidate rezone sites that have the potential to be rezoned to allow the County to create additional opportunities for high density housing at a minimum zoning for 699-units total, including adding the RH Combining District to those properties.
- To address future housing needs, create a menu of suitable candidate rezone sites with the potential to be rezoned to high density residential (R3) that are beyond the minimum of 699-units necessary to address state mandated rezone requirements.
- Identify properties that are large enough to support enough units to make developing affordable, high-density housing financially feasible;
- Identify participating properties that have reasonable access to existing infrastructure (e.g., public roads and utilities);
- Identify properties that have reasonable access to community services (e.g., public transportation, retail/grocery stores, employment opportunities);
- Protect the natural environment; and,
- Establish clear and effective site specific development standards/mitigation measures for each rezoned property that is intended to address state mandated rezone requirements of zoning for 699-

high density residential units, to ensure that the future development of high density housing on that site meets County development standards and does not result in significant and avoidable environmental impacts.

3.1.2 GENERAL PLAN LAND USE DESIGNATION AMENDMENT

In order to meet state housing requirements identified in the County's Housing Element, the County is proposing to rezone a combination of 18 sites to meet the County's identified unmet Regional Housing Need Allocation. Pursuant to state requirements, sites rezoned to address an unmet Regional Housing Need are required be develop at 16-units minimum per acre and as an allowed or by-right use. The 16 du/ac relates to the state mandated density for rezoned sites and is allowed by the County's RH (Regional Housing Need) Combining Districts. All proposed sites, other than Site 6, 10 and 11 will require a General Plan Map Amendment to change the designation to Urban High Density Residential.

Table 3-1, *General Plan (GP) Land Use Designations*, shows the existing proposed zoning designation for each site.

Table 3-~~2~~1
General Plan (GP) Land Use Designations

Site	Existing GP Designation	Proposed GP Designation	~~Proposed Maximum Density~~
Grass Valley SOI			
1	Office ~~Park~~Professional	Urban High Density	~~20 du/acre~~
2	Business Park	Urban High Density	~~20 du/acre~~
3	Urban Medium Density	Urban High Density	~~20 du/acre~~
4	Urban Medium Density	Urban High Density	~~20 du/acre~~
5	Urban Medium Density	Urban High Density	~~20 du/acre~~
6	Urban High Density	Urban High Density	~~20 du/acre~~
7	Urban Medium Density	Urban High Density	~~20 du/acre~~
8	Urban Medium Density	Urban High Density	~~20 du/acre~~
9	Urban Medium Density	Urban High Density	~~20 du/acre~~
Penn Valley Area			
10	Community Commercial	~~Urban High Density~~Community Commercial	~~16 du/acre~~
11	Community Commercial	~~Urban High Density~~Community Commercial	~~16 du/acre~~
12	Urban Medium Density ~~Residential~~	Urban High Density	~~16 du/acre~~
13	~~Community Commercial~~Planned Development UMD (26 ac.) OS (8 ac)	Urban High Density	~~16 du/acre~~
Lake of the Pines Area			
14	~~Public~~Office Professional	Urban High Density	~~16 du/acre~~
15	~~Industrial~~Planned Development: Urban High Density (15 DU)	Urban High Density	~~16 du/acre~~
16	Planned Development: Urban High Density (15 DU)~~Industrial~~	Urban High Density	~~16 du/acre~~

17	Urban Medium Density~~Residential~~	Urban High Density	~~16 du/acre~~
18	~~Planned Residential Community~~Urban Single Family	Urban High Density	~~16 du/acre~~

3.1.3 ZONING AMENDMENTS

To meet state housing requirements identified in the County's Housing Element, high density residential zoning (R3) at 16-units minimum per acres is required to meet the County's unmet housing needs. The project proposes to implement rezoning through the Zoning Map Amendment process to rezone sufficient acreage to higher density residential, or the equivalent of higher density residential, to meet the minimum unmet Regional Housing Need Allocation requirements. The specific rezoning process is proposed through the implementation of specific Housing Element Programs including adding the "RH" Zoning Combining District to those sites as descripted under the Project Background section below. These programs were subsequently amended and consolidated into one program as a result of the most recent update of the County's Housing Element (now Program HD-8.1.1 of the 2014-2019 Nevada County Housing Element update). Table 3-2, *Proposed Zoning*, shows the existing proposed zoning designation for each site.

Table 3-~~3~~2
Proposed Zoning

Site	Existing Zoning Designation	Existing Density	Proposed Zoning Designation	~~Proposed Density~~
Grass Valley SOI				
1	OP	4 du/acre	R3-RH ~~or OP-RH~~	~~16-20 du/acre~~
2	BP	4 du/acre	~~BP-RH or~~ R3-RH	~~16-20 du/acre~~
3	R2-PD	6 du/acre	~~R2-PD-RH or~~ R3-PD-RH	~~16-20 du/acre~~
4	R2-PD	6 du/acre	~~R2-PD-RH or~~ R3-PD-RH	~~16-20 du/acre~~
5	R2-PD	6 du/acre	~~R2-PD-RH or~~ R3-PD-RH	~~16-20 du/acre~~
6	R2-PD	6 du/acre	~~R2-PD-RH or~~ R3-PD-RH	~~16-20 du/acre~~
7	RA-1.5	1.5 du/acre	~~RA-RH or~~ R3-RH	~~16-20 du/acre~~
8	RA-1.5	1.5 du/acre	~~RA-RH or~~ R3-RH	~~16-20 du/acre~~
9	R2-PD	6 du/acre	~~R2-PD-RH or~~ R3-~~PD-~~RH	~~16-20 du/acre~~
Penn Valley Area				
10	C2-SP	4 du/acre	C2-SP-RH ~~or R3-SP-RH~~	~~16 du/acre~~
11	C2-SP	4 du/acre	C2-SP-RH ~~or R3-SP-RH~~	~~16 du/acre~~
12	R2-SP	6 du/acre	R3-RH ~~or R2-SP-RH~~	~~16 du/acre~~
13	IDR-SP	~~1 du/acre~~6 du/acre	R3-RH	~~16 du/acre~~
Lake of the Pines Area				
14	OP-SC-SP	4 du/acre	R3-RH ~~or OP-SC-SP-RH~~	~~16 du/acre~~
15	IDR-SC-SP	15 du/acre	R3-RH ~~or PD-RH-SC-SP~~	~~16 du/acre~~
16	IDR-SC-SP	15 du/ace	R3-RH ~~or PD-RH-SC-SP~~	~~16 du/acre~~
17	R2-SC-SP	6 du/acre	R3-RH ~~or R2-SC-SP-RH~~	~~16 du/acre~~

18	R1-PD-SP	4 du/acre	R3-RH-SP	~~16 du/acre~~

3.2 PROJECT BACKGROUND

The County of Nevada Board of Supervisors adopted the ~~most recent update of its~~ fourth revision to its Housing Element on May 11, 2010 (for the 2009-2014 cycle) and received certification of the Element from the California Department of Housing and Community Development (HCD) on July 1, 2010.The Housing Element's vacant land inventory found that the County had a deficit in sites that had adequate zoning (R3) to accommodate lower income category of the County's Regional Housing Need Allocation. Recent State law (California Government Code Section 65584.09) requires jurisdictions to rezone property to accommodate their Regional Housing Need Allocation if that jurisdiction's vacant land inventory finds that there are not adequate vacant sites zoned for high density residential to accommodate the low and very low income categories. The State law requires that the rezoned sites provide for a minimum density of 16-units per acre and those sites allow the development of higher density housing as an allowed use (not subject to discretionary permits, e.g., conditional use permit, planned unit development plan). In addition, all proposed sites, other than site 6, will require a site specific General Plan Map Amendment as well.

In addition to the lack of adequately zoned sites from the most recent planning cycle, the County's previous Housing Element (2003-2008 cycle) also had a rezone program that was not implemented. At that time it was determined that the County had an unmet need of sites suitable for 571 low and very low income units. The ~~current~~ 2009-2014 Housing Element determined an unmet need of sites suitable to accommodate 699 units affordable to low and very low income residents. The unmet need of 571 units from the last Housing Element cycle, in addition to the 699 unmet units identified in the current cycle equals ~~the current~~ a total unmet need of 1,270 units.

To obtain certification from HCD, County staff was required to complete a vacant land inventory in which potential rezone sites that could be suitable for higher density housing were identified. These sites were identified based on the relative lack of constraints, the ability of the sites to provide adequate infrastructure to support high density residential development and proximity to local services such as commercial areas with grocery stores, bus stops, and other commercial/retail opportunities. Additionally, as directed by the County Board of Supervisors, County staff performed an extensive outreach process to ensure that the property owners of the sites would be willing participants in rezoning their land to higher density residential. As a result of the outreach effort, the County's list of potential rezone sites ~~was reduced~~ is 18 properties consisting of approximately 149 acres.

A site analysis was prepared for each site to evaluate the physical and regulatory constraints of the property and determine if the selected ~~17~~ properties could collectively accommodate the required 1,270 units. ~~(at the time the site analysis was conducted only 17 property owners had expressed interest in participating in the program. After several additions and deletions of properties since the site analysis was completed, the total number of properties now participating in the program is 18).~~

The evaluation of each site consisted of a field visit, research and investigation regarding the existing land use conditions in the surrounding area of each site, a site specific biological reconnaissance, a cultural resources record search and field reconnaissance, and a general geotechnical investigation. The

opportunities and constraints of each site were considered in a numerical scoring system that utilized seven sets of criteria that were created to assess the suitability of each site. Based on the application of typical building and regulatory constraints the site analysis concluded that the proposed sites could support the needed 1,270 units. The site analysis can be found as Appendix B to this report.

The site analysis determined the sites to be suitable for development and implementation of the County's goal to rezone the properties to R3 (high density residential). Based on the site survey, a conceptual building envelope was identified for each site. A theoretical maximum unit count was calculated based on state mandated minimum default densities of 16-units minimum per acre. The analysis concluded of a total area of 146.25 acres from the ~~17~~ candidate sites, approximately 101.19 acres would be available for development. At 16 dwelling units per acre (du/acre), the maximum number of units would be 1,612 units. This number exceeds the 1,270 units the County ~~currently~~ originally ~~needs~~ needed to meet its housing element goals. The number of potential units (1,612) could increase or decrease depending on a variety of factors such as the County utilizing a higher density in the zoning overlay zone (e.g., 20 units per acre) or other physical constraints in the field that reduce the development potential of a site.

This EIR evaluates multi-family development on each of the sites based on the proposed zoning. The EIR evaluates the buildout of each site based on the maximum yield allowed under the proposed overlay zoning. When future development proposals are received by the County, they will be evaluated against this EIR. Through the adoption of the County's 5th Revision to the Housing Element (2014-2019 planning cycle), adopted by the Board of Supervisors on June 24, 2014 and certified by HCD on July 17, 2014, the County was able to reduce the minimum amount of required rezoning from 1,270-units to 699-units. To allow for the greatest amount of flexibility for this project, this EIR was not amended to reflect the change from 1,270-units to 699-units. Additionally, the same sites that are included in the analysis of this EIR were retained as potential candidate rezone sites in the latest revision of the County's Housing Element, with the exception of Site 2, as referenced in Table 3.3 below.

As outlined above, the impetus for this project and the need to develop this EIR was the result of the State of California Department of Housing and Community Development's (HCD) review of the last two updates to the County's Housing Element of the General Plan. During this review, HCD determined that the County has a shortfall of appropriate zoning to accommodate the low and very low income categories of the County's Regional Housing Need Allocation. As a result the last two updates to the County's Housing Element (2009-2014 and 2014-2019) have contained specific Programs that require the County to rezone properties to provide for high density residential development consistent with Government Code Section 65583.2. The specific programs are described below, including outlining how the expected outcomes have evolved from the 2009-2014 update to the 2014-2019 update.

> **Program HD-8.1.3:** To accommodate the unmet housing need of 571 low and very-low income units identified in the 2003-2008 Nevada County Housing Element, the County would rezone at least 29-acres of property suitable and available for development.
>
> **Program HD-8.1.4:** To accommodate the unmet housing need of 699 low and very-low income units identified in the 2009-2014 Nevada County Housing Element, the County would rezone at least 35-acres suitable and available for development.

The rezoning of property under Programs HD-8.1.3 and HD-8.1.4 will occur through one of the following scenarios:

1. Rezones within the cities' sphere of influence to a maximum density of 20 units per acre (R3-20) and a minimum density of 16 units per acre; or

2. Rezone a sufficient amount of land outside the cities' sphere of influence to a minimum density of 16 units per acre; or

3. A combination of rezoned land within and outside of the cities' sphere of influences at the identified densities may also be used to satisfy the unmet need of 571 and 699 units, respectively.

A minimum of 50 percent of the 1,270 units shall be accommodated on sites zoned exclusively for residential uses. Owner occupied and rental multi-family residential uses on these sites shall be allowed by right (without a conditional use permit, planned unit development plan, or other discretionary action) as required by Government Code Sections 65583.2(h) and (i)[1]. The rezones sites shall provide for a minimum of 16-units per site and required a minimum density of 16-units per acre.

Program HD-8.1.5: Required the County to amend the Zoning Regulations to create a definition and development standards for a Regional Housing Need (RH) Overlay district that is to be attached to the rezoned sites in order to accommodate the new construction objectives under Programs HD-8.1.3 and HD-8.1.4. The overlay district was developed by County staff and adopted by the County Board of Supervisors on September 27, 2011.

The aforementioned Programs were reflective of the County's 2009-2014 Housing Element update and were genesis for the development of this EIR. The final program that dictates the requirements of this project however is the 2014-2019 Housing Element Update Program HD-8.1.1 which states the following:

Program HD-8.1.1: To accommodate the unmet housing need of 699 low and very-low income units identified in Program HD-8.1.4 of the 2009-2014 Nevada County Housing Element, the County will rezone at approximately 43.7-acres suitable and available for development in the planning period through either: 1) rezones within the cities' sphere of influence to a density of 20 units per acre (R3-20); or 2) rezone a sufficient amount of land outside of the cities' sphere of influence to a minimum density of 16 units per acre; or 3) a combination of rezoned land within and outside of the cities' sphere of influences at the identified densities may also be used to satisfy the unmet need of 699 units. The sites to be rezoned may include, but are not limited to, the candidate sites identified in Table B.1 (Appendix B). A minimum of 50 percent of the 699 units shall be accommodated on sites zoned exclusively for residential uses. Owner occupied and rental multi-family residential uses on these sites shall be allowed by right (without a conditional use permit, planned unit development plan or other discretionary action) as required by Government

[1] California Government Code, http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=65001-66000&file=65580-65589.8

Code 65583.2(h). The rezoned sites shall provide for a minimum of 16-units per site and require a minimum density of 16-units per acre.

As discussed above, the Draft EIR was not comprehensively amended to reflect the change in unmet need from 1,270-units to 699-units because the County desired to maintain the greatest amount of flexibility in the implementation of the project to ensure an adequate list of potential options could be developed for the County's decision makers. While the Draft EIR still analyzes the worst case scenario of full build out of all sites, the purpose of the project is to provide for a minimum of 699-units of high density residential zoning as well as some ability to go beyond that 699-units if the County's decision makers decide to do so.

3.3 PROJECT LOCATION

The 18 sites associated with the project are located in the western portion of Nevada County, approximately 50 miles northeast of Sacramento and about 50 miles west of Lake Tahoe (refer to Figure 3-1, *Regional Location Map*). This region of the western Sierra Nevada foothills separates the low-lying Sacramento Valley from the Sierra Nevada Mountains and is characterized by rolling forested hills incised by steep canyons. The sites are located within three general areas of unincorporated Nevada County, California. These areas are generally defined as the Grass Valley Sphere of Influence (Sites 1-9), Penn Valley (Sites 10-13), and the Lake of the Pines Areas (Sites 14-18); refer to Figure 3-2 through Figure 3-4 to identify where the individual sites are located. ~~Aerial photos of each site are included in Figures 3-5 through 3-14.~~ The sites are also identified by Assessor's Parcel Number in Table 3-~~1~~3, *Project Sites*, below.

Table 3-~~1~~3
Project Sites

Grass Valley SOI	Penn Valley Area	Lake of the Pines Area
Site 1: 07-380-17	Site 10: 51-120-06	Site 14: 57-141-29
Site 2: 29-350-12*	Site 11: 51-150-29	Site 15: 57-270-02
Site 3: 35-412-15	Site 12: 51-151-62	Site 16: 57-270-03
Site 4: 35-412-17	Site 13: 51-370-02	Site 17: 57-270-06
Site 5: 35-412-18		Site 18: 11-181-03
Site 6: 35-412-19		
Site 7: 35-412-21		
Site 8: 35-550-15 & ~~34~~35-412-20		
Site 9: 35-412-16		

*Site 2 was removed from consideration at the request of the property owner in November 2013

3.4 PROJECT SETTING

Planning Area Characteristics and Surrounding Land Uses

The 18 project sites proposed as part of the Housing Element Rezone Program Implementation comprise an area totaling approximately 149-acres, scattered throughout three general areas of unincorporated Nevada County; Grass Valley SOI, Penn Valley, and Lake of the Pines. The 18 sites are all irregularly

shaped areas with varying dimensions. The majority of the rezoning areas are undeveloped and surrounded by a variety of existing development including, single-family residential, rural residential, commercial agricultural, recreational, and utility uses. The natural features within the 18 pre-selected sites include a variety of distinct plant communities and several creeks. Specific site characteristics for each of the 18 sites, including notable plant communities and water features, are detailed below.

Grass Valley Sphere of Influence

Sites 1 through 9 are located within the Grass Valley SOI, dispersed along the southern and western boundaries of the City of Grass Valley. More details regarding the SOI can be found in Section 4.2, Land Use. The area identified as the Grass Valley SOI is an area within the unincorporated area of Nevada County but adjacent to the city limits of Grass Valley. The land uses transition from the typically higher residential densities and commercial and industrial intensities uses to more rural residential and commercial areas in the unincorporated area. The areas within the SOI have been identified in the City of Grass Valley General Plan as areas that have potential to be annexed into the City at some future time. As such, these areas within the sphere of influence are typically areas that have transitional land uses.

In the analysis discussion of this report, the City is listed as the implementing/monitoring agency for the mitigation measures that apply to Sites 1-9. In the event that these sites do not annex into the City and do not require City services, the implementing/monitoring agency shall automatically default to the County of Nevada. In the event that the mitigation measure requires improvements to a City facility, such as an intersection already within the City limits, the City of Grass Valley shall remain as the implementing and monitoring agency regardless of whether or not the site is eventually annexed into the City.

Site 1

Site 1, rectangular in shape and approximately 1.08 acres in size, is located in the southern portion of the Grass Valley SOI, on the southeast side of McCourtney Road between Cliffs Place and Genes Road. The site is generally undeveloped and gently slopes to the northwest, toward McCourtney Road, with no notable landforms, drainage features, or vegetation. This site has previously been cleared and is periodically used as a fee parking lot for events at the Nevada County Fairgrounds, which is located across McCourtney Road, northwest of the site. Site 1 is located in an area with other existing development, bounded by commercial buildings to the west and east and single family residences to the southeast. Beyond the single family residences is the northwest boundary of the North Star property, a site of historical hard rock gold mining and known environmental hazards.

Site 2

Site 2, approximately 11.36 acres, is located on La Barr Meadows Road south of the intersection with McKnight Way. Site 2 is undeveloped; however, past uses of Site 2 include hard rock gold mining. There is a single dirt access road entering the south end of the site from La Barr Meadows Road which passes eastwardly through the property. Site 2 contains vegetation consisting of areas of dense blackberry bushes, grasses, shrubs, and trees including gray pine and a few madrone. The site moderately slopes toward the southwest, with an ephemeral drainage swale located in the southern portion of the site.

Site 2 is bound by commercial and residential land uses on the northwest and south, La Barr Meadows Road and State Route 49 on the southwest, the Empire Mine State Historic Park on the north, and a portion of the approximately 45-acre La Barr Meadows property on the east, of which Site 2 comprises the western portion. The western property boundary is coterminous with the Grass Valley City limit. Site 2 was removed from consideration of rezoning at the request of the property owner in November 2013. It has been retained in the EIR for discussion purposes, but shall not be considered as a part of the final project action.

Sites 3 through 9

Sites 3 through 9 are located on Brunswick Road, north of Idaho Maryland Road and south of Bubbling Wells Road. Sites 3, 4, 5, 6, and 9 are on the west side of Brunswick Road and are accessed by Triple Crown Drive. The Nevada County Airport is located approximately one-half mile to the southeast. Due to the proximity to the airport, all seven of these sites are also located within the Nevada County Airport Influence Area. Sites 3, 4, 5, 6, and 9 are undeveloped contiguous parcels with an irregular shape. Sites 7 and 8 lies across Brunswick Road to the east and also has an irregular shape. These parcels are gently to moderately sloped.

Sites 3 through 6, and 9 are generally located on a forested hilltop location, forested with madrone, incense cedar, ponderosa pines, and associated chaparral typical of the area.
Site 3 contains a minor apparent rock outcrop in the eastern portion of the parcel and an abandoned small wood structure in the eastern, downslope portion of the site, near an abandoned irrigation ditch alignment. An unnamed tributary to Wolf Creek is traverses the southernmost area of this property.

Sites 3, 4, 5 and 9 are all under the same ownership. Sites 5 and 6 have direct access from Brunswick Road. The southern half of irregularly shaped Site 4 is dominated by a broad swale, sloping downward to the southwest; with the only evidence of significant surface water flow in the swale located in the lowermost portions of the site, near the southwestern property boundary.

Site 5 is an undeveloped property that is completely surrounded by other properties within the project area (Sites 3, 4, 6, and 9). The majority of this site and the surrounding sites are covered with forested vegetation. A knoll in the center of Site 5 is the top of the slope as it comes up from Brunswick Road and transitions down toward the developments off of Sutton Way in the City of Grass Valley.

Sites 4 and 6 are bound by undeveloped land to the southwest, west, and north. A portion of the western boundary of Site 4 and the western and northern borders of Site 6 are coterminous with the boundary of the Grass Valley city limits. Undeveloped land lies southeast of Site 3. Agricultural development is apparent south of Site 7 and single family residences are located to the north.

Site 7 is located to the east of Sites 3 through 6 and 9, on the east side of the Brunswick Road alignment. This forested site, with a rock outcrop in the western portion of the site. Site 7 is gently to moderately sloping to the southwest toward Brunswick Road. A previously graded, gently sloping bench crossing the site, descending from northwest to southeast is presumed to be attributable to the historical Nevada County Narrow Gauge Railroad alignment. The portion of the site contains an unnamed tributary to Wolf Creek.

Site 8 is located adjacent to the Site 7 to the north with access from Brunswick Road. Like Site 7, this site is a forested site the gently slopes from the northeast to the southwest. There are two existing structures on site, one residence and one outbuilding. A portion of the western property boundary is coterminous with the Grass Valley city limit line.

Site 9 is adjacent to Sites 3, 4, and 5 and contains one existing residence that takes access off of Brunswick Road from Triple Crown Drive through Site 5. Similar to Sites 3, 4, and 5 the majority of the site is covered with mature forested vegetation and slopes from north to south. Property to the south of Site 9 is generally flat and has been cleared for agricultural uses. The southern boundary is along the proposed alignment for the future extension of Dorsey Drive from Sutton Way east to Brunswick Road planned by the City of Grass Valley.

Penn Valley

Penn Valley, an unincorporated community, is located in the western portion of Nevada County, six miles west of the City of Grass Valley. Penn Valley has a "small town" feel with a population of approximately 1,621[2], but approximately 12,000 people considering Penn Valley home[3]. In recent years, Penn Valley has developed a new post office, fire station, performing arts pavilion, a small affordable sub-division, and a 42-unit affordable apartment complex.

Sites 10 and 11

Sites 10 and 11 are undeveloped contiguous parcels located in the Penn Valley Area south of State Route 20, on the north side of Penn Valley Drive, and east of the intersection with Broken Oak Court. Site 11 is approximately 3.1 acres, located west of and adjacent to a commercial development. The site is relatively flat, gently sloping to the northwest towards Site 9, and is vegetated primarily with grasses and a few oak trees. Site 10 is undeveloped and very gently slopes to the northeast toward Squirrel Creek and contains drainage courses meandering throughout the property. Site vegetation consisted of primarily grasses, localized blackberry bushes, and riparian zone plants near Squirrel Creek.

The northern section of Site 10 is transected by Squirrel Creek, and is bound by a riparian zone, the Creekside Village mobile home park wastewater percolation ponds, and Site 13. An existing driveway easement that provides access to Site 13 is located within this area. Mixed use commercial and residential properties surround the sites on the east, west, and south.

Site 12

Site 12, approximately 4.37 acres, is southwest of Sites 10 and 11 across Penn Valley Road on Broken Oak Court. This site is undeveloped and flat lying. Broken Oak Court by which the site is accessed is a paved road. Vegetation on this site consisted of grasses and a few large oak trees. A seasonal drainage swale is present on the north side of the site and appears to follow the property boundary from the east, then passes

[2] U.S. Census Bureau, 2010 U.S. Census.
[3] Penn Valley Area Chamber of Commerce, http://www.pennvalleycoc.org/html/penn_valley_today.html, accessed October 30, 2012

through the northwest portion of the site. This site is surrounded on all sides by single and multifamily residential development.

Site 13

Site 13, approximately 20.1 acres, is bordered by State Route 20 to the north, rural residential development to the east, Squirrel Creek to the south, and presently undeveloped land to the west. Site 13 is undeveloped, consists of gently rolling terrain with vegetation including grasses, shrubs, oak and pine trees. Two indistinct seasonal drainage swales transect the site from the State Route 20 boundary and flow is toward Squirrel Creek to the south. An existing, circular percolation pond is located adjacent to Site 13, near Squirrel Creek. The percolation pond functions as the primary component of the wastewater treatment and disposal system for the Creekside Village mobile home park, which is located south of Site 12, across Squirrel Creek. Access to Site 13 is currently provided by an easement through the Creekside Village mobile home park and a concrete stream crossing over Squirrel Creek. A driveway easement is also located through the northern portion of Site 10.

Lake of the Pines

Sites 14 through 18 are located out the outlying areas of the Lake of the Pines, an unincorporated and gated community, located approximately 20 miles south of Grass Valley and 12 miles north of Auburn, within the southern portion of Nevada County. Lake of the Pines development within the outlying areas consists of rural residential and commercial uses. Sites 13 through 16 are located to the northwest, while Site 18 is located to the south west of the Lake of the Pines Community.

Site 14

Site 14 is located northeast of the intersection of State Route 49 and Combie Road, on the south side of Cameo Drive. Site 14 is located in an area of other successful development, bound by State Route 49 on the west, rural residential development to the north and east, and the Higgins Fire Station to the south. Site 14 is an undeveloped parcel on moderately sloped terrain, containing two rock outcrops and vegetation consisting of grasses, shrubs, oak and pine trees.

Sites 15 and 16

Sites 15 and 16 are located southeast of the intersection of State Route 49 and Combie Road and Site 14. Access to these sites is from Woodridge Drive off of State Route 49. Site 15 and 16 are contiguous parcels, occupy moderately sloping terrain, and are vegetated with grasses, shrubs, oak and pine trees. Vegetation is dense on the westerly facing slopes. Site 15 is presently developed with a single family residence. Site 16 is largely undeveloped, except for a wastewater disposal field and associated groundwater monitoring well network and pump building. The wastewater disposal field services the commercial development on the corner of State Route 49 and Combie Road to the northwest. Power transmission lines transect the eastern portion of the property.

Site 17

Site 17 is densely vegetated and undeveloped on moderately sloping terrain with very dense vegetation. Ragsdale Creek runs along the north boundary of Site 17. Site 17 is bound by single family residential property on the south, Rosewood Road and undeveloped land to the east, undeveloped land to the west, and commercial development across Combie Road to the north.

Site 18

Site 18 is located southeast of Sites 15, 16, and 17 on the north side of Combie Road. The northern portion of Site 18 is adjacent to Hole 6 green of the adjacent Darkhorse Golf Course. Site 18 is bound on the north and east by the Darkhorse Golf Course, on the west and south by single family residential development and open space. Site 18 is generally an undeveloped parcel on moderately to steeply sloped terrain with a rock outcrop in the southern portion of the site centered on the topographic high and extending southwest along the ridge. Vegetation consists of grasses, shrubs, oak and pine trees. An ephemeral drainage transects the northwest portion of the property. As part of the Darkhorse development, the Site 18 property was designated for high density and affordable housing.

Infrastructure

Water

All of the proposed sites are located within the jurisdictional boundaries of the Nevada Irrigation District (NID). All of the project sites are located in areas where water service is currently available. Appropriate sized water mains would be extended onto the sites as required by the NID and County fire flow requirements to serve future development. NID requires payment of a capacity fee at the time of connection to their water system. Existing mains, storage facilities, and water treatment facilities would be sized to provide a more-than-sufficient flow of domestic water to the project. Some sites have existing water lines that are located in the adjacent streets with little to no improvements required. Other sites will be required to extend water lines to the sites prior to developing on the property. Water infrastructure is discussed in more detail in Section 4.13, Public Services and Utilities.

Storm Drainage

Storm drainage for the project sites would generally consist of collection and conveyance of surface runoff from impermeable areas. Drainage collection for future development would occur by a combination of curbs, valley drains, underground pipes and natural swales. All drainage systems would meet the prevailing storm detention requirements of the City of Grass Valley for sites within the Grass Valley SOI (Sites 1-9) and the remaining sites (Sites 10-18) would be subject to the requirements of the County. Detention facilities would be would incorporate features such as grassy swales, detention basins, infiltration areas, and overland discharges.

Sanitary Sewer

Grass Valley SOI - The sites within the Grass Valley SOI would be served by the City's existing wastewater treatment facility and collection system. The City requires a connection fee and payment of development

mitigation fee each time a building permit is issued.

Penn Valley Area - The sites located within the Penn Valley Area (Sites 10-13) would be served by the Wildwood Wastewater Treatment Plant.

Lake of the Pines Area – Wastewater from the sites in the Lake of the Pines Area (Sites 14-18) would be conveyed to and treated at the Lake of the Pines Wastewater Treatment Plant (LOP WWTP) located approximately 1.2 miles east and south of the project site off Combie Road.

Utilities

All new frontage utilities, including electrical, telephone and cable TV/data lines would be placed underground and within public utility easements or public rights-of-way. Future developments would install conduits for underground utilities and the utility company would pull the actual wiring through the conduits.

Project site will use existing natural gas lines in locations where natural gas facilities are currently available. Those areas where existing natural gas facilities are not available would be served by propane gas.

3.5 ~~PROJECT CHARACTERISTICS~~REGULATORY SETTING

~~SITE SELECTION~~

To demonstrate that the required housing needs could be met through the implementation of the Housing Element Programs, the County selected 18 properties as potential sites for development for high density housing units. As described above, under Project Background, a site analysis was conducted for each of the properties to determine if enough suitable land for the development of 1,270 affordable housing units could be achieved from the project sites.

~~SITE DEVELOPMENT~~

The proposed project does not include any site development or construction plans on the 18 sites evaluated in this EIR. Future development would occur on these sites as market conditions allow at the discretion of the individual property owners.

The theoretical or maximum yield of each site is used in the evaluation of this EIR as a conservative approach to evaluating the potential environmental impacts associated with future development on the properties. This is a conservative approach because assuming a maximum yield assumes the highest number possible of units would be built, and does not take into consideration any development constraints such as sensitive biological resources, cultural resources, ground slope, wetlands, or regulatory constraints such as existing easements, driveways, frontage improvements, or roadway or intersection improvements. The presence of any one of these constraints could limit the amount of development that is permitted on a given site. The maximum or theoretical yield is simply a calculation that multiplies the total area of a property by the allowable density. For example, a 10-acre site with a maximum density of 16 units per acre would have a maximum or theoretical yield of 160 units (10 acres x 16 dwelling units per acre = 160 units). It is anticipated that very few of the sites will be able to achieve their maximum yield. However, the maximum yield is assumed for purposes of this EIR to evaluate the greatest number of units possible to provide future development the opportunity to utilize the analysis in this environmental document for

future development applications. A summary of the unit count is provided in Table 3-4, *Theoretical Yield of Proposed Sites.*

Table 3-4
Theoretical Yield of Proposed Sites

Site	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	TOTAL
Parcel Area (Acres)[1]	1.08	11.36	9.15	11.35	4.5	9.7	9.9	10.43	6.49	5.95	3.1	4.37	20.1	5.0	5.0	18.12	2.36	11.03	**148.99**
Existing Building Density (du/acre)	4	4	6	6	6	6	1.5	1.5	6	4	4	6	1	4	15 units ~~total~~per acre		6	4	-
Existing Max Yield (Units)	4	45	54	68	27	58	6	6	38	23	12	26	~~20~~91	20	75~~15~~	272	14	44	**~~480~~883**
Proposed Building Density (du/acre)	20	20	20	20	20	20	20	20	20	16	16	16	16	16	16	16	16	16	-
Proposed Max Yield (Units)	22	227	183	227	90	194	198	208	129	95	49	69	322	80	80	289	37	176	**2,675**

[1] *Based on existing County of Nevada Assessor's Parcel data*

As discussed above, while the impact analysis and mitigation for this EIR is based on the "Theoretical Yield" to analyze the worst case scenario, the project densities are anticipated to be much less once based on the density assignment formula ("aggregate density") as outlined in LUDC Sec. L-II 2.7.11.B.3. For reference, Table 3.5 provides the identified final density for each of the rezone candidate sites.

Table 3-5
Identified Potential Density for the Proposed Sites (i.e. Aggregate Density)

Site	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	TOTAL
Parcel Area (Acres)[1]	1.08	11.36	9.15	11.35	4.5	9.7	9.9	10.43	6.49	5.95	3.1	4.37	20.1	5.0	5.0	18.12	2.36	11.03	**148.99**
Existing Building Density (du/acre)	4	4	6	6	6	6	1.5	1.5	6	4	4	6	1	4	15	15	6	4	-
Development Footprint (Acres)	0.98	7.64	7.39	11.35	4.48	9.45	4.26	3.32	4.85	4.00	2.29	2.82	11.60	2.63	4.40	11.81	1.11	6.81	**101.19**
Proposed Building Density (du/acre)	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	-
Proposed Density (Units)	16	122	118	181	71	151	68	53	77	64	36	46	185	42	70	188	17	108	**1,612**

[1] *Based on existing County of Nevada Assessor's Parcel data*

ESTABLISHMENT OF SITE DEVELOPMENT CRITERIA FOR REZONED SITES

As outlined in the "RH" Zoning Combining District Ordinance (Section L-II 2.7.11.C.3 of the Nevada County Land Use and Development Code), the project will result in the development of a Regional Housing Need Implementation Plan. This Plan will outline site specific development standards and any CEQA mitigation measures adopted for each site that must be adhered to in order for the site to develop consistent with the purpose of the rezone and to ensure that the development of the site does not result in a significant environmental impact.

However, the RH Combing District Ordinance requires that future development on these sites be allowed without additional discretionary permits required from the County. In other words, future development consistent with the RH Combining District is allowed "by right" under the design parameters established by the ordinance. With that requirement in mind, the County developed proposed building envelopes for each site, where future development could occur within these areas and still be consistent with County (and City of Grass Valley requirements for Sites 1-9 within the Grass Valley SOI) requirements for avoidance of environmentally sensitive areas (ESA), frontage improvements, and driveway improvements necessary develop the site. Resources with ESA designated areas are considered to be avoided because the intent of the ESA is preclude development within those areas. In some cases development may encroach within those areas, but only with the approval of a Management Plan that provides specific measures to minimize and mitigation potential impacts. The proposed building envelope for each site is shown in Figures 3~~-15-~~5 through Figure 3~~-24~~14, *Environmentally Sensitive Areas and Building Footprints*.

It is the intent of this document to satisfy the future CEQA requirements for development on Sites 1 through 18 that is consistent with these building envelopes.

The following is a description of the environmental constraints that influenced the building envelope design:

Site 1

Site 1 has no environmental constraints and development is assumed over the entire site. A 30-foot right-of-way (ROW) dedication was assumed along McCourtney Road for future road improvements.

Site 2

The development footprint for Site 2 covers most of the parcel. Some ESAs are located on the site for the protection of biological and cultural resources.

Site 3

The development footprint for Site 3 covers most of the parcel. An ESA for cultural and biological resources including wetlands with a 100-foot buffer is located on the southernmost portion of the site. A 30-foot ROW dedication along Brunswick Road was assumed for future road improvements.

Site 4

Site 4 has no environmental constraints and development is assumed over the entire site.

Site 5

Site 5 has no environmental constraints and development is assumed over the entire site.

Site 6

Site 6 has no environmental constraints and development is assumed over the entire site.

Site 7

Site 7 has a development footprint on approximately 43% of the site. The project site has two drainages onsite that have been placed with in ESA with 100 foot buffers. Additionally, there is a 30-foot ROW dedication along Brunswick Road was assumed for future road improvements. Because one of the drainages runs parallel to Brunswick Road, a crossing is necessary to obtain access to the site. A 50-foot driveway access from Brunswick Road is assumed for the site. The driveway width assumes 24 feet of improved roadway, a 3-foot shoulder on either side, and 10 feet of fire clearing area on either side.

Site 8

Site 8 has a development footprint that consists of approximately 30 percent of the site. Like Site 7 there is a drainage that runs parallel to Brunswick Road along the western portion of the site. There are also cultural resources onsite that constrain the area of development. Similar to Site 7, a driveway crossing through the ESA is necessary to access the developable area of the site. A 50-foot driveway access from Brunswick Road is assumed for the site. The driveway width assumes 24 feet of improved roadway, a 3-foot shoulder on either side, and 10 feet of fire clearing area on either side. The proposed driveway location is planned to align with the future driveway for Site 5 across the street.

Site 9

Site 9 has few development constraints with the exception of an ESA for cultural and biological resources including wetlands with a 100-foot buffer located on the southernmost portion of the site.

Site 10

Most of Site 10 has been designated for development. An ESA was placed on the northern end of the site for protection of wetland and riparian habitat associated with Squirrel Creek. The ESA includes a 100-foot buffer. The development area includes a portion of the site that is mapped wetland. Although this area would be evaluated for wetland impacts, most of the wetland area is created by a stormwater outfall from Penn Valley Road that discharges water at the site. Since development of this site would require the surface water runoff to be conveyed to a proper drainage area, the wetland area would likely cease to exist. A 30-foot ROW dedication was assumed for the project frontage along Penn Valley Road.

Site 11

The entire property was assumed to be developed. Similar to Site 10, an area identified as wetland has been assumed to be developed, because once the storm drain ceases to discharge water onto the project site, the wetlands in these areas will no longer exist.

Site 12

Most of site 12 was assumed to be developed. Similar to sites 10 and 11, a portion of the site has been mapped as a wetland as a result of stormwater flowing onto the site. The stormwater would be addressed as part of the project improvements and water would no collect within the development area; however, a portion of the wetland area was preserved within an ESA where water from other offsite sources could collect.

Site 13

Site 13 is constrained with two main drainages with riparian habitat that cross the site. ESAs have been designated over these areas for the protection of biological resources as well as to avoid development within the 100-year floodplain. The orientation of the drainages onsite results in three separate development areas. Two wetland crossings were assumed for this site to connect the development areas. There are no public road access points to the property, and as such, access is assumed to be off of SR-20. It is assumed the access to the site will be across from the Cattle Drive intersection directly across SR 20 from the project site.

Site 14

Site 14 does not have any ESA designations onsite, but it is almost entirely covered in Blue Oak woodland. Additionally, the project is on a hillside and is visible to northbound traffic on SR 49. Given the sensitive status of Blue Oak woodlands within the County, the development footprint was limited to approximately the eastern half of the site.~~one acre on this site. Also, the small development area would limit the visibility of the proposed development and any manufactured slopes from SR 49.~~ Access to the site would be off of Cameo Drive or from the south if an access easement could be obtained from the Higgins Fire Protection District to the south. The development footprint was designed to allow development at the southern portion of the site. The topography in this portion of the site lower is flatter compared to the northern portion of the site closer to Cameo Drive. The western portion of the site is shown as undeveloped to preserve existing Blue Oak woodland and to minimize views of the development from SR-49.

Site 15

All of Site 15 is assumed to be within the development footprint. Access to Site 15 is off of Woodside Road. Because this site represents a transitional area between the commercial uses around the existing Higgins Corner area and the approved Higgins Marketplace and the surrounding residential uses, site constraints were evaluated to determine how setbacks and other regulatory constraints would affect the aggregate or net density of the site. The setback areas were identified (30-feet from interior yard and rear yards, 20-feet from front yard) to minimize the overall development footprint on the sites. The areas are shown in Figure 3-12. The easement and setback areas were subtracted from the development footprint area. The developable area of Site 15 would change from 5 acres to 4.4 acres a difference of 0.6 acres. The aggregate density for Site 15 would become 70 units, which is 5 fewer units than the maximum density under the existing zoning and 10 fewer units than the theoretical maximum shown in Table 3-4. It should be noted that this calculation does not take into account requirements for driveways, parking, water detention basins, etc., that could further reduce the number of units constructed.

Site 16

All of Site 16 is assumed to be within the development footprint. Access to Site 16 is off of Woodside Road. Similar to Site 15, Site 16 is also transitional land use between the commercial uses around the existing Higgins Corner area and the approved Higgins Marketplace and the surrounding residential uses. The easement and setback areas have been subtracted from the development footprint area. The setback areas (30-feet from interior yard and rear yards, 20-feet from front yard) are shown in Figure 3-12. The

existing power line easement has been delineated from the aerial photo and removed as developable area with regards to the density calculation. Figure 3-12 also shows a portion of Site 16 east of the power line easement and the eastern property line as a non-development area. Due to the restrictions of the power line easement and the setbacks, a triangular shaped area with a mature woodland, and no offsite access is all that remains in this portion of the site. Given these physical constraints it is assumed this area would not be developed. The developable area of Site 16 would change from 18.12 acres to 11.81 acres; a difference of 6.96 acres. The aggregate density for Site 16 would become 188 units, which is 82 fewer units than the maximum density under the existing zoning and 101 units fewer than the maximum density proposed in Table 3-4. It should be noted that this calculation does not take into account requirements for driveways, parking, water detention basins, etc., that could further reduce the number of units constructed.

Site 17

Site 17 has wetland and riparian habitat associated with Ragsdale Creek that is within an ESA on the northern portion of the property. The ESA includes a 100 foot buffer for the wetland area. The impact area assumes a 30-foot roadway dedication along Combie Road for future roadway improvements.

Site 18

All of Site 18 is proposed for development. Access will be off of Combie Road and a 30-foot ROW dedication was assumed for future road improvements.

Annexation

The candidate sites within the Grass Valley SOI are anticipated to require annexation into the City of Grass Valley prior to developing those sites in accordance with increased density associated with the Regional Housing (RH) Combining District. Annexation is anticipated due to the need for these sites to be served by City services primarily sewage disposal. Accordingly, the Nevada County LAFCO would be a responsible agency. In addition to annexing these properties into to the City, LAFCO would also need to detach the area from the Nevada County Consolidated Fire District service area and add the area to the City Fire Department's service area.

3.6 INTENDED USE OF EIR

This EIR serves as the primary environmental document for the proposed land use designations and future development that would be undertaken in the Regional Housing Combining District. Development proposals will require Design Review consistent with LUDC Sec. L-II 2.7.11.C.5, and Subdivision Approvals if units are intended for individual ownership. However, development would not require additional discretionary review and would therefore not necessitate further environmental documentation.

This EIR is intended to cover all state and local government discretionary approvals that have been requested and those that may be required, to construct or implement the proposed project, whether or not they are explicitly listed below. The County is the lead agency for the project and has the principal discretionary authority over the review of project applications and consideration of project approvals. LAFCO is a responsible agency and has authority over the approval of the requested annexation.

This EIR covers the following project approvals:

- Rezone (Z12-002)

- General Plan Map Amendment(GP12-002)
- Certification of the EIR (EIR12-002)

In addition to the project applications listed above, future approvals requiring discretionary action, include the following:

- Subdivision Approvals - if units are intended for individual ownership
- Design Review consistent with LUDC Sec. L-II 2.7.11.C.5

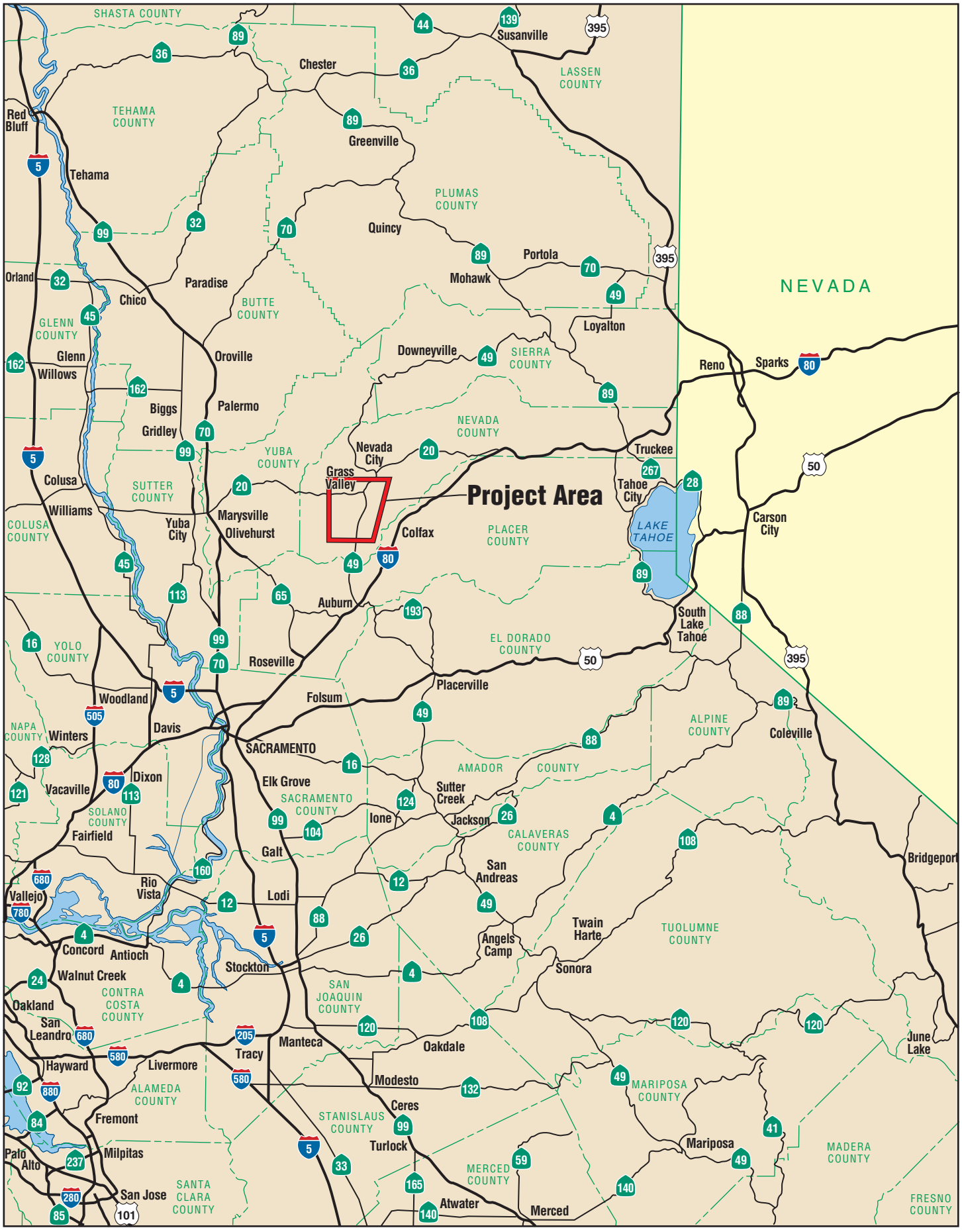
Future development projects also would require a number of ministerial approvals and actions, including:

- Demolition Permits
- Encroachment Permits
- Site Development Permits
- Infrastructure Construction Permits
- Grading Permits
- Improvement Plan Approvals
- Building Permits
- Occupancy Permits
- Utility Relocation

This EIR is also available for use by responsible and trustee agencies or other agencies that may have jurisdiction, approval authority or environmental review and consultation requirements for the project. These agencies may include:

- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- California Department of Fish and Game (Streambed Alteration Agreement)
- California Department of Transportation (encroachment permit)
- California Office of Historic Preservation
- California Department of Toxic Substances Control
- California Regional Water Quality Control Board
- Nevada County Airport Land Use Commission
- Nevada County Local Agency Formation Commission (LAFCO) (annexation approval)
- Nevada County Transportation Commission
- Nevada County (encroachment and other permits)
- Nevada County Resource Conservation District
- Sierra Economic Development District

- Nevada Irrigation District
- Nevada County Sanitary District
- Northern Sierra Air Quality Management District



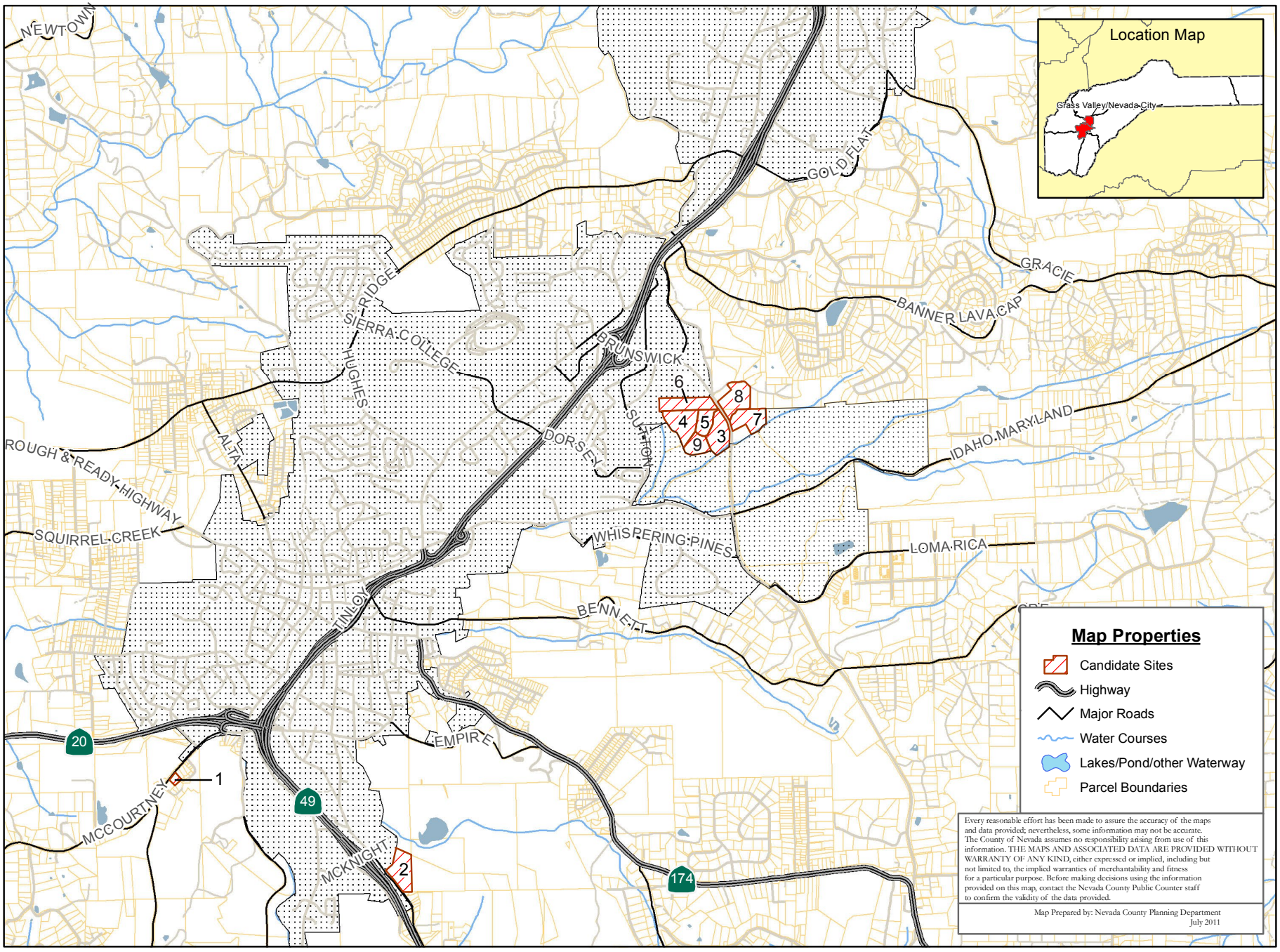
0 10 15 22 miles

1/18/13 JN 131242-18945

COUNTY OF NEVADA
2009-2014 HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION EIR

Regional Vicinity

FIGURE 3-1



Source: Nevada County GIS 2012; ESRI 2012.

RBF CONSULTING A Baker Company

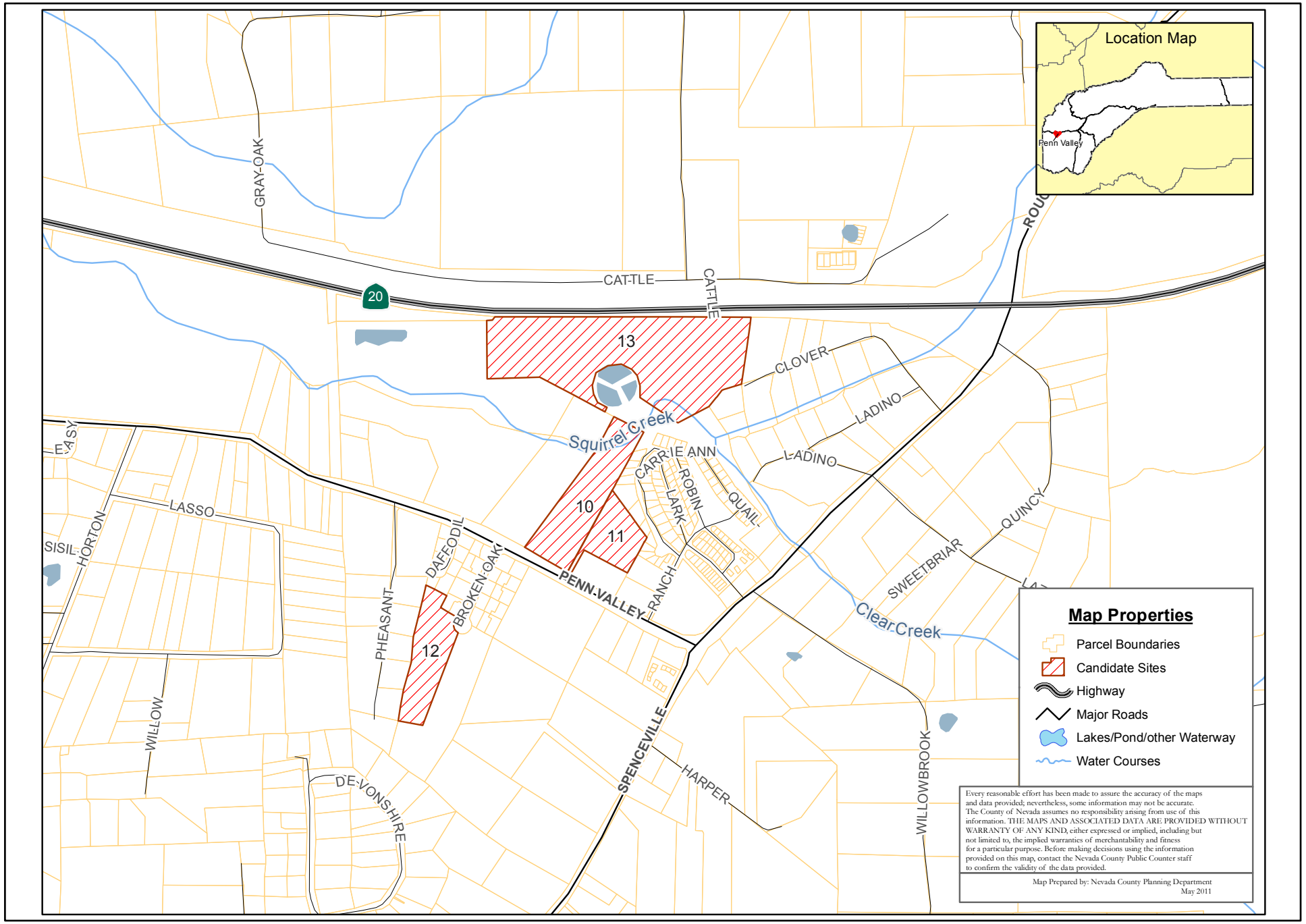
4/19/13 JN 131242-18945 MAS

COUNTY OF NEVADA

2009-2014 HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION EIR

Grass Valley Area Sites

FIGURE 3-2



Source: Nevada County GIS 2012; ESRI 2012.

RBF CONSULTING
A Baker Company

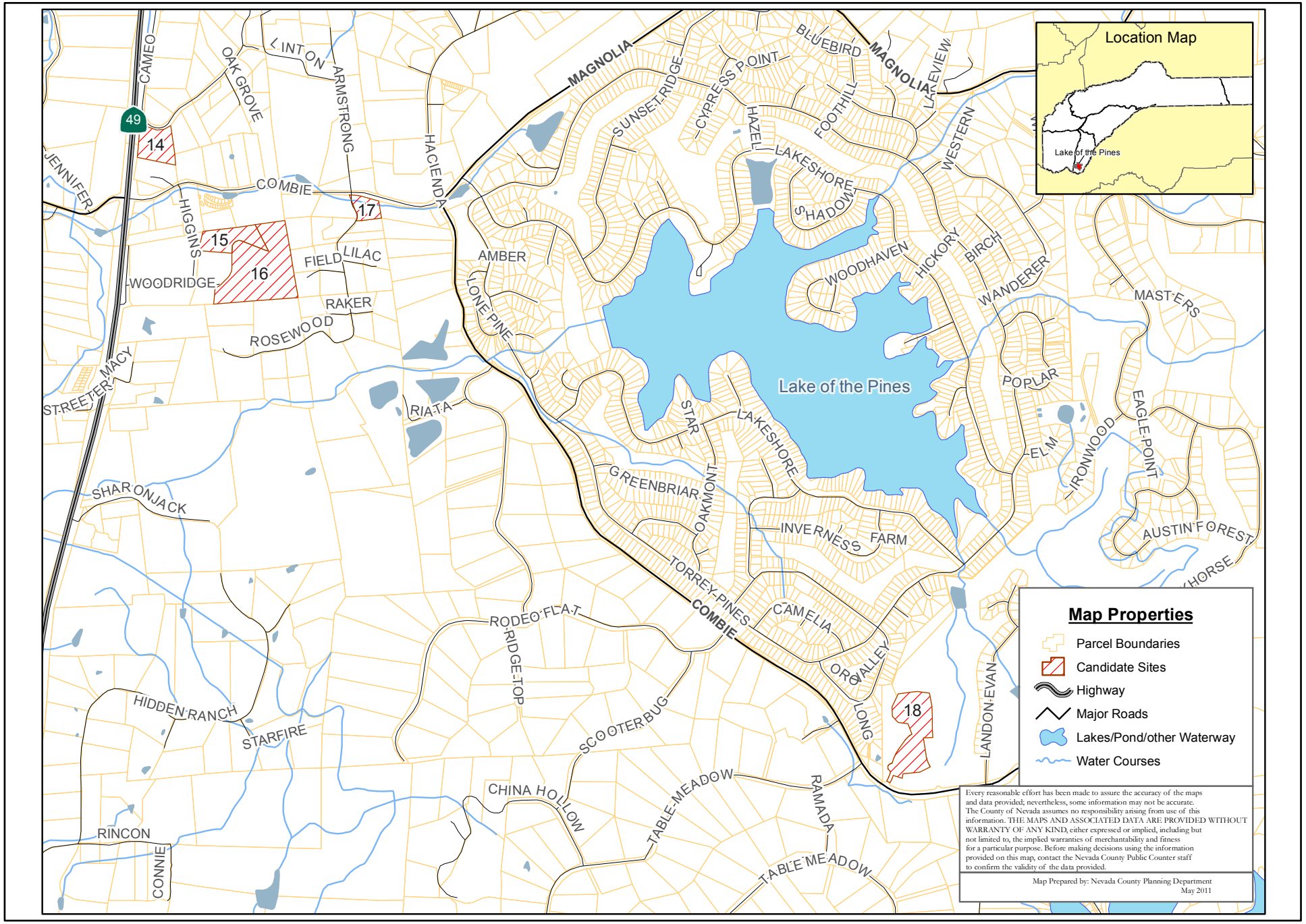
0 500 1,000'

1/18/13 JN 131242-18945

COUNTY OF NEVADA
2009-2014 HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION EIR

Penn Valley Area Sites

FIGURE 3-3



Source: Nevada County GIS 2012; ESRI 2012.

RBF CONSULTING
A Baker Company

0 1,000 2,000'

1/18/13 JN 131242-18945

COUNTY OF NEVADA
2009-2014 HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION EIR

Lake of the Pines Area Sites

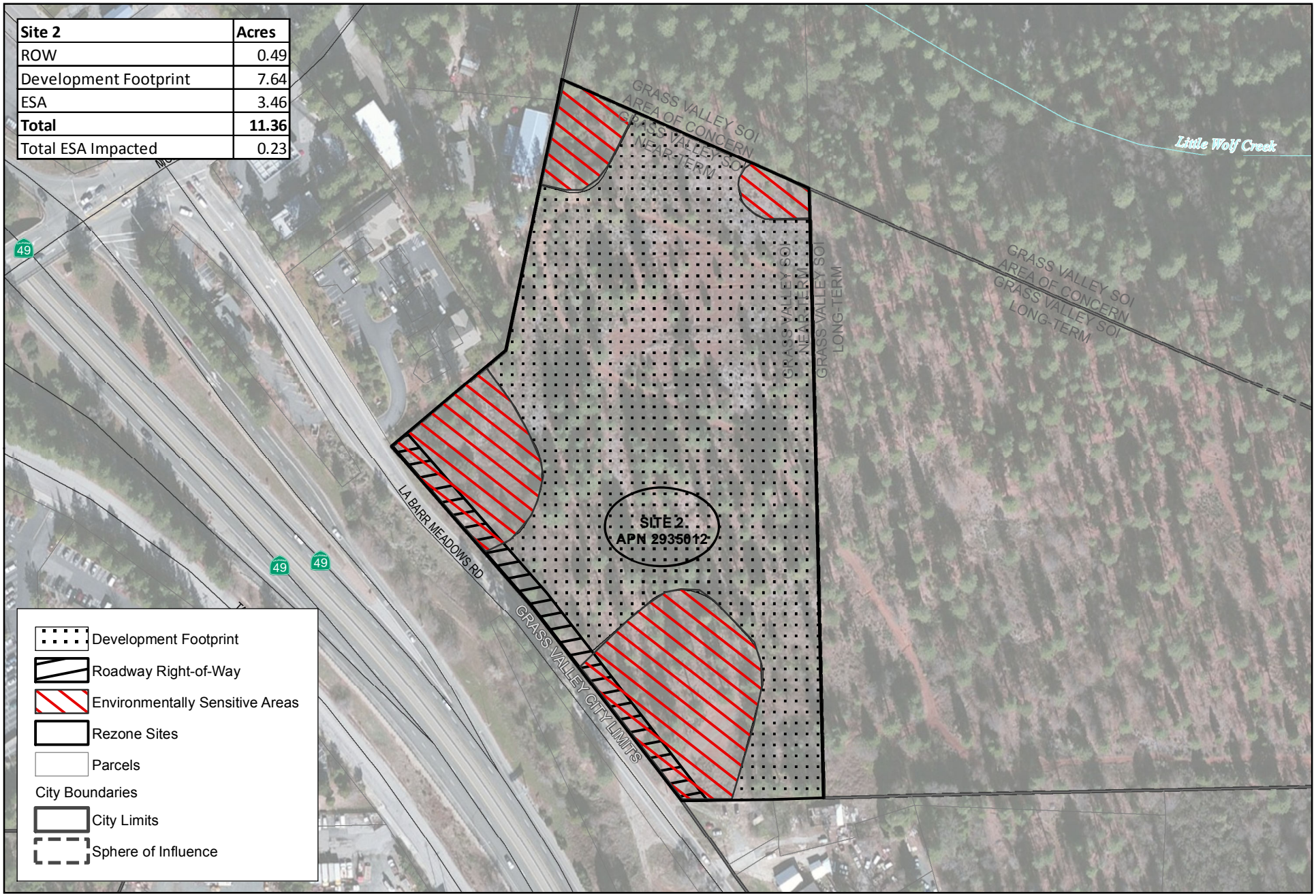
FIGURE 3-4



COUNTY OF NEVADA
2009-2014 HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION EIR

Site 1 - Environmentally Sensitive Areas and Building Footprints

Figure 3-5



0 75 150 300 Feet

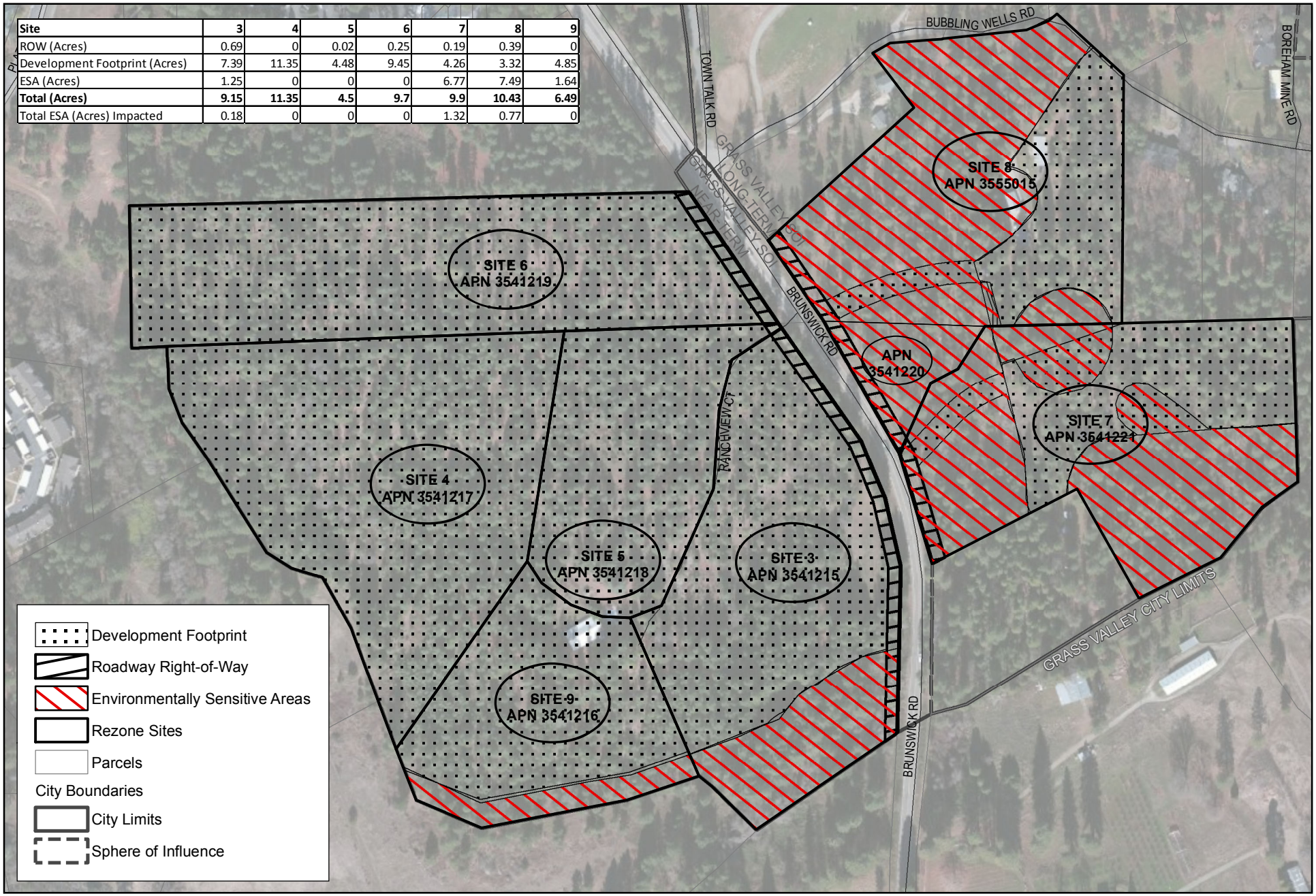
Source: Nevada County GIS 2013; ESRI 2013.

COUNTY OF NEVADA
2009-2014 HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION EIR

Site 2 - Environmentally Sensitive Areas and Building Footprints

Figure 3-6

Site	3	4	5	6	7	8	9
ROW (Acres)	0.69	0	0.02	0.25	0.19	0.39	0
Development Footprint (Acres)	7.39	11.35	4.48	9.45	4.26	3.32	4.85
ESA (Acres)	1.25	0	0	0	6.77	7.49	1.64
Total (Acres)	**9.15**	**11.35**	**4.5**	**9.7**	**9.9**	**10.43**	**6.49**
Total ESA (Acres) Impacted	0.18	0	0	0	1.32	0.77	0



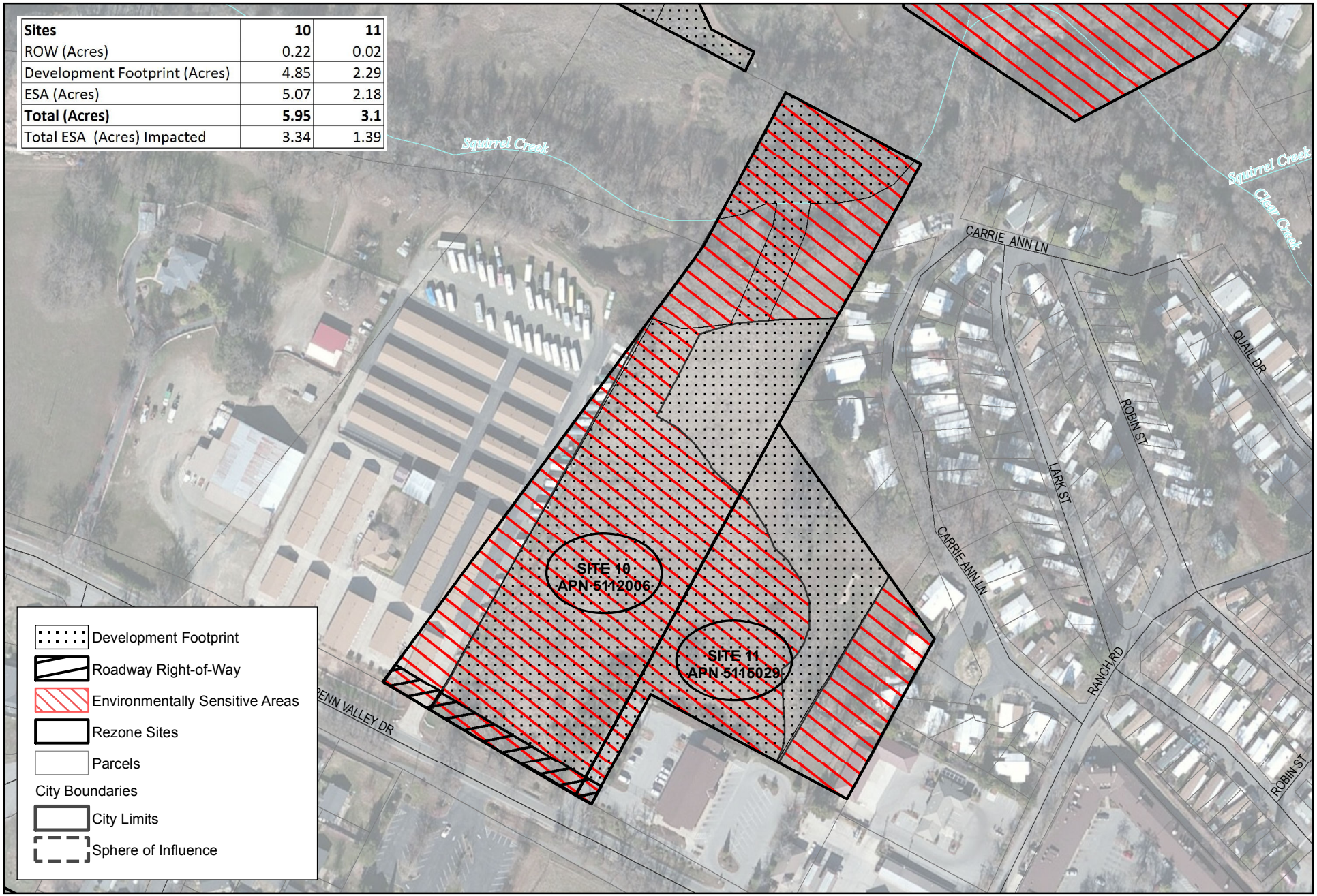
0 100 200 400 Feet

Source: Nevada County GIS 2013; ESRI 2013.

COUNTY OF NEVADA
2009-2014 HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION EIR

Sites 3-9 - Environmentally Sensitive Areas and Building Footprints

Figure 3-7



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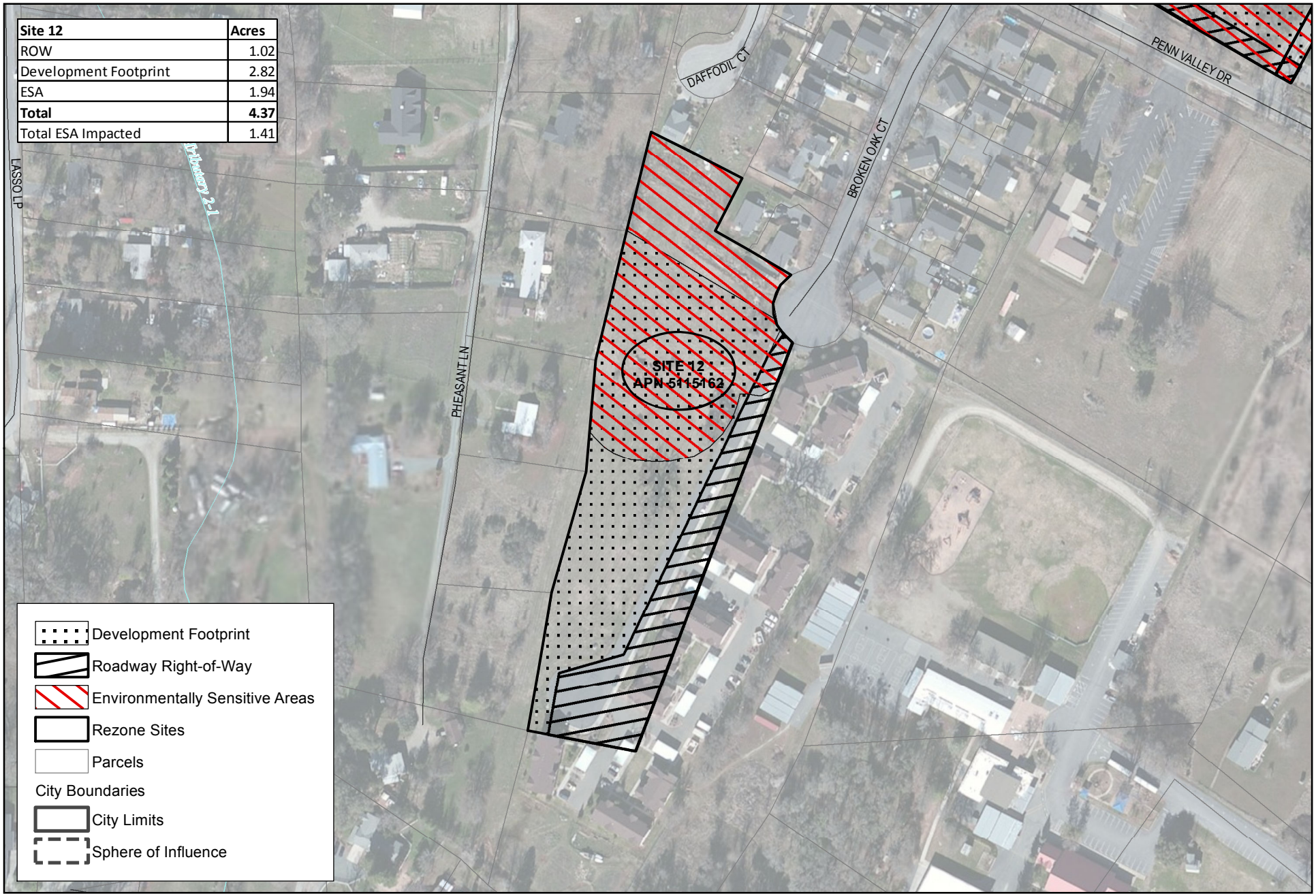
0 100 200 Feet

Source: Nevada County GIS 2013; ESRI 2013.

COUNTY OF NEVADA
2009-2014 HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION EIR

SITE 10 & 11 - Environmentally Sensitive Areas and Building Footprints

Figure 3-8



RBF A Baker Company

0 55 110 220 Feet

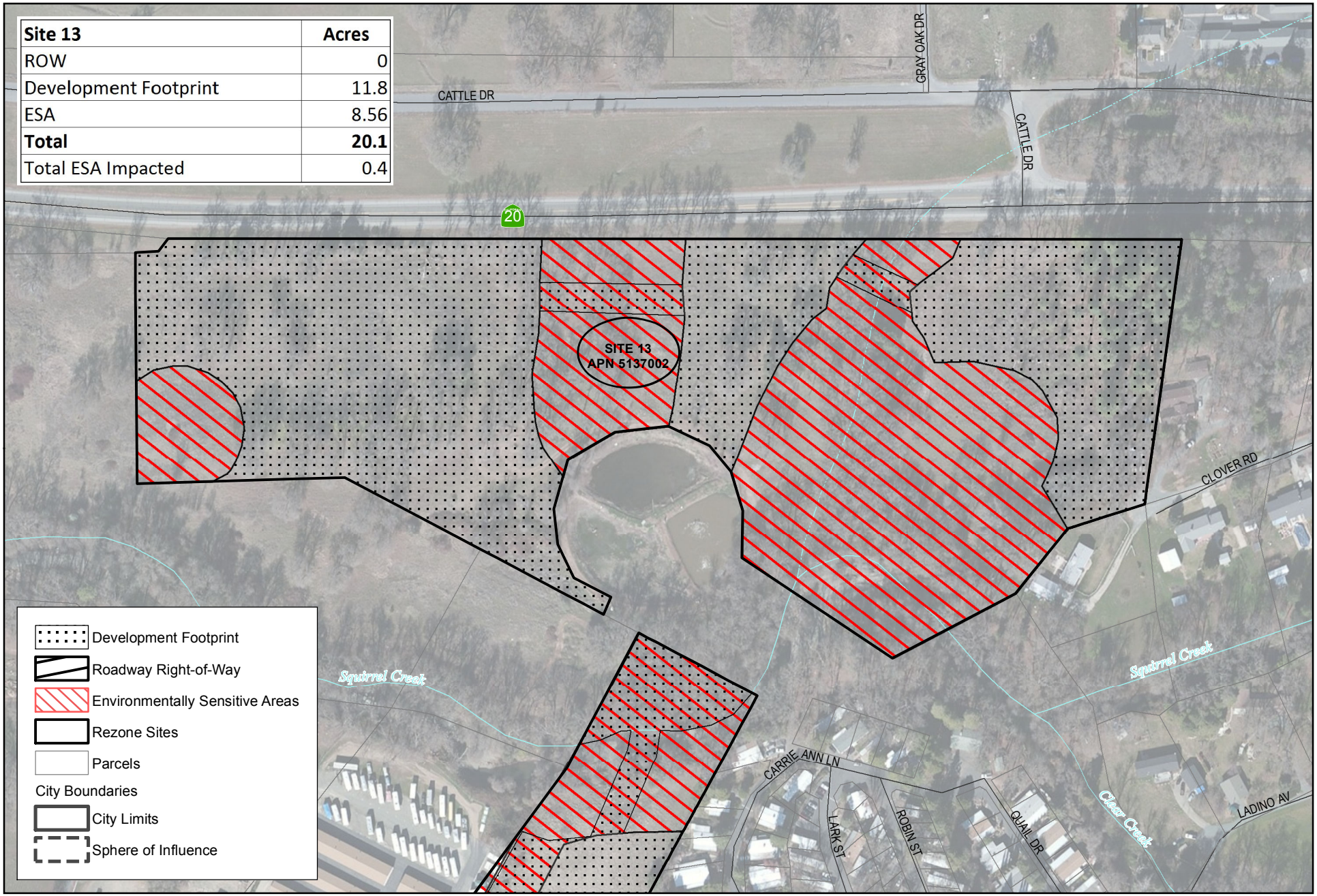
Source: Nevada County GIS 2013; ESRI 2013.

COUNTY OF NEVADA
2009-2014 HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION EIR

Site 12 - Environmentally Sensitive Areas and Building Footprints

Figure 3-9

Site 13	Acres
ROW	0
Development Footprint	11.8
ESA	8.56
Total	**20.1**
Total ESA Impacted	0.4



RBF A Baker Company

0 100 200 Feet

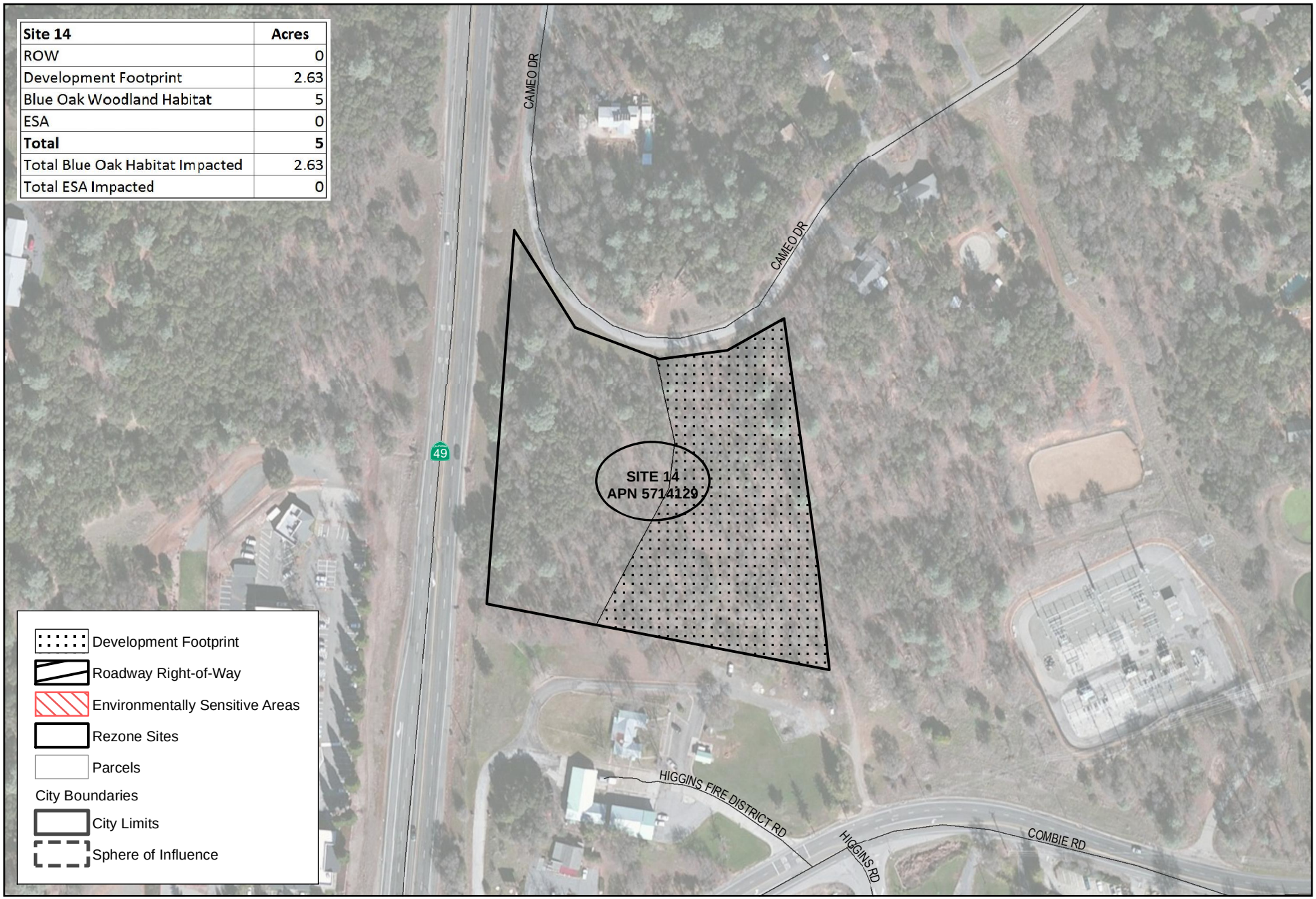
Source: Nevada County GIS 2013; ESRI 2013.

COUNTY OF NEVADA
2009-2014 HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION EIR

SITE 13 - Environmentally Sensitive Areas and Building Footprints

Figure 3-10

Site 14	Acres
ROW	0
Development Footprint	2.63
Blue Oak Woodland Habitat	5
ESA	0
Total	**5**
Total Blue Oak Habitat Impacted	2.63
Total ESA Impacted	0



RBF A Baker Company

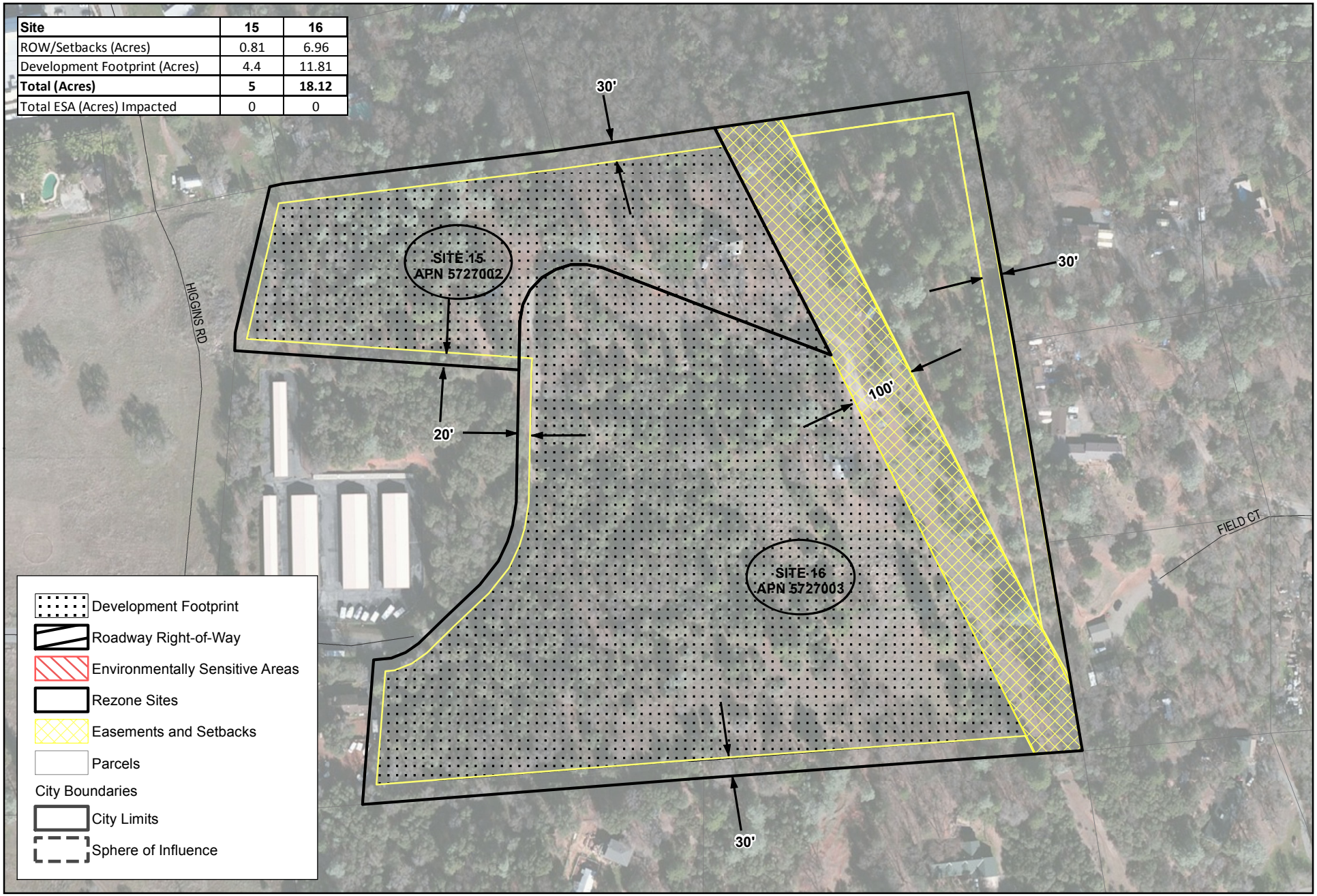
0 70 140 280 Feet

Source: Nevada County GIS 2013; ESRI 2013.

COUNTY OF NEVADA
2009-2014 HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION EIR

SITE 14 - Environmentally Sensitive Areas and Building Footprints

Figure 3-11



RBF A Baker Company

0 100 200 Feet

Source: Nevada County GIS 2013; ESRI 2013.

COUNTY OF NEVADA
2009-2014 HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION EIR

SITE 15 & 16 - Environmentally Sensitive Areas and Building Footprints

Figure 3-12



COUNTY OF NEVADA
2009-2014 HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION EIR

Site 17 - Environmentally Sensitive Areas and Building Footprints

Figure 3-13



Source: Nevada County GIS 2013; ESRI 2013.

COUNTY OF NEVADA
2009-2014 HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION EIR

Site 18 - Environmentally Sensitive Areas and Building Footprints

Figure 3-14

Section 4: Existing Conditions, Environmental Impacts, and Mitigation Measures

Section 4.2, page 4.2-2

Site 14

Currently, the site is undeveloped and is of moderate slope. This site contains a mature blue oak woodland which covers an estimated 80 percent of the site. The remainder of the site is covered with mixed interior live oak and blue oak. Most of the existing development immediately adjacent to the parcel to the north is single family residential development. To the west is SR 49. To the east is an electrical substation and some other utility infrastructure. Immediately adjacent to the site to the south is the Higgins Fire Protection District fire station. Further ~~S~~south of the site across Combie Road are some commercial businesses that include some professional office uses and retail commercial area, including a commercial shopping center (Higgins Village) with a drugstore anchor tenant.

This change was made in Response to Comment 17-L.

Section 4.2, Page 4.2-13

Policy 1.38: Within the City/Town spheres, the Nevada County General Plan Land Use Maps will generally reflect the City's/Town's General Plan land use mapping. In some instances, the County may provide for a less intensive land use due to infrastructure capability, environmental constraints or effect on land use and development patterns outside the city's sphere. However, the County's Plan will not preclude implementation of the City's/Town's Plan by providing for a significantly more intensive land use than the City's/Town's Plan.	**Consistent.** Sites 1-9 are located within the Grass Valley Sphere of Influence. Although the proposed project would change the General Plan designation of several sites within the Grass Valley SOI from Urban Medium Density to Urban High Density, ~~or~~ except in the case of Site~~s~~ 1 ~~and 2 from~~ the Office ~~Park~~ Professional designation would remain.~~to Urban High Density~~, ~~the~~ The majority of the sites are already planned for residential uses, although the density would be increased. Additionally, the project sites were chosen based on their proximity to existing infrastructure and similar type of development. Sites 3-9 are surrounded on three sides by the incorporated areas of the City of Grass Valley with similar existing and planned development densities and intensities. As such, the proposed RH Combining District is not precluding implementation of the City's General Plan by providing a significantly more intensive use.

This change was made in Response to Comment 6-F.

Section 4.4, Page 4.4-40, and 4.4-52

Changes were made to Tables 4.4-4 and 4.4-5 due to revisions on the development footprint of Sites 10, 13, and 14.

Section 4.3, Page 4.3-13

Currently, views to onsite natural features are afforded from nearby roadways and surrounding uses. Additionally, sites within the "SC" Scenic Corridor Combining District (Sites 14 through 17) will have the potential to impact scenic vistas which are adjacent to highway and roads that have been identified as having high scenic quality and require protection for the benefit of residents and visitors.

Table 4.4-4
Potential Impacts to Plant Communities within the Project Rezone Sites

Site	Annual Grassland (Acres)	Valley Oak Woodland (Acres)	Blue Oak Woodland (Acres)	Montane Hardwood (Acres)	Sierran Mixed Conifer (Acres)	Foothill Riparian (Acres)	Mixed Chaparral (Acres)	Blue Oak-Foothill Pine (Acres)
1	-	-	-	-	-	-	-	-
2	-	-	-	5.78	8.11	-	-	-
3	-	-	-	.03	8.01	0.07	-	-
4	-	-	-	-	11.48	-	-	-
5	-	-	-	-	5.62	-	-	-
6	-	-	-	-	10.06	-	-	-
7	-	-	-	-	4.33	0.13	-	-
8	-	-	-	-	3.57	0.15	-	-
9	-		-	-	4.85	-	-	-
10	~~4.18~~4.43	-	-	-	-	-0.60	-	-
11	2.31	-	-	-	-	-	-	-
12	2.82	-	-	-	-	-	-	-
13	~~7.33~~7.53	2.97	-	-	1.29	-	-	-
14	-	-	~~1.27~~2.63	-	-	-	-	-
15	-	-	-	3.86	-	-	-	-
16	-	-	-	5.25	-	-	1.68	11.93
17	-	-	-	1.00	-	0.39	-	-
18	-	-	-	4.82	3.80	-	-	-
Total	**~~16.64~~17.09**	**2.97**	**~~1.27~~2.63**	**14.93**	**61.12**	**~~0.74~~1.34**	**1.68**	**11.93**

Table 4.4-5
Oak Woodland Habitat Impacts

Site	Habitat Woodland Type	Total Acres of Oak Woodland	Acres of Impact
13	Valley Oak Woodland	6.52	2.97
14	Blue Oak Woodland	5.13	~~1.27~~2.63
15	Montane Hardwood	3.86	3.86
16	Blue Oak-Foothill Pine	11.93	11.93
	Montane Hardwood	5.25	5.25
17	Montane Hardwood	1.0	4.3
18	Montane Hardwood	4.82	4.82
TOTAL		**38.51**	**~~31.06~~35.76**

Section 4.5, Page 4.5-15

The following mitigation measures apply to all sites.

4.5-1a Prior to the issuance of grading permits, all construction contracts shall include dust control mitigation requirements. All ~~construction contracts~~improvement plans shall require the following:

Section 4.5, Page 4.5 - 20

The following mitigation measures apply to all sites.

4.5-2a Prior to the approval of any site plans, the Planning Director or City of Grass Valley Planning Director for Sites 1-9, shall confirm that all project plans incorporate the suggested mitigation measures for mobile source emissions identified in the NSAQMD *Draft Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects* (Draft Guidelines). These measures include the following:

- Streets shall be designed to maximize pedestrian access to transit stops.
- Provide for on-site road and off-site bus turnouts, passenger benches, and shelters as demand and service routes warrant subject to review and approval by local transportation planning agencies.
- Larger projects may be required to contribute a proportionate share to the development and/or continuation of a regional transit system. Contributions may consist of dedicated right-of-way, capital improvements, easements, etc.
- Provide for pedestrian access between bus service and major transportation points within the project, ~~and between separate sections of the project,~~ where feasible.
- Contribute to traffic-flow improvements (i.e., right-of-way, capital improvements, etc.) that reduce emissions and are not considered as substantially growth inducing.
- Larger projects may be required to provide for, contribute to, or dedicate land for the provision of off-site bicycle trails linking the project to designated bicycle commuting routes in accordance with an adopted citywide or countrywide bikeway plan.

Section 4.6, Page 4.6-15

Although implementation of General Plan policies would reduce project-related GHG emissions, GHG reductions as a result of these policies have not been quantified. Currently, there are no specific development proposals associated with the proposed Housing Element Rezone. Therefore, the degree and extent of future project compliance with the General Plan policies and implementation measures is not yet known and the project details necessary to calculate emission reductions are not available at this time. Future development associated with implementation of the Housing Element Rezone would need to be analyzed on a project-by-project basis to determine the extent of each project's potential contribution to global climate change and appropriate mitigation measures specific to each project. Thus, at this stage of analysis, GHG impacts associated with implementation of the Housing Element Rezone would be significant and unavoidable.

However, future development of the project sites will be required to meet CALGreen Building Code Tier 1 standards (Title 24, Part 11) at the time of building permit issuance to ensure the new development meets

state energy efficiency requirements. Mitigation Measure 4.6-1 requires that future project developers demonstrate compliance with CALGreen Building Code Tier 1 standards (Title 24, Part 11) .

General Plan Goals and Policies: Refer to General Plan Goals RD-4.1 through RD-4.4, EP-4.3, EP-4.4, and EC-8.2, and Policies RD-4.3.4, 14.2, 14.4, and 14.7.

Mitigation Measures: ~~No additional mitigation has been identified.~~

The following mitigation measure shall apply to all sites.

4.6-1 Prior to the issuance of a building permit for a development within the RH Combining District, the project developer shall to the satisfaction of the Director of the County Planning Department (or City of Grass Valley Planning Department of Sites 1-9):

Demonstrate that the proposed development has satisfied CALGreen Building Code Tier 1 standards (Title 24, Part 11). The CALGreen standards for residential development are located in Appendix A4 of the Green Building Standards and are intended to provide developers with specific options to construct energy efficient buildings. The more energy efficient the building design and construction, the fewer greenhouse gas emissions from the building over its lifetime. These standards include specific requirements in order to demonstrate that the project has an energy budget no greater than 85 percent of what is allowed by Title 24, Part 6 energy budget. The budget is calculated based on Compliance Software designed by Energy Commission. Appendix A4 of the CALGreen Building Code includes a range of voluntary measures that the developer may select in order to meet reduce the overall energy budget of the development. Such measures include water efficient appliances for indoor water use (Section A4.303), efficient irrigation systems for outdoor water use (Section A4.304), using material sources that are made of recycled content or from rapidly renewable sources (Section A4.405), and energy efficient heating and cooling systems Section A4.207). Implementation of the measures would reduce greenhouse gas emissions from the project.

Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.

Level of Significance After Mitigation: Significant and Unavoidable Impact

This change was made in response to Comment 6-C.

Section 4.10, page 4.10-20

Mitigation Measures 4.10-1b

Prior to approval of a Site Plan, grading plan, or any permit authorizing construction for a property within the RH Combining District, the project developer shall to the satisfaction of the Director of the County Planning Department (or City of Grass Valley Planning Department and Public Works Department for Sites 1-9) prepare a Water Quality Management Plan that implements the following items:

This change was made in response to Comment 6-M.

Section 4.13, page 4.13-7

The Fire Department has a current ISO rating of Class ~~4~~3. The Fire Department was last rated in ~~2003~~ 2013 and generally is re-rated every 10 years.

This change was made in response to Comment 6-G.

Section 4.13, page 4.13-8

The City provides wastewater collection, treatment and disposal service to all properties within the City limits. ~~and to the Glenbrook Sanitation District, which is outside the City limits.~~

This change was made in response to Comment 6-H.

Section 4.13, page 4.13-8

As with the entire County, water is supplied to portions of the City by the NID, an independent California special district that supplies irrigation, municipal, domestic and industrial water. The City provides water services to the remaining portions of the City not served by NID. Site 1 would be served by the City.

This change was made in Response to Comment 6-I

Section 4.13, page 16

The following mitigation measures apply to all sites:

4.13-1a Prior to Building Permit issuance, the project developer shall provide written documentation from the Fire Department ensuring adequate fire service response times to the project site. The formation of an assessment district may be established to provide adequate public safety services.

4.13-1b Construction Plan applications (or as part of the annexation request for Sites 1-9) submitted for all sites shall include a vegetation fuel management plan, which addresses overall fuels management for achieving a reduction in wildland fire intensity, subject to review and approval of the Fire Department. The plan shall also address management of the vegetative fuels in those areas that may be considered environmentally sensitive.

4.13-1c Prior to Building Permit issuance, the project developer shall provide written documentation from the Police or Sheriff services ensuring adequate police response times. The formation of an assessment district may be established to provide adequate public safety services.

This change was made in response to Comment 6-J

Section 4.13, page 4.13-17

The proposed project sites would be served by the Penn Valley WWTP (Sites 10 through 13), and Lake of the Pines WWTP (Sites 14 through 18) in the County. However, as previously noted the Penn Valley WWTP is currently operating under a Cease and Desist Order (CDO) from the CVRWQCB. ~~and pending~~ The County has received an approximately $5 M State Revolving Fund loan and an approximately $1.3M Community Development Block Grant (CDBG) to construct a pipeline from Penn Valley to the Lake Wildwood WWTP. The County Department of Public Works has identified proposed upgrades to the Penn Valley and Lake Wildwood treatment zones to resolve the lack of storage and irrigation capacity that led the state to issue the CDO. The project would include the decommissioning of the Penn Valley treatment facility and the installation of a pipeline and lift station(s) that would transfer wastewater from the Penn Valley zone to the Lake Wildwood treatment facility. The pipeline from Penn Valley to Lake Wildwood would free up EDU's in Penn Valley by eliminating the capacity issues at the current Penn Valley facility and would also provide for future growth in the Penn Valley area. The pipeline improvements are currently in the conceptual design phase with construction expected to begin in the first quarter of 2016 and be completed in the fourth quarter of 2016.

~~As such~~However, until those improvements are in place, there is currently not enough sewer capacity to serve all of the proposed project areas. Table 4.13-1, *Sewer Availability,* breaks out each of the three zones showing connected, standby and unallocated EDUs. As noted in Table 4.13-1, there are approximately 915 standby equivalent dwelling units (EDUs) and 500 unallocated EDUs in those zones. It has been noted by the County that several projects are already approved or in the planning process in the Lake of the Pines area and will need the EDU allocation from Lake of the Pines in order for them to develop to their planned potential. County Sanitation staff estimate that the approved or planned projects will require approximately 500 to 604 EDUs to accommodate the build out of those projects. Therefore, the unallocated EDUs shown the Table 4.13-1 will likely be used for projects already approved. The County has established sewer capacity service requirements for development within their jurisdiction. The County's Land Use and Development Code (LUDC) Section L-II 2.7.11.C.6 (specific to the RH Combining District) requires developers to provide written documentation from the applicable public sewer service providers demonstrating that adequate sewage disposal is available to accommodate the proposed development for a site. If the property does not have direct access to adequate public utilities to serve the proposed development, it is the responsibility of the developer to provide adequate infrastructure to serve the site consistent with the rules, regulations and standards of the applicable utility provider. Without proposed improvements to existing WWTPs there would not be sewer service available for the proposed project Sites 10 through 18 and the proposed project would result in potentially significant impact. However, with implementation of Mitigation Measure 4.13-2, impacts would be reduced to less than significant.

Table 4.13-1
Sewer Availability

Zone	Connected EDUs	Standby EDUs	Unallocated EDUs
Lake Wildwood	~~2,919~~2,916	~~648~~ 652	~~0~~ 732
Lake of the Pines	~~2,057~~2,090	~~156~~ 97	~~500~~ 0
Penn Valley	347	111	0
TOTAL	**~~5,323~~5,353**	**~~915~~ 860**	**~~500~~ 732**

Source: Department of Public Works, Sanitation Division, ~~2009~~2014.

~~This~~ These changes ~~was~~ were made in response to Comments 6-D and 20-QQ.

Section 4.13, page 4.13-19

The proposed project area is located within the water service area of NID, with the exception of Site 1 which is served by the City. Pursuant to SB 610, a WSA was prepared for the proposed project and is included as Appendix J. Site 1 would have a maximum of 16 dwelling units and would not meet the minimum water usage requirements (the equivalent of 500 dwelling units) for a WSA. The WSA was prepared based on information contained in the 2010 Urban Water Management Plan (UWMP) adopted by NID in June 2011.

This change was made in response to Comment 6-I.

Section 4.13, page 4.13-20

Water line extensions would be within existing roadways or right of ways. These improvements would have to be in place prior to construction on each of these sites. With unknown timing or enforcement mechanism for these improvements, a potentially significant impact would occur as a result of insufficient infrastructure. The County's Land Use and Development Code (LUDC) Section L-II 2.7.11.C.6 (specific to the RH Combining District) requires developers to provide written documentation from the applicable public water supply service providers demonstrating that adequate water supply facilities are available to

accommodate the proposed development for a site. If the property does not have direct access to adequate public utilities to serve the proposed development, it is the responsibility of the developer to provide adequate infrastructure to serve the site consistent with the rules, regulations and standards of the applicable utility provider.

This change was made in response to Comment 6-D.

Section 4.15, page 4.15-4

Sites 10, 11 and 13 form a contiguous parcel located in the residential area of the Penn Valley Community on the north side of Penn Valley Drive approximately ¼ mile east of the intersection of Penn Valley Drive and Spenceville Road. The sites are currently vacant; however, there is an existing access road at the Penn Valley Drive street frontage of Sites 10 and 11. ~~Regional access to Sites 10, 11, and 13 is provided by SR 20 from the east and west.~~ Site 13 will take access through Site 10. The owner of Site 13 has an existing easement through the Site 10 property.

This change was made in response to Comment 2-B.

Section 4.15, page 4.15-4

SR 20

SR 20 is a west-east highway that runs from the Yuba County line in the west through the cities of Grass Valley and Nevada City and terminates at Interstate 80 in the east. The posted speed limit on SR 20 is 55 miles per hour ~~east~~ west of Penn Valley Drive and 65 miles per hour on the four-lane portion ~~west~~ east of Penn Valley.

This change was made in response to Comment 20-H.

Section 4.15, page 4.15-7

Currently, the ~~only~~ designated bicycle facilities within the City are a Class II facility on Ridge Road from Hughes Road to the Nevada Union High School, ~~and~~ a Class II facility on East Main Street from Scandling Avenue to north of Dorsey Drive and Class II facilities along portions of W. Main, McCourtney Road, McKnight Way, Idaho-Maryland Road, and Sierra College Drive. None of the project study roadways currently have bicycle facilities.

This change was made in response to Comment 6-K.

Section 4.15, page 4.15-44

Grass Valley Policy Adopting Traffic Impact Study Methodology and Evaluation Criteria for Critical Intersections

Section 4 of the City of Grass Valley Design Standards provides the following analysis methodologies for evaluating traffic impacts within the City:

i. Highway Capacity Manual (HCM) methodology must be used. Default HCM values must be used unless noted otherwise below.

ii. Current signal timing schedules for signalized intersections must be used in the analysis.

iii. For roundabouts, micro simulation (SimTraffic for single lane roundabouts and Vissim for multi-lane roundabouts) or SIDRA software must be used.

iv. For the Brunswick Road Corridor (including Brunswick/E. Main, Brunswick/SR20/49 on and off ramps, and Brunswick/Sutton intersections) and the McKnight Way corridor (McKnight and SR49 on and off ramp intersections), Synchro/SimTraffic Version 7 software (or approved equal) micro-simulation software using HCM 2000 methodology must be used to evaluate the corridor as a whole due to the coordinated operation of the closely spaced signalized intersections.

~~i.~~v. Intersections with non-standard traffic control (i.e. McKnight and South Auburn) should be analyzed using the engineer's best judgment (such as micro-simulation) with review and approval of methodology by the Engineering Division.

vi. Standard lane utilization may not occur at all intersections. This operational aspect is particularly true at SR 20/49 interchanges. The assumed lane utilizations should reflect actual conditions, which may require counts for each lane.

~~The Grass Valley City Council adopted Resolution No. 06-21 approving the revised and updated Traffic Impact Study Methodology and Evaluation Criteria for Critical Intersections. The revised and updated criteria provide the following objectives:~~

- ~~Develop a standard and accepted methodology or approach for preparing traffic reports.~~
- ~~Develop a standard and accepted methodology for when a traffic report is required.~~
- ~~Develop language that will clarify the intent of General Plan Policy 7-CI and a procedure for determining thresholds of significance for intersections currently operating at LOS D or worse. The procedure would involve a series of transportation engineering analyses to determine if a proposed development project would have a significant impact on the operating capacity and function of critical intersections. These levels, or steps, would be developed as a screening tool to determine if the project would breach an established threshold of significance (relative to the California Environmental Quality Act) and found consistent with Circulation policies of the City General Plan.~~
- ~~Develop yearly monitoring system for checking the status of all affected intersections/roadways that is tied to the City/Regional Capital Improvement Program.~~
- ~~Implement the work programs of the "Street System Master Plan" that would serve to link all local and regional policy documents as to the identification of circulation improvements, funding sources and timing of installation.~~

This change was made in response to Comment 6-L.

Section 4.15, page 4.15-45

The City has the following additional criteria for determining the level of significance of project impacts:

LOS A, B, C, and D are considered acceptable LOS's for City intersections and roadway segments except where LOS E is considered acceptable for the following downtown intersections: Mill/Neal, W. Main/Mill, W. Main/Church, W. Main/School, Bank/S. Auburn, SR 20/49 SB Ramp/Bennett. Where project traffic is distributed, the following intersections and roadway segments must be analyzed if they: 1) are currently operating at LOS A, B, and C (D for downtown intersections identified above) where project traffic contributes 10 or more peak hour trips; 2) are currently operating at LOS D (E for downtown intersections identified above) or worse; and/or 3) are high accident locations (defined as intersections or roadway segments having five or more reported accidents within the most recent 3 year period).

If the project traffic causes an intersection or roadway segment to worsen from an acceptable LOS to LOS E or worse or is distributed to an intersection or roadway segment currently operating at an unacceptable LOS, the project is determined to cause a significant impact which must be mitigated. It is acceptable to

mitigate an intersection or roadway segment from an unacceptable LOS to an acceptable LOS. In the event of a significant impact, cumulative year analyses are required. ~~Project is not consistent with 2020 General Plan and NCTC traffic model or future City-wide traffic model relative to land use and generation of higher traffic projections.~~

~~There are no feasible mitigation measures to reduce the impact of the project to less-than-significant levels. "Feasible" means mitigation has been identified in City's General Plan, Street System Master Plan, Capital Improvement Program (CIP), or Regional or Local Transportation Fee Program.~~

~~LOS A, B, C, and D are considered acceptable LOS's for City intersections and roadway segments.~~

~~If the project traffic causes an intersection or roadway segment to worsen from acceptable LOS to LOS E or worse or is distributed to an intersection or roadway segment currently operating at an unacceptable LOS, the project is determined to cause a significant impact which must be mitigated. It is acceptable to mitigate an intersection or roadway segment from an unacceptable LOS to an acceptable LOS. In the event of a significant impact, cumulative year analyses are required.~~

This change was made in response to Comment 6-L

Section 4.15, page 4.15-49

Internal circulation roads will be constructed connecting the sites, including a bridge / culvert structure over the creek at the northern portion corner of Site 12 providing a link to Site 13. ~~A landscaped berm will be constructed at the northern boundary of Site 13 along SR 20 to provide noise screening and prohibit access to SR 20.~~ Sight distance in and out of the site access road on Penn Valley Road is currently restricted due to the location of multiple large trees along the Penn Valley Road frontage. Removal of selected trees may be required to allow for adequate site distance at this location.

This change was made in response to Comment 22-E

Section 4.15, page 4.15-71

The following mitigation measure applies to Sites 3 through 9:

4.15-2 1. If the project would result in more than 63 total PM peak hour trips and more than 10 PM peak hour trips at the intersection of Idaho-Maryland Road/Brunswick Road, a supplemental traffic analysis shall be prepared consistent with the City's Traffic Policy to determine the extend to impacts and appropriate mitigation responsibility shall be assigned as a condition of approval. As a result of the study, the project mitigation would include one of the following:

a) Be required to install the improvements (likely a roundabout) at the Idaho-Maryland Road/Brunswick Road intersection; or

b) Pay the project's proportionate share of the Idaho-Maryland Road/Brunswick Road intersection improvements; or

c) Construction some associated improvement that would address project impacts at the Idaho-Maryland Road/Brunswick Road intersection; or

d) Be required to complete some combination of the above to address project impacts at the Idaho-Maryland Road/Brunswick Road identified in the supplemental traffic study.

2. If the project would result in less than 10 PM peak hour trips at this intersection, the project proponent or successor in interest shall pay the associated mitigation fees.

Timing/Implementation: Prior to occupancy of development within the project area.

Enforcement/Monitoring: City of Grass Valley Planning Division and Public Works Department.

~~As described in the Loma Rica Ranch Specific Plan EIR (RBF Consulting, 2011), a roundabout shall be constructed at the intersection of Idaho-Maryland Road and Brunswick Road. This intersection is located on the downhill slope. The installation of a roundabout has been shown to reduce the number and severity of accidents. This mitigation would improve the operation of the intersection to LOS A. The improvement is identified in the Grass Valley Traffic Impact Fee (GVTIF).~~

~~To mitigate direct traffic impacts on the Idaho-Maryland Road and Brunswick Road intersection, a new roundabout is required at this intersection. However, the County of Nevada does not control the timing or implementation of construction because the intersection is within the jurisdiction of the City of Grass Valley. Additionally, it is not known whether it is feasible for one project applicant to construct the roundabout in its entirety as part of a single development project. Therefore, the developer shall pay a fair share contribution to the City of Grass Valley Development Impact Fee Capital Improvement Program towards the construction cost of this future intersection improvement.~~

~~Site Specific Development Analysis: The individual development of Sites 3, 4, 5, 6, 7, 8 or 9 would generate 1 or more trips at the intersection and require implementation of the intersection mitigation.~~

~~Timing Implementation: Prior to issuance of a building permit~~

~~Enforcement / Monitoring Agency: City of Grass Valley~~This change was made in response to Comment 6-M

Section 4.15, page 4.15-74

The following mitigation measure applies to Site 2:

4.15-3 1. If the project would result in more than 63 total PM peak hour trips and more than 10 PM peak hour trips at the intersection of La Barr Meadows Drive/McKnight Way, a supplemental traffic analysis shall be prepared consistent with the City's Traffic Policy to determine the extend to impacts and appropriate mitigation responsibility shall be assigned as a condition of approval. As a result of the study, the project mitigation would include one of the following:

a) Be required to install the improvements (likely a roundabout) at the La Barr Meadows Drive/McKnight Way intersection; or

b) Pay the project's proportionate share of the La Barr Meadows Drive/McKnight Way intersection improvements; or

c) Construction some associated improvement that would address project impacts at the La Barr Meadows Drive/McKnight Way intersection; or

d) Be required to complete some combination of the above to address project impacts at the La Barr Meadows Drive/McKnight Way identified in the supplemental traffic study.

2. If the project would result in less than 10 PM peak hour trips at this intersection, the project proponent or successor in interest shall pay the associated mitigation fees.

Timing/Implementation: Prior to occupancy of development within the project area.

Enforcement/Monitoring: City of Grass Valley Planning Division and Public Works Department.

This change was made in response to Comment 6-N.

Section 4.15, page 4.15-77

Safety is a concern, and the addition of traffic is considered a potentially significant impact. Several new project driveways would be constructed on the study area street network. Some of these driveways exist as dirt roads only and the exact location may change. The County Land Use and Development Code Section L-II 2.7.11.C.8 (specific to the RH Combining District) requires the developer to provide written documentation as to their legal right to utilize and improve the road or roads that provide ingress and egress to the site, including secondary access if required, and that the road or roads meet the County minimum standards to serve the development proposed.

This change was made in response to Comment 2-B.

Section 5.0: Growth Inducing and Cumulative Impacts

Section 5.2.10, page 5-14

Projects proposed under the Housing Element Rezone Implementation Program would introduce the use of stationary equipment that would increase noise levels within the area. Based on the long-term stationary noise impact analysis, impacts would be less than significant. Additionally, future projects would not result in stationary long-term equipment that would significantly affect surrounding sensitive receptors. ~~Furthermore, future development proposals within the County would require separate discretionary approval and CEQA assessment, which would address potential noise impacts and identify necessary attenuation measures, where appropriate.~~ Thus, cumulative noise exposure for long-term operations would result in a less than significant impact.

Mitigation Measure 5.2.14-2, page 5-40

The following mitigation measure pertains to Sites 3 through 9.

5.2.14-2 Prior to issuance of a building permit, the project developer shall install or fund the realignment of Triple Crown Road with Town Talk Road (Sites 7 and 8 access) into one intersection and the installation of a traffic signal. This measure will improve intersections of Brunswick Road / Triple Crown Drive and Brunswick Road / Town Talk Road / Bubbling Wells Road to LOS C during the PM peak hour. The intersection does meet peak hour Caltrans peak hour signal warrant for the installation of a traffic signal. The proposed mitigation includes one additional southbound right turn lane, one southbound left turn lane, one northbound left turn lane and one northbound right turn lane.

The developer and the City of Grass Valley should enter into a reimbursement agreement for the remaining portion of the improvement costs that are not the project developer's fair share. The formation of an assessment district is considered a fair share cost sharing mechanism.

Timing Implementation: Prior to issuance of a building permit.

Enforcement / Monitoring Agency: City of Grass Valley

This change was made in response to Comment 6-O.

Section 6.0: Alternatives

Section 6.3.1, page 6-7

ALTERNATIVES CONSIDERED BUT REJECTED

Two additional sites locations were reviewed as potential candidate sites for including in the RH Combining District program. The location of these sites are shown in Figure 6-1, *Alternative Site Locations*. Additionally a project alternative was considered that evaluated removing all of the site in one or more of the community regions and locating all of the candidate sites within one community region. These alternative sites were considered as potential alternative sites but were rejected from further analysis for the reasons discussed below.

Section 6.3.1, new text:

One or Two Community Regions Only

One potential alternative that was considered but rejected from further analysis was an alternative consisting of removing one or more of the community regions/village centers and placing the rezone sites in only one of the three, or two of the three community regions where the candidate sites were located. This would result in the following potential combinations: only Grass Valley, Penn Valley, or Lake of the Pines sites; Grass Valley and Penn Valley Sites; Grass Valley and Lake of the Pines Sites; and Penn Valley and Lake of the Pines Sites. The purpose of this potential alternative was to determine whether or not some of the significant and unavoidable impacts that have been found to occur as a part of the project could be reduced to significant and unavoidable levels. Below provides a brief summary and justification for rejecting each of these scenarios.

- **Grass Valley Only.** Under this scenario the maximum theoretical yield of units from this project would be 1,251-units and the aggregate density would be 735-units. Under this scenario both the original objective of 1,270-units and the revised objective of 699-units could be achieved. This scenario would result in all of the project impacts occurring within the Grass Valley Sphere of Influence primarily along Brunswick Road. While it would relieve potential impacts to the Lake of the Pines Community Region and the Penn Valley Village Center, it ultimately would put the complete burden of providing high density housing units on the City of Grass Valley. In addition, all of the significant and unavoidable impacts identified in the EIR, including but not limited to traffic/circulation, public services, air quality, and greenhouse gas emissions would be concentrated in this one area of the County. Placing all 699-units in the Grass Valley Sphere would also remove the ability of the County to provide higher density housing in other areas of the County where the need might be greater.

  Since these sites would require public services from the City of Grass Valley, it is anticipated that all of these sites would need to be annexed into the City of Grass Valley. Once these sites are annexed, the rezoned sites would no longer be eligible to be considered suitable for accommodating the current or future RHNA. Also, the annexation would likely not occur until the sites begin to build out. As they are annexed, the County and City would be required to negotiate a mutually acceptable RHNA transfer agreement pursuant to Government Code Section 65584.07. While this would be required under any scenario for rezoned sites within the City's Sphere, the County anticipates that negotiations with the City would likely be very difficult to reach an agreement at these densities. Additionally, adding this much density to this area would likely be considered to

be inconsistent with the County's General Plan Land Use Element which states that County land use designations should not be more intensive than the City's designations within a Sphere of Influence. For these reasons further analysis of this alternative was not considered.

- **Penn Valley Only.** Under this scenario the maximum theoretical yield of units from this project would be 535-units and the aggregate density would be 330-units assuming Site 13 builds out at its full potential of 185-units (236-units total if Site 13 was rezoned to 91-units only). While this alternative would significantly reduce the overall significant and avoidable impacts of the project, especially those that occur with rezoning sites in the Grass Valley SOI, just placing rezoned units within the Penn Valley Village Center would not achieve the ultimate objective of this project which is to provide 699-units of high density (R3-RH) zoning. Since this scenario would not achieve the primary objective of this project it was not further analyzed.

- **Lake of the Pines Only.** Under this scenario the maximum theoretical yield of units from this project would be 662-units and the aggregate density would be 425-units. While this alternative would significantly reduce the overall significant and avoidable impacts of the project, especially those that occur with rezoning sites in the Grass Valley SOI, just placing rezoned units within the Lake of the Pines Community Region would not achieve the ultimate objective of this project which is to provide 699-units of high density (R3-RH) zoning. Since this scenario would not achieve the primary objective of this project it was not further analyzed.

- **Grass Valley and Penn Valley Sites.** Under this scenario the maximum theoretical yield of units from this project would be 1,735-units and the aggregate density would be 1,065-units assuming Site 13 builds out at its full potential of 185-units (971-units if Site 13 was rezoned to 91-units only). This approach would not achieve a substantial reduction of the overall significant and unavoidable impacts associated with the project. Specific impacts to the Combie Road/State Highway 49 intersection would be eliminated and other identified impacts to the Lake of the Pines area would also be eliminated, but the tradeoff would be additional impacts to both the Grass Valley and Penn Valley Areas because these two areas would be required to accommodate all of the rezoning to address the County's unmet Regional Housing Need Allocation. Since the Lake of the Pines area is one of the areas of the County that has experienced the most amount of growth in recent years, it is anticipated that some high density housing would be appropriate in that area and therefore this scenario was not analyzed further.

- **Grass Valley and Lake of the Pines Sites.** Under this scenario the maximum theoretical yield of units from this project would be 1,913-units and the aggregate density would be 1,160-units. This sub-alternative would achieve the primary goal of the project since enough units could be provided. Should this scenario have been pursued it would have resulted in all of the units and impacts to occur in the Grass Valley Sphere and the Lake of the Pines Area, but would relieve any potential impacts to the Penn Valley Village Center. It does not however reduce any of the significant and unavoidable impacts of the project nor does it provide additional high density housing options for the community of Penn Valley, which has been identified as a disadvantaged unincorporated community consistent with SB244 (Wolk). The median income and low vacancy rates identified in the 2010 Census for the Penn Valley area is a clear indicator that some high density housing would be appropriate there. Additionally, Penn Valley is one of the few areas in western Nevada County that has critical infrastructure necessary to support higher density housing including but not limited to a commercial village center, public roads, public water and planned public sewer

infrastructure and capacity, a large regional park and other related amenities. For these reasons, an alternative looking at only Grass Valley and Lake of the Pines was not further considered or analyzed.

- **Penn Valley and Lake of the Pines Sites.** Under this scenario the maximum theoretical yield of units from this project would be 1,197-units and the aggregate density would be 755-units assuming Site 13 builds out at its full potential of 185-units (661-units if Site 13 was rezoned to 91-units only). This sub-alternative would achieve the primary goal of the project since enough units could be provided, but would not provide the flexibility of reducing the unit count on Site 13. Of all of the scenarios discussed herein, this scenario provides the greatest reduction of significant and unavoidable impacts because all of the impacts identified that result from rezoning sites within the Grass Valley SOI (several) would be completely avoided. Additionally, this scenario would remove the subsequent requirement of going through the mutually acceptable transfer agreement process between the City of Grass Valley and Nevada County.

  With this scenario, the rezoned sites would likely have the greatest potential of remaining as available to provide suitable sites for future the RHNA because they would not be annexed into the City as a part of the development process. However, this scenario was not considered for further analysis because:

  - The County General Plan generally directs intensive residential growth to the City SOIs;
  - The City has adequate infrastructure to support some higher density residential development;
  - The majority of the proposed up zoning in the Grass Valley SOI is changing from Medium Density Residential to High Density Residential; and
  - This sub-alternative would create a greater reliance on both the Penn Valley Village Center and the Lake of the Pines area to meet the project's primary objective.

  Therefore, the County determined that it would inappropriate and shortsighted to completely remove the Grass Valley SOI from consideration.

Sites That Were Removed From Consideration by Property Owners

The County was required to include programs within its last two Housing Element updates that require the County to rezone properties to create additional R3 zoning subject to specific State mandated rezone criteria. In addition to including these programs, the County's Housing Element(s) were required to show a list of sites, "rezone candidate sites" with a preliminary analysis of the overall suitability of those sites to be rezoned. Within the 2009-2014 Housing Element update, two distinct sets of rezone candidate sites were provided. The first set was a list of fourteen (14) properties within the Grass Valley Sphere of Influence (SOI) that were identified in the 2003-2008 as sites that could be rezoned to provide additional medium density residential opportunities. Specifically sites were identified in the 2003-2008 Housing Element for rezoning because their County zoning/general plan designations were inconsistent with the City of Grass Valley General Plan 2020, which had them designated as Urban Medium Density where the County's General Plan had them designated as Business Park. HCD interpreted that this unimplemented rezone program as an unmet need and subsequently these sites were included with the intention of meeting the unmet need of 571-units from the 3rd Housing Element revision (2003-2008).

The 2009-2014 Housing Element included a second set of rezone candidate sites that were identified as potentially suitable to be considered for rezoning based on a specific set of criteria. This criterion is discussed in greater detail below. Twenty-five properties were included to address the unmet need of 699-units from the 4th Housing Element revision (2009-2014). In total, the County identified thirty-nine (39) rezone candidate sites in the 2009-2014 Housing Element update that had the potential to accommodate the identified unmet housing need of 1,270-high density units. When adopting the 2009-2014 Housing Element update, the County Board of Supervisors directed staff to work with willing property owners to implement the rezone programs. As a result of this direction, the Planning Department went through an extensive outreach process prior to beginning the environmental review process for the proposed project. As a result of the outreach process, the number of rezone candidate sites was reduced to eighteen that met the site selection criteria described below.

For the 2014-2019 Housing Element update, the County recognized that there would be a reduction in the overall rezoning need to accommodate 699-units rather than 1,270-units. Therefore, the County included only those sites that were currently being reviewed by this EIR and no new sites were added nor were any sites removed. While it was anticipated that the certification of the Housing Element would result in the reduction, the County had spent a significant amount of time and financial resources of reviewing the original candidate rezone sites and felt it would be premature to start removing sites at this stage. By keeping all eighteen sites (later reduced to seventeen) it provided the greatest amount of flexibility to the County's decision makers to choose the sites that made the most sense from a planning, infrastructure, and environmental standpoint.

When selecting potential rezone candidate sites, the County created a specific set of criteria for a property to be considered. The most critical and primary determiner for a site to be considered as a rezone candidate site was related to the fact that for a site to be developed with high density residential use it must have access to public sewer, water and roads and therefore should be within a designated Community Region or Village Center. With that in mind, rezone candidate sites were required to meet the majority of the following factors to be added to the list: 1) the site is currently undeveloped; 2) the site has ingress and egress on a County maintained road or is in close proximity to a County maintained road; 3) the site is located within or in close proximity to a Community Region or Village Center that has access to services and jobs; 4) the site is on or in close proximity to a public transit route; 5) the site is within or in close proximity to an existing sanitation district; 6) the site is within an existing or in close proximity to a public water district; 7) the site has areas that are relatively flat that could accommodate higher density development; 8) the site is relatively clear of environmental constraints, such as wetlands, watercourses, excessive slopes, etc.; 9) the site is zoned Planned Development (PD) that anticipated high density residential development; and/or 10) the Planning Commissioner or Supervisor from the Supervisorial District identified the site as a viable option for rezoning. These standards were later incorporated into Land Use and Development Code Section L-II 2.7.11: Regional Housing Need (RH) Combining District as the "Site Selection Criteria" for future properties to be considered for the addition of the RH Combining District. As briefly mentioned above, for a site to actually be rezoned to add the RH Combining District, the Board also added a requirement for staff to work with willing property owners.

In addition to adhering to the rezone candidate site criteria, Planning Department staff also followed a logical zoning progression when looking at existing zoning of potential rezone candidate sites. The most logical first place to identify sites for an increase in density were sites that were zoned for Urban Medium

Density (UMD/R2) uses, which would be the smallest increase in density. Next was Urban Single Family (USF/R1), which was a larger jump in density but still in areas that are typically near more built up areas with existing infrastructure. Next were Planned Development (PD)/Interim Development Reserve (IDR) properties that already had an allocation of either R3 or at least R2 zoning assigned to the PD/IDR. The next designations that were considered were both Business Park (BP) and Office Professional (OP) because staff recognized that the County had a good amount of BP and OP properties that could meet the rezone candidate site criteria and particularly due to the fact that these properties were located primarily in areas that had public roads, sewer, and water. Additionally, there has not been a history of Business Park or Office Professional development that had occurred in the unincorporated area over the last 5 to 10-years. The final existing zoning designation that was considered for the candidate rezone sites was Commercial. Typically, sites that are zoned commercial are located in areas that most easily meet the rezone candidate site criteria. Staff viewed these properties not for conversion to Urban High Density, but as sites that could be built out as a mixed-use development that still retained the underlying commercial designation with an increase in the allowed residential units from four units per acre to the state required minimum 16-units per acre.

Unless added by the Planning Commission or the Board of Supervisors, the Planning Department did not consider Rural designations such as General Agriculture (AG), Agriculture Exclusive (AE), Forest (FR), Recreation (REC) or Timber Production Zone (TPZ) as potential candidate rezone sites because in most cases properties with these designations are in areas that do not have public sewer and other necessary infrastructure needed to support high density residential housing and subsequently could not meet the candidate rezone site criteria. Staff also did not include the potential rezoning of Industrial designated properties primarily because a lack of suitable industrial designated properties for industrial use had been identified by the local development community and because typically industrial uses are the least compatible with residential uses. As an exception, a site with an Industrial designation was included as a potential candidate site in the 2009-2014 Housing Element update at the direction of the Planning Commission which is allowed by the rezone candidate site criteria. That site was later removed from consideration at the request of the property owner. Utilizing this process of elimination, the County started out considering every property in the unincorporated area (41,865 parcels) and reduced that down to 39-candidate rezone sites, which was then reduced down to the original 18-sites (now 17) that were included in the Project Description and that are being reviewed as a part of this EIR.

As described above, several criteria were considered when selecting potential candidate rezone sites. The need for a property owner to willingly participate in the process was only one of these criteria and was the result of specific verbal direction provided to the Planning Department when adopting the 2009-2014 Housing Element update. The sites that were removed at the request of property owners are likely less suitable than those that were ultimately included for consideration in the Draft EIR, due to the majority of those sites being designated on the General Plan Land Use Maps as Business Park, Office Professional, Commercial and Industrial, and being surrounded by similar uses (see Table 6.0 below). For example several of the properties that were included in the 2003-2008 Housing Element were located on East Bennett Road in the Grass Valley SOI in an area that is predominately developed with Commercial, Business Park, and Light Industrial uses. Additionally, the property owner for those properties envisioned the use of their property for non-residential use as currently designated by the County General Plan Land Use and Zoning District Maps. Further, the majority of the sites that were removed by property owners were not included in the Draft EIR Project Description and subsequently, were not further discussed as an Alternative within

the EIR. For all of the reasons above, the County has determined that further analysis or review of any of the removed 23-sites is not required. This determination was made in the same fashion the County has determined not to include the other 41,847 properties in unincorporated area that did not become a candidate rezone site as a feasible alternative; because these sites either did not meet some of the important site selection criteria and/or they were originally identified as rezone candidate sites only to be rezoned for consistency with the City of Grass Valley General Plan and not to meet RHNA requirements.

TABLE 6.0
SITES THAT WERE REMOVED FROM REZONING CONSIDERATION AT REQUEST OF PROPERTY OWNER

APN	*Acres*	*Co General Plan*	*Current Co Zoning*	*GV General Plan*	*Notes*
09-560-33*	13.04	BP	BP	UMD	*2003-08 Sites
09-560-34*	5.32	BP	BP	UMD	
09-560-05*	7.92	BP	BP	UMD	
09-560-32*	2.43	BP	BP	UMD	
09-560-37*	8.91	BP	BP	UMD	
09-560-39*	4.03	BP	BP	UMD	
09-560-38*	2.03	BP	BP	UMD	
09-560-13*	1.31	BP	BP	UMD	
09-560-10*	8.86	BP	BP	UMD	
07-550-16	20.02	OP	OP	OP	2009-2014 Sites
07-400-01	4.87	OP	OP	OP	
09-680-50	2.97	BP	BP	BP	
09-680-51	3.56	BP	BP	BP	
09-680-53	4.55	BP	BP	BP	
09-680-52	9.62	BP	BP	BP	
12-010-59	4.30	BP	BP-SP	n/a (Cedar Ridge Y)	
23-300-54**	2.01	UMD	R2-MH	n/a (Hwy 49 Near Alta Sierra Entrance)	
51-160-24	1.19	CC	C2-SP	n/a (Penn Valley)	
51-130-14	2.16	CC	C2	n/a (Penn Valley)	
60-100-18	3.57	NC/ RUR-10	C1/AG-10	n/a (North San Juan)	
09-270-04*	10.68	USF	3.62-acres R3 Remainder R1	UHD	Withdrawn Late
37-050-69	4.54	IND	M1	PD (NC SOI)	
29-350-12	11.36	BP	BP	BP	

** Removal of this site was mutually agreed to by the County and property owner.

Section 6.3.3, page 6-18

Recreation
Alternative 2 would result in the same amount of residential development as the proposed project and would have a similar demand for park and recreational facilities. However, the closest existing park to the East Bennett Road sites would be Empire Mine State Historic Park. As such development on these sites would be required to contribute to recreation mitigation fees or other such fee program as determined by the County as a fair share payment for use of the Empire Mine State Park given those sites' proximity to the park. Thus, Alternative 2 would be equivalent to the proposed project.

This change was made in Response to Comment 5-F.

Section 6.3.3, page 6-21

Aesthetics
Alternative 3 would likely contain similar guidance and direction addressing the visual appearance of new development and the protection of aesthetic resources as the proposed project. However, Site 7 would require specific design measures such as screening vegetation, setbacks, and interior security fencing should be incorporated into the project design to minimize potential impacts on the Empire Mine State Historic Park. As a result, the potential aesthetic impacts of new development would be mitigated in the same manner as the proposed project (adherence to County and City regulations and design guideline requirements). Because of the sloped terrain on Site 6 (the larger of Berriman Ranch sites), Alternative 3 would result in increased grading and clearing of the existing woodlands in order to create building pads, parking areas, and driveways associated with multi-family development. However, most of the views from public vantage points such as SR 49 would be screened from view due to the existing woodlands that line the highway in this area. Relocating the development on these sites to Berriman Ranch will result in physical and visual separation among the projects located along Brunswick Road. Because of the proximity of the proposed project Sites 6, 7, and 8 to Brunswick Road, the reduction in density along Brunswick Road would be more noticeable to the public than the development at Berriman Ranch because of the existing screening along SR 49. For these reasons, aesthetic impacts associated with Alternative 3 would be ~~slightly less~~similar compared to the proposed project.

These changes were made in response to Comment 5-C.

Section 6.3.3, page 6-23

Recreation
Alternative 3 would result in the same amount of residential development as the proposed project and would have a similar demand for park and recreational facilities. However, the closest existing park to Site 7 would be Empire Mine State Historic Park. As such development on this site would be required to contribute to recreation mitigation fees or other such fee program as determined by the County as a fair share payment for use of the Empire Mine State Park given that site's proximity to the park. Thus, Alternative 3 would be equivalent to the proposed project.

This change was made in response to Comment 5-F.

Section 6.3.3, page 6-24 – Alternative 4

Alternative 4, the Reduced Project alternative has been revised to reflect changes in the project such as the property owner of Site 2 requesting to be removed from the program, and a decision by the County to remove Site 1 based on the desires of the property owner to seek commercial uses on the property, and to include site 14 as part of the alternative based on the property owner's desire to seek access off of Combie Road (pending permission for access from the Higgins Fire Protection District, and the desire of the County

to retain the site because of its proximity to the commercial areas and infrastructure located at the Combie Road/SR 49 intersection.

Alternative 4: Reduced Development

Description of Alternative

The Reduced Development Alternative (Alternative 4) removes ~~four~~ three of the most environmentally sensitive sites from the program to minimize the environmental effects of implementing the Housing Element Rezone. Two sites in the Grass Valley SOI area are removed based on information the property provided to County staff during the Draft EIR public review process. The purpose of this alternative is to remove the sites with ~~the most~~significant physical constraints to development such that the overall environmental impact of implementing the program is reduced, yet still leaving enough opportunity to for the County to meet the required Regional Housing needs and state law. The sites that have ~~the most~~significant physical constraints were removed to decrease impacts on biological resources, cultural resources, traffic, aesthetics, and other issues that would be adversely affected by development. One of the sites was removed, because the owner no longer wished to participate in the program and another site was removed given the relatively small size of the site (approximately one acre) and the property owner's desire to develop mixed uses with a commercial designation, and to decrease the number of units in the City of Grass Valley SOI area.

The following sites would be removed from the project under this alternative:

Site 1: This site was removed because it's relatively small size, 1.08 acres, did not provide a significant number of units to the County's overall density requirements. Removing the site from the program eliminates some of the density from the Grass Valley SOI. Additionally, the property owner desires to have a mixed use development with commercial and residential uses which would not be permitted under the RH Combining District, because the existing zoning on the site is Office Professional.

Site 2: This site was removed because the County was informed by the property owner that participation was no longer desired and requested the property be removed from consideration.

Site 7: This site is removed because of physical constraints associated with the property. A tributary to Wolf Creek traverses the southeast portion of the site as well as intermittent streams riparian vegetation on other places throughout the site. Potential historic resources were identified at this site. Additionally, as one of the three largest parcels in the cluster of sites along Brunswick Road, it has one of the highest maximum yield of units at 198 units. Removal of these units would reduce the amount of traffic from this cluster of development. Additionally, this site is located adjacent to the recently approved Loma Rica Ranch Project. By removing this site from the program it would provide an additional visual and physical from the future development on the Loma Rica Ranch site.

Site 8: This site has similar physical constraints as those described for Site 7 and has been removed from the program for the same reasons. A tributary to Wolf Creek traverses the site near the center of the property which substantially restricts the amount of area available for development due to wetland protection requirements. Intermittent wetlands also are located along the property frontage of Brunswick Road which would result in potential wetland impacts associated with roadway improvements.

~~*Site 14:* This site is removed because of physical constraints on the property. This site contains a well-developed blue oak woodland over approximately 80% of the site which makes avoidance difficult. The project site is located on a hillside which would require grading with manufactured slopes that would be visible from SR 49.~~*Site 17:* This site is removed because of the physical constraints associated with developing the property. The site is bisected by Ragsdale Creek and has a wide riparian zone associated with the creek that would make avoidance difficult. The site also contains sensitive black oak dominated woodland outside the riparian zone. Ragsdale Creek is potential habitat for sensitive aquatic species.

Table 6-5 shows the maximum number of units for the Reduced Development Alternative with Sites 1, 2, 7, 8~~13~~, ~~14,~~ and 17 removed. As shown in the table, the project would reduce the total acreage of properties in the program by ~~27.69~~35.13 acres or approximately ~~19~~24%. The maximum number of units would be reduced by ~~519~~ 692 units or approximately ~~20~~26%.

Table 6-5
Theoretical Yield of the Reduced Development Alternative

Site	1*	2*	3	4	5	6	7*	8*	9	10	11	12	13	14	15	16	17*	18	TOTAL[1]
Parcel Area (Acres)	~~1.08~~	~~11.36~~	9.15	11.35	4.5	9.7			6.49	5.95	3.1	4.37	20.1	5.0	5.0	18.12		11.03	**~~121.30~~113.86**
Building Density (du/acres)	~~20~~	~~20~~	20	20	20	20			20	16	16	16	16	16	16	16		16	-
Maximum Yield (Units)	~~22~~	~~227~~	183	227	90	194			~~130~~129	95	~~50~~49	~~70~~69	322	80	80	~~290~~289		176	**~~2,156~~1,983**

*These sites are removed from the Reduced Development Alternative

[1] For comparison, the proposed project is 148.99 acres and 2,675 units.

Environmental Impacts Compared to the Project

Land Use and Planning

Under Alternative 4, the type and distribution of land uses would be similar to the proposed project, though this alternative would provide fewer residential units, but similar conflicts with the Grass Valley General Plan that occur with the proposed project would remain under Alternative 4. Neither the proposed project nor Alternative 4 would physically divide any existing communities within the County of Nevada or the City of Grass Valley SOI or Planning Area. By eliminating Sites 1 and 2, the proposed sites within the Grass Valley SOI are limited to the 5 sites located off of Brunswick Road. Each alternative would propose new land use designations for the project area. As a result, Alternative 4 would have the same impacts as the proposed project.

Aesthetics

~~Residential development would be reduced by approximately 19 percent in the proposed RH Combining District area~~Approximately 24 percent fewer acres would be developed under Alternative 4. Both Alternative 4 and the proposed project would result in temporary increases in light and glare, as well as temporary impacts on scenic views and visual quality during construction. Construction-related visual quality impacts would be mitigated in the same manner under each scenario.

Alternative 4 would remove sites that would be ~~most~~ visible from major public thoroughfares such as Sites 7 and 8 (Brunswick Road), ~~Site 14 (SR 49),~~ and Site 17 (Combie Road). For the remaining sites, the potential aesthetic impacts of new development would be mitigated in the same manner as the proposed project (adherence to County and City regulations and design guideline requirements). For these reasons, impacts associated with Alternative 4 would be reduced compared to the proposed project.

Air Quality and Greenhouse Gas

Alternative 4 would result in less residential development compared to the proposed project. The reduced number of units would result in fewer vehicle trips compared to the proposed project. Both Alternative 4 and the proposed project would be expected to contribute to pollutants for which the area is in non-attainment and would, therefore, conflict with applicable air quality management plans and result in cumulatively considerable impacts on air quality. In addition, both Alternative 4 and the proposed project

in combination with other projects would cumulatively contribute GHG emissions in amounts that could hinder the state's ability to achieve AB 32 goals. However, overall Alternative 4 would result in reduced air quality and greenhouse gas impacts compared to the proposed project.

Biological Resources

Alternative 4 would result in development that would reduce potential impacts on biological resources compared to the proposed projects. The four of the five sites that have been removed under Alternative 4 support sensitive biological resources such as wetlands, oak woodlands, and riparian habitat on all or significant portion of the site. Table 6-6 provides a comparison of the impacts to plant communities. ~~This alternative would eliminate impacts to Blue Oak Woodland habitat.~~ For the remainder of the sites in this alternative, mitigation addressing biological resources required for the proposed project would also be implemented under Alternative 4 and it would ~~likely have similar~~the same guidance and direction. For these reasons, Alternative 4 would have reduced biological impacts compared to the proposed project.

Table 6-6
Potential Impacts to Plant Communities
for the Reduced Development Alternative

Site	Annual Grassland (Acres)	Valley Oak Woodland (Acres)	Blue Oak Woodland (Acres)	Montane Hardwood (Acres)	Sierran Mixed Conifer (Acres)	Foothill Riparian (Acres)	Mixed Chaparral (Acres)	Blue Oak-Foothill Pine (Acres)
1	-	-	-	-	-	-	-	-
2	-	-	-	~~5.78~~0	~~8.11~~0	-	-	-
3	-	-	-	.03	8.01	0.07	-	-
4	-	-	-	-	11.48	-	-	-
5	-	-	-	-	5.62	-	-	-
6	-	-	-	-	10.06	-	-	-
7	-	-	-	-	0	0	-	-
8	-	-	-	-	0	0	-	-
9	-		-	-	4.85	-	-	-
10	4.18	-	-	-	-	-	-	-
11	2.31	-	-	-	-	-	-	-
12	2.82	-	-	-	-	-	-	-
13	7.33	2.97	-	-	1.29	-	-	-
14	-	-	2.63	-	-	-	-	-
15	-	-	-	3.86	-	-	-	-
16	-	-	-	5.25	-	-	1.68	11.93
17	-	-	-	0	-	0	-	-
18	-	-	-	4.82	3.80	-	-	-

Site	Annual Grassland (Acres)	Valley Oak Woodland (Acres)	Blue Oak Woodland (Acres)	Montane Hardwood (Acres)	Sierran Mixed Conifer (Acres)	Foothill Riparian (Acres)	Mixed Chaparral (Acres)	Blue Oak-Foothill Pine (Acres)
Total	**9.31**	**2.97**	**2.63**	**~~14.93~~13.96**	**~~51.93~~45.11**	**0.07**	**1.68**	**11.93**
Proposed Project	**16.64**	**2.97**	**~~1.27~~2.63**	**14.93**	**61.12**	**0.74**	**1.68**	**11.93**

Cultural Resources

Under Alternative 4, the development footprint would be reduced compared to that of the proposed project. Impacts on potential historical and prehistoric resources on Sites 7 and 8 would be avoided under this alternative. For the remaining sites, potential impacts on cultural resources and mitigation necessary to reduce impacts to less than significant would be comparable. For these reasons, potential cultural resource impacts associated with Alternative 4 would be reduced compared to the proposed project.

Geology and Soils

Alternative 4 would result in approximately 28 fewer acres of development compared to the proposed project. Overall, up to approximately ~~519~~ 692 fewer units would be in the project area under Alternative 4. When compared to the proposed project, fewer people would be exposed to seismic and unstable soil hazards under the Alternative 4. Regardless, current federal, state and local regulations require specific mitigations to reduce impacts related to geologic and seismic hazards, which would apply to both Alternative 4 and the proposed project. Additionally, each scenario would require site-specific measures on a project-by-project basis to reduce potential seismic and geologic hazard impacts to less than significant. Thus, Alternative 4 would result in a slight improvement compared to the proposed project.

Hazards and Hazardous Materials

Since Alternative 4 would result in fewer people in the project area, it would have the potential to expose less people to risks associated with hazards and hazardous materials. With the removal of Sites 7 and 8, fewer people would be living within Zone D of the Nevada County Airport Land Use Compatibility Plan area. Federal, state and local regulations would mitigate potential hazards and hazardous materials impacts under Alternative 4 in the same manner they would under the proposed project. For these reasons, Alternative 4 would result in a slight reduction compared to the proposed project.

Hydrology and Water Quality

Compared to the proposed project, Alternative 4 would result in less multi-family residential development. Both would substantially increase impermeable surfaces, which could result in an increased risk of flooding, stormwater contamination and degradation of water quality in receiving water bodies. Applicable state and local regulations protecting against flooding and hydrologic impacts would apply under Alternative 4. In addition, site-specific measures would be required on a project-by-project basis to address flooding and other hydrologic impacts. For these reasons, Alternative 4 would be slightly less compared to the proposed project as a result of less building area.

Noise

Under Alternative 4, there would be up to approximately ~~519~~ 692 fewer homes. Neither Alternative 4 nor the proposed project would exceed established noise standards as a result of traffic increases, and mitigation would be required for each to prevent potential noise impacts on any sensitive uses should they be proposed along specific roadways. Like the project, Alternative 4 would be subject to County and City policies and

regulations regarding construction noise, and mitigation for construction noise and ground-bourne vibration would be required to reduce impacts to less than significant. Furthermore, both Alternative 4 and the proposed project would be required to mitigate potential stationary mechanical noise impacts to less than significant. Therefore, Alternative 4 would have the same impact as the proposed project.

Population and Housing

Alternative 4 would result in up to approximately ~~519~~ 692 fewer homes compared to the proposed project and would be within the growth estimates identified in the County General Plan and, like the proposed project, would exceed estimates the City's 2020 General Plan because of the higher densities proposed on the sites within the City's Sphere of Influence. However, the population growth within the City of Grass Valley would be incrementally less because ~~two~~ four of the sites, and up to 655 fewer units that are removed from this Alternative are within the City's Sphere of Influence. Like the proposed project, Alternative 4 would not displace existing housing or people. Therefore, Alternative 4 would be equivalent compared to the proposed project.

Public Services, Utilities and Service Systems

Population growth associated with Alternative 4 would have less demand for fire and police services, libraries, schools and parks and recreational services when compared to the proposed project. Similar to the proposed project, mitigation measures to reduce potential utility impacts associated with the water and sewer demand increases would be required, but would still be considered significant and unavoidable, due to the unknown capacities at the time development of the sites would occur. As a result, Alternative 4 would have a reduced impact compared to the proposed project.

Recreation

When compared to the proposed project, Alternative 4 would result in approximately ~~519~~ 692 fewer units. Accordingly, the decrease in population would decrease the demand for park and recreational facilities. Therefore, Alternative 4 would have a slight improvement over the proposed project.

Transportation/Traffic

Under Alternative 4, there would be less development by up to ~~519~~ 692 units. Thus, there would be fewer daily vehicle trips associated with new housing. Daily vehicle trips would decrease under Alternative 4 when compared to the proposed project. Under the proposed project there would be significant unavoidable cumulative traffic impacts at the Brunswick Road/SR 49, Brunswick Road/Town Talk, and SR 49/Combie Road intersections. Under Alternative 4 there would be a reduction in traffic volumes at these intersections because Sites 1, 2, 7, 8, ~~14~~, and 17 have been removed from the project and would no longer contribute to these failing intersections. Additionally, there would be less cumulative potential safety risk associated with the Brunswick Road/Town Talk intersection because Sites 7 and 8 would no longer contribute to traffic to the intersection. The removal of Site 2 under this alternative would direct impacts eliminate direct project impacts the La Barr Meadows Road/Mcknight Way intersection. Cumulative impacts at the SR 49/McKnight Way intersection would be reduced as well as Sites 1 and 2 would no longer contribute to traffic to this intersection. Sites 1 and 2 are the two closest project sites to the SR 49/ McKnight Way intersection, and therefore would have result in the biggest reduction in cumulative impacts to this intersection. Consequently, Alternative 4 would have a reduced impact compared to the proposed project, however mitigation requirements within the jurisdiction of the City of Grass Valley would remain significant and unavoidable.

UPDATED REGIONAL HOUSING NEED ALTERNATIVE

The following alternative addresses a new alternative that was added to the EIR analysis as part of the preparation of the Final EIR.

ALTERNATIVE 5: UPDATED REGIONAL HOUSING NEED ALTERNATIVE

This Alternative is proposed as a result of the adoption of the County's 5th Revision to the Housing Element (2014-2019 planning cycle), adopted by the Board of Supervisors on June 24, 2014 and certified by HCD on July 17, 2014. As a result, the County was able to reduce the minimum amount of required rezoning from 1,270-units to 699-units. The same sites that are included in the analysis of 2009-2014 planning cycle (those evaluated in Chapter 4 of this EIR) were retained as potential candidate rezone sites in the latest revision of the County's Housing Element, with the exception of Site 2 which was withdrawn from the Program in November 2013 at the request of the property owner.

As result of the reduction in Regional Housing Need from 1,270 units to 699 units, County staff looked at alternatives to rezoning fewer properties to decrease potential impacts on the environment as a result of the project. County staff evaluated the proposed properties and ranked the properties in "Tiers" based on the suitability of the properties for re-designation. With the required number of overall units reduced to 699, County staff considered options for reducing the number of sites in each of the three communities in which the re-designation was proposed.

As described in Chapter 3, the following sites have been determined to be the most suitable for re-designation and the application of the RH combining districts standards: Sites 3, 5, 6, 11, 12, 14, 16 and 18. These sites and would be considered the first tier for implementing the project and meeting the project objectives.

There are several different combinations however that will accomplish the same goal. The second tier of sites which are almost equally suitable as the tier one sites include Sites 4, 9, 13 (at 91-units only) and 15. These sites are considered tier two sites because they are located in the immediate vicinity the tier one sites that accomplishes the project's objectives. These sites could be mixed in with the first eight sites to go beyond the unmet need of 699-units or could be switched with one or multiple first tier sites with similar identified aggregate densities to meet the minimum of 699 units of density.

The least desirable sites, or the third tier sites, are those that are considered the most constrained or only minimally implement the project goals and include Sites 1, 7, 8, 10, and 17. As a result of this EIR, the third tier sites could effectively be chosen for rezoning, but are less suitable than the twelve sites that are identified as first and second tier sites.

As previously noted, any combination of Tier 1 and 2 Sites would meet the project objective. However, this alternative will evaluate the Tier 1 sites as those sites would be considered the most suitable. Evaluating Tier 1 and 2 sites together was considered, but evaluating Tiers 1 and 2 together would result in an alternative that was substantially the same as the Alternative 4: The Reduced Development Alternative. Tier 3 Sites 7, 8, and 14 were also those selected to be removed from the Reduced Development Alternative. Only Tier 3 Sites 1 and 17 were not removed from the Reduced Development Alternative, and those sites are less than 3.5 acres combined and would not result in a substantially different conclusion.

For these reasons County staff decided to evaluate only the Tier 1 Sites to determine if the Tier 1 sites would reduce significant environmental impacts. Table 6-7 shows what the theoretical yield of the site would be with the eight Tier 1 units. Table 6-7 shows that the Tier 1 Sites would generate a maximum of

1,130 units on 64.97 acres. Compared to the proposed project that is 1,542 fewer units (58% fewer) on 84.02 fewer acres. Table 6-8 compares the aggregate density of the Tier 1 sites, based on building footprint of each site. Based on a development footprint of 47.68 acres, this alternative would yield 759 units. This would exceed the Regional Housing Need of 699 units.

Table 6-7
Theoretical Yield of the Updated Regional Housing Need Alternative – Tier 1 Sites

Site	1*	2*	3	4*	5	6	7*	8*	9*	10*	11	12	13*	14	15*	16	17*	18	TOTAL[1]
Parcel Area (Acres)			9.15		4.5	9.7					3.1	4.37		5.0		18.12		11.03	**64.97**
Building Density (du/acres)			20		20	20					16	16		16		16		16	-
Maximum Yield (Units)			183		90	194					49	69		80		289		176	**1,130**

*These sites are removed from the Updated Regional Housing Need Alternative
[1] For comparison, the proposed project is 148.99 acres and 2,675 units.

Table 6-8
Identified Potential Density for the Updated Regional Housing Need Alternative – Tier 1 Sites (i.e., Aggregate Density)

Site	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	TOTAL
Parcel Area (Acres)[1]			9.15		4.5	9.7					3.1	4.37		5.0		18.12		11.03	**64.97**
Development Footprint (Acres)			7.39		4.48	9.45					2.29	2.82		2.63		11.81		6.81	**47.68**
Proposed Building Density (du/acre)			16		16	16					16	16		16		16		16	-
Proposed Density (Units)			118		71	151					36	45		42		188		108	**759**

[1] *Based on existing County of Nevada Assessor's Parcel data*

Environmental Impacts Compared to the Project

Land Use and Planning

Under Alternative 5, the type and distribution of land uses would be reduced compared to the proposed project, as this alternative would provide fewer residential units. Conflicts with the Grass Valley General Plan that occur with the proposed project would remain under Alternative 5, however, the conflicts would be limited to 3 properties clustered on Brunswick Road. Neither the proposed project nor Alternative 5 would physically divide any existing communities within the County of Nevada or the City of Grass Valley

SOI or Planning Area. Each alternative would propose new land use designations for the project area. As a result, Alternative 5 would have reduced impacts compared to the proposed project.

Aesthetics

Residential development would be reduced by approximately 58 percent in the proposed RH Combining District area under Alternative 5. Both Alternative 5 and the proposed project would result in temporary increases in light and glare, as well as temporary impacts on scenic views and visual quality during construction. Construction-related visual quality impacts would be mitigated in the same manner under each scenario.

Alternative 5 would remove sites that would be most visible from major public thoroughfares such as Sites 7 and 8 (Brunswick Road), Site 15 (SR 49), and Site 17 (Combie Road). For the remaining sites, the potential aesthetic impacts of new development would be mitigated in the same manner as the proposed project (adherence to County and City regulations and design guideline requirements). For these reasons, impacts associated with Alternative 4 would be reduced compared to the proposed project.

Air Quality and Greenhouse Gas

Alternative 5 would result in less residential development compared to the proposed project. The reduced number of units would result in fewer vehicle trips compared to the proposed project. Both Alternative 5 and the proposed project would be expected to contribute to pollutants for which the area is in non-attainment and would, therefore, conflict with applicable air quality management plans and result in cumulatively considerable impacts on air quality. In addition, both Alternative 5 and the proposed project in combination with other projects would cumulatively contribute GHG emissions in amounts that could hinder the state's ability to achieve AB 32 goals. However, overall Alternative 5 with a maximum yield of 1,542 fewer units and a reduction of 84.02 acres compared to the proposed project would substantially reduce air quality and greenhouse gas impacts compared to the proposed project.

Biological Resources

Alternative 5 would result in development that would reduce potential impacts on biological resources compared to the proposed projects. The nine sites that have been removed under Alternative 5 support sensitive biological resources such as wetlands, oak woodlands, and riparian habitat on all or significant portion of the site. Table 6-9 provides a comparison of the impacts to plant communities. This alternative would eliminate impacts to Valley Oak Woodland, and substantially reduce impacts on Sierran Mixed Conifer and Foothill Riparian habitats. For the remainder of the sites in this alternative, mitigation addressing biological resources required for the proposed project would also be implemented under Alternative 5 and it would likely have similar guidance and direction. For these reasons, Alternative 5 would have reduced biological impacts compared to the proposed project.

Table 6-9
Potential Impacts to Plant Communities
for the Reduced Development Alternative

Site	Annual Grassland (Acres)	Valley Oak Woodland (Acres)	Blue Oak Woodland (Acres)	Montane Hardwood (Acres)	Sierran Mixed Conifer (Acres)	Foothill Riparian (Acres)	Mixed Chaparral (Acres)	Blue Oak-Foothill Pine (Acres)
1	-	-	-	-	-	-	-	-
2	-	-	-	0	0	-	-	-
3	-	-	-	.03	8.01	0.07	-	-

Site	Annual Grassland (Acres)	Valley Oak Woodland (Acres)	Blue Oak Woodland (Acres)	Montane Hardwood (Acres)	Sierran Mixed Conifer (Acres)	Foothill Riparian (Acres)	Mixed Chaparral (Acres)	Blue Oak-Foothill Pine (Acres)
4	-	-	-	-	0	-	-	-
5	-	-	-	-	5.62	-	-	-
6	-	-	-	-	10.06	-	-	-
7	-	-	-	-	0	0	-	-
8	-	-	-	-	0	0	-	-
9	-		-	-	0	-	-	-
10	0	-	-	-	-	-	-	-
11	2.31	-	-	-	-	-	-	-
12	2.82	-	-	-	-	-	-	-
13	0	0	-	-	0	-	-	-
14	-	-	1.27	-	-	-	-	-
15	-	-	-	0	-	-	-	-
16	-	-	-	5.25	-	-	1.68	11.93
17	-	-	-	0	-	0	-	-
18	-	-	-	4.82	3.80	-	-	-
Total	**5.13**	**0**	**1.27**	**10.1**	**27.49**	**0.07**	**1.68**	**11.93**
Proposed Project	**16.64**	**2.97**	**1.27**	**14.93**	**61.12**	**0.74**	**1.68**	**11.93**

Cultural Resources

Under Alternative 5, the development footprint (47.68 acres) would be reduced by 47% compared to that of the proposed project. Impacts on potential historical and prehistoric resources on Sites 2, 7, 8, 9, and 13 would be avoided under this alternative. For the remaining sites, Sites 3 and 11, potential impacts on cultural resources and mitigation necessary to reduce impacts to less than significant would be comparable. For these reasons, potential impacts on cultural resources associated with Alternative 5 would be reduced compared to the proposed project.

Geology and Soils

Alternative 5 would result in approximately 84 fewer acres of development compared to the proposed project. Overall, up to approximately 1,542 fewer units would be in the project area under Alternative 5. When compared to the proposed project, fewer people would be exposed to seismic and unstable soil hazards under the Alternative 5. Regardless, current federal, state, and local regulations require specific mitigations to reduce impacts related to geologic and seismic hazards, which would apply to both Alternative 5 and the proposed project. Additionally, each scenario would require site-specific measures on

a project-by-project basis to reduce potential seismic and geologic hazard impacts to less than significant. Thus, Alternative 5 project impacts would be reduced compared to the proposed project due to the reduced number of units.

Hazards and Hazardous Materials

Since Alternative 5 would result in fewer people in the project area, it would have the potential to expose less people to risks associated with hazards and hazardous materials. With the removal of Sites 4, 5, 7 and 8, fewer people would be living within Zone D of the Nevada County Airport Land Use Compatibility Plan area. Federal, state and local regulations would mitigate potential hazards and hazardous materials impacts under Alternative 5 in the same manner they would under the proposed project. For these reasons, Alternative 5 would result in a slight reduction of impacts compared to the proposed project.

Hydrology and Water Quality

Compared to the proposed project, Alternative 5 would result in less multi-family residential development. Alternative 5 would eliminate Sites 13 and 17, two of the sites within floodplains. Alternative 5 and the proposed project would substantially increase impermeable surfaces, which could result in an increased risk of flooding, stormwater contamination and degradation of water quality in receiving water bodies. Applicable state and local regulations protecting against flooding and hydrologic impacts would apply under Alternative 5. In addition, site-specific measures would be required on a project-by-project basis to address flooding and other hydrologic impacts. For these reasons, Alternative 5 project impacts would be reduced compared to the proposed project as a result of less building area.

Noise

Under Alternative 5, there would be up to approximately 1,542 fewer homes. Neither Alternative 5 nor the proposed project would exceed established noise standards as a result of traffic increases, and mitigation would be required for each to prevent potential noise impacts on any sensitive uses should they be proposed along specific roadways. Like the project, Alternative 5 would be subject to County and City policies and regulations regarding construction noise, and mitigation for construction noise and ground-bourne vibration would be required to reduce impacts to less than significant. Furthermore, both Alternative 5 and the proposed project would be required to mitigate potential stationary mechanical noise impacts to less than significant. Therefore, Alternative 5 would have the similar noise impacts as the proposed project.

Population and Housing

Alternative 5 would result in up to approximately 1,542 fewer units compared to the proposed project and would be within the growth estimates identified in the County General Plan and, like the proposed project, would exceed estimates the City's 2020 General Plan because of the higher densities proposed on the sites within the City's Sphere of Influence. However, the population growth within the City of Grass Valley would be substantially less because six of the sites that are removed from this Alternative are within the City's Sphere of Influence. Like the proposed project, Alternative 5 would not displace existing housing or people. Therefore, Alternative 5 impacts related to population and housing would be comparable to the proposed project.

Public Services, Utilities, and Service Systems

Population growth associated with Alternative 5 would have less demand for fire and police services, libraries, schools and parks and recreational services when compared to the proposed project. Similar to the proposed project, mitigation measures to reduce potential utility impacts associated with the water and sewer demand increases would be required, but would still be considered significant and unavoidable, due to the unknown capacities at the time development of the sites would occur. As a result, Alternative 5 would have a reduced impact on Public Services, Utilities, and Service Systems compared to the proposed project.

Recreation

When compared to the proposed project, Alternative 5 would result in approximately 1,542 fewer units. Accordingly, the decrease in population would decrease the demand for park and recreational facilities. Therefore, Alternative 5 would result in a slight improvement on recreational impacts over the proposed project.

Transportation/Traffic

Under Alternative 5, there would be less development by up to 1,542 units. Thus, there would be fewer daily vehicle trips associated with new housing. Daily vehicle trips would decrease under Alternative 4 when compared to the proposed project. Under the proposed project there would be significant unavoidable cumulative traffic impacts at the Brunswick Road/SR 49, Brunswick Road/Town Talk, and SR 49/Combie Road intersections. Under Alternative 5 there would be a reduction in traffic volumes at these intersections because Sites 4, 7, 8, 9, 15, and 17 have been removed from the project and would no longer contribute to these failing intersections. Additionally, there would be less cumulative potential safety risk associated with the Brunswick Road/Town Talk intersection because Sites 4, 7, 8, and 9 would no longer contribute to traffic to the intersection. Consequently, Alternative 5 would have reduced transportation and traffic impacts compared to the proposed project, however mitigation requirements within the jurisdiction of the City of Grass Valley would remain significant and unavoidable.

4.15 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Table 6-~~7~~10, *Comparison of Alternative Project Impacts to the Proposed Project*, compares each alternative to the proposed project according to whether it would have a mitigating or adverse effect for each of the environmental resource areas analyzed under each alternative above.

Table 6-~~7~~10
Comparison of Alternative Project Impacts to the Proposed Project

Topic	Alternative 1 No Project/ Future Development Under Existing Nevada County General Plan	Alternative 2 East Bennett Road Sites	Alternative 3 Berriman Ranch Sites	Alternative 4 Reduced Development	Alternative 5 Updated Regional Housing Need Alternative
Land Use and Planning	--	+	=	=	-
Aesthetics	--	--	=	--	-
Air Quality and Greenhouse Gas	--	=	=	--	-
Biological Resources	--	=	+	--	-
Cultural Resources	--	=	=	--	-
Geology and Soils	--	--	=	--	-
Hazards and Hazardous Materials	--	=	-	--	-
Hydrology and Water Quality	--	=	=	--	-

Topic	Alternative 1 No Project/ Future Development Under Existing Nevada County General Plan	Alternative 2 East Bennett Road Sites	Alternative 3 Berriman Ranch Sites	Alternative 4 Reduced Development	Alternative 5 Updated Regional Housing Need Alternative
Noise	--	--	=	=	=
Population and Housing	--	=	=	=	=
Public Services, Utilities and Service Systems	--	=	=	--	-
Recreation	--	=	=	--	-
Transportation/Traffic	--	--	+	--	-

Notes:

– Reduced impact compared to the proposed project.

+ Increased impact compared to the proposed project.

= Same or similar impact as proposed project.

CEQA requires the identification of the environmentally superior alternative in an EIR, which is an alternative that would result in the fewest or least significant environmental impacts. If the "No Project" Alternative is the environmentally superior alternative, *CEQA Guidelines* Section 15126.6 (e) (2) requires that another alternative that could feasibly attain most of the project's basic objectives be chosen as the environmentally superior alternative. Based on the above analysis, summarized in Table 6-10, the environmentally superior alternative is the ~~Reduced Development Alternative~~ Updated Regional Housing Need Alternative. The majority of impacts would be reduced compared to those identified for the proposed project. Specifically, impacts associated with land use and planning; aesthetics; air quality and greenhouse gas; biological resources; cultural resources; geology and soils; hydrology and water quality; ~~noise;~~ public services, utilities, and service systems; recreation and transportation/traffic would be reduced under the Updated Regional Housing Need Alternative~~Reduced Development Alternative~~.

The Updated Regional Housing Need Alternative ~~Reduced Development Alternative~~ would be able to satisfy a majority of the project objectives as well as provide the County with enough area to meet the Regional Housing Need requirements and satisfy state law for providing adequate multi-family housing development opportunities.

Table 2-1
Summary of Impacts and Mitigation

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Land Use and Planning			
4.2-1 - The Proposed Project could conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project.	Potentially Significant Impact	4.2-1 The County of Nevada shall develop a policy agreement with the City of Grass Valley regarding exchange density calculations between the jurisdictions. The purpose of this agreement is to obtain parity among the jurisdictions regarding the provision of urban high density residential housing to satisfy state mandated housing requirements and other housing or density needs as appropriate. The County shall develop this agreement and submit to the City prior to the issuance of development permits for this first project site. Enforcement / Monitoring Agency: County of Nevada	Significant and Unavoidable Impact. While the mitigation would address the density conflicts with the City of Grass Valley, the conflicts would remain until there was a change in the Grass Valley General Plan. Acceptance of an agreement by the City of Grass Valley or a change in the City's General Plan is outside the jurisdiction of the County and potential conflicts would remain significant.
Aesthetics			
4.3-1 - Grading and construction associated with implementation of the Proposed Project would alter the visual appearance of the project area.	Potentially Significant Impact	The following mitigation measure applies to all sites. 4.3-1 - Construction equipment staging areas shall use appropriate screening (i.e., temporary fencing with opaque material) to buffer views of construction equipment and material, when feasible. Staging locations shall be approved by the County or City Engineer prior to the commencement of construction of each phase of the project. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.	Less Than Significant Impact
4.3-2 - Implementation of the Proposed Project may have an adverse effect on a scenic vista.	Less Than Significant Impact	No mitigation required	Less Than Significant Impact
4.3-3 - Project implementation may permanently degrade the existing visual character/quality of the project area.	Potentially Significant Impact	The following mitigation measure applies to all sites. 4.3-3 - Prior to approval of a development proposal for a property within the RH Combining District (or as part of the annexation request for Sites 1-9), the project shall require design review approval by the Planning Commission to ensure landscaping, lighting, parking, layout and building design are compatible with the surrounding development, natural resources, and/or historic features within the project area. However, since the density of development is determined at the time the site is rezoned to add the RH Combining District, design review will not include a review of the	Less Than Significant Impact

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		density of the project. The density shall be based on the State mandated 16-units minimum per acre but will allow for a maximum of 20-units per acre on sites within the Grass Valley Sphere of Influence. All future developments associated with the proposed project would be required to follow the specific design principles and standards that respect the goals, objectives, and policies of the Nevada County General Plan and the City of Grass Valley 2020 General Plan, as well as any area plan design guidelines that each site may be located within. Such design guidelines will ensure each development is providing a balance between development and the natural environment. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.	
4.3-4 - The Proposed Project may generate additional sources of light and glare beyond existing conditions from urban lighting and vehicular traffic.	Potentially Significant Impact	The following mitigation measure applies to all sites. 4.3-4 - For all future projects in the in the proposed project area, all potentially reflective building materials and surfaces shall be painted or otherwise treated to minimize reflectivity, except as necessary to achieve desired green building objectives. All glass used on external building walls shall be low-reflectivity. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.	Less Than Significant Impact
Cumulative Impact - Project implementation may permanently degrade the existing visual character/quality of the project area.	Potentially Significant Impact	The following mitigation measure applies to all sites. Implement Mitigation Measures 4.3-1, 4.3-3 and 4.3-4. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.	Less Than Significant Impact
Biological Resources			
4.4-1 - The Proposed Project has the potential to adversely affect special-status plant species.	Potentially Significant Impact	The following mitigation measure applies to Sites 2, 3, 7 through 13, 17, and 18. 4.4-1a - Prior to approval of a Site Plan, grading plan, or any permit authorizing construction for a property within the RH Combining District, the project developer shall to the satisfaction of the Director of the County Planning Department (or City of Grass Valley Planning Department for Sites 2, 3, 7, 8 and 9):	Less Than Significant Impact

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		Designate wetland and riparian habitat areas an Environmentally Sensitive Area (ESA) consistent with the ESA exhibits shown in Section 3.0 of this EIR on all Site Plans, grading plans, or any permit authorizing construction for a property within the RH Combining District. No construction shall be permitted within the ESAs, unless as part of a management plan consistent with Nevada County Land Use and Development Code Section L-II 4.3.17, is approved by the County Planning Department. For projects located within the Grass Valley SOI, a Wetland and Riparian Mitigation Monitoring Program shall be approved by the City Planning Department. The boundaries of the ESAs shall be clearly shown on all final plans and specifications.4.4-1b - During ground disturbance activities associated with the Grass Valley sites, the construction contractor shall comply with CARB's Airborne Toxic Control Measures (ATCM) addressing NOA (Section 93105 and 93106 of Title 17 of the California Code of Regulations). These ATCMs regulate construction, grading, quarrying, and surface mining operations, as well as surfacing applications. Enforcement / Monitoring Agency: For Sites 2, 3, 7-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-13, 17, and 18. The following mitigation measure applies to all sites: 4.4-1b Prior to approval of a Site Plan, grading plan, or any permit authorizing construction for a property within the RH Combining District, the project developer shall to the satisfaction of the Director of the County Planning Department (or City of Grass Valley Planning Department for Sites 1-9): i) Conduct focused special status plant surveys within and adjacent to (within 100 feet, where appropriate) the proposed impact area, which will include impacts from project construction (temporary construction zone and staging areas) or by post-construction fuel management. Surveys shall be conducted during the appropriate time of year to determine the presence of special-status plant species that have been identified as potentially occurring on the project site. Surveys shall be conducted in accordance with the Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities (CDFG 2000). Field surveys shall be scheduled to coincide with known flowering periods (for the specific species)	

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		and/or during periods of physiological development that are necessary to identify the plant species of concern. According to the known blooming periods, surveys would need to be conducted in May or June and again in July or August; however, unusual weather may affect blooming periods so reference sites should be checked. It is important for the required plant survey to be scheduled in time to allow for salvage and transplantation, if required, prior to initiation of project grading. Specifically, if construction is to be initiated during or prior to September in any year, the survey will need to be completed during the previous calendar year in order to satisfy the mitigation measure requirements. Project approval conditions should include language that alerts project proponents to this circumstance to avoid costly construction delays. The survey report, including a description of methods, map of area surveyed, results, and a complete list of all plant taxa found during the survey, shall be provided to County staff prior to initiation of any grading or equipment operation. If no occurrences of special-status species are found, no further mitigation is required. ii) If any federally or state-listed, CNPS Rare Plant Rank 1 or 2 plant species are found within or adjacent to (within 100 feet) the proposed impact area during the surveys, the CDFW (in the case of state-only listed plants) and/or USFWS (in the case of federally listed plants), as applicable, shall be notified regarding the status and location of the plant and the necessary approval and/or permits obtained. These plant species shall be avoided to the extent feasible. Avoidance measures shall include fencing of the population(s) before construction, exclusion of project activities from the fenced-off areas (no ingress of personnel or equipment), and construction monitoring by a qualified biologist. Avoidance areas shall be identified on project plans. If these plants cannot be avoided completely, the following mitigation measures shall be applied: • Before the approval of grading plans or any groundbreaking activity within the project site, the project developer shall submit a mitigation plan concurrently to the CDFW (in the case of state-only listed plants) and/or USFWS (in the case of federally listed plants) for review and comment, and the	

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		developer may consult with these entities before approval of the plan. The plan shall include mitigation measures for the population(s) to be directly affected. Possible mitigation for the population(s) that would be removed during construction of the project includes implementation of a program to transplant, salvage, cultivate, or re-establish the species at suitable sites. The mitigation ratio for directly impacted plant species shall be at a minimum ratio of 2:1. The actual level of mitigation may vary depending on the sensitivity of the species (its rarity or endangerment status), its prevalence in the area, and the current state of knowledge about overall population trends and threats to its survival. Alternatively, replacement credits may be purchased by the project developer at an approved mitigation bank should such credits be available. • Transplantation of existing special-status plants could be undertaken to move the plant(s) to a suitable habitat location, either within the project site or at an off-site preserve to be protected in perpetuity. The off-site preserve shall include similar soil, climate, and associated plant species as are currently present at the project site. This location will be protected in perpetuity under a conservation easement and managed appropriately to ensure the transplantation is a success. Please note, however, that for some species transplantation may not be a successful or effective method for conservation, as requirements for some species are highly specialized and not clearly understood. Thus, transplantation shall only be used where success can be assured. Avoidance shall be required for special-status plant species that cannot be transplanted, salvaged or cultivated. • If on-site preservation is determined to be feasible, a conservation easement shall be placed over project open space areas to preserve the mitigation areas in perpetuity. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18. The following mitigation measure applies to all sites. 4.4-1c Appropriate Permits: Prior to approval of a Site Plan, grading plan, or any permit authorizing construction for a property	

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		within the RH Combining District, the project developer shall demonstrate, to the satisfaction of the Director of the County Planning Department, that the project developer has obtained all permits and authorizations required by federal, state, regional and local jurisdictions to proceed with their development proposals. These could include incidental take permits that set forth specific measures to minimize, avoid, or fully mitigate impacts to listed species. This should also include, for sites with mapped ESAs, a demonstration of how the development footprint will avoid all ESAs on the project site. Measures could also include limiting operating periods such as prohibiting grading during the wet season (October to May), requiring 100 foot buffers to disturbance and fencing for sensitive areas, design revisions, and species relocation by soil salvage, seed collection, or other means approved by the agencies with jurisdiction. Prior to development of any individual site, additional species could be listed or designated as special-status, and the future developers of the Housing Element Rezone Implementation Program project sites shall comply with any new requirements of the USFWS or CDFW for such species, as may be imposed through subsequent consultation, if necessary. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.	
4.4-2 - The Proposed Project has the potential to adversely affect special-status wildlife species.	Potentially Significant Impact	The following mitigation measure applies to Sites 2 through 18: Valley Elderberry Long Beetle 4.4-2a Prior to approval of a Site Plan, grading plan, or any permit authorizing construction for a property within the RH Combining District, the project developer shall to the satisfaction of the Director of the County Planning Department (or City of Grass Valley Planning Department for Sites 3-9): Conduct surveys for the elderberry shrub VELB host plant prior to site disturbance within riparian or wetland areas depicted in the ESA figures in Section 3.0: Project Description. Prior to development, any elderberry shrubs measuring 1.0 inch or greater in diameter shall be mapped and clearly marked in the field. At all times during development of the project, developers shall comply with the conservation guidelines set forth in USFWS's Conservation Guidelines for the Valley Elderberry Longhorn Beetle (July 9, 1999), which guidelines generally require a buffer of 100 feet around each elderberry shrub with stems measuring 1.0 inch or	Less Than Significant Impact

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		greater in diameter at ground level. If encroachments into the ESA are required, consultation with USFWS shall be required as contemplated by USFWS 1999 Guidelines. Mitigation for impacts on VELB habitat shall be determined via consultation with USFWS pursuant to Section 7, Section 10, or USFWS 1999 Guidelines, as applicable, and may include onsite mitigation planting or the purchase of mitigation credits from an approved conservation bank. To avoid adverse effects on VELB, Mitigation Measures 4.4-1a, and 4.4-1c shall be implemented to ensure avoidance of elderberry shrubs and appropriate protection for this species. If necessary, agency-approved mitigation developed through the permitting process would establish the appropriate and required mitigation for impacts to this species. Note: If VELB is de-listed by the USFWS or if there is any change in the listing status of this species, the USFWS guidance in effect at the time of site development shall be followed for impacts to VELB and elderberry shrubs. Additionally, if development does not occur within 5 years on any of the proposed project sites, additional surveys would be required upon development to reassess the location of the elderberry shrub VELB. Enforcement / Monitoring Agency: For Sites 2-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18. The following mitigation measure applies to all sites: 4.4 -2b Prior to approval of a Site Plan, grading plan, or any permit authorizing construction for a property within the RH Combining District, the project developer shall to the satisfaction of the Director of the County Planning Department (or City of Grass Valley Planning Department for Sites 1-9): Conduct Pre-construction Surveys for Nesting Birds. The future developers within the RH Combining District shall avoid disturbance to active nests within or near disturbance areas. To avoid take of any active raptor nest or disturbance of other protected native birds, to the extent feasible, site disturbance shall be avoided from March 1 through August 31, which coincides with the typical nesting season for most common bird species in the region. If construction, grading or other project-related activities will occur during the typical nesting season, a pre-construction nesting survey shall be conducted by a qualified wildlife biologist to determine if any raptors or protected native birds are nesting in or in the	

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		immediate vicinity of vegetation that will be removed. The survey shall be conducted within 15 days prior to the start of work from March through May (since there is higher potential for birds to initiate nesting during this period), and within 30 days prior to the start of work from June through August. If active nests are found in the work area, the biologist shall determine an appropriately sized buffer around the nest in which no work shall be allowed until the young have successfully fledged. The size of the nest buffer shall be determined by the biologist, and if necessary, in consultation with the CDFW (and USFWS as appropriate). Buffer widths shall be determined based on the nesting species and its sensitivity to disturbance. The no-work buffer zone shall be delineated by highly visible temporary construction fencing. Monitoring of nest activity by a qualified biologist may be required if the project-related construction activity has potential to adversely affect the nest or nesting behavior of the bird. No project-related construction activity shall commence within the no-work buffer area until a qualified biologist confirms that the nest is no longer active. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18. The following mitigation measure applies to all sites: 4.4-2c Protect Special-Status Wildlife Species: Where construction of future development projects within RH Combining District would occur within or near known or potential habitat for special-status species, as defined the following measures shall be implemented: Employ Approved Biological Monitors: Prior to commencement of grading for any phase of the project or portion thereof, a project biologist should be designated as an environmental monitor. The qualified biologist should be approved by the County and shall be present at clearing and grubbing stage or as mandated through the regulatory permitting process. Qualified biologists shall be responsible for pre-construction surveys, staking sensitive resources, onsite monitoring, documentation of violations and compliance, coordination with contract compliance inspectors, and post-construction documentation. Foothill Yellow-legged Frog. Suitable breeding, aestivation, and dispersal habitat for the foothill yellow-legged frog is present along	

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		perennial waterways within several of the proposed rezone sites. If disturbance would occur within 100 feet of known or potential habitat for foothill yellow-legged frog (i.e., perennial streams), pre-construction surveys shall be conducted to determine if this species is present in the disturbance area. If surveys determine that foothill yellow-legged frogs are present, a determination shall be made in consultation with CDFW as to whether or not construction would adversely impact this species and what measures shall be implemented. Measures could include limited operating periods, BMPs to avoid habitat impacts, disturbance exclusion zones, or other measures approved by CDFW. Western Pond Turtle. Potential basking, foraging, and dispersal habitat for the western pond turtle is present along perennial waterways within some of the RH Combining District. Where disturbance would occur within 200 feet of potential habitat for western pond turtle (i.e., near perennial streams), pre-construction surveys shall be conducted to determine whether the proposed disturbance would adversely affect this species. This determination shall be made by a qualified biologist based on the suitability of the affected habitat for this species and/or the presence or absence of this species in the affected area as determined by surveys of suitable habitat. If pond turtles are observed, a determination shall be made in consultation with CDFW as to whether or not construction will adversely impact this species and what measures shall be implemented. Measures could include limited operating periods, BMPs to avoid habitat impacts, disturbance exclusion zones, relocation, or other measures approved by CDFW. Other Special-Status Wildlife Species. Prior to approval of a Site Plan, grading plan, or any permit authorizing construction for a property within the RH Combining District, the project developer shall demonstrate, to the satisfaction of the Director of the County Planning Department, that the site has been assessed for habitat suitability for special-status species of wildlife and that appropriate surveys have been carried out, as necessary, and according to the protocol of State or federal agencies with jurisdiction over the special-status species under review. Should any special-status species be identified, the developer shall retain a qualified biologist to develop and oversee implementation of a management plan. Depending on the species identified, appropriate measures could include avoidance, impact minimization, relocation or other measures and must incorporate measures to satisfy regulatory	

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		requirements of agencies with jurisdiction over the species at issue (Mitigation Measure 4.4-1b). Where onsite avoidance is feasible, barrier fencing, stakes, flagging or other measures shall be implemented prior to site disturbance to ensure impacts are avoided. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.	
4.4-3 The Proposed Project has the potential to directly impact wetlands and riparian areas due to vegetation removal and to indirectly affect wetlands by altering hydrology, increasing erosion and sedimentation, and/or adversely affecting water quality.	Less than Significant Impact	The following mitigation measure applies to Sites 2, 3, 7, 8 within the Grass Valley SOI. 4.4-3a Prior to approval of a Site Plan, grading plan, or any permit authorizing construction for a property within the RH Combining District, the project developer shall to the satisfaction of the Director of the Grass Valley Planning Department: Develop and implement a Wetland and Riparian Mitigation Monitoring Program that provides measures that avoid, minimize, and compensate for damages and/or losses of wetland and riparian vegetation resulting from the future development proposals by completing the following: • Avoidance of wetlands and riparian areas through project design. • Maximum avoidance of wetlands and riparian areas by including fencing and using appropriate buffer zones during construction activities. Unless otherwise required through consultation with state and federal agencies, the minimum development-free setback from the top of creek bank for linear water features shall be 50 feet. For non-linear wetlands or Waters of the U.S., the minimum development-free setback shall be 25 feet. Development-free shall mean building construction and grading. • Provide measures for creek enhancement and added habitat value. • If wetlands cannot be avoided, a minimum 1:1 replacement ratio to compensate for lost extent and functioning of wetland areas. • Supervision and verification of the implementation of adopted measures, including provisions for an onsite Environmental Monitor (a qualified biologist approved by the City, USFWS and CDFW) during construction activities. Unavoidable direct impacts on wetland vegetation types during construction of future development projects on Sites 2, 3, 7, and 8 shall require consultation with the appropriate jurisdiction	Less Than Significant Impact

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		(USACE and RWQCB) and would require a permit from these agencies. Potential impacts shall be mitigated by restoration of the affected area to pre-construction conditions, offsite compensatory mitigation, or purchase of credits in a mitigation bank, in accordance with permits issued by the ACOE, RWQCB and CDFW. Enforcement / Monitoring Agency: For Sites 2, 3, 7, 8, City of Grass Valley, if annexed; County of Nevada if not annexed. The following mitigation measures apply to Sites 10 – 13, and 17: 4.4-3b Where potential wetland impacts are involved, the following mitigation measure would apply. A formal wetland delineation shall be conducted for areas that will be permanently or temporarily impacted by the proposed project including driveway improvements where access to the site would otherwise be prohibited. If jurisdictional waters cannot be avoided, the project developer shall apply for a CWA Section 404 permit from the USACE and a Section 401 permit from the RWQCB. These permits shall be obtained prior to issuance of grading permits and implementation of the proposed project. The project developer shall ensure that the project will result in no net loss of waters of the U.S. by providing mitigation through impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as determined in the CWA Section 404/401 permits. Mitigation must also be consistent with any permitting requirements of the CDFW Section 1602 Streambed Alteration Agreement. Compensatory mitigation may consist of (a) obtaining credits from a mitigation bank; (b) making a payment to an in-lieu fee program that will conduct wetland, stream, or other aquatic resource restoration, creation, enhancement, or preservation activities; these programs are generally administered by government agencies or nonprofit organizations that have established an agreement with the regulatory agencies to use in-lieu fee payments collected from permit applicants; and/or (c) providing compensatory mitigation through an aquatic resource restoration, establishment, enhancement, and/or preservation activity. This last type of compensatory mitigation may be provided at or adjacent the impact site (i.e., on-site mitigation) or at another location, usually within the same watershed as the permitted impact (i.e., off-site mitigation).	

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		The project proponent/permit applicant retains responsibility for the implementation and success of the mitigation project. Written documentation of compliance with this mitigation measure shall be provided to the County prior to construction and grading activities for the proposed project. Enforcement / Monitoring Agency: County of Nevada.	
4.4-4 The Proposed Project has the potential to indirectly impact sensitive aquatic habitat as a result of erosion, sedimentation, and/or contamination.	Potentially Significant Impact.	The following mitigation measure applies to Sites 2-9, 10-13, 17, and 18: Implement Mitigation Measures 4.4-1a, 4.4-3a and 4.4-3b. Enforcement / Monitoring Agency: For Sites 2-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-13, 17, and 18.	Less Than Significant Impact
4.4-5 The Proposed Project would impact oak woodland habitat	Potentially Significant Impact	The following mitigation measure applies to Sites 13 through 18: 4.4-5 Prior to approval of a Site Plan, grading plan, or any permit authorizing construction for a property within the RH Combining District, the project developer shall prepare an oak woodland Management Plan (Management Plan) as required under the Nevada County Tree Preservation and Protection Ordinance. The Management Plan shall specify measures to mitigate for the loss of oak woodland habitat values as a result of site development to ensure no net loss of oak woodland habitat. Measures could include preservation of onsite oak woodlands in a conservation easement, purchase and preservation of offsite oak woodlands, on or offsite enhancement of degraded oak woodlands, or by paying in-lieu fees into a County-approved fund used to purchase and preserve comparable oak woodland communities in the region. The Management Plan shall also include measures to protect trees during construction and following site development. Measures could include specifications for protective fencing and construction buffers, project design modifications, woodland maintenance prescriptions for fuel reduction, forest health, and habitat improvements, and specifications for appropriate uses of the woodland area following site development. The plan shall identify financial responsibility and funding sources for all measures. Enforcement / Monitoring Agency: County of Nevada.	Less Than Significant Impact

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Air Quality			
4.5-1 – The Proposed Project would result in temporary construction related dust and vehicle emissions during construction within the project area.	Potentially Significant Impact	The following mitigation measures apply to all sites. 4.5-1a Prior to the issuance of grading permits, all construction contracts shall include dust control mitigation requirements. All construction ~~contracts~~ improvement plans shall require the following: ▪ All construction activities shall be subject to the requirements of the NSAQMD's Regulation 2, Rule 226 regarding dust control. ▪ Alternatives to open burning of vegetative material on the project site shall be used unless deemed infeasible by the NSAQMD. Suitable alternatives are chipping, mulching, or conversion to biomass fuel. ▪ Contractors shall be responsible for ensuring that adequate dust control measures are implemented in a timely manner during all phases of project development and construction. ▪ All material excavated, stockpiled, or graded shall be sufficiently watered, treated, or covered to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or violation of an ambient air standard. Watering shall occur at least twice daily, with complete site coverage, preferably in the mid-morning and after work is completed each day. ▪ All areas (including unpaved roads) with vehicle traffic shall be watered or have a dust palliative applied as necessary for stabilization of dust emissions. ▪ All onsite vehicle traffic shall be limited to a speed of 15 mph on unpaved roads. ▪ All land clearing, grading, earth moving or excavation activities shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 miles per hour. Temporary traffic control shall be provided during all phases of the construction to improve traffic flow as deemed appropriate by the County and/or applicable local agencies. ▪ Construction activities shall be scheduled to direct construction traffic flow to off-peak hours as much as possible.	Significant and Unavoidable Impact

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		▪ All inactive portions of the construction site shall be covered, seeded, or watered until a suitable cover is established. Alternatively, apply nontoxic soil stabilizers (according to manufacturer's specifications) to all inactive construction areas (previously graded areas which remain inactive for 96 hours) in accordance with County standards. Acceptable materials that may be used for chemical soil stabilization include petroleum resins, asphaltic emulsions, acrylics, and adhesives, which do not violate Regional Water Quality Control Board or California Air Resources Board standards. ▪ Track-out devices (e.g., gravel pads, wheel shakers, etc.) or wheel washers shall be installed where project vehicles and/or equipment enter and/or exit onto paved streets from unpaved roads. Vehicles and/or equipment shall be washed prior to each trip, as necessary to prevent visible dust emissions from adhering dirt or deposition on roadways. ▪ All material transported offsite shall be either sufficiently watered or securely covered to prevent public nuisance. ▪ Ground cover shall be re-established onsite through seeding and watering in accordance with the local grading ordinance. ▪ All mobile and stationary equipment shall be properly maintained. ▪ The County shall require projects to utilize best management practices and the use of construction equipment that meets applicable non-road diesel fuel emission standards. 4.5-1b The following measures shall be implemented by the contractor to reduce ROG emissions resulting from application of architectural coatings: ▪ Use high-pressure-low-volume (HPLV) paint applicators with a minimum transfer efficiency of at least 50 percent; ▪ Use required coatings and solvents with a low ROG content VOC pursuant to the limits in the U.S. EPA National Architectural Coating Rule (40 CFR Part 59); and ▪ Use pre-painted construction materials. 4.5-1c During ground disturbance activities associated with the Grass Valley candidate sites, the construction contractor shall comply with CARB's Airborne Toxic Control Measures (ATCM) addressing Naturally Occurring Asbestos (NOA) (Section 93105	

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		and 93106 of Title 17 of the California Code of Regulations). These ATCMs regulate construction, grading, quarrying, and surface mining operations, as well as surfacing applications. It should be noted that this mitigation measure applies to the candidate sites within the Grass Valley sphere of influence. NOA is not anticipated to occur within the candidate sites in Penn Valley or Lake of the Pines. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.	
4.5-2 – The Proposed Project could result in an overall increase in local and regional mobile and stationary source emissions, which may exceed air quality standards.	Potentially Significant Impact	The following mitigation measures apply to all sites. 4.5-2a Prior to the approval of any site plans, the Planning Director or City of Grass Valley Planning Director for Sites 1-9 shall confirm that all project plans incorporate the suggested mitigation measures for mobile source emissions identified in the NSAQMD *Draft Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects* (Draft Guidelines). These measures include the following: ▪ Streets shall be designed to maximize pedestrian access to transit stops. ▪ Provide for onsite road and offsite bus turnouts, passenger benches, and shelters as demand and service routes warrant subject to review and approval by local transportation planning agencies. ▪ Larger projects may be required to contribute a proportionate share to the development and/or continuation of a regional transit system. Contributions may consist of dedicated right-of-way, capital improvements, easements, etc. ▪ Provide for pedestrian access between bus service and major transportation points within the project, ~~and between separate sections of the project,~~ where feasible. ▪ Contribute to traffic-flow improvements (i.e., right-of-way, capital improvements, etc.) that reduce emissions and are not considered as substantially growth inducing. ▪ Larger projects may be required to provide for, contribute to, or dedicate land for the provision of offsite bicycle trails linking the project to designated bicycle commuting routes in	Significant and Unavoidable Impact

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		accordance with an adopted citywide or countrywide bikeway plan. 4.5-2b Only natural gas/liquefied petroleum gas (LPG) fireplaces or stoves shall be permitted within the candidate sites. EPA Phase II-certified wood-burning fireplaces or stoves may be used if natural gas/LPG fireplaces or stoves are considered infeasible based on consultation with the County and NSAQMD. Conventional open-hearth fireplaces shall not be permitted. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.	
4.5-3 - The Proposed Project could result in an overall increase in odors within the project area.	Less Than Significant Impact	No mitigation required	Less Than Significant.
4.5-4 - Carbon monoxide hot spots may occur as a result of the LRR specific plan.	Less Than Significant Impact	No mitigation required	Less Than Significant.
4.5-5 - The project may not be consistent with the air quality attainment plan (AQAP) criteria.	Potentially Significant Impact	The following mitigation measure applies to all sites: Implement Mitigation Measures 4.5-1a, 4.5-1b, 4.5-1c, 4.5-2a, and 4.5-2b. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.	Significant and Unavoidable Impact
Cumulative Impact - The project would result in additional vehicular travel to and from the project sites, with the resultant exhaust emissions that contain ozone precursors and particulate matter. The County is within an area classified as nonattainment for Federal and State O3 and state PM10 standards.	Potentially Significant Impact	The following mitigation measure applies to all sites: Implement Mitigation Measures 4.5-1a, 4.5-1b, and 4.5-2. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.	Significant and Unavoidable Impact
Cumulative Impact - Additionally, the Housing Element Rezone's GHG emissions in combination with GHG emissions from other known and reasonably foreseeable project would result in a greater amount of GHG emissions. Therefore, the amount of cumulative GHG emissions would be cumulatively considerable, and would	Potentially Significant Impact	No additional mitigation has been identified.	Significant and Unavoidable Impact

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
potentially hinder the intent and statewide reduction goals of AB 32.			
Greenhouse Gas Emissions			
4.6-1 – Greenhouse gas emissions generated by the project would have a significant impact on the environment.	Potentially Significant Impact	~~No additional mitigation has been identified.~~ The following mitigation measure shall apply to all sites. Prior to the issuance of a building permit for a development within the RH Combining District, the project developer shall to the satisfaction of the Director of the County Planning Department (or City of Grass Valley Planning Department of Sites 1-9): Demonstrate that the proposed development has satisfied CALGreen Building Code Tier 1 standards (Title 24, Part 11). The CALGreen standards for residential development are located in Appendix A4 of the Green Building Standards and are intended to provide developers with specific options to construct energy efficient buildings. The more energy efficient the building design and construction, the fewer greenhouse gas emissions from the building over its lifetime. These standards include specific requirements in order to demonstrate that the project has an energy budget no greater than 85 percent of what is allowed by Title 24, Part 6 energy budget. The budget is calculated based on Compliance Software designed by Energy Commission. Appendix A4 of the CALGreen Building Code includes a range of voluntary measures that the developer may select in order to meet reduce the overall energy budget of the development. Such measures include water efficient appliances for indoor water use (Section A4.303), efficient irrigation systems for outdoor water use (Section A4.304), using material sources that are made of recycled content or from rapidly renewable sources (Section A4.405), and energy efficient heating and cooling systems Section A4.207). Implementation of the measures would reduce greenhouse gas emissions from the project. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.	Significant and Unavoidable Impact
4.6-2 – Implementation of the Proposed Project would conflict with an applicable greenhouse gas reduction plan, policy, or regulation.	Less Than Significant Impact	No additional mitigation has been identified.	Less Than Significant Impact
Cultural Resources			

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
4.7-1 - The Proposed Project could potentially result in the damage or destruction of unique archaeological resources, as defined by Public Resources Code §21083.2(g), and historical resources, as defined by CEQA Guidelines §15064.5(a).	Potentially Significant Impact	The following mitigation measure pertains to Sites 2, 3, 7-9, 11 and 13. 4.7-1 Prior to approval of a Site Plan, grading plan, or any permit authorizing construction for a property within the RH Combining District, the project developer shall to the satisfaction of the Director of the County Planning Department (or City of Grass Valley Planning Department for Sites 1-9): Establish areas with potentially significant cultural resources as Environmentally Sensitive Areas consistent with the mapped areas in Figures 3-15 through 3-24 of this EIR. Prior to construction, all potential prehistoric and historic resources shall be designated as an ESA on project plans and specifications. No construction shall be permitted within the ESAs. Enforcement / Monitoring Agency: For Sites 2, 3, 7-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 11 and 13.	Less Than Significant Impact
4.7-2 - The Proposed Project could potentially result in the damage or destruction of unknown paleontological resources.	Potentially Significant Impact	The following mitigation measure applies to all sites. 4.7-2 Prior to approval of a Site Plan, grading plan, or any permit authorizing construction for a property within the RH Combining District, the project developer shall provide, to the satisfaction of the Director of the County Planning Department (or City of Grass Valley Planning Department for Sites 1-9), a letter from a qualified paleontologist that states one of the following: Should any paleontological resources (i.e., fossils) be uncovered during project construction activities, all work in the immediate vicinity shall be halted or diverted to other areas on the site and the County (or City as applicable) shall be immediately notified. A qualified paleontologist shall be retained to evaluate the finds and recommend appropriate mitigation measures for the inadvertently discovered paleontological resources. The County (or City as applicable) and the project developer shall consider the recommendations of the qualified paleontologist. The County (or City as applicable), the qualified paleontologist, and the project developer shall consult and agree upon implementation of a measure or measures that the County (or City as applicable), the qualified paleontologist, and the project developer deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached	Less Than Significant Impact

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		by the project developer, qualified paleontologist, and the County (or City as applicable), as well as the Native American tribal representative if relevant, as to the appropriate preservation or mitigation measures. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.	
4.7-3 - The Proposed Project could potentially result in the damage or destruction of unknown archaeological resources, including human remains.	Potentially Significant Impact	The following mitigation measure applies to all sites. 4.7-3 Prior to approval of a Site Plan, grading plan, or any permit authorizing construction (or as part of the annexation request for sites 1-9) for a property within the RH Combining District, the project developer shall provide, to the satisfaction of the Director of the County Planning Department (or City of Grass Valley Planning Department for Sites 1-9), a letter from a qualified archaeologist that states the following: A. The project developer shall retain a qualified archaeologist meeting the Secretary of Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, to monitor all initial ground-disturbing activities in native soils or sediments, including all vegetation removal. If no cultural resources are identified during this phase of ground disturbance, and if determined between the qualified archaeologist and the lead agency, monitoring may be reduced to on-call status. If any prehistoric or historic artifacts or other indications of archaeological resources are found during site grading or once project construction is under way, the on-site monitor shall be empowered to temporarily halt or divert construction in the immediate vicinity of the discovery while it is evaluated for significance, and the County (or City as applicable) shall be immediately notified. Construction activities could continue in other areas. The archaeologist shall evaluate the finds and recommend appropriate mitigation measures for the inadvertently discovered cultural resources. The County and the project developer will consider the recommendations of the qualified archaeologist. The County (or City as applicable), the qualified archaeologist, and the project developer shall consult and agree upon implementation of a measure or measures that the County, the qualified archaeologist, and the project developer deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation,	Less Than Significant Impact

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		documentation, curation, data recovery, or other appropriate measures. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by the project developer, the qualified project archaeologist, and the lead agency as to the appropriate preservation or mitigation measures. B. Should cultural resources, other than human remains, be discovered during construction activities when an archaeological monitor is not present, project personnel shall halt such activities in the immediate area and notify a qualified archaeologist meeting the Secretary of Interior's Professional Qualifications Standards in prehistoric or historical archaeology immediately to evaluate the resource(s) encountered and recommend the development of mitigation measures for potentially significant resources consistent with PRC Section 21083.2(i). Construction activities could continue in other areas. The archaeologist shall evaluate the finds and recommend appropriate mitigation measures for the inadvertently discovered cultural resources. The County (or City, as applicable) and the project developer will consider the recommendations of the qualified archaeologist. The County (or City, as applicable), the qualified archaeologist, and the project developer shall consult and agree upon implementation of a measure or measures that the County (or City, as applicable), the qualified archaeologist, and the project developer deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by the project developer, the qualified project archaeologist, and the lead agency, as well as the Native American tribal representative if relevant, as to the appropriate preservation or mitigation measures. Should the discovery include Native American human remains, in addition to the required procedures of Health and Safety Code Section 7050.5, PRC Section 5097.98 and California Code of Regulations (CCR) Section 15064.5(e), all work must stop in the immediate vicinity of the find and the Nevada County Coroner must be notified. If the remains are determined to be Native American, the coroner will notify the Native American Heritage	

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		Commission, and the procedures outlined in CEQA Sections 15064.5(d) and (e) shall be followed. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.	
Geology and Soils			
4.8-1 - The Proposed Project could expose people or structures to potentially substantial adverse effects including the risk of loss, injury, or death as a result of secondary seismic hazards (ground shaking, differential compaction, liquefaction, seismically induced flooding and landslides).	Potentially Significant Impact	The following mitigation measure applies to all sites: 4.8-1 Prior to issuance of grading permits for development projects (or as part of the annexation request for sites 1-9) within the proposed project sites, a design-level investigation should be performed to ensure the findings of the Preliminary Geotechnical Engineering Report for Housing Element Rezone, Nevada County, California have been incorporated in the project design. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.	Less Than Significant Impact
4.8-2 - The Proposed Project could result in substantial soil erosion or the loss of topsoil.	Potentially Significant Impact	The following mitigation measure applies to all project sites: Implement Mitigation Measures 4.10-1b and 4.10-1d. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.	Less Than Significant Impact
4.8-3 - The Proposed Project could be located on a geologic formation unit or soil that is unstable, or that would become unstable as a result of construction, and potentially result in landslides or subsidence.	Potentially Significant Impact	The following mitigation measure applies to all project sites: Implement Mitigation Measure 4.8-1 and 4.8-3. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18. The following mitigation measure applies to Site 18: 4.8-3 Prior to approval of a Site Plan, grading plan, or any permit authorizing construction for a property within the RH Combining District, the project developer shall to the satisfaction of the Director of the County Planning Department: Establish areas with slopes greater than 30% as Environmentally Sensitive Areas. Prior to construction, slopes greater than 30% shall be designated as an Environmentally Sensitive Area (ESA) on all Site Plans, grading plans, or any plan authorizing construction for a	Less Than Significant Impact

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		property within the RH Combining District. No construction shall be permitted within the ESAs, unless as part of a mitigation plan approved by the County. The boundaries of the ESAs shall be clearly shown on all final plans and specifications. Enforcement / Monitoring Agency: County of Nevada.	
4.8-4 - The Proposed Project could be located on expansive soil, as defined in table 18-1-b of the uniform building code (1994), creating substantial risks to life or property.	Potentially Significant Impact	The following mitigation measure applies to all sites: Implement Mitigation Measure 4.8-1. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.	Less Than Significant Impact
Hazards and Hazardous Materials			
4.9-1 - The Proposed Project may create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	Less Than Significant Impact	No mitigation required	Less Than Significant
4.9-2 - The Proposed Project may create a significant hazard to the public or the environment through reasonably foreseeable upset and accidental conditions involving the release of hazardous materials into the environment.	Less Than Significant Impact	No mitigation required	Less Than Significant
4.9-3 - The Proposed Project may emit hazardous emissions or result in the handling of hazardous materials, substances, or waste within one-quarter mile of a proposed school site.	Less Than Significant Impact	No mitigation required	Less Than Significant
4.9-4 - The Proposed Project would be located within an airport land use plan and could result in a safety hazard for people residing or working in the project area.	Potentially Significant Impact	The following mitigation measure applies to Sites 3 through 9. 4.9-4 All future development in the proposed project proposed within Safety Areas, as designated by the Nevada County Airpark Airport Land Use Compatibility Plan (ALUCP), shall comply with all policies pertaining to safety hazards (including density standards) set forth in the ALUCP on a project-by-project basis, and the recordation of an Avigation Easement. Enforcement / Monitoring Agency: For Sites 3-9, City of Grass Valley, if annexed; County of Nevada if not annexed.	Less Than Significant Impact

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
4.9-5 - The Proposed Project may impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	Less Than Significant Impact	No mitigation required	Less Than Significant
4.9-6 - The Proposed Project could expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.	Potentially Significant Impact	The following mitigation measure applies to all sites. Implement Mitigation Measures 4.13-1b and 4.13-1c. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.	Less Than Significant Impact
Hydrology and Water Quality			
4.10-1 - The Proposed Project could violate water quality standards or waste discharge requirements.	Potentially Significant Impact	The following mitigation measure applies to Sites 10 and 13: 4.10-1a Prior to approval of a Site Plan, grading plan, or any permit authorizing construction for a property within the RH Combining District, the project developer shall to the satisfaction of the Director of the County Planning Department: ▪ Establish all floodplains as Environmentally Sensitive Areas (ESAs) in compliance with the ESA maps in Chapter 3.0. The placement of structures on sites 10 and 13 must avoid the floodplain ESA. Should development within the floodplain ESA be required, then the developer shall obtain a discretionary use permit for any development within the floodplain and a ministerial management plan for any development within the floodplain 100 foot setback. Prior to construction or vegetation removal, the floodplain ESA shall be designated as an ESA on plans and specifications. All work proposed within the ESA shall not begin until the ESAs are delineated on the ground with orange safety fencing. A biologist shall verify the limits of the ESA fencing on the ground prior to construction. The ESA fences shall remain in place for the entire duration of construction. No earthmoving activities, vehicles, heavy equipment, lay-down areas, or other construction shall be permitted within the ESAs unless as part of a mitigation plan approved by the appropriate permitting agencies. The boundaries of the ESAs shall be clearly shown on all final plans and specifications. Enforcement / Monitoring Agency: County of Nevada.	Less Than Significant Impact

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		The following mitigation measure applies to all sites: 4.10-1b Prior to approval of a Site Plan, grading plan, or any permit authorizing construction for a property within the RH Combining District, the project developer shall to the satisfaction of the Director of the County Planning Department (or City of Grass Valley Planning Department and Public Works Department for Sites 1-9) prepare a Water Quality Management Plan that implements the following items: Best Management Practices to protect water quality. The contractor shall implement standard Best Management Practices during and after construction. These measures include, but are not limited to: a) Construction in or near drainages shall only occur during the dry season. b) Coordination with CDFW, U.S. Army Corps of Engineers, and Regional Water Quality Control Board to obtain all required permits and comply with all terms and conditions of the permits. c) At no time shall heavy equipment operate in flowing water or saturated soils. d) Prior to the start of work, install silt-fencing, straw bales, sediment catch basins, straw or coir logs or rolls, or other sediment barriers to keep erodible soils and other pollutants from entering drainages. Retain existing ground cover to further reduce the potential impacts of the project on erosion along the steep bank. Before the first heavy rains and prior to removing the barriers, soil or other sediments or debris that accumulates behind the barriers shall be removed and transported away for disposal. e) Disruption of soils and vegetation near Squirrel Creek (on sites 10 and 13) shall be minimized to limit potential erosion and sedimentation; disturbed areas shall be graded to minimize surface erosion and siltation; bare soils shall be immediately stabilized and re-vegetated. Seeded areas shall be covered with broadcast straw or mulch. If straw is used for mulch or for erosion control, utilize only certified weed free straw to minimize the risk of introduction of noxious weeds, such as yellow star thistle. f) The contractor shall exercise every reasonable precaution to protect nearby water bodies from pollution with fuels, oils, bitumen, calcium chloride and other harmful materials,	

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		Construction byproducts and pollutants such as oil, cement, and wash water shall be prevented from discharging into or near these resources and shall be collected and removed from the site. No slash or other natural debris shall be placed in or adjacent to water bodies. All construction debris and associated materials and litter shall be removed from the work site immediately upon completion. g) Provide copies of these BMPs to the Contractors and their workers to assure compliance with mitigation measures during construction. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18. The following mitigation measure applies to all sites: 4.10-1c Prior to approval of a Site Plan, grading plan, or any permit authorizing construction (or as part of the annexation request for sites 1-9) for a property within the RH Combining District, the project developer shall submit, to the satisfaction of the Director of the County Public Works Department (for sites 10-18), or City Engineer (for sites 1-9), a project-specific hydrology report to verify expected pre- and post-project stormwater volumes from the proposed development, projected peak storage capacity of detention basins, and percolation characteristics of the soil. The hydrology reports shall confirm that adequate stormwater conveyance and capacity is available in either the region or onsite basins, depending on the chosen option, as well as no net increase in stormwater flow rate to the County's or City's storm drainage system. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18. The following mitigation measure applies to Sites 1-9: 4.10-1d Prior to approval of an annexation request for a property within the RH Combining District, the project developer shall submit, to the satisfaction of the City Engineer (for Sites 1-9), a water quality management plan which include measures that filter pollutants from stormwater in order to ensure that discharged water meets applicable City standards, such as:	

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		Source Control BMPs ▪ Permeable pavers/pavement ▪ Hybrid parking areas/parking groves ▪ Roof runoff controls (i.e., rain barrels) ▪ Efficient irrigation to minimize runoff of excess irrigation water Treatment Control BMPs ▪ Vegetated swales within parking lots ▪ Vegetated swales on lots (adjacent to pads) ▪ Bioretention ▪ Hydrodynamic separators/wet vaults ▪ Drain inserts Flow Control BMPs ▪ Detention Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed.	
4.10-2 – The Proposed Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.	Less Than Significant With Mitigation	The following mitigation measure applies to all sites: Implement Mitigation Measure 4.10-1c. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.	Less Than Significant Impact
4.10-3 - The Proposed Project could substantially alter the existing drainage pattern of the site or area, which could result in substantial erosion or siltation on- or off-site.	Potentially Significant Impact	The following mitigation measure applies to all sites: Implement Mitigation Measures 4.10-1b and 4.10-1c. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.	Less Than Significant Impact
4.10-4 - The Proposed Project could substantially alter the existing drainage pattern of the site or area, which could substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site.	Potentially Significant Impact	The following mitigation measure applies to all sites: Implement Mitigation Measures 4.10-1b, 4.10-1c and 4.10-1d. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.	Less Than Significant Impact

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
4.10-5 - The Proposed Project could create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.	Potentially Significant Impact	The following mitigation measure applies to all sites: Implement Mitigation Measure 4.10-1c. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.	Less Than Significant Impact
4.10-6 - The Proposed Project could place housing within a 100-year flood hazard area, or place within a 100-year flood hazard area structures which could impede or redirect flood flows.	Potentially Significant Impact	The following mitigation measure applies to Sites 10 and 13: Implement Mitigation Measure 4.10-1a. Enforcement / Monitoring Agency: County of Nevada.	Less Than Significant Impact
4.10-7 - The Proposed Project could expose people or structures to a significant risk of loss, injury or death involving flooding, including as a result of the failure of a levee or dam.	Potentially Significant Impact	The following mitigation measure applies to Sites 10 and 13: Implement Mitigation Measure 4.10-1a. Enforcement / Monitoring Agency: County of Nevada	Less Than Significant Impact
Noise			
4.11-1 - Construction-related activities resulting from the Proposed Project could generate noise levels in excess of established standards.	Potentially Significant Impact	The following mitigation measures apply to all sites: 4.11-1a Project developers shall ensure through contract specifications that construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels. Contract specifications shall be included in construction documents, which shall be reviewed by the County or City prior to issuance of a grading or building permit (whichever is issued first) or as part of the annexation request for Sites 1-9. The construction BMPs shall include the following: • Ensure that construction equipment is properly muffled according to industry standards and be in good working condition. • Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible. • Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources. • Use electric air compressors and similar power tools rather than diesel equipment, where feasible.	Less Than Significant Impact

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		• Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes. • Construction shall be limited to the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday. No construction is permitted on Sundays or legal holidays. • Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the County or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party. 4.11-1b Project developers shall require by contract specifications that heavily loaded trucks used during construction would be routed away from residential streets to the extent feasible. Contract specifications shall be included in construction documents, which shall be reviewed by the County prior to issuance of a grading permit. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.	
4.11-2 – Construction-related activities resulting from the Proposed Project could generate or expose persons or structures to excessive ground-borne vibration.	Potentially Significant Impact	The following mitigation measure applies to all sites. 4.11-2 Future projects shall require by contract specifications that construction staging areas along with the operation of earthmoving equipment would be located as far away from vibration and noise sensitive sites as feasible. Should construction or grading activities take place within 25 feet of an occupied structure, a project specific vibration impact analysis shall be conducted, with appropriate recommendations to ensure vibration levels are below the 0.2 inch-per-second PPV significance threshold at sensitive uses. Contract specifications incorporating this measure shall be included in the proposed project construction documents, which shall be reviewed by the County prior to issuance of a grading permit or by the City as part of the annexation request for Sites 1-9. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.	Less Than Significant Impact

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
4.11-3 - Future noise levels associated with the Proposed Project could contribute to an exceedance of the County's noise standards resulting in potential noise impacts to sensitive receptors.	Less Than Significant Impact	No mitigation required	Less Than Significant Impact.
Cumulative Mobile Noise - The Proposed Project, in conjunction with cumulative projects, would result in significant long-term mobile noise impacts, based on combined and incremental noise levels.	Potentially Significant Impact	The following mitigation measures apply to all sites: Refer to Mitigation Measures 4.11-1a, 4.11-1b, and 4.11-2. Additional mitigation is not required. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.	Less Than Significant Impact
Population and Housing			
4.12-1 - The Proposed Project would directly induce population growth in the City of Grass Valley.	Potentially Significant Impact	No feasible mitigation measures have been identified. The County of Nevada does not have land use authority over the City of Grass Valley to amend or alter the City's existing planning policies or the existing General Plan.	Significant and Unavoidable
Public Services, Utilities and Service Systems			
4.13-1 - The public service needs of the Proposed Project could result in substantial adverse impacts.	Potentially Significant Impact	The following mitigation measures apply to all sites: 4.13-1a Prior to Building Permit issuance, the project developer shall provide written documentation from the Fire Department ensuring adequate fire response times to the project site. The formation of an assessment district, on the proposed sites, may be established to provide adequate public safety services. 4.13-1b Construction Plan applications (or as part of the annexation request for Sites 1-9) submitted for all sites shall include a vegetation fuel management plan, which addresses overall fuels management for achieving a reduction in wildland fire intensity, subject to review and approval of the Fire Department. The plan shall also address management of the vegetative fuels in those areas that may be considered environmentally sensitive. 4.13-1c Prior to Building Permit issuance, the project developer shall provide written documentation from the Police or Sheriff services ensuring adequate police response times. The formation of an assessment district, on the proposed sites, may be established to provide adequate public safety services.	Less Than Significant Impact

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.	
4.13-2 - The Proposed Project could result in a determination by the wastewater treatment provider that it has inadequate capacity to provide for the project's projected demand in addition to the provider's existing commitments.	Potentially Significant Impact	The following mitigation measure applies all sites: 4.13-2 Prior to approval of a Site Plan, grading plan, or any permit authorizing construction (or as part of the annexation request for Sites 1-9) for a property within the RH Combining District, the project developer shall to the satisfaction of the Director of the County Planning Department (or City of Grass Valley Planning Department for Sites 1-9): Provide written documentation that adequate sewer capacity is available for the proposed development. The project developer may provide written documentation that the wastewater treatment plant has been upgraded to increase capacity or a report from a registered civil engineer demonstrating that that adequate capacity is available. If adequate sewer capacity does not exist, the developer will pay for WWTP upgrades to account for the additional effluent. The developer may develop a reimbursement agreement, if needed, to recuperate fair-share costs associated with other proposed developments nearby. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.	Significant and Unavoidable. This impact remains significant because it is unknown what the capacity of the wastewater treatment facilities would be at the time of project construction. It is also unknown if completion of the required wastewater facility improvements would be feasible for a single project developer. Furthermore, the County does not have jurisdiction over the timing of when wastewater improvements would occur within the City of Grass Valley.
4.13-3 - Sufficient water supplies are available to serve the Proposed Project from existing entitlements and resources; no new or expanded entitlements would be required.	Potentially Significant Impact	<u>Sufficient water supply is available to serve the proposed project, however; the Proposed Project could require new local infrastructure improvements to increase capacity.</u> The following mitigation measure applies all sites: 4.13-3 Prior to approval of a Site Plan, grading plan, or any permit authorizing construction (or as part of the annexation request for sites 1-9) for a property within the RH Combining District, the project developer shall to the satisfaction of the Director of the County Planning Department (or City of Grass Valley Planning Department for Sites 1-9): Provide the County (or the City for Sites 1 through 9) with an approved set of improvement plans accepted by NID, which include the following: ▪ Quantification of anticipated water usage by parcel.	Significant and Unavoidable. This impact remains significant and unavoidable because it is unknown what the capacity of the potable water facilities would be at the time of project construction. It is also unknown if completion of the required water infrastructure improvements would be feasible for a single project developer. Furthermore, the County does not have jurisdiction over the timing of when wastewater improvements would occur within the City of Grass Valley.

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		▪ A comprehensive water system design for distribution piping and connection to the existing NID distribution system. ▪ Appropriate pipe sizing to accommodate minimum fire flow water pressures (as determined by CAL FIRE, NID, and the HFPD). ▪ Identification of pipe sizing, pipe location, and the location of the tie-in with NID facilities. ▪ Provisions for easement, rights-of-way, and in-fee land to NID for water facilities. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.	
4.13-4 - The landfill that would serve the Proposed Project has sufficient permitted capacity to accommodate the project's solid waste disposal needs. The project would comply with federal, state and local statues and regulations related to solid waste.	Less Than Significant Impact	No mitigation required	Less Than Significant.
Recreation			
4.14-1 - The Proposed Project could increase the use of existing neighborhood and regional parks or other recreational facilities.	Potentially Significant Impact	The following mitigation measure applies to all sites: 4.14-1 Prior to approval of a Site Plan, grading plan, or any permit authorizing construction (or as part of the annexation request for sites 1-9) for a property within the RH Combining District, the project developer shall to the satisfaction of the Director of the County Planning Department (or City of Grass Valley Planning Department for Sites 1-9): Demonstrate that the proposed development is consistent with the County's Western Nevada County Non-motorized Recreational Trails Master Plan and pay recreation mitigation fees in an amount established by the County. For projects located within the City of Grass Valley SOI, the developer shall provide for community and regional parks consistent with the City's Park and Recreation Master Plan or pay an in-lieu fee in an amount established by the City. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.	Less Than Significant Impact

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
4.14-2 - The Proposed Project would not include the construction of recreational facilities that might have an adverse effect on the environment.	Less Than Significant Impact	No Mitigation required	Less Than Significant
Transportation and Traffic			
4.15-1 - The Proposed Project would result in an increase in traffic at study area intersections and roadway segments. Twenty three study intersections would continue to operate at acceptable levels of service in accordance with n Nevada County and the City of Grass Valley significance criteria during the weekday PM peak hour.	Less Than Significant Impact	No mitigation required	Less Than Significant
4.15-2 - The Proposed Project would add traffic to the intersection of Idaho-Maryland Road and Brunswick Road. This intersection is projected to operate at LOS F (unacceptable) in the PM peak hour.	Potentially Significant Impact	The following mitigation measure applies to Sites 3 through 9: 1. If the project would result in more than 63 total PM peak hour trips and more than 10PM peak hour trips at the intersection of Idaho-Maryland Road/Brunswick Road, a supplemental traffic analysis shall be prepared consistent with the City's Traffic Policy to determine the extend to impacts and appropriate mitigation responsibility shall be assigned as a condition of approval. As a result of the study, the project mitigation would include one of the following: a) Be required to install the improvements (likely a roundabout) at the Idaho-Maryland Road/Brunswick Road intersection; or b) Pay the project's proportionate share of the Idaho-Maryland Road/Brunswick Road intersection improvements; or c) Construction some associated improvement that would address project impacts at the Idaho-Maryland Road/Brunswick Road intersection; or d) Be required to complete some combination of the above to address project impacts at the Idaho-Maryland Road/Brunswick Road identified in the supplemental traffic study. 2. If the project would result in less than 10PM peak hour trips at this intersection, the project proponent or successor in interest shall pay the associated mitigation fees.	Significant and Unavoidable This impact remains significant because it is unknown when the intersection improvement would occur and the construction of the complete improvement may not be feasible for a single project. Furthermore, the County of Nevada does not have jurisdiction over the approval of construction or timing of when the improvement would occur within the City of Grass Valley.

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		Timing/Implementation: Prior to occupancy of development within the project area. *Enforcement/Monitoring: City of Grass Valley Planning Division and Public Works Department.* ~~4.15-2 As described in the Loma Rica Ranch Specific Plan EIR (RBF Consulting, 2011), a roundabout shall be constructed at the intersection of Idaho-Maryland Road and Brunswick Road. This intersection is located on the downhill slope. The installation of a roundabout has been shown to reduce the number and severity of accidents. This mitigation would improve the operation of the intersection to LOS A. The improvement is identified in the Grass Valley Traffic Impact Fee (GVTIF).~~ ~~To mitigate direct traffic impacts on the Idaho-Maryland Road and Brunswick Road intersection, a new roundabout is required at this intersection. However, the County of Nevada does not control the timing or implementation of construction because the intersection is within the jurisdiction of the City of Grass Valley. Additionally, it is not known whether it is feasible for one project applicant to construct the roundabout in its entirety as part of a single development project. Therefore, the developer shall pay a fair share contribution to the City of Grass Valley Development Impact Fee Capital Improvement Program towards the construction cost of this future intersection improvement.~~ ~~The individual development of Sites #3, 4, 5, 6, 7, 8 or 9 would generate 1 or more trips at the intersection and require implementation of the intersection mitigation.~~ ~~Timing Implementation: Prior to issuance of a building permit~~ ~~Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed.~~	
4.15-3 - The Proposed Project would add traffic to the intersection of La Barr Meadows Drive and McKnight Way. This intersection is projected to operate at LOS F on the worst approach (unacceptable) in the PM peak hour.	Potentially Significant Impact	The following mitigation measure applies to Site 2: 1. If the project would result in more than 63 total PM peak hour trips and more than 10PM peak hour trips at the intersection of La Barr Meadows Drive/McKnight Way, a supplemental traffic analysis shall be prepared consistent with the City's Traffic Policy to determine the extend to impacts and appropriate mitigation responsibility shall be assigned as a condition of approval. As a	Significant and Unavoidable This impact remains significant because it is unknown when the intersection improvement would occur and the construction of the complete improvement may not be feasible for a single project. Furthermore, the County of Nevada does not have jurisdiction over the

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		result of the study, the project mitigation would include one of the following: a) Be required to install the improvements (likely a roundabout) at the La Barr Meadows Drive/McKnight Way intersection; or b) Pay the project's proportionate share of the La Barr Meadows Drive/McKnight Way intersection improvements; or c) Construction some associated improvement that would address project impacts at the La Barr Meadows Drive/McKnight Way intersection; or d) Be required to complete some combination of the above to address project impacts at the La Barr Meadows Drive/McKnight Way identified in the supplemental traffic study. 2. If the project would result in less than 10PM peak hour trips at this intersection, the project proponent or successor in interest shall pay the associated mitigation fees. *Timing/Implementation: Prior to occupancy of development within the project area.* *Enforcement/Monitoring: City of Grass Valley Planning Division and Public Works Department.* ~~4.15-3 The provision of the dual roundabouts on McKnight Way at the SR 49 interchange would improve operation of the intersection to LOS A. This improvement would combine the McKnight Way / La Barr Meadows Road / Auburn Street and McKnight Way / SR 49 Northbound Ramps intersection into one intersection, and the McKnight Way / Taylorville Road and McKnight Way / SR 49 Southbound Ramps intersections into one intersection. Due to the close intersection spacing and the coordinated operation of the intersections, the roundabouts would need to be installed simultaneously in order to adequately accommodate traffic flows. This improvement is identified in the Nevada County Regional Transportation Plan and the City of Grass Valley Capital Improvement Program.~~ ~~To mitigate direct impacts at the La Barr Meadows and McKnight Way intersection dual roundabouts would be required to be constructed. However, the County of Nevada does not control the~~	approval of construction or timing of when the improvement would occur within the City of Grass Valley.

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		~~timing or implementation of construction because the intersection is within the jurisdiction of the City of Grass Valley. Additionally, it is not known whether it is feasible for one project applicant to construct the required dual roundabouts in their entirety as part of a single development project. Therefore, the developer shall pay a fair share contribution to the City of Grass Valley Development Impact Fee Capital Improvement Program towards the construction cost of this future intersection improvement.~~ ~~Site Specific Development Analysis: The individual development of Site #2 would generate 10 or more trips at the intersection and require implementation of the intersection mitigation.~~ ~~Timing Implementation: Prior to issuance of a building permit~~ ~~Enforcement / Monitoring Agency: City of Grass Valley~~	
4.15-4 - The Proposed Project would add traffic to the intersection of Brunswick Road and Triple Crown Road. This intersection is projected to operate at an overall LOS E and LOS F at the worst approach (unacceptable) in the PM peak hour.	Potentially Significant Impact	The following mitigation measure applies to Sites 3 through 9: 4.15-4 The realignment of Triple Crown Road with Town Talk Road into one intersection and the installation of a traffic signal will improve intersections of Brunswick Road and Triple Crown Drive and Brunswick Road and Town Talk Road / Bubbling Wells Road to LOS B during the PM peak hour. The intersection does meet peak hour Caltrans peak hour signal warrant for the installation of a traffic signal under Existing plus Background plus Project conditions. The proposed mitigation includes one additional southbound right turn lane, one southbound left turn lane, one northbound left turn lane and one northbound right turn lane. In addition, the existing unsigned driveway (designated as "Ranchview Court" in County Map data) located approximately 35 feet to the south of Town Talk Road shall be combined with Town Talk Road at the west leg of the intersection. The project developer shall install or fund the improvement at the intersection prior to issuance of a building permit. Site Specific Development Analysis: This improvement would be triggered when the proposed project generates 1 or more trip to the intersection of Brunswick Road and Triple Crown Road. The individual development of Sites #3, 4, 5, 6, 7, 8 or 9 would generate 1 or more trips at the intersection and require implementation of the intersection mitigation. Timing Implementation: Prior to issuance of a building permit	Significant and Unavoidable While the proposed improvement is expected to mitigate the potential impacts to less than significant, this impact remains significant because the County of Nevada does not have jurisdiction over the approval of construction or timing of when the improvement would occur within the City of Grass Valley.

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed.	
4.15-5 - The Proposed Project would add traffic to the intersections of SR 49 / Combine Road. This intersection is projected to operate at Los F (unacceptable) in the PM Peak Hour.	Potentially Significant Impact	The following mitigation measure applies to Sites 14 through 18: 4.15-5 The Nevada County Regional Transportation Plan and RTMF includes the following improvements to the SR 49 / Combie Road intersection. The improvements would improve the PM peak hour level of service to LOS C. • Construct one additional southbound left turn lane that is at least 325 feet in length • Construct one additional receiving lane at the east leg of intersection on Combie Road • Reconstruct or reconfigure the westbound left turn lanes to be a minimum of 250 feet in length to allow for adequate storage The project developer shall install or fund the improvement at the intersection. The developer and the County of Nevada should enter into a reimbursement agreement for the remaining portion of the improvement costs that are not the project developer's fair share. Site Specific Development Analysis: This improvement would be triggered when the proposed project generates 1 or more trip to the intersection of SR 49 / Combie Road. The individual development of Sites #14, 15, 16, 17, or 18 would generate 1 or more trips at the intersection and require implementation of the intersection mitigation. Timing Implementation: Prior to issuance of a building permit Enforcement / Monitoring Agency: Nevada County	Less Than Significant Impact
4.15-6 – The Proposed Project would add traffic to the intersections of Higgins Road and Combie Road. This intersection is projected to operate at Los F (unacceptable) in the PM peak hour.	Potentially Significant Impact.	The following mitigation measure applies to Sites 14 through 18: 4.15-6 The Higgins Marketplace EIR (2007) identified mitigation for this intersection including of the installation of a traffic signal and the installation of an additional eastbound through lane. Implementation of this mitigation measure would improve level of service to an acceptable LOS C during the PM peak hour. Prior to the development of the project site, the Project Developer shall pay a fair share contribution to the LTMF and RTMF program. Site Specific Development Analysis: This improvement would be triggered when the proposed project generates 1 or more trip to the intersection of Higgins Road and Combie Road. The individual development of Sites #14, 15, 16, 17, or 18 would generate 1 or more	Less Than Significant Impact.

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		trips at the intersection and require implementation of the intersection mitigation. Timing Implementation: Prior to issuance of a building permit Enforcement / Monitoring Agency: Nevada County	
4.15-7 – The Proposed Project would add traffic at new driveway intersections which would have restricted sight distance and close spacing and may impact safety and traffic operations.	Potentially Significant Impact.	The following mitigation measure applies to all sites: 4.15-7 The sight distances at all project site access intersections shall be reviewed during the design phase of the project sites with attention given to horizontal and vertical sight distance constraints. To maintain adequate corner sight distance consistent with Caltrans Highway Design Manual requirements, parking shall not be permitted on major onsite roadways within close proximity to intersections. All onsite intersections, landscaping, signing, and parking shall be designed so that adequate corner sight distance is achieved. Prior to issuance of a building permit, the developer shall provide verification by a professional engineer that sight distance has been evaluated. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed. County of Nevada for Sites 10-18.	Less Than Significant Impact
5.2.14.1 - Cumulative Impact - The Proposed Project would add traffic to the signalized intersection of Nevada City Highway and Brunswick Road. This intersection is projected to operate at LOS E (unacceptable) in the PM peak hour.	Potentially Significant Impact	The following mitigation measure pertains to Sites 3 through 9: 5.2.14.1 - Prior to issuance of a building permit, the project developer shall pay a fair share contribution to the City of Grass Valley Development Impact Fee Capital Improvement Program towards the installation of signal timing at the intersection of Nevada City Highway and Brunswick Road to improve operations and meet future traffic volume demand. Signal timing splits shall be optimized based upon a cycle length of 90 seconds. This mitigation would improve the operation of the intersection to LOS D. Timing Implementation: Prior to issuance of a building permit Enforcement / Monitoring Agency: City of Grass Valley	Significant and Unavoidable While the proposed fair share contribution is expected to reduce cumulative impacts to less than significant, this impact remains significant and unavoidable because the County of Nevada does not have jurisdiction over the approval of funding or construction of the improvement within the City of Grass Valley.
5.2.14.2 - The proposed project would add traffic to the intersection of Brunswick road and Town Talk Road (Sites 7 and 8 access). This intersection is projected to operate at an overall LOS E and LOS F at the worst approach (unacceptable) in the pm peak hour.	Potentially Significant Impact	The following mitigation measure pertains to Sites 3 through 9: 5.2.14.2 Prior to issuance of a building permit, the project developer shall install or fund the realignment of Triple Crown Road with Town Talk Road (Sites 7 and 8 access) into one intersection and the installation of a traffic signal. This measure will improve intersections of Brunswick Road / Triple Crown Drive and Brunswick Road / Town Talk Road / Bubbling Wells Road to LOS	Significant and Unavoidable While the proposed improvement is expected to mitigate the potential impacts to less than significant, this impact remains significant because the County of Nevada does not have

Environmental Impacts	Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		C during the PM peak hour. The intersection does meet peak hour Caltrans peak hour signal warrant for the installation of a traffic signal. The proposed mitigation includes one additional southbound right turn lane, one southbound left turn lane, one northbound left turn lane and one northbound right turn lane. The developer and the City of Grass Valley should enter into a reimbursement agreement for the remaining portion of the improvement costs that are not the project developer's fair share. The formation of an assessment district is considered a fair share cost sharing mechanism. Timing Implementation: Prior to issuance of a building permit. Enforcement / Monitoring Agency: For Sites 1-9, City of Grass Valley, if annexed; County of Nevada if not annexed.	jurisdiction over the approval of construction or timing of when the improvement would occur within the City of Grass Valley.
5.2.14.3 The Proposed Project would add traffic to the intersection of SR 49 northbound ramps and McKnight Way. This intersection is projected to operate at overall LOS E (unacceptable) in the PM Peak Hour.	Potentially Significant Impact	The following mitigation measure pertains to Site 2: Prior to the development of the project site, the Project Developer shall pay a fair share contribution to the City of Grass Valley Development Impact Fee Capital Improvement Program for the provision of the dual roundabouts on McKnight Way at the SR 49 interchange described in Mitigation Measure 4.15-3. Enforcement / Monitoring Agency: City of Grass Valley	Significant and Unavoidable. While the proposed fair share contribution is expected to reduce cumulative impacts to less than significant, this impact remains significant and unavoidable because the County of Nevada does not have jurisdiction over the approval of funding or construction of the improvement within the City of Grass Valley.
5.2.14-4 – The proposed project would add traffic to the intersections of the SR 49/Combie Road. This intersection is projected to operate at LOS E (Unacceptable) in the PM Peak Hour	Potentially Significant Impact	The following mitigation measure pertains to Sites 14 through 18: 5.2.14-4 Prior to issuance of a building permit, the project developer shall pay a fair share contribution to the Nevada County RTMF program for the construction of an additional southbound left turn lane that is at least 325 feet in length shall be installed at the intersection of SR 49 and Combie Road. This improvement will improve operations at the intersection to LOS D during the PM peak hour. The addition of a southbound left turn lane is an identified improvement in the Nevada County Regional Transportation Plan and RTMF. Enforcement / Monitoring Agency: County of Nevada.	Less Than Significant Impact

SECTION 3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

3.1 Introduction

No new significant environmental impacts or issues, beyond those already covered in the Draft EIR for the Housing Element Rezone Program Implementation project, were raised during the public review period for the Draft EIR. The County of Nevada (County), acting as the lead agency, directed that responses to the comments on the Draft EIR be prepared. Responses to comments received during the comment period do not involve any new significant impacts, an increase in severity of previously identified impacts, or significant new information that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

3.2 List of Commenters

State Agencies

Letter 1 Governor's Office of Planning and Research

Letter 2 Department of Transportation (CALTRANS)

Letter 3 Water Boards – Central Valley Regional Water Quality Control Board

Letter 4 Native American Heritage Commission

Letter 5 Department of Parks and Recreation

Local Agencies

Letter 6 City of Grass Valley

Letter 7 Penn Valley Fire Protection District

Local Organizations

Letter 8 California Native Plant Society – Rosebud Chapter

Letter 9 Penn Valley Chamber of Commerce – October 1, 2013

Letter 10 Penn Valley Chamber of Commerce – October 29, 2013

Letter 11 Penn Valley Chamber of Commerce – November 1, 2013

Letter 12 Penn Valley Chamber of Commerce – November 17, 2013

Letter 13 Rural Quality Coalition

Letter 14 Wolf Creek Community Alliance

Individuals

Letter 15	Jake Creamer, November 8, 2013 and November 12, 2013
Letter 16	Todd Williamson
Letter 17	Christine Dickinson
Letter 18	Ralph Siblerstein
Letter 19	Gary Hammer
Letter 20	Bob Olsen
Letter 21	Frederick Morrill
Letter 22	Jory Stewart
Letter 23	Thomas Moreno
Letter 24	Brent Dickinson
Letter 25	Eric S.
Letter 26	Mark Frederick
Letter 27	Jeff and Susan George
Letter 28	Kim Williamson
Letter 29	Dale and Christine Meyer
Letter 30	Linda Marshall
Letter 31	David Bartow
Letter 32	Douglas and Shirley Moon, October 29, 2013
Letter 33	Lindsay Betz
Letter 34	Tim Robinson
Letter 35	David and Janet Evans
Letter 36	Thorgrun Odden
Letter 37	David Streeter
Letter 38	Jim Flaherty
Letter 39	Tony Moscini
Letter 40	Debra Duffer
Letter 41	Raymond Juels
Letter 42	Linda Fowler

Letter 43	Jon Stewart
Letter 44	Paula Wittler
Letter 45	David and Janet Adams
Letter 46	Sharon Loucks, November 11, 2013-1 and November 11, 2013-2
Letter 47	Nadeane Diede
Letter 48	Rosemary
Letter 49	Alan Witt
Letter 50	Heidi Rodgriguez
Letter 51	Andrew Felli
Letter 52	David Pettis
Letter 53	Michael Mastrodonato
Letter 54	Lawrence Berwin
Letter 55	Matt and Kim Furtado
Letter 56	Diana Solomon
Letter 57	Joy Van Noy
Letter 58	Nancy Spurgeon
Letter 59	Karina Whalman
Letter 60	Dianna Betz
Letter 61	Susan Schlueter
Letter 62	Herb Lindberg
Letter 63	Gene Gilligan
Letter 64	Keith Holmes
Letter 65	Angel Rosario
Letter 66	George Theodore
Letter 67	David Hunter
Letter 68	Edward and Susan James
Letter 69	Bruce Puphal
Letter 70	Nancy Broz
Letter 71	Y. Broz

Letter 72	Richard Juels
Letter 73	Sara Soldevila
Letter 74	Murray and Marilyn Arnold
Letter 75	Carol Smith
Letter 76	Barbara Novikiff
Letter 77	Moses Novikiff
Letter 78	Christine Lisee
Letter 79	Linda Marshall
Letter 80	Pamela Bivens
Letter 81	Brian and Renee McGrath
Letter 82	Laura Argento
Letter 83	James and Shiela Becker
Letter 84	Shannon Arena
Letter 85	Jeri Stone
Letter 86	Daniel Holloran
Letter 87	Tom Cross
Letter 88	Bruce N. Pusheck
Letter 89	Ron Jermyn
Letter 90	James Moss
Letter 91	Robert Winters
Letter 92	Dan Buchholz
Letter 93	Kathryne Nielsen
Letter 94	Donald and Deanna Batson
Letter 95	Armon Forse
Letter 96	Joyce Hammer
Letter 97	Matthew Beauchamp
Letter 98	Gereld Reifel
Letter 99	Dennis and Linda Keels
Letter 100	Leland Kendall

Letter 101	Shirlyn Vogel
Letter 102	Patricia Kendall
Letter 103	Fran Wyatt
Letter 104	Galdys Martines
Letter 105	Maureen Lafond
Letter 106	Andrew and Linda Barter
Letter 107	Maxine and Cecil Lewelling
Letter 108	Douglas and Shirley Moon
Letter 109	Robert Cornwell
Letter 110	Donald Ringen
Letter 111	Julie Cox (3 Letters)
Letter 112	Dana Ettlin
Letter 113	Elizabeth Hayman
Letter 114	Jim and Arlene O'Connor
Letter 115	Lindsay Betz
Letter 116	Tommie Monroe
Letter 117	Concetta Gibilisco
Letter 118	Terry Stephens
Letter 119	Judy Gliebe
Letter 120	Concy Stephens
Letter 121	Julie Spicer Toste
Letter 122	Joyce Osterude
Letter 123	Louie Osterude
Letter 124	Mary Fracloron
Letter 125	Lynne Perry
Letter 126	Daniel Martin
Letter 127	No Name
Letter 128	Petition from Mike and Francine Strum
Letter 129	Citizens Against Runaway Rezoning in Penn Valley Petition

Letter 130 Comments from Planning Commission Hearing on October 10, 2013

Letter 131 Penn Valley Area Chamber of Commerce, December 10, 2013

Letter 132 Petition

3.3 COMMENTS AND RESPONSES

3.3.1 Requirements For Responding To Comments On A Draft EIR

CEQA Guidelines Section 15088 requires that lead agencies evaluate all comments on environmental issues received on the Draft EIR and prepare a written response. The written response must address the significant environmental issue raised and must provide a detailed response, especially when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, the written response must be a good faith and reasoned analysis. However, lead agencies need only to respond to significant environmental issues associated with the project and do not need to provide all the information requested by commenters, as long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines Section 15204).

CEQA Guidelines Section 15204 recommends that commenters provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. CEQA Guidelines Section 15204 also notes that commenters should provide an explanation and evidence supporting their comments. Pursuant to CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence. CEQA Guidelines Section 15088 also recommends that where the response to comments results in revisions to the Draft EIR, those revisions be noted as a revision to the Draft EIR or in a separate section of the Final EIR.

3.3.2 Master Response to Comments

The County received many comments on why the County is undertaking the proposed project and how the specific project sites were chosen. Rather than provide individual responses to each of these comments, the Final EIR includes a ―master response‖ that discusses the topic based on all of the comments received. By responding in this manner, the County is better able to address all aspects of the topic by:

- Simplifying the responses to comments by avoiding unnecessary repetition in individual responses, and

- Addressing issues in a broader context than might be required by individual comments. The County has prepared these Master Responses to address these common comments and questions.

There were eight main topics that were common issues or questions throughout many of the comment letters received on the Draft EIR.

1. Why is the County proposing this project, and how were the proposed sites chosen?
2. Where will future residents work in the surrounding area?
3. How will the project impact commercial development in the Penn Valley?
4. What are the sewer and water infrastructure responsibilities of the developer?
5. Why doesn't the EIR discuss effect on economic impacts, property values, or crime?
6. Does the project include low income housing?
7. Why not locate high density housing in the more urban areas of the cities?

8. How many units will be on each site?

Master Response #1 – Why County is proposing this project, and how were the proposed project sites chosen?

The County is proposing the Housing Element Rezone project to satisfy the requirements of state law with regard to the County's Housing Element of the Nevada County General Plan. The requirements for updating and maintaining Housing Elements in the state of California are established by the California Department of Housing and Community Development (HCD). If the (HCD) determines that a Housing Element fails to substantially comply with the State's Housing Element Law, there are potentially serious repercussions for the local jurisdiction that extend beyond conflicts in residential land use planning. When a jurisdiction's Housing Element is found to be out of compliance, its General Plan is at risk of being deemed inadequate, and therefore invalid.

Another of the possible repercussions of not having a legally compliant housing element includes the possibility of legal action against the jurisdiction. If a jurisdiction's Housing Element is not compliant with State law, then developers and advocates have the right to sue the jurisdiction for failing to have a legal housing element.

In addition to meeting the requirements of state law, the County also seeks to have a certified Housing Element in order to be eligible for state grant funding programs such as Community Development Block Grants (CDGB) which are used to fund a variety of public projects in the County. To incentivize and reward local governments that have adopted compliant and effective housing elements, several housing, community development and infrastructure funding programs include housing element compliance as a rating and ranking or threshold requirement.[1]

The County of Nevada Board of Supervisors adopted the most recent update of its Housing Element on May 11, 2010 (for the 2009-2014 cycle) and received certification of the Element from the HCD on July 1, 2010. The Housing Element's vacant land inventory found that the County had a deficit in sites that had adequate zoning (R3) to accommodate lower income category of the County's Regional Housing Need Allocation (RHNA). Recent state law (California Government Code Section 65584.09) requires jurisdictions to rezone property to accommodate their RHNA if that jurisdiction's vacant land inventory finds that there are not adequate vacant sites zoned for high density residential to accommodate the low and very low income categories. State law requires that the rezoned sites provide for a minimum density of 16 units per acre and those sites allow the development of higher density housing as an allowed use (not subject to discretionary permits, e.g., conditional use permit, planned unit development plan).

After the Draft EIR was prepared but before the Final EIR was certified, the County's 5th Revision to the Housing Element (2014-2019 planning cycle), was adopted by Board of Supervisors on June 24, 2014 and certified by HCD on July 17, 2014. As a result of the most recent update, the County was able to reduce the minimum amount of required rezoning from 1,270-units to 699-units. The Draft EIR was not comprehensively amended to reflect the change in unmet need from 1,270-units to 699-units because the County desired to maintain the greatest amount of flexibility in the implementation of the project to ensure an adequate list of potential options could be developed for the County's decision makers. While the Draft EIR still analyzes the worst case scenario of full build out of all sites, the purpose of the project is to provide for a minimum of 699-units of high density residential zoning as well as some ability to go beyond that 699-units if the County's decision makers decide to do so.

[1] California Department of Housing and Community Development, *Incentives for Housing Element Compliance*, updated January 2009; http://www.hcd.ca.gov/hpd/hrc/plan/he/loan_grant_hecompl011708.pdf

To obtain certification from HCD, County staff was required to complete a vacant land inventory in which potential rezone sites that could be suitable for higher density housing were identified. These sites were identified based on the relative lack of constraints, the ability of the sites to provide adequate infrastructure to support high density residential development, and proximity to local services such as commercial areas with grocery stores, bus stops, and other commercial/retail opportunities and are in addition to the fourteen properties that were carried over from the 2003-2008 Housing Element. All of the sites are located in western Nevada County because that is where the largest population centers are located within the County. Additionally, sites were located away from the more rural regions that make up the majority of the County because those areas generally lack adequate infrastructure such as public water and wastewater system, roadways, and access to public transit and community services. As such, the proposed sites are limited to those community regions within the County where those services are available. In total twenty-five new properties were identified in Appendix C of the 2009-2014 Housing Element. The original twenty-five sites included properties located in the Lake of the Pines/Higgins Corner Area, Penn Valley, North San Juan, the Nevada City Sphere of Influence and the Grass Valley Sphere of Influence. Properties within the Town of Truckee Sphere of Influence were precluded for a variety of reasons, but primarily due to the fact that areas around the fringe of the Town are typically not served by existing public sewer.

In addition to performing a preliminary suitability analysis as a part of the 2009-2014 Housing Element Update process, as directed by the County Board of Supervisors, County staff performed extensive outreach to property owners of the candidate sites to gain the consent of the property owners to process with the potential rezoning of their property. This outreach was intended to ensure that the property owners of the sites would be willing participants in rezoning their land to higher density residential. As a result of the outreach effort, the County's list of potential rezone sites was reduced to 18 properties consisting of approximately 149 acres, which is now down to 17 due to a property owner recently withdrawing their interest in continuing with the program. Seeking property owner consent to participating in the program was incorporated into the site selection process by the Board of Supervisors during the adoption of the 2009-2014 Housing Element adoption because the Board did not want to impose a new zoning designation on a landowner's property without their consent.

Master Response #2 – Where will future residents work in the surrounding area?

Access to employment centers was one of the criteria that was used in the selection of the sites. However, it was just one factor that was considered and weighed with the other 33 criteria used in the evaluation process. Given the rural nature of unincorporated area of Nevada County as a whole, the number of locations where community services, infrastructure, and employment opportunities all exist around one site are limited. However, while one particular site is unlikely to meet all of the criteria it is an effective method for comparing sites and eliminating sites that meet the fewest number of criteria.

Similar to any housing oriented project, the proposed project does not intend or claim to be a significant job creation mechanism. The intent of the project is provide opportunity for high density housing in the unincorporated area of Nevada County, such that a range of housing opportunities exist if there is market demand for high density housing in the area. There is no minimum requirement for the housing locations to be within a certain distance of an employment center or specific employer. However, additional high density housing may result in shorter commute time for employees who work in Nevada County but have to travel longer distances because a range of housing opportunities are not available within the County. Most of the project sites are currently undeveloped and a two of the sites have existing older single-family residential related buildings onsite. None of the sites support any existing business operations on the sites that would be removed as a result of the project.

Similar to most housing projects, there may be employment opportunities associated with construction of new housing units, but those jobs are expected to be temporary and the timing of that construction is

unknown at this time. Some longer term employment positions such as landscapers, maintenance personnel, and apartment managers may be generated as a result of the project, but the numbers and timing of those types of jobs is also unknown. There are no requirements for housing projects to provide jobs or for a certain employment rate or number of jobs to be available for a housing project to be proposed or developed.

Master Response #3 – How will the project impact commercial development in Penn Valley?

There are two sites (Sites 10 and 11) included as part of the proposed project that have commercial designations in Penn Valley. These parcels are currently zoned C2-SP. As shown in Table 3-3 of the Draft EIR, these two sites have the potential to retain their commercial designation in addition to having the Regional Housing Need (RH) Combining District added to the site increasing the allowed density from 4-units per acre to 16-units per acre as a part of a mixed use development. Retaining the C2 zoning designation would provide flexibility for future development to support mixed uses on the sites and allow for commercial development to occur on a portion of the site as well as high density residential. To retain as much commercial zoning in the County as possible, County Planning Staff will be recommending that the base zoning of C2 remain on the site. It should be noted that County's Land Use and Development Code (LUDC) Sec. L-II 2.7.11.D requires the following:

> **Mixed-Use Development.** In the event that a site has a Commercial, Industrial, Office Professional or Business Park Base Zoning District and is combined with an RH overlay, the site shall be developed with a use consistent with the Base Zoning District, subject to the development standards shown within said district, prior to or in conjunction with mixed-use residential that can be either vertically or horizontally mixed. The use and minimum density of the residential portion of the site shall be exempt from discretionary review if developed at a density consistent with Section L-II 2.7.11.B.3, but shall be subject to the above standards and Zoning Compliance and Building Permit issuance.

Master Response #4 – What are the sewer and water infrastructure responsibilities of the developers?

The County's Land Use and Development Code (LUDC) Section L-II 2.7.11.C.6 (language prepared and adopted to be specific to the RH Combining District) requires developers to provide written documentation from the applicable public utility, water, and sewer service providers demonstrating that adequate public utilities, water, and sewage disposal is available to accommodate the proposed development for a site. If the property does not have direct access to adequate public utilities to serve the proposed development, it is the responsibility of the developer to provide adequate infrastructure to serve the site consistent with the rules, regulations and standards of the applicable utility provider.

All of the proposed costs associated with providing infrastructure improvements for proposed development would be the responsibility of the developer as well. No public financing or municipal bonds are proposed and no tax assessments would be applied to existing residents in the areas where the projects are proposed.

Master Response #5 – Why doesn't the EIR discuss effects on economic impacts, property values, or crime?

Discussion of project-related social or economic damage is not required by the California Environmental Quality Act (CEQA)[2]. Social and economic issues are discussed when they will cause adverse effects to the physical environment. For example, if a roadway project will ruin access to a business area, and the resultant

[2] Section 15382 of the State CEQA Guidelines; http://ceres.ca.gov/ceqa/guidelines/art20.html

loss of taxes would reduce an agency's ability to maintain environmental protection, economic impacts would be discussed in an EIR.

In the case of the proposed project, the EIR is evaluating the potential effects on the physical environment of the development of high density housing on 18 selected sites in the unincorporated area of Nevada County. The selected topic areas of discussion are based on the CEQA Environmental Checklist provided in Appendix G of the State CEQA Guidelines[3].

Master Response #6 – Does the project include low income housing?

While the intent of the program is to satisfy the State's Housing Element requirements, including providing opportunities for low income housing, none of the proposed development have any income or age requirements or restrictions. The project proposes to rezone the proposed sites to add the RH Combining District that would allow future high density housing development on the sites with a minimum density of 16 dwelling units per acre (a maximum of 20 units per acre in the City Sphere of Influence areas). A property with this zoning designation and the ability to develop "by right" (without a conditional use permit, planned unit development plan, or other discretionary action) satisfies the State's requirements for suitable development opportunities. This project is not related to and does not propose any Section 8 affordable housing (Section 8 of the Housing Act of 1937).

Master Response #7 – Why not locate the high density housing in the more urban areas of the cities?

The proposed sites are located within the unincorporated areas of the County, because it is the unincorporated area of the County that has the shortfall of appropriately zoned sites. The incorporated cities have their own Regional Housing Need Allocation to satisfy. Approximately 55% of the units are proposed within the Sphere of Influence (SOI) of the City of Grass Valley. Limiting development to areas within the SOI of other cities would not meet the long term goal of proving a range of housing opportunities within the unincorporated County. The proposed sites within the SOI could annex into the City and that land would no longer count towards the County's Regional Housing Need Allocation, without the establishment of a mutually acceptable RHNA transfer agreement from the County to the City pursuant to Government Code Section 65584.07. At this time it is unknown whether the City will be willing to enter into such an agreement, therefore potentially limiting the long-term availability of the sites within the SOI.

> The following site selection criteria are provided in Section L-II 2.7.11.B.2 of the County Land Use and Development Code (LUDC):
>
> > **Site Selection Criteria**. For sites to be designated under the Regional Housing Need (RH) Combining District, the site must meet the following criteria:
> >
> > a. Generally, the site must be identified by the County to satisfy the Regional Housing Need as outlined in L-II 2.7.11.B.1 above. A private landowner however, may apply for the RH designation if the landowner has received concurrence from the Board of Supervisors, prior to submitting an application for rezone, that the rezoning of the site to add the RH overlay is necessary to meet a Regional Housing Need.
> >
> > b. The site is currently undeveloped or it can be demonstrated that the site is underdeveloped.

[3] http://ceres.ca.gov/ceqa/guidelines/appendices.html

c. The site is of adequate size and shape to allow for the reasonable development of residential housing at the minimum densities required under Standard L-II 2.7.11.B.3.

d. The site has ingress and egress on a County maintained road or can be connected to a County maintained road pursuant to Standard L-II 2.7.11.C.8.

e. The site is in or within a reasonable walking distance to a Community Region or Village Center, as shown on the General Plan Land Use Maps, which has access to schools, services, fire protection and jobs.

f. The site is located on or is within reasonable walking distance to a public transit route.

g. The site is within or can reasonably be annexed into an existing sanitary sewer district and public water district.

h. The anticipated residential development can be sited to avoid major environmental hazards and/or constraints including but not limited to wetlands, watercourses, floodways, steep slopes, geologic hazards, archaeological resources, sensitive habitat areas, and airport noise and safety zones that limit density.

A critical component in the selection of the proposed sites is to identify those areas that have an existing mix of uses, and have public infrastructure available (e.g., water service, sewer service, fire service, etc.). Locating high density residential sites in more rural areas of the County where this infrastructure does not currently exist would likely result in increased environmental impacts because water and sewer system pipelines would have to be extended greater distances. Project sites located in proximity to Community Region or Village Core is the projects can be located closer to existing services and impacts as result if spreading the project sites over a broader area of the County can be minimized.

Master Response #8 – How many units will be on each site?

The proposed project does not include any site specific development plans for any of the proposed 18 sites. Future development would occur on these sites as market conditions allow at the discretion of the individual developers or property owners. In order to provide a conservative evaluation in the EIR for each of the sites, a maximum number of units was calculated and analyzed for each of the sites.

Therefore, a theoretical or maximum yield of each site was calculated to evaluate the potential environmental impacts associated with future development on the properties. The maximum or theoretical yield is simply a calculation that multiplies the total area of a property by the allowable density. For example, a 10-acre site with a density of 16 units per acre would have a maximum or theoretical yield of 160 units (10 acres x 16 dwelling units per acre = 160 units). The maximum yield is assumed for purposes of this EIR to evaluate the greatest number of units possible to provide future development the opportunity to utilize the analysis in this environmental document for future development applications.

However, it is anticipated that very few of the sites will be able to achieve their maximum yield. This is a conservative approach because assuming a maximum yield assumes the highest number possible of units would be built, and does not take into consideration any development constraints such as sensitive biological resources, cultural resources, ground slope, wetlands, or regulatory constraints such as existing easements, driveways, frontage improvements, or roadway or intersection improvements. The presence of any one of these constraints could limit the amount of development that is permitted on a given site.

Consistent with LUDC Section L-II 2.7.11.B.3, "[t]he density for the development of multi-family housing shall be determined at the time the site is rezoned to add the Regional Housing Need (RH) Combining District. This density shall be based on the State mandated 16-units minimum per acre but will allow for a maximum of 20-units per acre on sites within a City's Sphere of Influence. The minimum required density may be determined by allocating the density to the total acreage of the site or by aggregating the developable area of a site, through the environmental review process, to remove areas considered to be environmentally sensitive pursuant to Section L-II 4.3 and all areas for driveways and roadways from the developable area, whichever is more suitable for the site. The number of potential units will be determined by multiplying the developable acreage by 16. Where such calculation results in a fractional number, the number of units shall be determined by rounding down to the nearest whole number." As a part of the Draft EIR each site has been assigned a development footprint to determine the aggregate density or holding capacity of each site. For example as shown on Figure 3-20 of the DEIR, Site 13 in Penn Valley consists of 20.1-total acres. Through the analysis of the site, it was determined that approximately 8.9-acres are "Environmentally Sensitive Areas or ESAs" that would need to be avoided during development unless feasible mitigation could be identified leaving a development footprint of 11.6-acres. If this site is chosen for rezoning, it will be assigned a density consistent with LUDC 2.7.11.B.3 discussed above. In this scenario, the 11.6-acres would be multiplied by 16 to come up with an aggregate density of 185-units for the site.

LUDC Section L-II 2.7.11.B.4 also allows for lesser densities or interim uses to occur within the RH Combining District subject to the development standards and permitting requirements applicable to development within the base zoning district. In this situation the developer is required to provide a plan that shows basic details on how the interim or lesser use will not impact that sites ability to otherwise be development at the density that is assigned to the site as a part of the rezoning process as described above.

3.3.3 Responses To Comment Letters

Written comments on the Draft EIR are reproduced on the following pages, along with responses to those comments. To assist in referencing comments and responses, the following coding system is used:

Each comment letter is assigned a number, and each issue raised in the comment letter is assigned a letter (e.g., Comment Letter 1, comment 1: 1-A).

Comment-initiated text revisions to the Draft EIR and minor staff-initiated changes are also provided and are demarcated with revision marks in Section 4.0, Errata, of this Final EIR.

Letter 1

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit

Edmund G. Brown Jr.
Governor

Ken Alex
Director

RECEIVED
NOV 15 2013
Nevada County Community Development Agency

November 13, 2013

Tyler Barrington
Nevada County
950 Maidu Avenue, Suite 170
Nevada City, CA 95959-8617

Subject: Housing Element Rezone Implementation Program EIR
SCH#: 2009072070

Dear Tyler Barrington:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on November 12, 2013, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

1-A

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH#	2009072070
Project Title	Housing Element Rezone Implementation Program EIR
Lead Agency	Nevada County
Type	EIR Draft EIR
Description	Note: 60 Day Review per lead REZONE (Z12-002), General Plan Map Amendment (GP12-002), and Certification of the EIR (EIR12-002). The project proposes changing the General Land Use and Zoning Designation for 18 selected properties to Urban High Density/high density residential zoning (UHD/R3) and adding the Regional Housing Need (RH) Combing District (LUDC Sec. L-II 2.7.11) to accommodate the future development of high density housing, as mandated by the State Department of Housing and Community Development.

Lead Agency Contact

Name	Tyler Barrington		
Agency	Nevada County		
Phone	530-470-2723	*Fax*	
email			
Address	950 Maidu Avenue, Suite 170		
City	Nevada City	*State* CA	*Zip* 95959-8617

Project Location

County	Nevada			
City	Grass Valley, Nevada City, Truckee			
Region				
Cross Streets	There are 18 different sites in various locations in Nevada County			
Lat / Long				
Parcel No.				
Township	*Range*	*Section*	*Base*	

Proximity to:

Highways	SR 20 & 49
Airports	Nevada County
Railways	
Waterways	Wolf Creek, Squirrel Creek, Ragsdale Creek
Schools	Various
Land Use	Varies

Project Issues	Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Flood Plain/Flooding; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Sewer Capacity; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects
Reviewing Agencies	Resources Agency; Department of Fish and Wildlife, Region 2; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 3 N; Department of Housing and Community Development; Regional Water Quality Control Bd., Region 5 (Sacramento); Native American Heritage Commission

Date Received 09/11/2013 *Start of Review* 09/12/2013 *End of Review* 11/12/2013

Note: Blanks in data fields result from insufficient information provided by lead agency.

Letter 1 – Scott Morgan, Governor's Office of Planning and Research

Response 1-A: The comment states that the Draft EIR has been submitted to selected state agencies for review and that comments received from responding agencies are enclosed. The comment acknowledges that the County has complied with the State Clearinghouse requirements. The further response is required and no changes to the EIR have been made as a result of this comment.

Letter 2

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 3
703 B STREET
MARYSVILLE, CA 95901
PHONE (530) 741-5452
FAX (530) 741-5346
TTY 711

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November 6, 2013

FMP # 032013-NEV-0048
03-NEV-Var/PM Var
SCH# 2009072070
Z12-002, GP12-002, EIR12-002

Mr. Tyler Barrington
Planning Department
Nevada County
950 Maidu Avenue, Suite 170
Nevada City, CA 95959-8617

Housing Element Rezone Implementation – Draft Environmental Impact Report

Dear Mr. Barrington:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Housing Element Rezone Implementation project. The project proposes to change the general plan land use and zoning designation for 18 parcels to urban high density/high density residential zoning and add the Regional Housing Need Combining District to accommodate the future development of high density housing as mandated by the State Department of Housing and Community Development. This project is located at various locations in unincorporated western Nevada County in the vicinity of State Route (SR) 20 and SR 49 in the communities of Penn Valley and Lake of the Pines and within the Grass Valley Sphere of Influence. The following comments are based on the Draft Environmental Impact Report (DEIR).

Traffic and Circulation

2-A For the purposes of intersection control, please also consider the installation of a roundabout at the proposed realigned intersection of Town Talk Road/Triple Crown Road/Brunswick Road in lieu of a traffic signal. If this intersection is ultimately signalized as proposed in the DEIR, this traffic signal will require coordination with the traffic signal at the intersection of Sutton Way and Brunswick Road.

2-B With regard to Site 13, it is assumed in the report on page 3-61 that new access to Site 13 from State Route (SR) 20 will be provided in the area across from Cattle Drive. Please be advised that SR 20 is access controlled and no new access will be provided within the access control area.

2-C Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this development.

"Caltrans improves mobility across California"

Mr. Tyler Barrington/Nevada County
November 6, 2013
Page 2

If you have any questions regarding these comments or require additional information, please contact Shannon Culbertson, Intergovernmental Review Coordinator for Nevada County at (530) 741-5435 or by email at shannon.culbertson@dot.ca.gov.

Sincerely,

DAVID R. VAN DYKEN, Chief
Office of Transportation Planning – North

c: Scott Morgan, State Clearinghouse

"Caltrans improves mobility across California"

Letter 2 – California Department of Transportation (CALTRANS)

Response 2-A The comment requests that the County consider the installation of a roundabout at the proposed realigned intersection of Town Talk Road/Triple Crown Road/Brunswick Road in lieu of a traffic signal. The signalized intersection was determined to be the most efficient approach to control the intersection given that the properties are under different ownership, and it is not known when the project will be developed. A signalized intersection better supports an incremental buildout of the projects sites as the signals are easier to implement as the construction occurs. No changes to the EIR were made as a result of this comment.

Response 2-B The comment states that no new access would be allowed on SR 20 for Site 13. The EIR has been revised to address the access for Site 13. It is now assumed that Site 13 will take access from Site 10. The owner of Site 13 has an existing easement through the Site 10 property. The Final EIR has been revised to reference the County Land Use and Development Code (LUDC) Section L-II 2.7.11.C.8 which requires future developers to demonstrate that they have legal access to their property via a County maintained Road. Section L-II 2.7.11.C.8 states in part, "If a property does not have direct access to a County maintained roadway, it shall be the responsibility of the land owner or developer to provide written documentation as to their legal right to utilize and improve the road(s) that provide ingress and egress to the site, including secondary access if required, and that the road(s) meet the County minimum standards to serve the development proposed."

Response 2-C The County will notify Caltrans with regards to changes in the Draft EIR consistent with the CEQA Guidelines

Letter 3

California Water Boards

Edmund G. Brown Jr. Governor

Matthew Rodriquez Secretary for Environmental Protection

Central Valley Regional Water Quality Control Board

clear 11/12/13 C

3 October 2013

RECEIVED

OCT 04 2013

STATE CLEARING HOUSE

CERTIFIED MAIL
7013 1090 0001 3130 2908

Tyler Barrington
County of Nevada
950 Maidu Avenue
Nevada City, CA 95959

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM EIR PROJECT, SCH NO. 2009072070, NEVADA COUNTY

Pursuant to the State Clearinghouse's 12 September 2013 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environmental Impact Report* for the Housing Element Rezone Implementation Program EIR Project, located in Nevada County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

3-A

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Karl E. Longley ScD, P.E., chair | Pamela C. Creedon P.E., BCEE, executive officer
11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley
Recycled paper

3-A CONT'D

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits[1]

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

[1] Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

Clean Water Act Section 401 Permit – Water Quality Certification
If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

3-A CONT'D

Waste Discharge Requirements
If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

If you have questions regarding these comments, please contact me at (916) 464-4684 or tcleak@waterboards.ca.gov.

for Trevor Cleak
Environmental Scientist

cc: State Clearinghouse Unit, Governor's Office of Planning and Research, Sacramento

Letter 3 – Water Boards – Central Valley Regional Water Quality Control Board

Response 3-A: The comment provides information regarding the Construction Storm Water General Permit, Phase I and II Municipal Separate Storm Sewer System (MS4) Permits, Industrial Storm Water General Permit, Clean Water Act Section 401 and 404 permits, and waste discharge requirements. The project would be required to comply with these requirements. These permits and the project's responsibility for compliance are discussed in Section 4.4, Biological Resources, and Section 4.10, Hydrology and Water Quality of the Draft EIR (see also Mitigation Measures 4.4-3(a, b, and c) and 4.10-1(a, b, and c)). No changes to the EIR were made as a result of this comment.

Letter 4

10/14/2013 13:46 FAX 916 657 5390 NAHC 001

STATE OF CALIFORNIA Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION
1550 Harbor Blvd., ROOM 100
West SACRAMENTO, CA 95691
(916) 373-3710
Fax (916) 373-5471

October 14, 2013

NEVADA COUNTY
RECEIVED
OCT 14 2013
PLANNING DEPARTMENT
CDA

Tyler Barrington
County of Nevada
950 Maidu Avenue
Nevada City, CA 95959

RE: SCH #2009072070, Housing Element Rezone Implementation Program EIR, Nevada County

Dear Mr. Barrington:

4-A Government Code §65352.3 requires local governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of protecting, and/or mitigating impacts to cultural places in creating or amending general plans. Attached is a consultation list of tribes with traditional lands or cultural places located within the boundaries of the above project.

4-B As a part of consultation, the NAHC recommends that local governments conduct record searches through the NAHC and California Historic Resources Information System (CHRIS) to determine if any cultural places are located within the area(s) affected by the proposed action. NAHC Sacred Lands File requests must be made in writing. All requests must include: county, USGS quad map name, township, range and section. Local governments should be aware, however, that records maintained by the NAHC and CHRIS is not exhaustive, and a negative response to these searches does not preclude the existence of a cultural place. A tribe may be the only source of information regarding the existence of a cultural place.

If you receive notification of change of addresses and phone numbers from tribes, please notify me. With your assistance we are able to assure that our consultation list contains current information.

If you have any questions, please contact me at my email address: rw_nahc@pacbell.net.

Sincerely,

Rob Wood
Associate Government Program Analyst

CC: State Clearinghouse

10/14/2013 13:46 FAX 916 657 5390 NAHC ☑002

TRIBAL CONSULTATION LIST
Nevada County
October 14, 2013

United Auburn Indian Community of the Auburn Rancheria
Gene Whitehouse, Chairperson
10720 Indian Hill Road Maidu
Auburn , CA 95603 Miwok
530-883-2390

T' si-Akim Maidu
Eileen Moon, Vice Chairperson
PO Box 1246 Maidu
Grass Valley, CA 95945
530-274-7497

T' si-Akim Maidu
Grayson Coney, Cultural Director
P.O. Box 1316 Maidu
Colfax , CA 95713
akimmaidu@att.net
(530) 383-7234

T' si-Akim Maidu
Don Ryberg, Chairperson
1239 East Main St. Maidu
Grass Valley, CA 95945
530-274-7497

This list is current only as of the date of this document.
Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.
This list is applicable only for consultation with Native American tribes under Government Code Section 65352.3.

SCH #2008072070, Housing Element Rezone Implementation Program EIR, Nevada County

Letter 4 – Native American Heritage Commission

Response 4-A: The comment states that local governments are required to consult with California Native American Tribes identified by the Native American Heritage Commission (NAHC). The County did consult with the tribal contacts provided in the NAHC's letter dated May 16, 2012, included as Appendix 2 of Appendix F of the Draft EIR. The same contacts are provided in the NAHC's letter of October 14, 2013. No significant sites were identified through this consultation process.

Response 4-B The comment states that the EIR conduct a records search through the NAHC and the California Historic Resources Information System (CHRIS) to determine if any previously recorded cultural sites have been identified within the project area. As noted in Section 4.7.2 of the Draft EIR, a records search was completed at the North Central Information Center using the California Historical Resources Information System. No significant historical resources were identified on any of the sites considered for the proposed project. As noted in the NAHC letter of May 16, 2012, a record search of the sacred land file by the NAHC failed to indicate the presence of Native American cultural resources in the immediate project area. As noted in the response above, the local tribes were contacted regarding the project as requested.

Letter 5

State of California • Natural Resources Agency
Edmund G. Brown Jr., *Governor*

DEPARTMENT OF PARKS AND RECREATION
Major General Anthony L. Jackson, USMC (Ret), *Director*

Sierra District
P.O. Box 266
7360 West Lake Blvd
Tahoma, CA 96142
(530) 525-7232
FAX (530) 525-3380

RECEIVED
NOV 12 2013
Nevada County Community Development Agency

November 6th, 2013

Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
Attention: Tyler Barrington, Principal Planner

Subject: County of Nevada Housing Element Rezone Program Implementation draft Environmental Impact Report SCH# 2009072070

To Mr. Barrington,

The California Department of Parks and Recreation would like to submit the following comments in regards to the draft Environmental Impact Report SCH# 2009072070 for the County of Nevada Housing Element Rezone Program Implementation:

The California Department of Parks and Recreation (CA State Parks) welcomes the opportunity to comment on the draft Environmental Impact Report for the County of Nevada Housing Element Rezone Program Implementation. California Department of Parks and Recreation is a State Agency as defined by the California Environmental Quality Act (CEQA) § 21082.1, and a Trustee Agency as used by CEQA, its Guidelines and as defined by CCR § 15386 for the resources affected by this project within a unit of the State Park system.

5-A

CA State Parks owns and operates Empire Mine State Historic Park (SHP), which consists of 856 acres of land devoted to the historical interpretation of mining history while also providing recreation opportunities including hiking and horseback riding. Empire Mine SHP is directly adjacent to the following proposed project sites named in the County of Nevada Housing Element Rezone Program Implementation draft Environmental Impact Report (*hereafter referred to as* Housing Rezone DEIR) and comments are directed to these named proposed sites only:

- "Site 2" (located adjacent to La Barr Meadows Road)
- "Alternative Sites" Berriman Ranch and East Bennett.
  - Berriman Ranch "Alternative Site 7"
  - East Bennett "Alternative Sites 6 and 7"
- In addition, an original "Site 2" referenced in Appendix B located on Bennett Street is also partially adjacent to Empire Mine SHP. That site has been removed from the Housing Rezone DEIR though and will not be commented on.

CA State Park comments on the County of Nevada Housing Element Rezone Program Implementation draft EIR – SCH# 2009072070

5-B The CA State Parks mission statement (http://www.parks.ca.gov/?page_id=91) and the CA State Parks Department Operations Manual (D.O.M.) direct the agency to insure for the health of the natural ecosystems that are contained within park properties, as well as the health and safety of the public (park visitors, park employees, and park residents) and also for the creation and maintenance of outdoor recreation for the state's visitors and residents. The following summary of comments reflects these internal policies and directives of the CA State Parks:

5-C
- CA State Parks analysis of the Housing Rezone DEIR concludes that there would be impacts to visitor enjoyment, nearby trails and resources at Empire Mine SHP from the development of "Site 2" and/or the adjacent Berriman Ranch "Alternative Site 7" as these sites are directly adjacent to the Hard Rock Trail. Impacts include user-created (un-official) trails from adjacent lands and visual/aesthetic changes that may impact both the visitor experience and wildlife resources.

5-D
- CA State Parks also finds significant impacts to the biological and hydrological resources of Empire Mine SHP as well as impairment of the visitor experience from future development of the "East Bennett Alternative Site". The "East Bennett Alternative Site" is situated directly north of the Bennett Street Grasslands, a unique low elevation wet meadow that CA State Parks acquired in 2002.

5-E
- CA State Parks finds significant impacts to Empire Mine SHP operations. Empire Mine State Historic Park receives fees from visitors entering the historic mine area. Another residential development adjacent to the park, where residents can easily walk or ride into the park without paying fees but use the park trails, bathrooms, etc. will further increase non-paid visitation and use. This increase in non-paid visitation will not help support the cost of maintaining park facilities, operations, and resources that will be impacted, i.e., park trails, bathrooms, day use areas, public safety, natural and cultural resources.

5-F
- CA State Parks finds significant impacts to Empire Mine SHP revenue generation. CA State Parks uses entrance fees/revenues to fund park operations and facilities. Residents of the new proposed development will use the State Park as a local park for recreation. If the DEIR is approved CA State Parks would request the County of Nevada to contribute Quimbly Act funding, i.e., recreation impact fee/property tax revenues generated by the development project to help mitigate increased use from the residential development and to fund the obligation of enforcement and monitoring.

5-G
- The Mixed Use Commercial (MUC) area needs to incorporate 100 foot of defensible space requirement around structures in mountainous areas per Public Resources Code 4291. The CA State Parks will not allow defensible space on park land to accommodate for the development.

CA State Park comments on the County of Nevada Housing Element Rezone Program Implementation draft EIR – **SCH#** 2009072070

5-H

CA State Parks realizes that Empire Mine SHP is partially within an urban-wildland interface with housing surrounding a portion of the existing park borders but we are concerned with potential impacts from rezoning that would increase the housing density in these areas. Empire Mine SHP is used very heavily by neighbors to the park and this rezoning could increase visitor use to adjacent areas significantly. Light, noise, and impacts to wildlife (reducing and fragmenting buffers from existing development) are main concerns for the sites mentioned above as well as aesthetic impacts to views from trails. Biological and hydrological impacts from the "East Bennett Alternative Site" could be significant and have deleterious effects on the ecosystem health of the Bennett Street Grasslands located at Empire Mine SHP.

CA State Parks would also welcome and prefer a complete and detailed site analysis of the "Alternative Sites" named in section "6.0 Alternatives" since the existing conditions, environmental impacts, and mitigation measures on these sites were general in nature and do not describe adjacent land use, ownership or the various potential impacts to adjacent land owners. CA State Parks requests to have Empire Mine SHP listed as a neighbor to the Alternative East Bennett Sites 6 and 7 and the Berriman Ranch Site 7.

The main author of this report is Daniel Lubin, Environmental Scientist, CA State Parks, Sierra District, and can be contacted directly at Dan.Lubin@Parks.Ca.Gov or at (530) 272-0298 for clarification of our comments. Matt Green, Sierra Gold Superintendent, Sierra District of CA State Parks can also be contacted at the Sierra Gold Sector office at (530) 273-3884.

Sincerely,

Matt Green, Sierra Gold Superintendent
Sierra District

cc: State Clearinghouse

- 3 -

CA State Park comments on the County of Nevada Housing Element Rezone Program Implementation draft EIR – SCH# 2009072070

Comments:

CA State Parks comments are numbered on the following pages for reference. Comments start on page 2 of this document. Comments are directed to the following sections and subsections of the draft EIR for the proposed Housing Element Rezone Program Implementation:

5-I

- 4.3 Aesthetics
  - 4.3.1 Environmental Setting
  - 4.3-1 Short-Term (Construction)
  - 4.3-2 Scenic Vistas
  - 4.3-4 Light and Glare
- 4.4 Biological Resources
- 4.5 Air Quality
  - 4.5-1 Short-Term (Construction) Air Quality
- 4.11 Noise
  - 4.11-1 Short-Term (Construction) Noise
  - 4.11-2 Short-Term (Construction) Ground-bourne Vibration
- 4.14 Recreation
  - 4.14-1 Physical Deterioration of Recreational Facilities
- 6.0 Alternatives
  - 6.3.3 Alternative 2: East Bennett Road Sites
  - 6.3.3 Alternative 3: Berriman Ranch Sites
- Appendix B. Site Analysis Report
  - Appendix A. Field Reports and Aerial Photos

All comments on section 4 of the draft EIR are directed at Site 2, which is directly adjacent to Empire Mine SHP. Comments on section 6 "Alternatives" are directed towards the "East Bennett Road" site 6 and site 7 and also the "Berriman Ranch site 7.

CA State Park comments on the County of Nevada Housing Element Rezone Program Implementation draft EIR – SCH# 2009072070

5-I CONT'D

4.3 Aesthetics

- 4.3.1 Environmental Setting
  - On Pages 4.3-1 and 4.3-2 the draft EIR states that there are a "wide variety of landscapes and scenic resources which provide passive recreational opportunities for residents and visitors alike" and that "the proposed project sites are considered visually important resources." CA State Parks suggests that the views from within Empire Mine SHP overlooking these important resources should be considered in addition to the aesthetic values associated with the city and views from State Route 49 and other scenic highways. A dense housing development in close proximity to the Hardrock Trail could have significant impacts to visitors' enjoyment of the Park's natural areas and could negatively affect park visitation.
  - On Page 4.3-3, the community areas surrounding Site 2 on to the north are listed as "commercial and residential uses". As Empire Mine SHP shares the northern border of Site 2, CA State Parks asks that this be changed to reflect accurate land uses which should be *recreational*.
  - On Page 4.3-4, views southward from lands located to the north of Site 2 are stated as "not afforded due to dense trees". Views afforded from this portion of Empire Mine SHP and the adjacent Hard Rock Trail are of open oak woodlands which are actually located on Site 2. The "dense trees" are indeed located on Empire Mine SHP but an un-official trail from McKnight Way entering the park that is located on the border of Site 2 has afforded park visitors the views of Site 2's oak woodlands and views beyond to the southwest.
  - On Page 4.3-7, the draft EIR states that "if the light is uncontrolled, it can disturb wildlife in natural habitat areas." Part of the CA State Parks D.O.M. includes a directive to protect wildlife and other natural resources within park lands. CA State Parks is concerned that excessive light pollution could disrupt wildlife nesting and migration patterns and that this be taken into account.
- 4.3-1 Short-Term (Construction)
  - On Page 4.3-12 the draft EIR states "To the maximum extent possible, existing primary vegetation and open space (which include areas of densely forested land) would remain and would provide a buffer between viewers and proposed development". CA State Parks would like to know the definitive size of the "buffers" of existing vegetation that may be left to screen views of any future development as it would affect visual and aesthetic impacts to visitors and impacts to wildlife and their migration patterns and nesting habitat.

CA State Park comments on the County of Nevada Housing Element Rezone Program Implementation draft EIR – SCH# 2009072070

5-I CONT'D

- 4.3-2 Scenic Vistas
  - This section defines scenic vistas as "views of natural features such as topography, watercourses, rock outcroppings, and natural vegetation." It also states that these natural features "would be altered by the development of the project" and that many of the proposed development sites are already degraded by the presence of existing "commercial, residential, industrial, and institutional developments." The current views from Empire Mine park property onto the adjacent Site 2 lands do not include views of any structures, and the alteration of this landscape to views of high density housing units is a major concern of CA State Parks. Placing high density housing on Site 2 would have an adverse impact on scenic vistas and therefore this section should be changed to reflect this.

  - This section also mentions the development of a "landscape plant matrix that devises different plant species and evaluates the appropriateness of each species for each of the development sites." CA State Parks requests a list of the species included in these plantings, as many commonly used horticultural species can become invasive and impact the natural resources at Empire Mine SHP.

- 4.3-4 Light and Glare
  - This section states that "excessive light spill-over may act as a deterrent to wildlife in sensitive habitat areas during evening hours." CA State Parks is very concerned that any increase in nighttime light levels may impact wildlife negatively at Empire Mine SHP, as light pollution will be increased compared to current levels with the implementation of any development, particularly with the proposed housing density of 20 units per acre. Even with the Nevada County "Development Review" process ensuring "that the exterior lighting does not spill over onto the adjacent uses", ambient light levels would most likely increase to adjacent Empire Mine park lands. Empire Mine SHP has had a history of containing sensitive wildlife such as the California Spotted Owl (CA Fish and Wildlife Species of Special Concern) and provides habitat for a myriad of other wildlife species. CA State Parks requests that the draft EIR take into account the adjacent Empire Mine park lands of Site 2 as critically important for wildlife habitat.

4.4 Biological Resources

- CA State Parks would like to submit a general comment that relates to this section of the draft EIR: Empire Mine SHP currently is buffered to the southwest by large tracts of undeveloped land that provides habitat and migration corridors for many different wildlife species. CA State Parks is concerned that development of Site 2 for high density housing would destroy part of this buffer and could alter how wildlife use this area of Nevada County.

CA State Park comments on the County of Nevada Housing Element Rezone Program Implementation draft EIR – SCH# 2009072070

5-I CONT'D

4.5 Air Quality

- 4.5-1 Short-Term (Construction) Air Quality
  - Construction Equipment and Worker Vehicle Exhaust, Pages 4.5-13 and 4.5-14 states that fugitive dusts, Reactive Organic Gases (ROG), NO_X and PM_{10} would be produced as a result of construction activities. This impact would remain "significant and unavoidable" even with the implementation of Mitigation Measure 4.5-1a, due to the scale of the project. This is a major concern of CA State Parks, as it relates to the health and safety of the visitors to and employees of Empire Mine SHP and could negatively affect park visitation in the short term.

  - Construction Odors, Page 4.5-14 states that odors associated with the operation of construction vehicles, particularly diesel exhaust "are not generally considered offensive", would "occur during daytime hours only", and would be "isolated to the immediate vicinity of the construction site and activity." These impacts are considered to be "less than significant" due to the fact that they do not affect "a substantial number of people." Daytime hours are when trails within Empire Mine SHP are most heavily recreated, and are used by a large number of residents and visitors. CA State Parks is concerned that diesel fumes created during construction activities could negatively impact user enjoyment of the Hardrock trail, which is located in close proximity to proposed Site 2.

4.11 Noise

- 4.11-1 Short-Term (Construction) Noise
  - CA State Parks is concerned that noise levels associated with construction at the proposed Site 2 "between 70 and 90 decibels at 50 feet from the noise source" could impact visitation to Empire Mine SHP and affect wildlife. Table 4.11-5 lists "Playgrounds, Neighborhood Parks" as having a maximum limit of 70 dB of allowable noise exposure. Empire Mine SHP should be considered a "Neighborhood Park". CA State Parks requests that Site 2 have a considerable setback from Empire Mine SHP property to limit noise disturbance to park visitors and wildlife from construction activities.

- 4.11-2 Short-Term (Construction) Ground-borne Vibration
  - CA State Parks is concerned that this impact "could generate or expose persons or structures to excessive ground-bourne vibration", specifically since Empire Mine SHP is located adjacent to the proposed Site 2. CA State Parks requests information on how would the impact of construction noise and ground-borne vibrations affect wildlife, especially nesting habits, at a close proximity of 300-500 feet. Park visitation and outdoor recreation occurs at close proximity to Site 2 at Empire Mine SHP, and CA State Parks is concerned that only nearby housing and residents were considered as targets for impacts.

CA State Park comments on the County of Nevada Housing Element Rezone Program Implementation draft EIR – SCH# 2009072070

5-I CONT'D

4.14 Recreation

- 4.14-1 Physical Deterioration of Recreational Facilities
  - On Page 4.14-7 the draft EIR states: "The proposed project does not identify the construction of trails, or community or regional parks to alleviate the increased demand on existing facilities. Therefore, the project has the potential to increase the demand for existing community and regional parks in the County or City, which could accelerate or result in their physical deterioration." Site 2 of the proposed project places a maximum of 227housing units (at 2.00 persons per household for Grass Valley) very close to Empire Mine SHP. A sudden increase of 454 regular park users may result in "substantial deterioration" or accelerated deterioration of existing trails within Empire Mine SHP. Mitigation measure 4.14-1 does not address impacts to state owned parks or facilities such as Empire Mine SHP from increased demand.

    - Boundary fence maintenance and repairs at Empire Mine SHP: With an increase in user-created trails there will be a marked increase in people cutting fences to create access where none has existed before. Fences help us keep out unauthorized motor vehicles and potential illegal activities and minimize environmental damage – so they are essential to protect the resources. They also help us control the number of access points to a level that we, in theory, can keep on top of, patrol-wise and maintenance-wise. These new neighbors will increase our fence maintenance substantially. We may not be able to keep up with the cutting. If left open and unsecured, the potential damage to resources could be considerably greater than we could keep up with and the park will become overrun with access points. The work to stay on top of repairing and patrolling these areas will take away from our other responsibilities and duties.

5-J

6.0 Alternatives

There are two alternative sites in the draft EIR that CA State Parks would like to comment on – Alternative 2: East Bennett Road Sites and Alternative 3: Berriman Ranch Site 7. Both of these Alternative Sites are properties that share a border with Empire Mine SHP. CA State Parks is concerned about impacts of rezoning these properties for high density housing and future development as it relates to the ecosystem health and park visitor experience at Empire Mine SHP.

- 6.3.3 Alternative 2: East Bennett Road Sites
  - Aesthetics, Page 6-16 states that "aesthetic impacts associated with Alternative 2 would be slightly less compared to the proposed project." The aesthetic impacts of the proposed project areas are summarized in Potentially Significant Project Impacts, Section 6.2.3 of the draft EIR, as follows: "The project would result in short-term aesthetic impacts as a

CA State Park comments on the County of Nevada Housing Element Rezone Program Implementation draft EIR – SCH# 2009072070

5-J CONT'D

result of construction debris and construction-related activities. These impacts would be reduced to a less than significant level with implementation of mitigation measures. Future development associated with the RH Combining District would permanently alter the nature and appearance of the project area. However, this impact would be less than significant given that the majority of proposed development would be located outside heavily forested areas of the site where disturbance has already occurred. In addition, views from surrounding land uses would be buffered by existing on-site dense trees and proposed trees and vegetation. The proposed project would result in new sources of light and glare. Implementation of mitigation measures would reduce this impact to less than significant." CA State Parks would like to respectfully disagree with the above statements as directly across from East Bennett Street from Alternative 2 is located the Bennett Street Grasslands, a unique area of Empire Mine SHP that would have visual impacts to Park visitors if high density housing were to be developed. In addition Alternative 2 site 7 and a portion of site 6 appear to be fairly undisturbed vegetation communities of wetlands and sloping meadows with shrub communities interspersed with only the historic berm of the Nevada County Narrow Gauge Railroad as a past disturbance. As it exists today, there are not dense stands of vegetation between the Bennett Street Grasslands of Empire Mine SHP and the proposed East Bennett Street sites 6 and 7 to buffer visual/aesthetic/light/glare impacts. Site 8 of and a portion of Site 6 from Alternative 2 do appear to be densely forested and only partially border Empire Mine SHP. The potential addition of up to 595 housing units adjacent would negatively impact visitor enjoyment to this area of Empire Mine SHP. CA State Parks requests that appropriate mitigation measures be developed to address these heightened impacts and that the aesthetic impacts be changed to *significant* compared to the proposed project for Alternative 2.

- Air Quality, Page 6-17 states that "Alternative 2 would result in equivalent air quality impacts and a substantial deterioration compared to the proposed project." Substantial deterioration of air quality in the vicinity of Empire Mine SHP in general could impact park visitor use and enjoyment.

- Biological Resources, Page 6-17 states that "impacts to biological resources under Alternative 2 would be equivalent to the proposed project". CA State Parks does not necessarily dispute this statement but we are nonetheless concerned about impacts to Biological Resources to the adjacent Bennett Street Grasslands and the South Fork Wolf Creek at Empire Mine SHP if development of the East Bennett sites would potentially occur as stated in the draft EIR:

5-J CONT'D

CA State Park comments on the County of Nevada Housing Element Rezone Program Implementation draft EIR – SCH# 2009072070

- The East Bennett sites are currently providing a buffer from surrounding developments and wildlife migration corridors to the Bennett Street Grasslands at Empire Mine SHP.
- Alteration or development of the East Bennett site 7 potentially could alter hydrological regimes at the Bennett Street Grasslands and the South Fork Wolf Creek at Empire Mine SHP as both areas have contiguous wet meadows and wetlands only interrupted by East Bennett Street itself.
- Alteration or development of the East Bennett site 7 may result in altered hydrology at Empire Mine SHP, which could negatively impact suitable habitat of the California red-legged frog, foothill yellow-legged frog, and the Northwestern pond turtle along the South Fork Wolf Creek.
- In addition, the East Bennett site 7 is known to contain several California Native Plant Society watchlist plant species that extend onto Empire Mine SHP including Sierra Brodiaea (*Brodiaea sierrae*) and Bacigalupi's Yampah (*Perideridia bacigalupii*). CA State Parks was also informed about a population of Flannelbush on the East Bennett site 7 which could be the Pine Hills Flannelbush (*Fremontodendron decumbens*), a state-listed rare plant (although there is some confusion about this plant species identification) by way of the Idaho Maryland Mine draft EIR in 2009. The Flannelbush does not occur at Empire Mine SHP but CA State Parks wanted to inform Nevada County about the potential occurrence of these plants at Site 7 of the East Bennett sites.

- Cultural Resources, Page 6-17 states that "impacts associated with Alternative 2 would be equivalent to the proposed project". CA State Parks wants to inform Nevada County that the alternative East Bennett St. site 6 and 7 contain the historic footbed of the Nevada County Narrow Gauge Railroad and several Native American grinding rocks. Geographical context is important to CA State Parks for use in describing Native American traditional societies and subsequent development by settlers. CA State Parks requests that these cultural features be taken into account in any future development of the East Bennett sites.

- Hydrology and Water Quality, Page 6-18: Alternative 2 could increase the impact of surface water runoff to the Bennett Street Grasslands at Empire Mine SHP. The addition of impervious surfaces to the East Bennett Alternative Site would significantly increase the amount of water flowing through the drainage ditches and culverts along East Bennett Street to the Bennett Street Grasslands, potentially contributing to the development of channelization within known wetlands and wet meadows at Empire Mine SHP. Currently surface water runoff is absorbed into wet meadows on the East Bennett site 6 and site 7 and percolates slowly to the wetlands and wet meadows at Empire Mine SHP. Alteration of the hydrology of the wet

CA State Park comments on the County of Nevada Housing Element Rezone Program Implementation draft EIR – SCH# 2009072070

5-J CONT'D

meadows at East Bennett site 7 in particular would have extreme unknown consequences for the Bennett Street Grasslands and the South Fork Wolf Creek at Empire Mine SHP. CA State Parks is very concerned about this impact and requests to be consulted in any site-specific future plans and development of the East Bennett sites.

- Noise, Page 6-18: "Alternative 2 would have a slight decrease in noise impacts compared to the proposed project." The noise from construction activities and subsequent increases in traffic noise and ambient noise from new residents as a result of increased population densities could result in significant impacts to the Bennett Street Grasslands portion of Empire Mine SHP. Park visitors are using the Bennett Street Grasslands to enjoy nature and hear natural sounds. Hearing construction activities or traffic noises away from an urban area setting could be considered by park visitors as nuisance noise. The increase in noise may also impact nesting songbirds and ground vibration could disturb small mammal dens at the Bennett Street Grasslands at Empire Mine SHP and CA State Parks is very concerned about this impact.

- Population and Housing, Page 6-18 states that "Alternative 2 would result in equivalent impacts compared to the proposed project." A sudden, large influx in population along East Bennett Street could have significant impacts to the ecosystem health of the Bennett Street Grasslands at Empire Mine SHP. Probable increases in user-created trails, soil compaction, disruption of wildlife and noise could harm wet meadows, wetland and riparian ecosystems and disrupt ongoing grassland and riparian restoration activities that CA State Parks has been performing since 2007at the Bennett Street Grasslands.

- Recreation, Page 6-18: "Alternative 2 would result in the same amount of residential development as the proposed project and would have a similar demand for park and recreational facilities." CA State Parks is concerned that as the closest recreational opportunity to the East Bennett sites, residents' first choice would be Empire Mine SHP and the Bennett Street Grasslands in particular. Currently the Bennett Street Grasslands do not contain official trails and associated park infrastructure, and CA State Parks is concerned that an influx of adjacent residents could damage the ecosystem health without officially established infrastructure.

- Transportation/Traffic, Page 6-19: Increases in traffic and vehicle emissions locally on East Bennett Street could have significant impacts to the Bennett Street Grasslands at Empire Mine SHP such as park visitor enjoyment, visitor access and parking, wildlife, and adjacent vegetation communities.

CA State Park comments on the County of Nevada Housing Element Rezone Program Implementation draft EIR – SCH# 2009072070

5-J CONT'D

- 6.3.3 Alternative 3: Berriman Ranch Sites
  - Aesthetics, Page 6-21: The aesthetic impacts of Alternative 3 do not include the same assessment of onsite and offsite views as those of proposed project sites. Only the aesthetic impacts to the scenic highway corridors have been considered in this assessment: "Most of the existing views from public vantage points such as SR 49 would be screened from view due to the existing woodlands that line the highway in this area." The Hardrock trail at Empire Mine SHP runs directly adjacent to the northern property boundary of Site 7. Construction activities and high density housing development could have significant aesthetic impacts to Empire Mine SHP, including reduced visitor enjoyment of the park.
  - Noise, Page 6-23: "Alternative 3 would have a slight decrease in noise impacts compared to the proposed project." CA State Parks is concerned that the noise from construction activities and ambient noise from new residents and subsequent increases in traffic as a result of increased population densities could result in significant impacts to the adjoining Empire Mine SHP in relation to visitor enjoyment and wildlife resources.
  - Recreation, Page 6-23: Alternative 3 would have an equivalent "demand for park and recreational facilities" as the proposed project. CA State Parks is concerned about impacts to current Empire Mine SHP infrastructure as a result of increased population densities in surrounding and adjoining areas.

Appendix B. Site Analysis Report

- Appendix A. Field Reports and Aerial Photos
  - Site 2 (APN 0927004) listed in Appendix B is located South of Bennett St. and east of Colfax Avenue, both south and west of the school bus yard along the South Fork of Wolf Creek. This is contrary to the main body of the draft EIR, which states that Site 2 (APN 2935012) is located on La Barr Meadows Road south of the intersection with McKnight Way. In Appendix B, this Site 2 (APN 2935012) is listed as Site 3. CA State Parks suggests changing the designation of the sites to reflect less confusing nomenclature.

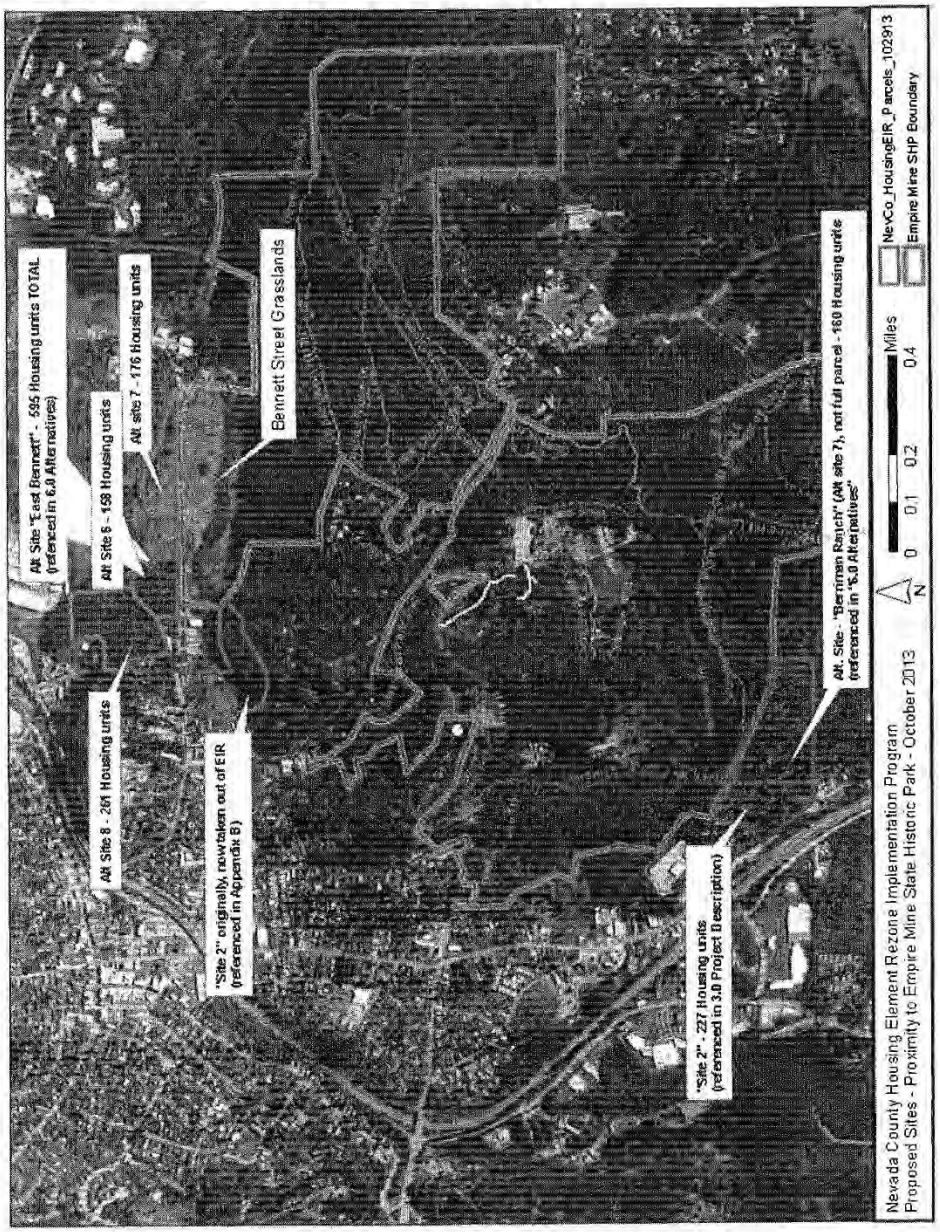
5-K

  - Appendix B states that "The owner of Site 2 (APN 0927004) has elected to withdraw from the Housing Element Rezone Program subsequent to the analysis being completed. This site remains in the document in the event the property becomes available in the future." Since there is no discussion of the potential impacts for housing development on this site, CA State Parks requires additional information be provided in order to assess the potential impacts to Empire Mine SHP if this site is to be included in future rezoning or development efforts.

5-L

CA State Park comments on the County of Nevada Housing Element Rezone Program Implementation draft EIR – **SCH#** 2009072070

Proximity map of Empire Mine SHP and the proposed sites for rezoning:



- 13 -

Letter 5 – California Department of Parks and Recreation

Response 5-A: The County concurs that proposed project includes Site 2 and the Alternatives discussion includes the East Bennett Road sites. However, just prior to the close of public review period of the Draft EIR, the County received a letter from the property owner stating that they no longer wish to participate in the program with their property identified as Site 2. As such, any comments regarding potential impacts as a result of development on Site 2 are no longer relevant. However, the same property owner owns the property that was identified as Site 7 in the Berriman Ranch Alternative and has expressed interest in continuing to include that site as part of the alternative.

Alternatives 2 (East Bennett Road Alternative) and Alternative 3 (Berriman Ranch Alternative) were included as alternatives to address potential impacts associated with developing a large cluster of development within the Grass Valley SOI. Both the East Bennett Road Alternative and Berriman Ranch developed as an option to reduce the density within that area. The alternatives in the Draft EIR are included to provide a comparison to the proposed project to determine if potentially significant impacts would be less than significant. Consistent with CEQA Guidelines Section 15126.6(d), which states that, "if an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the proposed project."

In the case of the East Bennett Road Alternative (Alternative 2) and Berriman Ranch Alternative (Alternative 3), the Draft EIR notes that these alternative would result in traffic impacts that were similar (or slightly increased for Alternative 3) to the proposed project and that the alternatives would still result in significant and unavoidable traffic impacts. With regard to public services and utilities (including water and sewer), the DEIR notes that both alternatives would result in similar level of impacts as the proposed project. So for comparison purposes, which is the intent of the Alternatives section, the Draft EIR shows that the East Bennett Road Alternative and Berriman Ranch Alternatives do not significantly reduce any significant impacts compared to the proposed project. Should the Board of Supervisors wish to pursue either the East Bennett Road Alternative or Berriman Ranch Alternative, additional environmental studies, such as traffic, aesthetics, biological resources, cultural resources would be required and the results of those studies incorporated into the EIR before the alternative could be approved and the EIR certified.

Response 5-B: The County notes the State Parks Department mission statement and Department Operations Manual. The Department's comments are noted addressed in the responses below.

Response 5-C: The County agrees that the Hard Rock Trail is in proximity to Site 7 in Alternative 3. Page 6-21 of the Draft EIR has been revised in the Final EIR to note that potential impacts visual impacts may occur to the Hard Rock Trail and that additional design measures such as screening vegetation, setbacks, and interior security fencing should be incorporated into the project design to minimize potential impacts on the Empire Mine State Historic Park. The County notes that there is existing development along this perimeter edge of the Empire Mine State Historic Park, that the undeveloped sites have zoning for development that ranges from business park to residential uses, and that there are existing un-official trails and entry points in the area.

Response 5-D: The intent of the Alternatives section in the Draft EIR is to determine if alternative project designs or project location would reduce potentially significant impacts associated with the

proposed project. The alternatives analysis in the Draft EIR shows that the East Bennett Road Alternative and Berriman Ranch Alternatives do not significantly reduce any significant impacts compared to the proposed project. Should the Board of Supervisors wish to pursue either the East Bennett Road Alternative or Berriman Ranch Alternative, additional environmental studies, such as traffic, aesthetics, biological resources, cultural resources would be required and the results of those studies incorporated into the EIR before the alternative could be approved and the EIR certified.

Response 5-E: The County does not concur with this comment. The proposed sites adjacent to the Empire Mine State Historic Park have been previously zoned for development. It is not the County's or adjacent property owners responsibility to ensure security or maintenance of the park.

Response 5-F: The Concurs with this comment. Pages 6-18 and 6-23 of the Draft EIR had been revised to state that development associated with Alternative 2 and Site 7 of Alternative 3 would be required to contribute to Recreation Mitigation Fee funding or other such fee program as determined by the County as a fair share payment for use of the Empire Mine State Park given those sites' proximity to the park.

Response 5-G: The project does not proposed mixed-use commercial development on any of the sites adjacent to the Empire Mine State Historical Park; however the County notes that any development adjacent to the Park would have to accommodate all fire clearing requirements on the project site.

Response 5-H: The County acknowledges and appreciates these comments. Please see Responses 5-F and 5-D.

Response 5-I: The County acknowledges and appreciates these comments. However, the property owner for Site 2 has elected to withdraw from the program. As such, development on Site 2 is no longer proposed any impacts associated with this site are no longer relevant.

Response 5-J: The County acknowledges and appreciates these comments. Please see Response 5-D above. Should the Board of Supervisors decide to pursue one of these project alternatives, additional studies would be required to evaluate the project specific impacts of placing the R3-RH zone over the sites. The comments from the State Department of Parks and Recreation (DPR) are noted, and if further action is taken on the properties discussed in Alternative 2 and Alternative 3, additional coordination between the County and DPR would occur.

Response 5-K: The site discussed in this comment was dropped from consideration before the initial site analysis report was completed. Another site was added in its place and the numbering of the some of the sites changed. Because a numerical labeling system for the sites was used, it made sense to continue to use Site 2 in order to maintain sequential numbering.

Response 5-L: The County concurs with this comment. The Site 2 identified in the Site Analysis Report (Appendix B of the Draft EIR) was not analyzed in the EIR and is not part of the proposed project. Any future development of the site would require additional study per the County's existing permitting process.

Letter 6

CITY OF GRASS VALLEY
Community Development Department
Thomas Last, Community Development Director

125 East Main Street
Grass Valley, CA 95945

Building Division
530-274-4340
Planning Division
530-274-4330
Fax 530-274-4399

A CENTENNIAL CITY

NEVADA COUNTY
RECEIVED
APR 14 2014
COMMUNITY DEVELOPMENT AGENCY

NEVADA COUNTY
RECEIVED
NOV 12 2013
PLANNING DEPARTMENT
CDA

November 12, 2013

Tyler Barrington
Nevada County Planning Department
950 Maidu Ave., Suite 170
Nevada City, CA 95959

Subject: Comments on the Environmental Impact Report for the Nevada County 2009-2014 Housing Element Rezone Program – SCH 2009072070

Dear Mr. Barrington,

6-A The City appreciates County staff's efforts to address the concerns raised by City staff over the last year regarding this EIR. While the project and EIR do address some of the issues previously raised, there are several items that require additional discussion. Since some aspects of the proposed project create potential policy and land use conflicts between the County and City General Plans, the following letter includes three sections. The first section focuses on comments on the Draft EIR. The second section focuses on policy and land use issues. The final section includes some suggestions and recommendations for changes to the project which would allow the City to support the project. The City does not expect the County to address the comments in sections 2 and 3 in the Final EIR. Those sections are intended to provide additional background on the City's concerns with the goal of using this for further discussion between staff and possibly decision makers. However, Sections 2 and 3 do include some suggestions which may also resolve some of the City's comments on the DEIR. The City desires to continue to work cooperatively with the County in its efforts to meet the State's housing mandates.

6-B

1. Comments on the Draft EIR:

a. 6-C All the significant and unavoidable (SU) impacts occur in the City SOI, a few SU impacts apply to the other areas of County (air quality, greenhouse gases, a couple of roads); however, the proposed changes result in the City bearing most of the unavoidable impacts. The City does recognize that almost any form of development in Western Nevada County will result in SU impacts on air quality and greenhouse gases. The DEIR does include some mitigation measures; however, specific projects should be subject to standard greenhouse gas mitigation measures used throughout the state and region.

b. 6-D Page 2-5. Under section 2.2.12 – This section includes a statement that mitigation is proposed for replacement of sewer pipelines, but no mitigation is included in DEIR. Additionally, the DEIR does not provide a wastewater collection system capacity analysis as requested by the City in the Notice of Preparation (NOP). In response to the NOP, the City requested the EIR address the adequacy and capacity of the City's wastewater collection system to serve the proposed high density housing since the proposed densities were not anticipated in the City's General Plan or Sewer Master Plan.

6-E c. P. 2-15. MM 4.2-1: States the potential land use conflicts would be addressed through policy agreements between the two jurisdictions. The City requests this mitigation be more specific and include guiding principles for such an agreement. As written, it is too broad to constitute effective mitigation, and should be written to help guide this future unknown process.

6-F d. P. 4.2-13. Analysis of Policy 1.38. The analysis concludes that the project is consistent with the policy. The policy is under a County goal, and reiterated in a subsequent joint land use planning agreement between the City and County, that the jurisdictions will strive to achieve consistent land use designations within the Grass Valley Sphere of Influence. The policy specifically states the County land use maps will generally reflect the City's General Plan land use but may provide for less intensive land use in certain instances. The EIR needs to acknowledge that the proposed project will result in a land use conflict and that the conflict results in a significantly more intense land use (six times more residential units than planned for by the City General Plan). Therefore, the EIR should conclude the project is inconsistent with this policy.

6-G e. P. 4.13-7. 4th paragraph under City of Grass Valley - Note the Fire Department has a rating of 3 when last rated in 2013, vs. 4 in 2003.

6-H f. P. 4.13-8. Under wastewater – 1- There is no discussion or analysis of the sewer collection system as requested in the NOP and as noted in 1.b above. This is a potentially significant issue for Sites 3-9 and needs to be addressed. The Loma Rica Ranch EIR noted several needed upgrades to the wastewater collection system in this area of the City. Since the proposed project's increased dwelling units were not anticipated in the current collection system, it is likely that the collection system will be inadequate to serve the additional housing proposed. 2 - Also delete reference to "Glenbrook Sanitation District" since the district no longer exists.

6-I g. P. 4.13-5, 8, and 18. Under water supply, note that NID supplies water to portions of the City. Also note that the City could be the provider for Site 1.

6-J h. P. 4.13-16. Mitigation Measures 4.13-1a and 1c. What if the response from police and fire on the ability to serve is "no"? Development impact fees can be used for facilities and equipment. Sales and property taxes will provide some funding; however, the tax structure may not be adequate to fund the necessary service requirements for the proposed increase in housing and population. The mitigation must be clarified to address a possibility of a "no" answer. This may include the possible need to form an assessment district to fund certain services.

6-K i. P. 4.15-7. Grass Valley SOI Bicycle and Pedestrian Facilities. Note that the City has several other Class II facilities (along portions of W. Main, McCourtney Road, McKnight Way, Idaho-Maryland Road, and Sierra College Dr.).

6-L j. P. 4.15-44 and 45. City of Grass Valley- traffic policy discussion- Note that the City rescinded that policy in February 2012 and adopted a new one which is in Section 3 of the City's Improvement Standards. The EIR should rely on the current traffic policy.

6-M k. Mitigation Measures 4.10-1b, 2, 3. Add "and Public Works Department" after Planning Department to the text in parenthesis.

6-N l. Mitigation Measures 4.15-2 and 3. Since the mitigation applies to two intersections in the City, staff recommends the County consider modifying the mitigation as follows to achieve consistency with the approach taken by the City in the DEIR for the Southern SOI and with the City's traffic policy:

1. If the project would result in more than 63 total PM peak hour trips and add more than 10 PM peak hour trips at the intersection of _____, a supplemental traffic analysis shall be prepared consistent with the City's Traffic Policy to determine the extent of impact(s) and appropriate mitigation responsibility shall be assigned as a condition of approval. As a result of the study, the project mitigation would include one of the following:

a) Be required to install the improvements at the _____ intersection; or
b) Pay the project's proportionate share of the _____ intersection improvements; or
c) Construct some associated improvement that would address project impacts at the _____ intersection; or
d) Be required to complete some combination of the above to address project impacts at the _____ intersection identified in the traffic study.

2. If the project would result in less than 10 PM peak hour trips at this intersection, the project proponent or successor in interest shall pay the associated mitigation fees.

Timing/Implementation: Prior to occupancy of development within the project area
Enforcement/Monitoring: City of Grass Valley Planning Division and Public Works Department

6-N CONT'D

m. Mitigation Measure 5.4.14.2. Since the intersection is not part of a fee program, the measure should specify that a benefit assessment district may be required for reimbursement.

6-O

2. Comments on Policy and Land Use Conflicts:

As a general comment, the City wishes to continue to assist the County in its attempt to comply with the mandates of the state pertaining to the provision of housing in Western Nevada County. The following comments raise several concerns, but also provide some suggested solutions acceptable to the City. However, it should be noted that these are policy issues which the City Council must also ultimately accept. The suggested solutions represent City staff's best attempt to assist the County in achieving its goals based on current City policies. The suggestions are also based on the City's desire to maintain a sustainable community as described in its General Plan. Overall, 64.9% of Grass Valley's residents fall below the state's targeted median income of 80%. Furthermore, the City has a disproportionate amount of its housing stock, over 60%, in rental units. Economically sustainable communities typically have only 30% of their housing stock as rental units. Additionally, the current Housing Element for Grass Valley notes the City has 783 publically assisted rental units. These facts are further supported by the last three and current Regional Housing Needs Allocation Plans, which have noted that over 60% of Grass Valley's housing needs are to be planned to accommodate moderate or above moderate housing. These points, along with the items listed below, highlight the City's concern about concentrating a large amount of new High Density Residential in one area.

6-P

a. The proposed GPA changes to Urban High Density within the Grass Valley Sphere of Influence (SOI) create inconsistencies between the City and County General Plans. Currently both General Plans are consistent with each other with either Urban Medium Density or Business Park.

6-Q

b. County Policy 1.36 states that GPAs should be approved to create balanced growth. The proposed densities for residential development clustered in one area (Sites 3-9) do not meet that balance test. These high concentrations in one area will strain public services. The County and City General Plans both currently mix land uses throughout the SOI to achieve a good balance of housing types and densities in walking distance to jobs, retail and office services. The proposed GPAs for Sites 3-9 will disrupt the anticipated and planned for growth pattern and sustainable balance that both General Plans attempt to achieve.

6-R

c. Conflicts with County GP policy 1.38 – The policy states that the County General Plan should generally reflect the City General Plan, but in some instances a "less intensive" land use may be more appropriate. This proposed plan does the opposite; it increases the intensity. Currently the City and County plan for a maximum of 492 dwelling units on the 61.5 acres on Sites 3-9. The proposed GPA would allow up to 1,230 dwelling units there. The City does not believe a concentration of over 60 acres of High Density Residential meets many of its goals and policies as expressed in the General Plan, nor does it meet the intent of several County policies. Therefore, the City suggests dispersing this cluster by placing the HDR areas in other locations in the City's SOI as noted in section 3 below.

6-S

d. County Policy 1.40 – This policy states that the County will cooperate, "to the extent feasible" as it pertains to planning in a city SOI. Since the County has embarked on this effort, the City has consistently stated it wishes to cooperate with the County and has offered suggestions on alternative sites rather than one large cluster of HDR (Site 3-9). While the DEIR did address other sites in the alternatives analysis, the City believes those alternative sites are more appropriate and the City will support the County's effort to amend the General Plan to increase residential clusters on other properties as noted in section 3 below. The City will also work with the County on additional public outreach in support of the alternative sites.

6-T

e. County Objective 1.22 and policy 1.43 – Discuss an equitable distribution of revenues. The City has significant concerns with the large cluster of HDR in Sites 3-9 since high density residential is much more costly to provide serves, particularly as empirical evidence demonstrates within the low and very low income housing projects in the City.

6-U

f. The memorandum of understanding (MOU) between Nevada County and Grass Valley states the intent of the MOU is to minimize land use conflicts in the City's SOI. Section III A of this MOU establishes the review procedure for joint planning and cooperation. The proposed HDR creates significant inconsistency between the two General Plans. The policy agreement proposed in MM 4.2-1 should include parameters for an agreement. This may include a modification of Procedure 3 in the MOU, a more specific process and options to address the transfer of housing units per GC 65584.07 where an inconsistency has been created as a result of this project, and a clear understanding that Grass Valley contains a significant portion of affordable and subsidized housing in the region and that this fact needs to be addressed at a more regional level (i.e. spread equally around the County). Most importantly, there needs to be an understanding that Grass Valley does not have an unlimited ability to absorb a majority of high density housing for western Nevada County into the future. The City has a limited infrastructure and service capacity. Specifically, the City's infrastructure has been planned to accommodate a certain level of development and does not have unlimited capacity to absorb a majority of

6-V

6-V CONT'D

the high density land needed to meet the state's housing mandates for western Nevada County in the future. A unified approach to address the state Housing Element process is needed and the agreement needs to recognize that Grass Valley will soon be facing similar infrastructure constraints as the County.

3. Policy Opportunities and Recommendations

6-W

a. The City recognizes the direction provided to County staff to consider amending the General Plan to High Density Residential on properties with willing property owners. The City has suggested the County consider several other sites to create a more sustainable development pattern in the City SOI. The City will work closely with the County and property owners to amend the land use on other properties in the SOI. However, the City cannot support a concentration of 60+ acres of HDR.

6-X

b. To address the issue of clustering the HDR on Sites 3-9, the City recommends the County consider mixing the residential density in that area. This could be a mix of High Density Residential and Low Density Residential with a goal of maintaining similar, or possibly a slight increase, in the overall density currently anticipated for on Sites 3-9 (appx. 500 dwelling units). The city might consider a maximum range of 20 to 25 acres of HDR in this cluster with the remainder of the 60 acres being changed to LDR.

6-Y

c. The City continues to support amending the General Plan to add HDR along Bennett Street (10-15 acres).

6-Z

d. The City would support adding HDR to the Northstar SDA (10-15 acres) and possibly the Kenney Ranch SDA.

6-AA

e. The City's Southern Sphere of Influence Planning and Annexation project proposes to add approximately 32 acres of Medium Density Residential land on the east side of SR 49 (APNs 09-620-12 and 22-230-52). City staff could support having some of this land being designated to HDR. However, any HDR in this area would need to be placed in areas that would not conflict with existing industrial or other businesses. Staff believes this area could support approximately 5 acres of HDR and not impact the existing industry in the area.

6-BB

f. The County should consider applying HDR to land it owns in the southern SOI along La Barr Meadows Road. This could provide a sustainable land use plan for the County by creating a mixed-use project that provides affordable housing in close proximity to new jobs.

In conclusion, the City requests the EIR include an analysis of the issues noted in section 1. Please provide a copy of the responses to the Draft EIR when they become available.

If you have any questions, please contact me at 530-274-4711. We look forward to continued dialog and cooperation on these issues.

Sincerely,

Thomas Last
Community Development Director

5

Letter 6 – City of Grass Valley

Response 6-A: The comment states that the City appreciates the County's efforts to address City concerns related to the project and the City has provided additional comments on the Draft EIR. The County has responded to each of the comments provided in the responses below.

Response 6-B: The comment states that in addition to comments on the Draft EIR, the City has provided additional comments that focus on larger policy and land use issues and some suggestions and recommendations that would result in the City supporting the project. The County has noted that not all the comments are directly related to the Draft EIR but related to broader policy issues related to inter-agency planning between the City and the County. The County has provided a response to all the comments in the letter in the responses below.

Response 6-C: The County concurs that the significant and unavoidable impacts mostly impact the areas within the City's SOI. However, this is more of an issue regarding jurisdiction of the lead agency than physical impacts. Most of the significant and unavoidable impacts have mitigation measures proposed, however, when those projects within the SOI are developed, they would mostly like be annexed into the City. As such, the County would lose the ability to enforce the implementation of the mitigation measure. As the lead agency, the County would not be able to ensure the implementation of the mitigation measure and therefore, the impact was considered significant and unavoidable. As noted in the comment, the potential impacts on air quality are based on the air basin being in non-attainment for ozone emissions and the proposed development would likely trigger this impact anywhere in Western Nevada County. The analysis in Section 4.6 of the EIR outlines the General Plan Goals and Policies of the both the County and the City that direct future development to reduce greenhouse gas emissions through the use green building techniques and development patterns that reduce overall vehicle miles traveled.

Page 4.6-15 of the Draft EIR has been revised to include the following:

> Future development of the project sites will be required to meet CALGreen Building Code Tier 1 standards (Title 24, Part 11) at the time of building permit issuance. The CALGreen standards for residential development are located in Appendix A4 of the Green Building Standards and are intended to provide developers with specific options to construct energy efficient buildings. The more energy efficient the building design and construction, the fewer greenhouse gas emissions from the building over its lifetime. These standards include specific requirements in order to demonstrate that the project has an energy budget no greater than 85 percent of what is allowed by Title 24, Part 6 energy budget. The budget is calculated based on Compliance Software designed by Energy Commission. Appendix A4 of the CALGreen Building Code includes a range of voluntary measures that the developer may select in order to meet reduce the overall energy budget of the development. Such measures include water efficient appliances for indoor water use (Section A4.303), efficient irrigation systems for outdoor water use (Section A4.304), using material sources that are made of recycled content or from rapidly renewable sources (Section A4.405), and energy efficient heating and cooling systems Section A4.207). Implementation of the measures would reduce greenhouse gas emissions from the project.

Response 6-D With regard to the statement in the EIR regarding the mitigation for sewer pipelines, the text in under Section 2.2-12 has been revised to state the developer must show that adequate facilities are available prior to the issuance of any permit authorizing construction. The analysis for Impact 4.13.2 in the Draft EIR notes that additional capacity would be needed. It should be noted that the County's Land Use and Development Code (LUDC) Section L-II 2.7.11.C.6 (specific to the RH Combining District) requires developers to provide written documentation from the applicable public utility, water, and sewer service providers demonstrating that adequate public utilities, water, and sewage disposal is available to accommodate the proposed development for a site. If the property does not have direct access to adequate public utilities to serve the proposed development, it is the responsibility of the developer to provide adequate infrastructure to serve the site consistent with the rules, regulations and standards of the applicable utility provider. The Final EIR has been revised to include this statement.

Because it is unknown when the development will occur, the capacity of the wastewater treatment facilities at the time of construction is also unknown. The County is currently processing an application from Newmont Mine for the construction of a Waste Water Treatment Plant to treat water from the mine. An environmental document for that project is expected to be available for public review in the second or third quarter of 2015.

The City's Draft EIR for the Southern Sphere of Influence Planning and Annexation Project provides the following information regarding the existing conditions of the City's wastewater treatment plant capacity:

> In 2000, the [Waste Water Treatment Plant] WWTP capacity was expanded to treat up to 2.78 mgd, with 7.6 mgd capacity for peak flows. The plant has been improved to a secondary treatment plant providing preliminary treatment, primary clarification, trickling filter/solids contact process for secondary treatment, filtration for effluent polishing, and disinfection with ultraviolet light. The WWTP is permitted to discharge to Wolf Creek an average dry weather flow of not to exceed 2.78 million gallons per day (gpd), or 7.6 mgd for peak flows, and currently receives an average flow of 1.72 mgd.
>
> Future demand for wastewater service is addressed in the City's General Plan and includes the Sphere of Influence Plan. The capacity of the plant can accommodate a service population of 21,000, the City's projected population within the Sphere of Influence over the next 20 years. The City Sphere of Influence Plan notes the current WWTP capacity has between 4,000 to 4,800 equivalent dwelling units (EDUs) available. It also notes that this capacity is expected to increase once the flows from the Newmont Mine are diverted to a private system, which is anticipated to be completed in 2014.[4]

The maximum yield for the proposed project sites within the City's Sphere of Influence, is a total of 1,478 units. Assuming a 0.71 EDU for multi-family units[5], approximately 1,049

[4] City of Grass Valley, Southern Sphere of Influence Planning and Annexation Project, Draft Environmental Impact Report, page 3.12-8, October 2013.
[5] County of Nevada

EDUs would be added within the City of Grass Valley SOI, which is within the City's WWTP existing capacity. The City issues EDUs based on a "fist come, first served" basis.[6]

Because of the unknown timing of the development, capacity that is available today may not be available in the future; the impact was identified as significant and unavoidable. The EIR does require mitigation (Mitigation Measure 4.13.2) which requires the developer to demonstrate to the satisfaction of the City of Grass Valley (for Sites 1-9) that adequate facilities (including capacity) exist prior to construction.

Response 6-E The intent of the mitigation is develop a policy the allows the City and the County to effectively balance the regional housing needs between the two jurisdictions. Potential guidelines for such an agreement would include:

- Review and update the existing Memorandum of Understanding between the County and City in place to minimize land use conflicts in the City's SOI.
- The identification of mutually agreeable locations for future high density residential projects to meet the City and County's housing needs.
- Proposed language for future General Plan Updates for amendments that provides flexibility in housing densities within the City's SOI to meet the future demand and build-out of higher density projects that can take advantage of the City's existing infrastructure.
- Determine an equitable distribution of revenues from the project to share costs associated with providing services to high density residential services.
- A framework for participation in the City or County's infrastructure fee programs (e.g., Transportation Impact or Development Impact Fees) by developers in either jurisdiction for projects that impact infrastructure in the other jurisdiction.

Response 6-F The EIR text in the discussion has been revised to clarify that the proposed project proposes higher density than what is proposed. The County does not concur that the proposed housing overlay zone would preclude the implementation of the City's General Plan by providing a significantly more intensive use. The City's Loma Rica Specific Plan area (located adjacent to sites 3, 7, and 9) includes 700 low, medium, and high density housing; 54,000 square feet of mixed commercial and retail, and up to 364,000 square feet of business and light industrial uses. As such, the proposed project does provide similar intensities to other planned development in the area.

Response 6-G The EIR has been revised to reflect this change. This change did not add any significant new information that resulted in new impacts or increase the severity of any previously identified impacts.

Response 6-H Please see Response 6-D above. The EIR was revised to reflect the change to the Glenbrook Sanitation District. This change did not add any significant new information that resulted in new impacts or increase the severity of any previously identified impacts.

Response 6-I The EIR has been revised to reflect this change. This change did not add any significant new information that resulted in new impacts or increase the severity of any previously identified impacts.

[6] Personal Communication, Trisha Tillotson, Senior Civil Engineer/Deputy Director, City of Grass Valley, January 8, 2014.

Response 6-J The County concurs that additional funding for public services may be required. Mitigation measure 4.13-1((a) and (c)) have been revised to include the following statement: "The formation of an assessment district may be required to provide adequate public safety services."

Response 6-K The EIR has been revised to reflect this change. This change did not add any significant new information that resulted in new impacts or increase the severity of any previously identified impacts.

Response 6-L The EIR has been revised to reflect this change. This change did not add any significant new information that resulted in new impacts or increase the severity of any previously identified impacts.

Response 6-M The EIR has been revised to reflect this change. This change did not add any significant new information that resulted in new impacts or increase the severity of any previously identified impacts.

Response 6-N The County has reviewed and considered the proposed mitigation language and has incorporated portions of the document into Mitigation Measures 4.15-2 and 4.15-3.

Response 6-O The County has reviewed and considered the suggested language. The mitigation currently states that the developer and City should enter into a reimbursement agreement for improvements costs. The mitigation language has been modified to clarify that an assessment district could be considered as a cost sharing mechanism.

Response 6-P The County acknowledges and appreciates this comment and will address these comments in working to develop policy agreements as part of Mitigation Measure 4.2-1. The County acknowledges that any policy agreement would have to be approved by the City Council. As such, the potential impact is determined to be significant and unavoidable even with the mitigation because the County Board of Supervisors does not have jurisdiction over the City Council.

Response 6-Q The County acknowledges that the proposed density is higher than what the City currently has proposed, which is why Mitigation Measure 4.2-1 is included in the EIR.

Response 6-R Please see Response 6-F above.

Response 6-S The County acknowledges and appreciates this comment. The County concurs that the project would increase the existing allowable density on Sites 3-9. The County identified the proposed properties based on their feasibility for high density residential development, proximity to existing services, and the willingness of property owners to participate in the program, all of which were critical components mandated by the County Board of Supervisors. The EIR does contain project alternatives which allow for the dispersion of some of the units along Brunswick Road which will be considered by the Board of Supervisors when considering the merits of the program.

Response 6-T The County acknowledges and appreciates this comment. As noted in the Response 6-S above, the County identified the proposed properties based on their feasibility for high density residential development, proximity to existing services, and the willingness of property owners to participate in the program, all of which were critical components mandated by the County Board of Supervisors. The EIR does contain project alternatives which allow for the dispersion of some of the units along Brunswick Road which will be considered by the Board of Supervisors when considering the merits of the program.

Response 6-U The County acknowledges and appreciates this comment. The County is willing to discuss these options as part of the joint agency policy agreements discussed in Response 6-E above.

Response 6-V The County acknowledges and appreciates this comment. The County is willing to discuss these options as part of the joint agency policy agreements discussed in Response 6-E above.

Response 6-W The County acknowledges and appreciates this comment. The County is willing to discuss these options as part of the joint agency policy agreements discussed in Response 6-E above. Please see Response 6-S above.

Response 6-X The County acknowledges and appreciates this comment. The County has set the proposed densities consistent with the requirements of the State law (California Government Code Section 65584.09) which requires specific densities for the County to meet it Regional Housing Needs Allocation. The EIR does contain project alternatives which allow for the dispersion of some of the units along Brunswick Road which will be considered by the Board of Supervisors when considering the merits of the program.

Response 6-Y The County acknowledges and appreciates this comment. The EIR contains an alternative, the East Bennett Road Alternative (Alternative 2) that looks at rezoning property on East Bennett Road.

Response 6-Z The County acknowledges and appreciates this comment. The EIR alternatives analysis reviewed the Kenny Ranch Site and the Northstar Site as alternative locations, but these sites were not considered for further analysis due to physical and regulatory constraints, and not being able to meet the project objectives.

Response 6-AA The County acknowledges and appreciates this comment. The EIR contains the Berriman Ranch Alternative which includes Site 7, approximately 8 acres, which is within the City's Southern Sphere of Influence Planning and Annexation project. This alternative will be presented to the Board of Supervisors for their review and consideration with the EIR.

Response 6-BB The County acknowledges and appreciates this comment. The County properties are not eligible for this program as they have been designated for other uses by the County Board of Supervisors.

Letter 7

PENN VALLEY FIRE
PROTECTION DISTRICT

Fire Chief
Gene Vander Plaats
P.O. Box 180
Penn Valley, CA 95946
(530) 432-2630
Fax (530) 432-4561
chief@pennvalleyfire.com

Directors
Kurt Grundel, Chairperson
Bill Neville, Vice-Chairperson
David Farrell, Director
Rick Nolle, Director
Bob Webster, Director
dhughes@pennvalleyfire.com

Date: November 12, 2013

To: Tyler Barrington
Principal Planner, Planning Department
Nevada County

NEVADA COUNTY
RECEIVED
NOV 12 2013
PLANNING DEPARTMENT
CDA

From: Gene Vander Plaats
Fire Chief
Penn Valley Fire Protection District

Subject: High Density Housing, Penn Valley Area

Mr. Barrington:

The Penn Valley Fire Protection District has not made official comments regarding the proposed zoning changes in our district. There has been a lot of public input to date.

7-A The zoning change itself does not affect our operations. However, if and when any major project is proposed in our area we would like to make sure we have the opportunity to analyze the affect the project will have on our ability to maintain our existing level of service.

7-B AB 1600 fees should take care of any new capital items (equipment, apparatus, fire stations or land) but our concern is the annual revenue generated by the development is adequate to allow maintaining the level of service we currently provide to our existing citizens.

7-C There are some vehicles and/or mechanism that can be used to mitigate the operational impact (such as special benefit assessment district, homeowner's association dues, etc.)

Thank you for your time.

PROTECTING OUR COMMUNITY WITH PRIDE

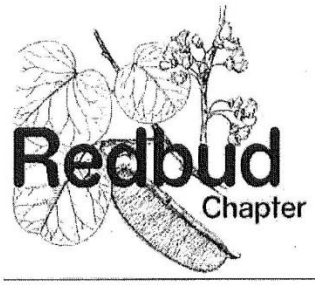
Letter 7 – Penn Valley Fire Protection District

Response 7-A: The proposed project would create a new zoning overlay and does not include any specific development on any of the proposed project sites at this time. Any future improvement or building plans submitted to the County for development would proceed through the County's existing review process which requires review and approval from the appropriate fire protection agency, including the Penn Valley Fire Protection District for Penn Valley projects, the Higgins Fire District for Lake of the Pines projects, and the Nevada County Consolidated Fire District or Grass Valley Fire Department for Grass Valley Sphere of Influence projects and/or CALFIRE depending on what agreements might be in place at the time of development.

Response 7-B: The County concurs that the District will receive fees from AB 1600 for capital items. Mitigation Measure 4.13-1(a) requires the developer to provide written documentation that adequate fire response times are available prior to the issuance of a building permit. Because it is unknown when development would occur on these sites, the mitigation measure requires a review at the time the development is proposed to ensure that current response times and facilities are evaluated.

Response 7-C: The County concurs that an additional mechanism for funding may be required when future development occurs on these sites. Mitigation measure 4.13-1(a) has been revised to include the following statement: "The formation of an assessment district may be required to provide adequate public safety services." The formation of an assessment district on the proposed sites, may be used to provide additional funds to the district to allow the District meet the required response times to serve future projects. This mitigation measure applies to all of the project sites, not just the Penn Valley sites.

Letter 8



NEVADA COUNTY
RECEIVED
NOV 12 2013
PLANNING DEPARTMENT
CDA

California Native Plant Society

The mission of the California Native Plant Society is to increase understanding and appreciation of California's native plants and to preserve them in their natural habitat through scientific activities, education, horticulture, and conservation.

Tyler Barrington, Principal Planner
Nevada County Planning Department
950 Maidu Ave, Suite 170
Nevada City, CA 95959.
Email: tyler.barrington@co.nevada.ca.us

November 12, 2013

Dear Mr. Barrington:

We are writing on behalf of Redbud Chapter of the California Native Plant Society (CNPS) with members in Nevada and Placer Counties. CNPS is a statewide non-profit organization dedicated to the preservation of native plants and their habitats.

The following are comments from Redbud-CNPS about the Draft Environmental Impact Report, September 2013, for the Housing Element Rezone Implementation Program.

8-A

General Comments

According to the information in the Biological Section of the EIR, "No floristic surveys" were conducted for the EIR, just reconnaissance level surveys. This does not meet CEQA requirements. It is the policy of CNPS that all potential, direct, indirect and cumulative impacts to rare, threatened, or endangered plants and habitats are assessed using CA Dept. of Fish and Wildlife's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*. Surveys must occur during bloom periods of rare plants. Appropriate measures should be implemented to prevent impacts resulting from projects. It is also the policy of CNPS that environmental documents be based on complete, accurate, and current scientific information.

Specific Comments

The following are comments on the parcels # 3,4,5, and 9 located north of East Bennett Road (East Bennett Road parcels) near the Grass Valley City limits. Over 1,000 housing units are proposed for these parcels.

P.O. Box 2662, Nevada City, CA 95959 www.redbud-cnps.org

8-B

Wetlands
At least two of the parcels contain wetlands that flow to the South Fork of Wolf Creek. At the present time, water from the wetlands is channeled through culverts underneath East Bennett Road to the Bennett Street Grasslands, a priority site for protection and rehabilitation by Empire Mine State Park and many volunteer community members. Hydrological changes from development are likely to negatively impact the health of the Bennett Street Grasslands and its native plant communities. A complete Wetland Delineation per Army Corp of Engineers protocol must be completed of the proposed East Bennett Street parcels and include a complete botanical survey. A substantial population of Showy Milkweed (*Asclepias speciosa*) grows in the wetlands. These are host plants for Monarch butterflies (*Danaus plexippus*) which are in perilous decline in part due to loss of host plants and their habitat. Other rare plant species have potential to occur in the wetlands. We request that all wetlands are protected from development impacts.

8-C

Plant Community
About half of the 53 acres of the East Bennett Road parcels contain ultrabasic soils classified as gabbro (Dubakella and Secca complex) and contain a unique plant community with several rare or uncommon plants. The U.S. Fish and Wildlife Service recognized this plant community in its Recovery Plan for Gabbro Soil Plants of the Central Sierra Nevada Foothills, 2002. The proposed impact on gabbro soils and associated plant communities should be considered, and quantified, relative to declining habitat within Nevada County and their necessity for the protection and/or reintroduction of rare gabbro soil plants. CA Dept. of Fish and Wildlife is currently requesting Federal Endangered Species Act Section 6 Grant funding to manage, maintain, and restore similar rare plants and habitats that have been impacted within Nevada County. In addition, development is likely to promote non-native plant invasion, further threatening plants and communities of concern on the project site and the Empire Mine State Park Bennett Street Grasslands.

8-D

Rare Plants
The California flannelbush (*Fremontodendron californicum*) found within East Bennett Street parcels is a low-growing shrub with large copper-colored flowers which shares genetic traits with the Pine Hill flannelbush (*Fremontodendron decumbens*). The U.S. Fish and Wildlife Service Recovery Plan estimates that only about 500 of the Federally listed Pine Hill flannelbush (*Fremontodendron decumbens)* grow at the Pine Hill Preserve in El Dorado County. Based on field surveys and Natural Diversity Data Base reports Redbud-CNPS estimated that about 40 plants grow in Nevada County in scattered locations. The estimated 100 flannelbush plants found by the 2009 surveys at the Idaho Maryland Mine property represented a significant addition to this number. A known population at the Nevada County Landfill on McCourtney Road was fenced and signed as "endangered plant protection area". Seven of these plants were cut when a new leach field was installed for the Animal Services building in 2012. Deer browsing has further stressed these plants and it is unknown whether they will survive.

P.O. Box 2662, Nevada City, CA 95959 www.redbud-cnps.org

8-E

Fremontodendron californicum in the northern Sierra foothills is highly unusual even if they were classified as the more common species and not *Fremontodendron decumbens*. *Fremontodendron californicum* is found growing in the wild in Southern California and several varieties or hybrids are widely used in the horticulture trade. However, the form of flannelbush found in Nevada County has a compact size, small leaves, and is adapted to local, dry, rocky environments. These qualities make it potentially very important to horticulture in the Sierra Foothills. California flannelbush has well-known traditional medicinal uses. Academic experts that conducted genetic studies of Sierra Foothills flannelbush strongly recommended the conservation of local forms.

8-F

Redbud-CNPS has identified the presence of the following additional rare species of California endemic plants on the East Bennett Road parcels:
Allium sanbornii var. *sanbornii*, Sanborn's Onion, CNPS List 4
Brodiaea sierrae, Sierra Brodiaea, CNPS List 4
Perideridia bacigalupii, Mother Lode Yampah, CNPS List 4
Hesperocyparis macnabiana, McNab Cypress. Though not listed species state wide, the Cypresses are locally rare in the Sierra Nevada. Several populations of McNab Cypress have been extirpated in the Grass Valley area during the past ten years. They are important host plants for pollinator species, including the Muir's Hairstreak butterfly, a true serpentine endemic.

8-G

Other rare plant species with potential to occur on the East Bennett Road parcels, including Finger rush (*Juncus digitatus*) CNPS List 1B.1, and Brownish beaked-rush (*Rhynchospora capitellata*) CNPS List 2B.2, should be properly surveyed. CNDDB reports may be incomplete and should not be used to rule out possible presence of any rare plant species.

8-H

Mitigation Measures
Mitigation measures described for salvage, transplantation, cultivation, or re-establishment at suitable sites have highly questionable rates of success, especially with many of the rare species found on the gabbro soils. The salvaging of plants is likely to be very difficult within the dry and hard rock gabbro areas, and will likely cause severe damage to roots. California flannelbush is known to have very poor survivorship after salvaging and is even known to have difficulties with transplanting in horticultural settings. Some of the rare species have not yet proven to be successfully cultivated by horticultural techniques. Even if cultivation is successful, they may not be transplanted to the natural environment without the high probability of mortality, especially if they are not protected and maintained for at least 2-3 years after planting. Suitable sites for re-establishment of gabbro plants are extremely limited and are also under treat of impact within Nevada County. The best course of action for plant protection is avoidance of all rare species.

8-I

Redbud-CNPS is very likely to support the acquisition of the East Bennett Street parcels by Empire Mine State Park or the Bear Yuba Land Trust, for its protection in perpetuity.

P.O. Box 2662, Nevada City, CA 95959 www.redbud-cnps.org

8-J

PennValley Area Parcels 11-17
Redbud-CNPS has concerns regarding possible impacts to all valley oak (*Quercus lobata*) trees, including those meeting the size standard of Landmark Trees. In addition, we request surveys using the CA Dept. of Fish and Wildlife's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*, well in advance of any ground disturbing activities. Surveys must occur during bloom periods of rare plants. CNDDB reports may be incomplete and should not be used to rule out possible presence of rare plant species.

8-K

Redbud-CNPS requests email and hard copies of the botanical survey reports for ***all*** proposed sites within the Housing Element Rezone Implementation Program, including a description of methods, map of area surveyed, results, and a complete list of all plant taxa found during the survey. We expect this information well in advance of any ground disturbing activities. In addition, we request notification prior to all mitigation and project actions on sites where rare plants occur within the Housing Element Rezone Implementation Program. Thank you for your consideration.

Sincerely,

Karen I. Callahan
Rare Plant Chair, Redbud Chapter
California Native Plant Society

And

Denise R. Della Santina
President, Redbud Chapter - California Native Plant Society
P.O. Box 2662, Nevada City, CA 95959
ClearCreekNatives@gmail.com

Letter 8 – California Native Plant Society – Rosebud Chapter

Response 8-A The County does not concur that the EIR biological analysis does not meet CEQA requirements. Reconnaissance-level surveys were completed for each of the 18 sites. No special status species were identified during these surveys. A search of the California Natural Diversity Data Base did not identify any special status plants a being previously recorded on any of the project sites. The Draft EIR states (page 4.4-40), "Because the timeframe in which these site could be developed is unknown, conditions on the site could change in which special-status plant species could establish on the project site." The Draft EIR notes that for these reasons potential impacts are considered potentially significant. As such, the County concurs that additional surveys are required prior to development. Mitigation Measure 4.3-1(b) requires that special status plant surveys be required prior to the approval of any improvement or building plans. The mitigation measure also identifies specific performance standards for what should happen in the event that special-status species are identified onsite. For these reasons, potential impacts are considered less than significant.

Response 8-B It should be noted that Comments 8-B through 8-H are related to the East Bennett Road Alternative (Alternative 2) discussed in Section 6.3.3 of the Draft EIR. This alternative was included as an alternative to address potential impacts associated with developing a large cluster of development within the Grass Valley SOI. The East Bennett Road Alternative was developed as an option to reduce the density within that area. With regard to wetlands on the East Bennett Road sites, the Draft EIR notes that this alternative would result in similar impacts to wetland and riparian habitats as the proposed project, and that any development proposed on the sites would have to implement the same mitigation measures, including the preparation of a Wetland and Riparian Mitigation Monitoring Program, described in Mitigation Measure 4.4-3(a). The primary focus of these plans is to avoid wetlands and wetland impacts. The mitigation measure states that where wetland impacts cannot be avoided, the developer would be required to obtain permits from the USACE, RWQCB, and CDFW as they relate to wetland impacts. For these reasons, potential impacts are considered less than significant.

Response 8-C The East Bennett Road Alternative was included in the EIR to determine if considering an additional location for some of the housing units would reduce any of the significant impacts associated with the proposed project. The Draft EIR (Table 6-7) shows that the project would result in approximately the same level of impacts on biological resources as the proposed project. Should the East Bennett Road Alternative be selected for approval by the County Board of Supervisors, the same biological mitigation measures that apply for the proposed project would be implemented including those requiring pre-construction plant surveys and habitat replacement requirements. Development of these sites would be subject to the City of Grass Valley Land Development Code (because these sites are within the City SOI and annexation would be required) which contains specific planting requirements to minimize the use of non-native invasive species. For these reasons potential impacts are less than significant.

Response 8-D Please see Response 8-A above. A pre-construction special-status plant species would be required prior to any development of the East Bennett Road Sites. Per Mitigation Measure 4.4-1(b)(ii), for any federally listed special status species, the developer would be required to submit a mitigation plan for review and comment to the U.S. Fish and Wildlife Service

and California Department of Fish and Wildlife. Any identification of Pine Hill Flannelbush would trigger the mitigation requirements for avoidance and preservation.

Response 8-E Please see Response 8-E above.

Response 8-F Please see Responses 8-A and 8-E above.

Response 8-G Both Finger rush and Brownish beak rush were identified in the CNNDB search as shown in the Table 4.4-3 of the Draft EIR. As CNPS List 1 and 2 plants, respectively, special-status plant surveys would be implemented and the USFW and CDFW would be notified of the status and location of the plants and the necessary approval and/or permits obtained as required in Mitigation Measure 4.4-1(b)(ii).

Response 8-H The County concurs that best mitigation for plant protection is avoidance. Transplanting plants is one option that could be available through an approved mitigation plan that would also be reviewed by the USFW and CDFW. Mitigation Measure 4.4-1(b)(ii) notes that any transplanted plants must be taken to a suitable location, with similar soil types, climate, and associated plants species, and must be within an easement that provides protection in perpetuity. The mitigation measures also notes that not all plants types may be suitable for transplanting.

Response 8-I The County acknowledges and appreciates this comment. However, the comment does not raise an issue at variance with the content in the EIR. As, such no further response is required.

Response 8-J Sites 11-18 have been identified in the Draft EIR as having either Landmark Oaks, Landmark Groves, or oak woodlands. In some cases the property may have more than one of those sensitive oak resources. Landmark Oaks and Landmark groves are protected under the Nevada County Tree Preservation and Protection Ordinance. The preferred mitigation is avoidance through the establishment of an ESA or Non-Disturbance Area; however is some cases it is not feasible and therefore the County's code allows for limited disturbance of landmark oak trees and landmark oak groves through the approval of an Oak Woodland Management Plan prepared by a qualified biologist.

As noted on page 4.4-52 of the Draft EIR, the Tree Preservation and Protection Ordinance discourages removal or Landmark Oaks and trees within Landmark Groves and requires that an oak woodland management plan be prepared to demonstrate how impacts to sensitive oak trees would be avoided or reduced. For the sites that contain oak woodlands, Mitigation Measure 4.4-5 requires that an oak woodland management plan be prepared that ensures there is not net loss of oak woodland habitat.

Response 8-K The County acknowledges and appreciates this comment. The CNPS will be kept on the distribution list for all notices related to the Housing Element Rezone Program Implementation EIR. As it is unknown when any future development would occur on these sites consistent with the proposed housing overlay zone, there is no set timeframe or known process for when future construction would occur. The County is creating an Implementation Guide for each of the proposed sites that identifies the required mitigation measures for each site. The Implementation Guide will notify future developers that they are required to include the CNPS on the County's standard distribution list for notices regarding future actions on the project site as well as providing copies of all botanical surveys required per mitigation measure 4.3-.1.

Letter 9

Penn Valley Area Chamber of Commerce
PO BOX 202
Penn Valley, CA 95946
(530) 432-1802

October 1, 2013

NEVADA COUNTY
RECEIVED
OCT 03 2013
COMMUNITY DEVELOPMENT
AGENCY

Brian Foss
Planning Director
County of Nevada
Eric Rood Center
950 Maidu Ave
Nevada City, CA 95959

RE: Housing Element Rezone Program Implementation

Dear Mr. Foss,

9-A The Penn Valley Area Chamber of Commerce hereby requests that the Public Hearing before the Nevada County Planning Commission scheduled to be held on October 10, 2013 at 1:30 p.m. in the Board Chambers at the Eric Rood Center be continued for at least 21 days to allow the Penn Valley community the time to study the HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION proposal and its potential impact on Penn Valley. The reasons for the requested continuance are:

9-B 1) There is concern that the proposed rezoning of key properties to (UHD/R3) and adding a Regional Housing Need (RH) Combining District to accommodate the future development of high density housing is not in conformance with the Penn Valley Village Focused Economic Development Study, passed and adopted by the Board of Supervisors of the County of Nevada at a regular meeting of on September 26, 2000.

9-C 2) There is concern that rezoning strategically located C2 properties to UHD/R3 will inhibit the ability of Penn Valley to develop and nurture vibrant commerce in the Penn Valley Village Center.

9-D A good supply of buildable commercial sites in the Village Center has been identified as a primary strength of the area. We would appreciate your cooperation in allowing our community more time to study the Housing Element Rezone Implementation proposal that will reduce the number of commercial sites in Penn Valley, thereby diminishing available assets.

Sincerely,

Mike Mastrodonato
President
Penn Valley Area Chamber of Commerce

cc
Hank Weston
Ed James

Letter 9 – Penn Valley Chamber of Commerce, October 1, 2013

Response 9-A The County acknowledges and appreciates this comment. The public comment meeting on the EIR was held as originally scheduled on October 10, 2013.

Response 9-B The County does not concur that the proposed project conflicts with the Penn Valley Village Focused Economic Development Study. The economic development study, "provides a framework for encouraging business growth and job development in the Penn Valley Village Center.[7]" The study summarizes the types of different businesses that would mostly like generate additional economic growth within the village area. The document is not a binding land use document with requirements on any property owners nor does it propose a change in any existing land use designations. The study is not a codified ordinance such as the County's Tree Preservation and Protection Ordinance. This ordinance is codified in Section L-II 4.3.15 of the County's Land Use and Development Code (LUDC). The LUDC contains provisions and regulations related to the development of property and are legally binding and enforceable by law. As a study, the Penn Valley Village Focused Economic Development Study provides and outline and policy objectives, but does not carry the same mandate or enforceability as a codified code, ordinance, or regulation. Therefore, the project does not conflict with an adopted land use plan, and potential impacts with regard to conformance with County adopted plans are less than significant.

Response 9-C There are two sites (Sites 10 and 11) included as part of the proposed project that have commercial designations in Penn Valley. These parcels are currently zoned C2-SP. As shown in Table 3-3 of the Draft EIR, these two sites have the potential to retain their commercial designation in addition to having the Regional Housing Need (RH) Combining District added to the site increasing the allowed density from 4-units per acre to 16-units per acre as a part of a mixed use development. Retaining the C2 zoning designation would provide flexibility for future development to support mixed uses on the sites and allow for commercial development to occur on a portion of the site as well as high density residential. To retain as much commercial zoning in the County as possible County Planning Staff will be recommending that the base zoning of C2 remain on the site. It should be noted that LUDC Sec. L-II 2.7.11.D requires the following:

> **D. Mixed-Use Development.** In the event that a site has a Commercial, Industrial, Office Professional or Business Park Base Zoning District and is combined with an RH overlay, the site shall be developed with a use consistent with the Base Zoning District, subject to the development standards shown within said district, prior to or in conjunction with mixed-use residential that can be either vertically or horizontally mixed. The use and minimum density of the residential portion of the site shall be exempt from discretionary review if developed at a density consistent with Section L-II 2.7.11.B.3, but shall be subject to the above standards and Zoning Compliance and Building Permit issuance.

Therefore, Implementation of the RH overlay zone or residential development on Sites 10 and 11 does not necessarily preclude commercial development on the site, and subsequently this comment is unfounded.

[7] County of Nevada, Penn Valley Village Focused Economic Development Study, September 2000

Response 9-D The public comment meeting on the EIR was held as originally scheduled on October 10, 2013.

Letter 10

Penn Valley Area Chamber of Commerce
17422 Penn Valley Dr. • P.O. Box 202
Penn Valley, CA 95946

Historic Past...Dynamic Future!

(530) 432-1802
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NEVADA COUNTY
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OCT 30 2013
PLANNING DEPARTMENT
CDA

October 29, 2013

Tyler Barrington, Principal Planner
County of Nevada
Community Development Agency
Planning Department
950 Maidu Avenue
Nevada City, CA 95959

RE: EIR FOR HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM

Dear Mr. Barrington:

We have reviewed the subject EIR and have some very serious concerns regarding what is being proposed. The EIR is flawed from a legal and policy perspective for the reasons stated below, in addition to the numerous concerns listed in the attachment. First of all, it

10-A does not recognize the existence of the Penn Valley Focused Economic Development Study approved and adopted by the Board of Supervisors in 2000. This was an important policy document which outlined numerous goals and objectives, none of which included the implementation of high density housing (16 units per acre) as is being proposed by the Housing Element Rezone Implementation Program.

This Development Study was very extensive. It included a thorough retail market analysis, a demographic analysis, an economic base analysis, as well as a study of regional needs that could be attracted to the Village Center.

This study was funded by the State Community Development Block Grant (CDBG) Program, and was sponsored by Nevada County and the Nevada County Economic Resource Council (ERC). The plan was developed by the consulting firm of Applied Development Economics. A steering committee made up of local residents and business owners was also utilized. The adopted plan focuses only on the Penn Valley Village Center, which is the area your Implementation Program adversely affects.

10-B The major purpose of focusing on Penn Valley Village Center was to determine if there was the potential for bringing more jobs and additional revenue to the local area, and the

10-B CONT'D

greater County area. The study determined that this was certainly feasible. It clearly stated that "opportunities exist for business park and light manufacturing uses as well as cottage industries." Light manufacturing firms providing ancillary components for high tech manufacturing, as well as office-based businesses in software development and internet applications was very possible according to the study. The study further states that "future business development will become a significant source of revenue for County government."

The study included the following goals:

- Establish Penn Valley as a regional business center.
- Enhance Penn Valley's ability to support viable primary job opportunities.
- Support the development of a diverse housing mix to serve the needs and the area's labor force.
- Preserve opportunities for a high quality business park near the Village Center.

What is being proposed in the EIR will negatively impact the above objectives. Implementation of what is being proposed will very seriously affect the ability to bring in more jobs and enhance the area's and County's revenue picture. Focusing on only one category of housing in the Village Center, while eliminating the potential for jobs and revenue, will negatively impact the County's ability to provide core services.

10-C

The fact that the Penn Valley Focused Economic Development Study is completely ignored in the EIR represents **A SIGNIFICANT AND UNAVOIDABLE IMMPACT, WITH NO ATTEMPT TO PROVIDE MITIGATION IN THE EIR**. Had the County's consultant known the Village Plan existed, it is likely a different set of findings and recommendations would have resulted. For just this reason, the EIR is legally flawed, and should be revised accordingly.

Major Policy Issues

10-D

The fact that nearly 42% of the sites identified in the EIR are in the Penn Valley Village Center brings up serious questions about the site selection criteria. Most the criteria listed seem logical, with one major exception. The EIR stated that if an owner of a site did not want to be included in the Implementation Plan the site was dropped from any further consideration. Apparently, this direction was given to County staff by the Board of Supervisors some time ago.

This has resulted in no sites being proposed for the R-3 zoning designation near the Town of Truckee, and Nevada City which, quite frankly, are the areas that should be more seriously considered, since they are adjacent to a much larger array of services, jobs, transportation options, retail, health and welfare services. Penn Valley does not have many of these necessary amenities.

10-E Staff and the consultants should have been allowed to propose sites that met the other more rational criteria, and not screen out viable sites prematurely. The Board of Supervisors, during the public hearing process, and based upon comments received, could eliminate sites in a more fully informed manner.

10-F General Plans and zoning documents are intended to be long range visions of the future. Most General Plans are unchanged for years before they go through extensive review and revisions. Circumstances could change whereby an owner changes his/her mind, or a change in ownership could occur which could make a property screened earlier perfectly viable before the next major General Plan revision occurs in the future.

10-G This is a flawed policy that has resulted in nearly 42% of the State mandate having to be fulfilled in the center of Penn Valley. It will result in the loss of properties better suited for commercial, manufacturing, retail and various businesses. It will result in a loss of jobs and revenue.

THIS IS A SIGNIFICANT AND UNAVOIDABLE IMPACT WITH NO ATTEMPT MADE TO PROVIDE MITIGATION IN THE EIR.

10-H The mandate from the State, and the resulting proposal from the County, is counter to what is now being considered proper planning statewide. Because of the many overdeveloped areas throughout the State, which has resulted in unmitigated sprawl, there is a major movement to concentrate future development, particularly housing, near downtowns, transportation modes, and critical services in order to lessen the greater impacts from sprawl. This entire proposal goes against that policy.

10-I At the very least, the County should reconsider this proposal contained in the EIR, and look for sites adjacent to cities that make good planning sense for the future of the residents who will need those important services nearby.

10-J The document attached to this letter represents a page by page review of the EIR and lists our concerns, questions and issues raised by the EIR that need to be addressed by County staff and consultants. It is clear that the EIR is flawed from a legal and policy perspective and must be revised accordingly. If implemented as proposed, the result will be a very serious, negative impact upon the Penn Valley Village Center. This impact will also affect the County as a whole.

10-K Because of the issues described above, and those contained in the attachment, the Chamber of Commerce believes the EIR is seriously flawed and should be returned to staff and the consultant for major revision before proceeding any further.

Very truly yours,

Penn Valley Area Chamber of Commerce
Attch.

Attachment

Comments on EIR/Rezoning of Housing Element

10-L	Page 2-1	EIR states it attempts to identify and mitigate future impacts. *Comment - It does not do so since it does not recognize existence of Penn Valley Village Focused Economic Study. Otherwise referred to below as the PV Village Plan.*
10-M	Page 2-2	EIR states project would not conflict with a natural community plan. *Comment – See comment above re: pg 2-1.*
10-N	Page 2-5	EIR states impacts on water and sewer services remain significant and unavoidable unless future improvements are made. *Comment – Later EIR states that sewer need can be met if pipeline is built and improvements to WWTP are made. There is no guarantee that would happen.*
10-O	Page 2-8	EIR states sites 10-18 have potential significant impact without sewer services. *Comment – see comment under pg 2-5*
10-P	Page 2-11	EIR drops the East Bennett site because owner does not want to be included. This has potential for 600 units. *Comment – The Board of Supervisors gave direction to staff to exclude sites where the owner did not want to participate. This is flawed policy direction for the reasons contained in the body of this letter.*
10-Q	Page 2-12	The EIR drops the Berriman Ranch sites for same reason as above. This site has potential for 531 units. *Comment- See comment above under pg 2-11*
10-R	Page 2-13	Grass Valley questioned whether a large concentration of proposed high density units should be located in one site. *Comment – We have the same concern. PV's circumstance is exacerbated because our sites are not convenient to major services, but Grass Valley's are.*
10-S	Page 3-40	EIR states site 10, 11 and 12 can have wetland issues mitigated by installation of certain storm drain improvements. *Comments – Does Corps of Engineers agree with that statement?*

10-T | Page 3-61 EIR states site 13 assures two wetland crossings to be made for access, and that traffic assess will be made off of Highway 20.
Comment – Will the Corps of Engineers and Caltrans approve those actions?

10-U | Page 3-62 *Comment – See dialogue under pgs 2-5 and 2-8.*

10-V | Page 3-62 & 63
Under Project Objectives
Comment – The PV sites do not meet at least 3 of the objectives.
1. *This proposal concentrates 42% of the needed units in one area.*
2. *We disagree that sites should be eliminated if owners do not want to participate. This is not proper planning for the future.*
3. *The PV sites do not have reasonable access to community services, as do some other sites.*

10-W | Page 4.2-9 Under Thresholds of Significance the EIR states the proposed project would have a significant impact on land use planning if it would conflict with any applicable land use plan, policy or regulation.
Comment – It conflicts with the PV Village Plan. In fact it completely ignores it. This is a major flaw in the EIR.

10-X | Page 4.2-11 First paragraph concludes the implementation of project would not conflict with any land use plan, policy, etc.
Comment – This is not so. It conflicts with the Goals and Objectives of the PV Village Plan. It completely ignores the Village Plan.

10-Y | Table 4.2-1 Policy 1.2 under Consistency discuses site selection criteria.
Comment – It fails to mention that one criteria is owner approval of inclusion. This is a flawed criteria but none the less, should be mentioned since staff used it unfailingly.

10-Z | Table 4.2-1 The last sentence under Consistency for Policy 1.4 states that given all planning and environmental issues the sites selected by staff provide the County with the best opportunity to meet project objectives.
Comment – Because of neglecting the PV Village Plan, and the issue of property owner concurrence we disagree.

10-AA | Table 4.2-1 Policy 1.4
Comment – The PV sites do not achieve balance of various land uses, and most importantly, jobs. The proposal eliminates significantly the opportunity for jobs.

10-BB	Page 4.3-10	The EIR mentions the Penn Valley Village Area Plan Guidelines but not the PV Village Plan. ***Comment – VERY SERIOUS FLAW LEADING TO A FINDING OF A SIGNIFICANT AND UNAVOIDABLE IMPACT, WITH NO ATTEMPT TO PROVIDE MITIGATION.***
10-CC	Page 4.3-15	EIR refers to scenic vistas *Comment – Adverse affect if sound walls are constructed along Hwy 20.*
10-DD	Page 4.6-9	Policy RD – 4.3.4 – Minimize the need to commute. *Comment – This proposal does not minimize the commute. It requires more commute time because of the distance between adequate services and very limited commute alternatives for the Penn Valley sites. It negatively affects economic development by rezoning land that would provide numerous job opportunities. Jobs/housing balance is negatively affected.*
10-EE	Page 4.6-11	Goal 6 LUG *Comment – PV sites do not promote jobs/housing balance. They worsen it by rezoning to multi-family housing.*
10-FF	Page 4.6-13	Table 4.6-2 *Comment – PV sites are in conflict with Attorney General's first two recommendation. The sites do not create jobs/housing balance (they worsen it), and they do not create disincentive for auto use. Residents will have to rely on a car to get to community services.*
10-GG	Page 4.12-1	First section makes no mention of PV Village Plan. *Comment – Serious flaw in EIR.*
10-HH	Page 4.12-3	Under Employment Section *Comment – Unemployment will increase if this project is implemented in Penn Valley.*
10-II	Page 4.12-5	Policy HD – 8.1.5 *Comment – PV sites are not near major transportation or comprehensive community services.*
10-JJ	Page 4.13-1	*Comment – Why was Penn Valley Fire District not included in list of agencies?*

10-KK	Page 4.13-5	EIR refers to need to build sewer pipeline and make WWTP improvements. *Comment – Are there adequate funds to do them? We understand that there may be a grant for the pipeline. What about the improvements to WWTP?*
10-LL	Page 4.13-6	EIR refers to need to expand WWTP because it is currently at 85% Capacity. *Comment – Are there funds to make those improvements?*
10-MM	Page 4.13-15	EIR refers to schools and adequacy to handle growth. *Comment – Schools have lost considerable revenue over the past several years, and can minimally provide adequate education for children. Won't this alternative exacerbate the conditions in the PV schools?*
10-NN	Page 4.13-15	EIR refers to Police Protection/Sheriff Sevices. *Comment – The Sheriff's services have been negatively impacted because of loss of revenue over the years, and the State's realignment process that has imposed more prisoners upon the department. How will they be able to service these new housing areas?*
10-OO	Page 5-1	Foster Economic Growth *Comment – How does rezoning the PV sites foster economic growth? It eliminates jobs, retail, business development, and requires future residents to travel miles and miles to services and employment opportunities.*
10-PP	Page 6-3	Project Objectives *Comment – Third objective is flawed and leads to negative consequences because of requiring owner consent. Some of the sites initially considered by staff, but eliminated because of this objective, have required a concentration of sites in PV to make up the difference.*
10-QQ	Page 6-3	Significant Project Impacts *Comment – Under land use planning there is no mention of the PV Village Plan. There is a significant flaw in the EIR and a failure to provide adequate mitigation.*

10-RR

Page 6-5 Public Services, Utilities and Service Systems

Comment – These are already underfunded, and there is no mention on how to mitigate these impacts.

10-SS

Page 6-7 Alternatives Considered and Rejected

North Star Site

Comment - Sites can be cleaned up from hazardous materials. And owner did not want to participate. Would site have been included if owner consented? Flawed policy.

10-TT

Page 6-8 Kenny Ranch Site

Was rejected because it is within a Special Development Area.

Comment – How does that differ from the PV sites being within the PV Village Plan that was adopted by the Board of Supervisors. Also rejected because owner did not want to participate. Once again, a flawed policy.

Concluding Comment

10-UU

Because of all the comments listed above regarding the adequacy of the EIR, and the corresponding letter, it is clear that the EIR is seriously flawed from a policy and legal respective and should be sent back to staff and the consultant for a comprehensive review and revision.

Letter 10 – Penn Valley Chamber of Commerce, October 29, 2013

Response 10-A The County does not concur that the EIR is flawed from a legal and policy perspective. The EIR was prepared consistent with the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000 et seq.), and the *CEQA Guidelines* (California Code of Regulations [CCR] Title 14, Section 15000 et seq.). None of the comments received on the Draft EIR have identified issues or changes that would result in significant new impacts or previously identified impacts to be more severe than previously identified.

The Penn Valley Village Focused Economic Development Study is not discussed as regulatory document because the document is not a binding land use document with requirements on any property owners nor does it propose a change in any existing land use designations. Please see Response 9-B.

The County does not concur that the proposed project adversely affects the Penn Valley Village Focused Economic Development Study. Please see Response 9-C

Response 10-B The County concurs with the comment's summary of the intent and findings of the study. The County does not concur that the proposed project will adversely affect the ability to bring in more jobs to the area. As noted in Response 9-C, the two parcels within the village center that are currently zoned with a commercial designation would be allowed to keep their commercial designation to allow flexibility and to incorporate a commercial development should any high density housing be developed on the those sites. As such the County does not concur that the proposed project would negatively affect the County's ability to provide core services. Public Services and Utilities are discussed in Section 4.13 of the Draft EIR.

Response 10-C The County does not concur that the EIR is flawed or that the project results in a significant and unavoidable impact as a result of the Penn Valley Village Focused Economic Development Study. County staff has reviewed the document and has not identified any information that would change any of the conclusions in the EIR. No changes to the EIR have been made as a result of this comment.

Response 10-D The County does not concur that the proposed project has 42% of the proposed sites within Penn Valley. The project proposes 4 sites (Sites 10-13) within Penn Valley which represent approximately 22 percent of the 18 sites. As shown in Table 3-4 of the Draft EIR, the four sites consist of 33.52 acres, which make up approximately 22 percent of the total 148.99 acres included in the 18 sites. Last, the project proposes a maximum yield of 535 units in the Penn Valley Area which represents 20% of the total 2,675 units proposed. It should be further noted that the Penn Valley Village Focused Economic Development Study only identifies two properties (Sites 10 and 11) as commercial sites out of the four Penn Valley sites of the proposed project. Sites 10 and 11 total approximately 9 acres, which accounts for approximately 27 percent of the total area proposed for Penn Valley.

It should be noted that the proposed 2,675 units are a conservative estimate based only on the maximum yield of the property and does not account for any physical, environmental, or regulatory constraints that could limit the amount of developable area on each site. Please see Master Response #8 regarding the County's proposed aggregate density for each site. The County has calculated the aggregate density for the project based on the proposed

development footprint of each site as shown in Figures 3-15 to 3-24 of the Draft EIR. For the Penn Valley area, that would equate to approximately 330 units over 20.7 developable acres, representing approximately 20% of the total 1,601 units that could be developed within the proposed development footprint of all 18 sites. The 330 units represents approximately 25% of the total unmet need of 1,270 units in the County of Nevada.

The County concurs that the Board of Supervisors provided the direction to only include properties in which the owners agreed to participate in the program. The County concurs that properties in and around Truckee or Nevada City are not included. For the properties that were included in the project, the County prepared a Site Analysis Report (included as part of Appendix B to the Draft EIR). The Site Analysis Report concluded that the properties provided a reasonable level of access to public services and infrastructure that developing the properties was feasible.

Response 10-E The sites were evaluated based on the direction provided by the Board of Supervisors and their ability to meet the project objectives. The EIR evaluates project alternatives that consider sites in other locations. The County concurs that the Board of Supervisors has the authority to select other sites for consideration if they so choose.

Response 10-F The County concurs that General Plan and Zoning documents are long range planning documents. The County concurs that circumstances could change before development occurs on the proposed project sites as well as the decision of property owners to participate in the program.

Response 10-G The County does not concur that the proposed project is based on flawed policy. Please see Response 10-D regarding the total percentage of the project located in Penn Valley. Please see Response 9-C regarding the proposed zoning for Sites 10 and 11. No evidence has been presented nor identified that the proposed project will result in a loss of jobs and revenue.

Response 10-H The County has initiated the proposed project to comply with State law (California Government Code Section 65584.09). State law requires jurisdictions to rezone property to accommodate their Regional Housing Need Allocation if that jurisdiction's vacant land inventory determines that there are not adequate vacant sites zoned for high density residential to accommodate a range of housing opportunities. State law requires that the rezoned sites provide for a minimum density of 16 units per acre and those sites allow the development of higher density housing as an allowed use (not subject to discretionary permits, e.g., conditional use permit, planned unit development plan). The sites were selected based on their availability, physical characteristics, and proximity to existing development with access to community services and infrastructure. All of the sites are located in western Nevada County because that is where the largest population centers are located within the County. Additionally, sites were located away from the more rural regions that make up the majority of the County because those areas generally lack adequate infrastructure such as public water and wastewater system, roadways, and access to public transit and community services. As such, the proposed sites are limited to those community regions within the County where those services are available.

Response 10-I The County does not concur that the proposal in the EIR should be reconsidered. Limiting development to areas within the Sphere of Influence (SOI) of other cities would not meet the long term goal of proving a range of housing opportunities within the unincorporated County. The proposed sites within the SOI could annex into the City and that land would

no longer count towards the County's Regional Housing Need Allocation. See Response 10-H.

Response 10-J The County does not concur that the EIR is flawed from a legal and policy perspective. Minor revisions have been made to the Final EIR to amplify or clarify existing discussions in the Draft EIR. A response is provided to each of the individual comments listed below. The County does not concur that the proposed project would result in a serious negative impact to Penn Valley Village Center or the County as a whole. No evidence has been identified that would change any of the evaluations or conclusions in the Draft EIR.

Where potential impacts to the physical environment have been identified, mitigation measures to reduce or avoid the impacts have been proposed. Mitigation measures are incorporated into the project to avoid or reduce potential impacts on the environment. Avoidance is generally the first goal of mitigation measures, and in this case the County has established Environmentally Sensitive Areas (ESAs) to avoid potential impacts to biological and cultural resources (Mitigation Measures 4.4-1 and 4.7-1). In other cases mitigation measure aim to minimize impacts such as the requirement for oak woodland management plans (Mitigation Measure 4.4-5). Still in other cases, the project includes mitigation measures to rectify or repair an impact, such as traffic mitigation that includes providing traffic signals or roadway improvements (Mitigation Measures 4.15-6). The County will produce an Implementation Guide that will provide the site specific mitigation for each site, so that future developers are aware of the mitigation measures that apply to each site.

Response 10-K The County does not concur that the EIR is seriously flawed and that major revisions are required. The EIR provides a comprehensive analysis of the 18 proposed sites for future development based on the best available information and consistent with the State CEQA Guidelines.

Response 10-L The County does not concur that the EIR does not identify and mitigate future impacts. Please see Response 9-B regarding the Penn Valley Village Focused Economic Development Study.

Response 10-M Please see Response 9-B regarding the Penn Valley Village Focused Economic Development Study.

Response 10-N Please see Response 6-D regarding the developers' responsibilities for ensuring adequate water and sewer facilities.

Response 10-O Please see Response 6-D regarding the developers' responsibilities for ensuring adequate sewer facilities.

Response 10-P The County does not concur that the East Bennett Road Alternative (Alternative 2) was dropped from consideration. The East Bennett Road Alternative was evaluated and discussed in Chapter 6 of the Draft EIR. The discussion in 2.5.2 notes that the land was not considered as part of the original project because of the project objective of working with property owners who consented to participate in the Housing Element Rezone Program Implementation.

Response 10-Q The County does not concur that the Berriman Ranch Alternative (Alternative 3) was dropped from consideration. Similar to Response 10-P above, the Berriman Ranch Alternative was evaluated and discussed in Chapter 6 of the Draft EIR. The discussion in Section 2.5.3 notes that the land was not previously considered because of the project

objective of working with property owners who consented to participate in the Housing Element Rezone Program Implementation.

Response 10-R The County concurs that the City of Grass Valley expressed concern regarding the large concentration of the units clustered along Brunswick Road during the Notice of Preparation public comment period. The County responded by including the East Bennett Road, Berriman Ranch, Kenny Ranch and Northstar Property Alternatives. The County does not concur that Penn Valley would experience exacerbated conditions as a result of the proposed project. The project proposes a maximum of 535 units in the Penn Valley Area. All of the units are within walking distance (i.e., approximately 0.25 mile) from the central business area, although there is no minimum criterion for distance to community services.

Response 10-S The County does not concur that wetland impacts would be mitigated solely by drainage improvements. The descriptions on page 3-30 of the Draft EIR provide a rationale for how the development footprint was established for each site. Sites 10, 11, and 12 are described as having some wetland areas onsite, but notes that some of the wetlands are man-made as result of water flowing onto the property as a result of surface drainage created by streets or storm drain outlets. As development would occur onsite and surface drainage would be improved to current County design standards, these wetland areas would no longer exist. Any wetlands on project sites 10-13 would have to be identified and mitigated consistent with Mitigation Measure 4.4-3b, which includes the developer demonstrating that the appropriate permits have been obtained from the US Army Corps of Engineers. For these reasons, potential wetlands are considered less than significant.

Response 10-T Any wetlands on project sites 10-13 would have to be identified and mitigated consistent with Mitigation Measure 4.4-3b, which includes the developer demonstrating that the appropriate permits have been obtained from the US Army Corps of Engineers. For these reasons, potential wetlands are considered less than significant.

With regard to traffic access from Highway 20, the Final EIR had been revised to show traffic access through Site 10. Please see Response 2-B.

Response 10-U Please see Responses 10-N and 10-O.

Response 10-V The County does not concur that the sites in Penn Valley do not meet the project objectives. Please see Response 10-D regarding the percentage of the project sites within Penn Valley. The County does not concur that a disproportionate number of units are proposed in Penn Valley. Approximately 20% of the sites are located in Penn Valley and approximately 20% of the units are proposed in Penn Valley as well. See Response 10-H. By comparison, the Grass Valley Area has 50% of the sites, 49% of the total acreage, and 55% of the total number of units. The Lake of the Pines Area has 27% of the sites, 27% of the area, and 24% of the total units.

The decision to include willing property owners was made by the Board of Supervisors to avoid having to impose a new zoning designation on a landowners property without their consent. Based on the site analysis report prepared prior to the Draft EIR, the County determined that the PV sites have reasonable access to community services, comparable to other proposed sites associated with the project.

Response 10-W The County does not concur that the proposed project conflicts with the Penn Valley Focused Economic Development Study. Please see Response 9-B and 10-X.

Response 10-Y The County does not concur that the proposed project conflicts with the Policy 1.2 of the Nevada County General Plan Land Use Element. The analysis evaluates the project based on existing and proposed land uses. The Board of Supervisors' direction for property owner agreement does affect the manner in which a proposed site would be consistent with existing land use plans or physical impacts on the environment. No potential conflicts with the existing Land Use Element were identified.

Response 10-Z The County does not concur that the project is in consistent with Policy 1.4 of the Nevada County General Plan Land Use Element. Please see Responses 10-Y and 9-B.

Response 10-AA The County does not concur that the project does not achieve a balance of various land uses. As noted in the Draft EIR, The proposed project would allow for the development of high-density multi-family residential uses adjacent to a mix of uses such as residential, commercial, industrial, and open space/recreation resulting in a range of land use types and densities in the project areas.

The County does not concur that the project would result in a significant loss of jobs. Please see Response 9-C. The project would provide construction jobs during the construction of any housing units. Furthermore, in addition to allowing some commercial use on Sites 10 and 11 (the only sites with an existing commercial designation), the project is not removing or displacing any existing businesses as all of the proposed sites are currently undeveloped.

Response 10-BB The County does not concur that the project analysis contains a serious flaw leading to a finding of significant and unavoidable impact. Please see Responses 9-B and 10-C. No mitigation is proposed because no conflict has been identified. The difference between the Penn Valley Village Center Area Plan Design Guidelines and the Penn Valley Village Focused Economic Development Study is that the Design Guidelines are a part of the County's General Plan which was adopted by the Board of Supervisors as a land use policy document. Conformity with the Design Guidelines is subject to the review of County staff for all discretionary and ministerial permits within the plan area and is mandatory. Conversely, the Economic Study does not apply to County land use applications (discretionary nor ministerial) and is not a binding land use document.

Response 10-CC No sound walls have been proposed along Highway 20. No significant visual impacts have been identified.

Response 10-DD The County does not concur that this project would increase the commute time between employment centers and that the project would negatively affect economic development. Please see Response 9-C regarding the rezoning of Lots 10 and 11. The comment does not provide any evidence that the project would result in increased commute time. The proposed project would create a zoning overlay zone that would allow for a minimum of 16 dwelling units on the project sites. If high density housing units are built on these sites based on market demand, then it would provide opportunities for people who are working in jobs within Nevada County to live in Nevada County rather than going outside of the County to find available housing. No conflicts with Policy RD-4.3.4 of the Circulation Element have been identified.

Response 10-EE The County does not concur with this comment. The existing General Plan land use designation on Sites 12 and 13, is Urban Medium Density (UMD) at 6-units per acre. Site 13 is designated PD "Planned Development" with UMD (26 ac.) and Open Space (8ac.) reflecting this designation applies to a larger set of properties, as Site 13 is approximately

20 acres. As such, these two sites are already slated for higher density residential than rural residential, although not as high of a density as the R3 designation. Please see Responses 9-C and 10-DD.

Response 10-FF The County does not concur that the proposed sites in Penn Valley conflict with the Attorney General's recommendations for projects to reduce Greenhouse Gas Emissions. The goal of the Attorney General recommendations is to reduce auto use, not necessarily eliminate auto use. Should high density housing be developed on the Penn Valley sites it is expected that the residents would still have to drive for certain purposes such as work, shopping, school, etc. However, if the residents are able to live closer to their employers within Nevada County, because a wider range of housing types are available then the goal of reducing driving has been achieved. The four Penn Valley site are all within approximately 0.25 mile from the center of the Penn Valley Village Center Area which would be considered within walking or bike riding distance from the core concentration of businesses in Penn Valley.

Response 10-GG The County does not concur with this comment. Please see Response 9-B.

Response 10-HH The County does not concur with this comment. No evidence has been presented that the proposed project would have an increase in employment or unemployment with the proposed project. Development of the proposed project would provide short-term construction jobs for the duration of construction of any development pursuant to the RH Combining District.

Response 10-II The County does not concur with this comment. Please see Responses 10-FF and 10-HH.

These sites have nearby access to SR-20 located just north of the properties. A separated pedestrian and bicycle path runs on the northern side of Penn Valley Drive from Western Gateway Park east to just east of Pheasant Lane where it crosses to the south side of the Penn Valley Drive. The path continues east to Spenceville Road where it continues in both north and south directions. The path is within 0.25 mile of Sites 10-13.

Nevada County administers a door-to-door paratransit service for persons with disabilities for trips within the Grass Valley/Nevada City area and nearby communities. The service is provided by Gold Country Telecare, a private non-profit organization, under a contract with the County of Nevada. All paratransit vehicles are equipped with wheelchair lifts and other accessibility features.

Gold Country Stage Route 6 has a bus stop at Penn Valley Drive and Spencerville Road (approximately 0.2 mile from the sites) and connects to the main depot in Grass Valley, which provides access to other destinations such as Sierra College and other businesses in Grass Valley and provides a connection to Route 5. Route 5 travels to Auburn Station which connects with Placer County Transit (which serves Auburn, Rocklin, Sierra College, Roseville Galleria and Sacramento Light Rail), Auburn Transit and Amtrak Thruway bus service as connecting schedules allow.

Response 10-JJ The Penn Valley Fire Protection District is discussed on Page 4.12-1. Please see Letter 7.

Response 10-KK The analysis for Impact 4.13.2 in the Draft EIR notes that additional capacity would be needed. It should be noted that the Land Use and Development Code (LUDC) Section L-II 2.7.11.C.6 (specific to the RH Combining District) requires developers to provide written documentation from the applicable public utility, water, and sewer service providers demonstrating that adequate public utilities, water, and sewage disposal is available to

accommodate the proposed development for a site. If the property does not have direct access to adequate public utilities to serve the proposed development, it is the responsibility of the developer to provide adequate infrastructure to serve the site consistent with the rules, regulations and standards of the applicable utility provider. The Final EIR has been revised to include this statement.

Response 10-LL Please see Response 10-KK above. Per Section L-II 2.7.11.C.6 (specific to the RH Combining District) of the County's Land Use and Development Code, the developer is responsible for any constructing any improvements required to increase sewer capacity or to bring sewer service to the project site.

Response 10-MM Per state law, the developer would be required to pay school fees at the time of building permits. As noted on page 4.13-15 of the Draft EIR, The mitigation fee set by the Grass Valley School District and Nevada Joint Union High School District is $2.97 per square foot of living space for residential uses. Pursuant to Section 65995(3)(h) of the California Government Code (SB 50), "the payment of statutory fees is deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use or development of real property . . . ." Therefore, with payment of statutory fees, school impacts would be considered less than significant.

Response 10-NN The following discussion is provided on page 4.13-15 of the Draft EIR: future developments would bring additional annual revenue in the form of increased local property taxes and sales taxes that would help offset the increased demand for police services by funding increases in police personnel, training and equipment. Furthermore, the project developer would be required to pay development impact fees which are intended to provide the means which allow the local police and sheriff to maintain the current level of service. As such, impacts are considered to be less than significant. Implementation of Mitigation Measure 4.13-1c, which would require the project to provide documentation noting adequate response times, would reduce impacts to less than significant.

Additionally, Mitigation Measure 4.13-1(c) has been revised to include the following statement: "The formation of an assessment district may be required to provide adequate public safety services." The formation of an assessment district, on the proposed units, may be used to provide additional funds to the district to allow the District meet the required response times to serve future projects.

Response 10-OO The County does not concur that the proposed project would eliminate jobs, retail, business development, and would require future residents to travel additional miles to services and employment opportunities. The discussion of economic growth in Section 5.1.1 of the Draft EIR is in relation to whether the project would induce population growth as a secondary effect of creating economic growth. While the project would generate some short-term construction opportunities during development on the project sites, any construction jobs would be short-term and would cease upon completion of the project. The development of housing on these sites would not generate any direct or indirect long term employment opportunities. Therefore, the proposed project is not anticipated to foster economic growth beyond what has been anticipated in the Nevada County General Plan or the City of Grass Valley General Plan.

Response 10-PP The County does not concur with this comment. Please see Responses 10-V and 10-Y.

Response 10-QQ The County does not concur with this comment. Please see Response 9-B.

Response 10-RR The County does not concur with this comment. Please see Response 10-NN.

Response 10-SS The County does not concur with this comment. There were three fundamental reasons the project site was rejected from further analysis in addition to the property owners decision not to participate in the program. These reasons included:

- The property has existing hazardous conditions and hazardous materials onsite as a result of past mining activities.
- The project site is currently designated as a Special Development Area (SDA); and has a comprehensive plan for the property that would develop the site with a variety of uses including single-family residential, commercial, business park, hotel site, and public facilities. As a result, it would not be feasible to develop only a portion of the site with multi-family uses without having to reconfigure the whole plan.
- Currently, the surrounding area is undeveloped. There is no existing infrastructure with regards to roadways, water line, sewer lines, or public transportation opportunities in the surrounding area.

Because the state housing law requires the future development to be allowed by right, these existing constraints were considered significant obstacles to determining reasonable assumptions for future development on this site. For these reasons, this site was rejected from further consideration.

Response 10-TT The County does not concur with this comment. Similar to the North Star site, this property is also within a Special Development Area and a comprehensive plan for the project has been established. To develop a portion of this site with multi-family housing would require the planning effort to make substantial changes. The Kenny Ranch property is owned by multiple owners who have not expressed a desire to participate in the program.

The Penn Valley area was selected for potential R3-RH sites because of the existing infrastructure, including public water and sewer service, that is available in the area. Neither the Northstar Site nor the Kenny Ranch site have currently have water or sewer service available at the properties. Further, pursuant to General Plan Policy 1.5, the locations which are adjacent or in proximity to Community Commercial, Business Park, or Industrial areas are considered appropriate for the Urban High Density designation. The Penn Valley area has community commercial on Sites 10 and 11. Please see Master Response #3 regarding how the commercial aspect was incorporated into the zoning for these sites.

Please see Responses 9-B regarding the Penn Valley Village Focused Economic Development Study.

Response 10-UU The County does not concur with this comment. The County has reviewed each of the comments and has determined that none of the comments raise an issue that results in significant new information or in a new or substantially more severe impact. Each of the comments submitted in the letter has been responded to in the responses above.

Letter 11

Penn Valley Area Chamber of Commerce
17422 Penn Valley Dr. • P.O. Box 202
Penn Valley, CA 95946

Historic Past...Dynamic Future!

(530) 432-1802
info@pennvalleycoc.org • www.pennvalleycoc.org

RECEIVED
NOV - 5 2013
Nevada County Community Development Agency

November 1, 2013

Tyler Barrington, Principal Planner
County of Nevada
Community Development Agency
Planning Department
950 Maidu Avenue
Nevada City, CA 95959

RE: EIR FOR HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM

Dear Mr. Barrington:

11-A The Board of Directors for the Penn Valley Area Chamber of Commerce requests that the comment period for the subject EIR be extended for one month. As you know, over 200 people from Penn Valley attended the October 29th public meeting at the Seventh-Day Adventist Church to hear the presentation relative to the proposed rezoning of four parcels in the Penn Valley Village Center.

There was much concern voiced relative to the proposal, and the short time frame that our residents became aware of the issue. Although the County provided the legal notice for this project, more outreach should have been provided given the importance of the issue. An extension will allay some of these concerns.

We respectfully request you consider such an extension.

Very truly yours,

Edward R. James, for
The Penn Valley Area Chamber of Commerce

cc: Hank Weston, President of the Board of Supervisors

Letter 11 – Penn Valley Chamber of Commerce, November 1, 2013

Response 11-A The County acknowledges and appreciates this comment. The County ended the public review period on November 12, 2013 as originally noticed. The County provided a 60-day public review period which is 15 days longer than the 45-day public review period mandated by the Guidelines for the California Environmental Quality Act.

Letter 12

Penn Valley Area Chamber of Commerce
17422 Penn Valley Dr. • P.O. Box 202
Penn Valley, CA 95946

Historic Past...Dynamic Future!

(530) 432-1802
info@pennvalleycoc.org • www.pennvalleycoc.org

November 17, 2013

RECEIVED
NOV 12 2013
Nevada County Community Development Agency

Mr. Tyler Barrington, Principal Planner
County of Nevada
Community Development Agency
Planning Department
950 Maidu Avenue
Nevada City, CA 95959

RE: EIR FOR HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM

Dear Mr. Barrington,

12-A Enclosed are four maps that indicate four properties that, we've been advised, are owned by the County. They are along Highway 49 and may be far more suitable for high density housing than the four isolated Penn Valley sites. We would like your comment relative to the feasibility of including these sites in the EIR for further review.

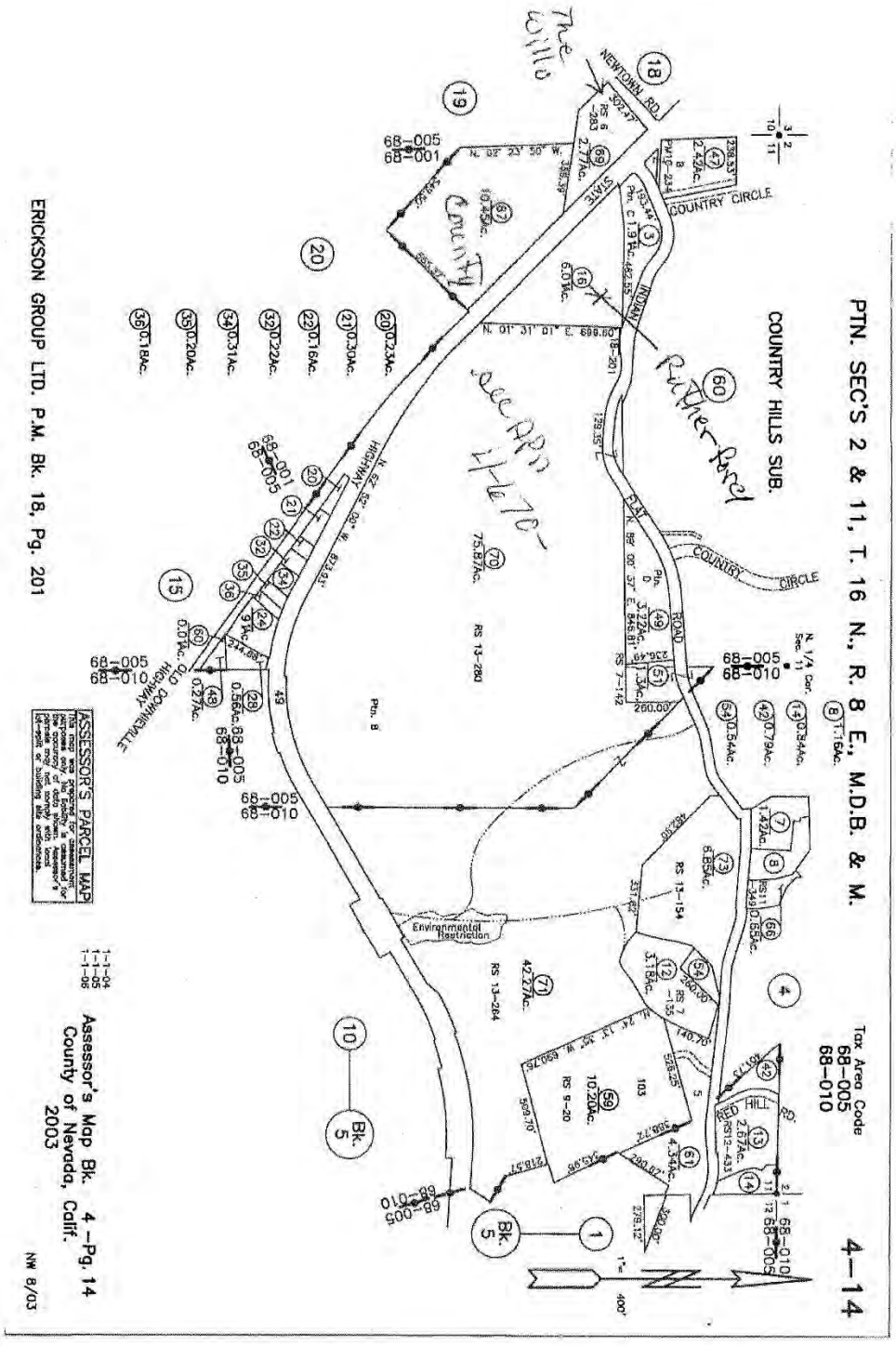
12-B In addition, there was an interesting and timely article in the Weekend edition of the San Francisco Chronicle about the City of Vallejo's struggling downtown. The City Manager of Vallejo is quoted as saying that his city has a concentration of affordable housing units in the downtown which "discourages the potential for business tenants". T his is a major reason we object to including the four Penn Valley sites in the Housing Element Rezone.

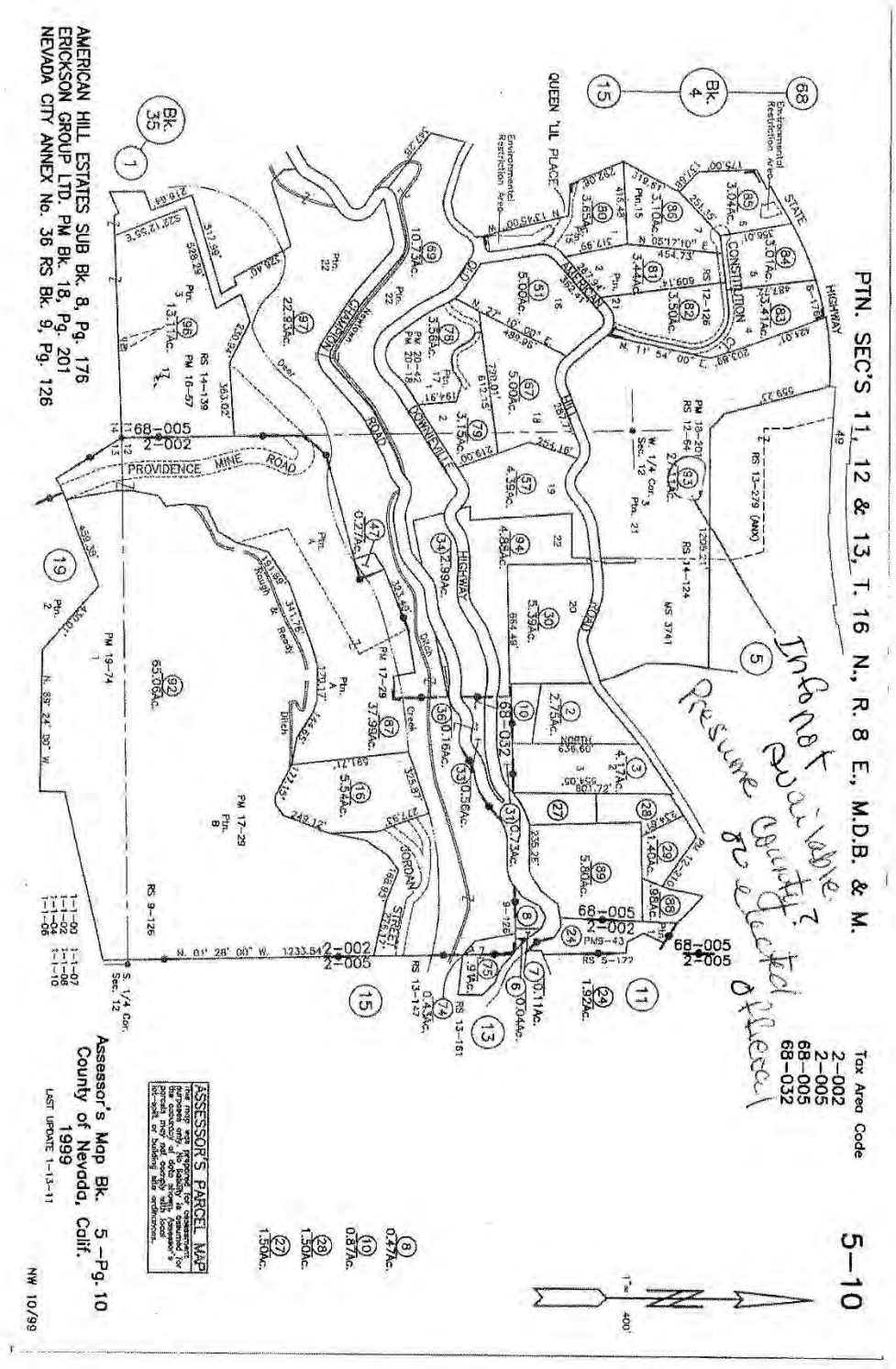
Very truly yours,

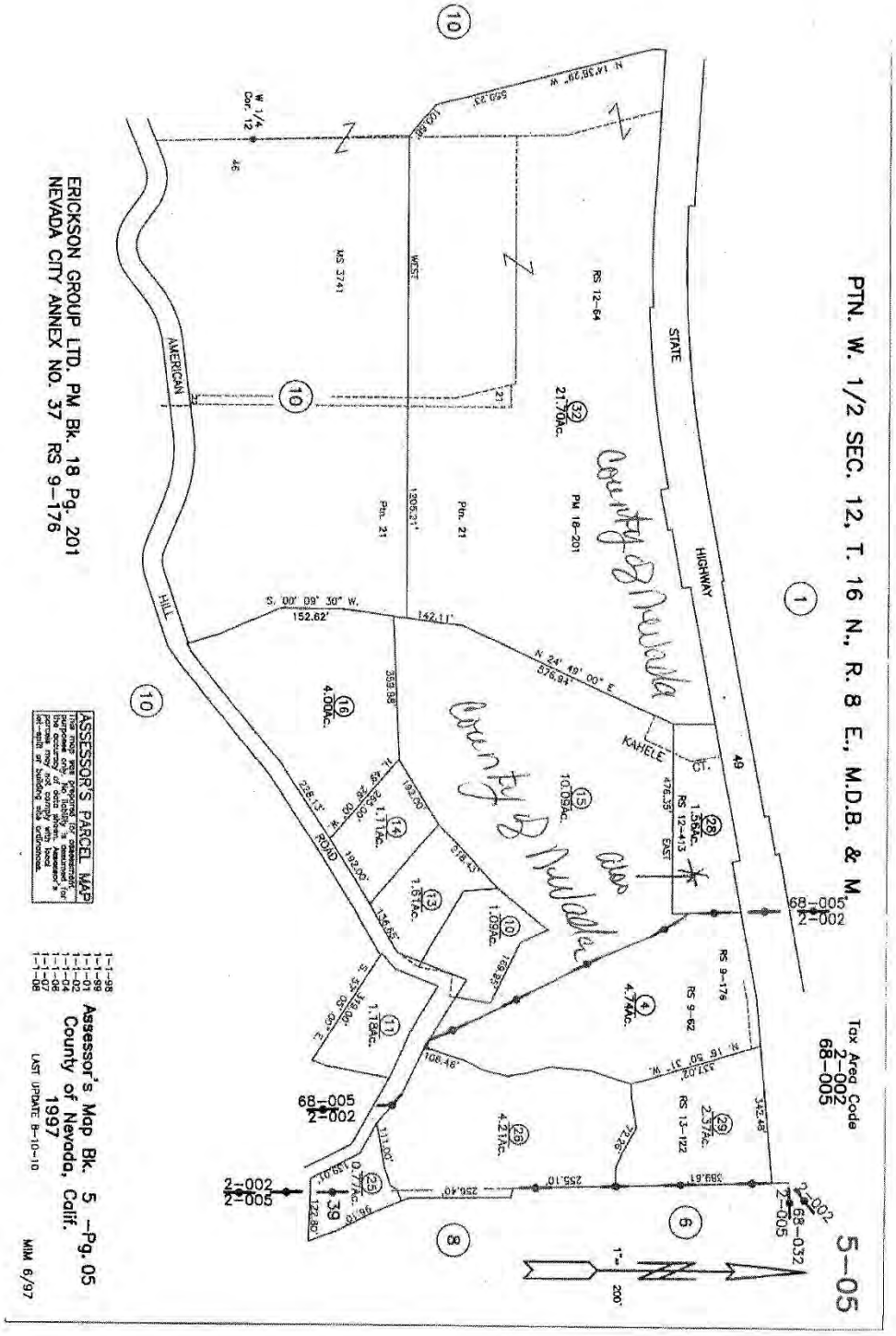
Edward R. James

Cc: Hank Weston, President of the Board of Supervisors

attach


PTN. SEC'S 2 & 11, T. 16 N., R. 8 E., M.D.B. & M.
COUNTRY HILLS SUB.
Tax Area Code
68-005
68-010
4—14
NEWTOWN RD.
COUNTRY CIRCLE
INDIAN
HIGHWAY
COUNTRY CIRCLE ROAD
OLD DOWNIEVILLE HIGHWAY
Environmental Restriction
ERICKSON GROUP LTD. P.M. Bk. 18, Pg. 201
ASSESSOR'S PARCEL MAP
Assessor's Map Bk. 4 —Pg. 14
County of Nevada, Calif.
2003
NW 8/03


PTN. SEC'S 11, 12 & 13, T. 16 N., R. 8 E., M.D.B. & M.
AMERICAN HILL ESTATES SUB Bk. 8, Pg. 176
ERICKSON GROUP LTD. PM Bk. 18, Pg. 201
NEVADA CITY ANNEX No. 36 RS Bk. 9, Pg. 126
Tax Area Code
2-002
2-005
68-005
68-032
5-10
PROVIDENCE MINE ROAD
QUEEN 'LIL PLACE
CONSTITUTION
HIGHWAY
JORDAN
68-005
2-002
2-005
68-032
Assessor's Map Bk. 5 -Pg. 10
County of Nevada, Calif.
1999
LAST UPDATE 1-13-11
NW 10/99


PTN. W. 1/2 SEC. 12, T. 16 N., R. 8 E., M.D.B. & M.
ERICKSON GROUP LTD. PM Bk. 18 Pg. 201
NEVADA CITY ANNEX NO. 37 RS 9-176
ASSESSOR'S PARCEL MAP
Assessor's Map Bk. 5 -Pg. 05
County of Nevada, Calif.
1997
LAST UPDATE 8-10-10
MIM 6/97
Tax Area Code
2-002
68-005
5-05
HIGHWAY
STATE
AMERICAN
HILL
ROAD
KAHELE
WEST
EAST
RS 12-64
RS 9-176
RS 9-62
RS 13-122
RS 12-413
PM 18-201
MS 37-41
County of Nevada
Also
County of Nevada
21.70Ac.
10.09Ac.
4.00Ac.
1.84Ac.
1.71Ac.
1.81Ac.
1.05Ac.
1.78Ac.
4.74Ac.
4.21Ac.
2.37Ac.
.97Ac.
1"=200'


PTN. N.W. 1/4 SEC. 11, T. 16 N., R. 8 E., M.D.B. & M.
Tax Area Code 68-001
4-20
(Fmly. Ptn. 4-14)
EDEN RANCH UNIT No. 1 SUB. Bk. 8, Pg. 62
EDEN RANCH UNIT No. 2 SUB. Bk. 8, Pg. 70
ASSESSOR'S PARCEL MAP
Assessor's Map Bk. 4 —Pg. 20
County of Nevada, Calif.
1998
LAST UPDATED 5-27-08
NW 12/98
1-1-99
1-1-00
1-1-04
1-1-08
Common Area
Eden Ranch
HIGHWAY
OLD DOWNIEVILLE HIGHWAY
68-005
68-001
N. 02° 23' 52" W. 1239.63'
S. 64° 15' 11" W. 576.59'
S. 67° 38' 00" W. 952.14'
S. 28° 45' 02" E. 549.30'
PM 19-201
RS 12-40
W. 1/4 Cor. Sec. 11

Letter 12 – Penn Valley Area Chamber of Commerce, November 17, 2013

Response 12-A The County has reviewed the attachments with the suggested sites for multi-family housing in other areas of the County besides Penn Valley. For the site with the Assessor's Parcel Numbers (APNs): 05-005-15, 05-005-28, and 05-005-32 are located within the Sphere of Influence of the City of Nevada City. APN 05-005-15 currently supports the existing County of Nevada Juvenile Detention Center and would not be a suitable place for existing development. APN 05-005-28 is located adjacent to the Juvenile Detention Center and would share an access road with the facility. For these reasons this property would not be a suitable place for multi-family housing. APNs 05-050-32 and 05-100-93 are designated Planned Development on the City of Nevada City General Plan. This site has been designated for a larger planning effort with the adjacent parcels and to develop the site with multi-family housing would require changes to that previous planning effort. Furthermore, each of these sites is within the City's Sphere of Influence (SOI). It is anticipated that development of these site would require annexation into the City given the properties' locations adjacent to the City limit line. While there is some logic to having high density housing near the city limits, if all of the proposed RH Combining District sites were to be annexed into adjacent cities (Sites 1 through 9 of the proposed project are located within the City of Grass Valley SOI), the County would lose the high density housing designations within the unincorporated area and would have to reinitiate the RH combining district planning process.

APN 04-200-01 is located within in an existing Specific Plan area as part of the Eden Ranch development. The property has been designated as Open Space as part of the planning process for Eden Ranch. Changing zoning and land use designation from open space to R3-RH designation is not feasible because it would conflict with the existing Specific Plan with regards to land that was set aside as open space and mitigation for the previous development.

APN 04-140-64 is a privately owned lot adjacent to the City of Nevada City SOI boundary. There is an existing residence on the site and the owner has not expressed an interest in participating in the program.

Response 12-B The County acknowledges and appreciates this comment. However, the comment is not at variance with the content in the Draft EIR and therefore, no further response is required.

Letter 13

Rural Quality Coalition
310 Nevada St.
Nevada City, CA 95959

NEVADA COUNTY
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NOV 12 2013
PLANNING DEPARTMENT
CDA

November 12, 2013

Tyler Barrington, Principal Planner
Nevada County Planning Department
950 Maidu Ave.
Nevada City, CA 95959

Re: Housing Element Rezone Implementation Draft Environmental Impact Report (DEIR)

Dear Mr. Barrington,

Thank you for the opportunity to comment on the Housing Element Rezone Implementation DEIR.

Our comments follow:

1. Section 4.2 Land Use and Planning

13-A We agree with the conclusion on DEIR page 4.2-19 that land use and planning impacts with the City of Grass Valley related to density increases proposed within their Sphere of Influence are significant and unavoidable.

13-B To be consistent with this conclusion, the DEIR text in the General Plan consistency table on page 4.2-13 relative to Nevada County General Plan policy 1.38 should be revised to reflect an "Inconsistent" finding. This policy comments on this issue directly and there cannot be a finding of consistency if the densities proposed do not "generally reflect" the City's densities. Changes from Urban Medium Density to Urban High Density and from Office Park to Urban High Density are substantially different in land use type and/or residential units permitted. For instance, Urban Medium Density in the Grass Valley General Plan permits 4.01 to 8.0 dwelling units per acre, under the County the proposed Urban High Density would permit a doubling of density to 16 unit per acre, greater at the proposed overlay maximum zoning of 20 units/acre. The Office Park designation does not permit residences in Grass Valley. The chart text should be revised to reflect this analysis.

13-C If it is being considered, we suggest that it would not be appropriate to revise the wording of Policy 1.38 to avoid this conflict between the City and County plans as 1.38 is a critical land use policy. Altering the policy would have its own very significant impacts, eliminating its mitigating effect on population and urban form impacts which it was intended to avoid as our County builds out.

1

2. Section 5.12.11 Population and Housing Cumulative Impacts

This section of the DEIR discusses the 150,000 population buildout cap that was adopted as part of the adoption of the 1995 General Plan. It concludes that this cap was not actually a cap and as a result, population increased due to the increased densities permitted in the unincorporated areas will not result in cumulatively considerable impacts. This conclusion is counter to the conclusion in the Memorandum written by County Counsel Hal DeGraw (March 5, 2003: ***"Effect of Population Cap at Buildout Adopted with 1995 General Plan")*** (DeGraw Memo) which states: *"1. Yes. The buildout cap of not more that 150,000 persons is clearly identified in Exhibit "A" to Resolution No. 95530 (the Resolution adopting the most recent update to the Nevada County General Plan in November of 1995) 'as a mitigation measure intended to mitigate numerous County-wide impacts'. a. Yes, the County needs to take steps to ensure the population does not exceed 150,000 so long as the environmental action approved in 1995 is the most recent one.....c.....Given that the population cap is a mitigation measure from the adoption of the last General Plan update, it would be necessary to do something whenever it became apparent that the cap was likely to be exceeded..."* (DeGraw memo page 1-2)

13-D

The Housing Implementation DEIR goes on to state: *"..the County has determined that this 140,000 capacity level is not a "cap" in the sense of a growth limitation. Rather, it is merely an estimate for the buildout capacity that was expected to result from the General Plan."* (DEIR page 5.18, para 3, lines 14-18) This conclusion is clearly counter the DeGraw memo which states: *"Note that the language in the adopted exhibit is very significant. The Board could have estimated the population at build-out and adopted mitigation measures that seemed adequate, based upon best available evidence at the time, to lower or keep growth down to an acceptable level at build-out. In that case, if those growth reducing mitigation measures had been monitored and implemented, but later proved to be inadequate to keep the population down to the projected level, no added mitigations nor modified environmental document would have been required. However, the Board did not do this. It took steps to reduce the estimated build-out and adopted a population cap as a mitigation measure, taking the additional step of reciting "examples" of the unavoidable and avoidable impacts that mitigation measure was intended to reduce."* (DeGraw memo, page 3, para3.) (Underlining added for emphasis.)

13-E

As a result, the conclusion on DEIR page 5-18 (5.12.11 Population and Housing) should be revised to conclude that there will be **significant and unavoidable cumulative impacts** related to potential population increase impacts in the unincorporated areas. The alternative would be to mitigate these impacts by reducing proposed population buildout on other properties in the county or to show evidence that County or City actions since 1995 have reduced buildout potential (for example, parcels which have built out at less density than originally permitted or preserved for open space.) We believe that the County has used this land use accounting exercise in the past when land use designations were revised.

13-F

On a related issue, we agree with the conclusion on DEIR page 4.12-14 that significant and unavoidable population and housing impacts will result due to the inconsistencies between the Grass Valley and Nevada County General Plan density proposals. However,

13-G

13-G CONT'D

this 150,000 population cap discussion should also be included in this section of the DEIR as it is relevant to the conclusion and for internal consistency.

Summary of policy and population impact concerns (1 and 2 above)

13-H

The DEIR should accurately recognize the wording and meaning of Policy 1.38 and the 150,000 population cap in all relevant impact sections. Impacts related to these issues (population, cumulative population growth, and density conflicts with Grass Valley consistency) must be considered to be significant and unavoidable unless mitigation measures can be identified.

3. ReZone Sites

We are concerned about the potential environmental impacts of increased density and intensity of buildout that will result on Site 2 in the Grass Valley Sphere of Influence and Site 13 in Penn Valley.

13-I

Site 13 in Penn Valley includes heritage oaks, wetlands, and Squirrel Creek. It is located between Penn Valley Drive and Highway 20 and is critical to retaining open views along Highway 20 which was a goal of the General Plan. Impacts to each of these issues must be mitigated.

13-J

Site 2. The DEIR Appendix includes site evaluations of each of the rezone areas and notes that Site 2 has sensitive natural habitat including a mapped flood plain, Sierra mixed forest, and a wetland. We also note from the DEIR Appendix that "The owner of Site 2 has elected to withdraw from the Housing Element Rezone Program subsequent to the analysis being completed. This site remains in the document in the event the property becomes available in the future."

13-K

The DEIR also notes that "At 16 units per acre, the maximum number of units would be 1,630 units. This number exceeds the 1,270 units the County currently needs to meet its housing element goals." Since Site 2 could only accommodate 66 units, and it is not needed to meet County goals, we recommend that Site 2 be withdrawn from the program to mitigate potential biotic impacts.

Sincerely,

Laurie Oberholtzer
for
Rural Quality Coalition
Sierra Nevada Chapter of the Sierra Club
Sierra Foothills Audubon Society
Federation of Neighborhood Associations

Letter 13 – Rural Quality Coalition

Response 13-A The County concurs with this comment.

Response 13-B The County does not concur with this comment. The EIR text in the discussion has been revised to clarify that the proposed project proposes higher density than what is proposed. Policy 1.5(a) of the County General Plan discussed on page 4.2-2 of the Draft EIR provides the following detail regarding the compatibility of Urban High Density:

> The General Plan provides for future development in accordance with the following criteria for the various land use designations:
>
> Urban High Density Residential (UHD) is intended to provide for residential uses, including single- and multi-family housing types at higher densities, of up to 20 dwelling units per acre within incorporated area's spheres of influence and 15 units per acre elsewhere, in locations with a high degree of access to transportation facilities (including arterial and major collector roads and public transit), shopping and services, employment, recreation and other public facilities. Areas of Urban High Density Residential use are intended to provide locations appropriate for the development of affordable housing due to the higher density allowed and resulting cost efficiency in costs of land development and provision of services. Locations which are adjacent to or in close proximity to Community Commercial, Business Park or Industrial areas are considered appropriate for this designation.

The Office Professional zone is similar to the zones described above and would have the land use compatibility because those designations are typically located in more urban areas where services and infrastructure exist. It should be noted that the City of Grass Valley's Loma Rica Specific Plan area (located adjacent to sites 3, 7, and 9) includes 700 low, medium, and high density housing; 54,000 square feet of mixed commercial and retail, and up to 364,000 square feet of business and light industrial uses. As such, the proposed project does provide similar intensities to other planned development in the area.

Response 13-C The County is not proposing to changes the wording of Policy 1.38 of the Grass Valley General Plan. As noted in Response 13-B, the EIR text has been revised to clarify that the proposed project proposes higher density than what is proposed.

Response 13-D The County does not concur with this comment. As stated in the Draft EIR, the Board of Supervisors attempted mitigation of certain countywide environmental impacts by adopting General Plan policies intended to effect a reduction in buildout capacity from approximately 181,000 persons to 140,000 persons countywide. However, a General Plan Implementation Measure for a county buildout growth limitation tied to growth in the cities was never adopted. Therefore, a subsequent County Counsel opinion has determined that this 140,000 capacity level is not a "cap" in the sense of a growth limitation. Rather, it is merely an estimate for the buildout capacity that was expected to result from the General Plan. Moreover, it was never intended to require growth in the unincorporated county to be limited or reduced by reason of added buildout capacity in the incorporated cities. The estimate was not intended to preclude land use decisions by the County because of increases in buildout capacity within city limits that are beyond the County's control (see Final General Plan EIR, Vol. 1, p. 3-24). It should be noted that the rate of growth in the

County has been slower than what was project in the 1995 General Plan. The County has experienced a very slow growth rate of approximately 1.0 percent annually and according to the most recent population estimates from the California Department of Finance (DOF), the County actually lost population between 2012 and 2013. It is expected that the County will continue to experience relatively slow growth as economic conditions remain weak.[8]

Response 13-E The County does not concur with this comment. Please see Response 13-D.

Response 13-F The County does not concur that the project would result in significant impacts on population and housing. The California Department of Finance reports that as of January 1, 2013, the unincorporated area of County of Nevada and City of Grass Valley have populations of 65,375 and 12,657, respectively[9]. As such, with the addition of the a approximately 2,468 additional residents in the unincorporated area of Nevada County, and approximately 2,960 residents in the City of Grass Valley, the proposed project would not exceed any General Plan Growth Projection in either jurisdiction. However, the proposed densities for the project sites within the City's Sphere of Influence area are higher than what is considered in the City's current General Plan. As such, the project would induce growth within the City upon annexation of the properties into the City of Grass Valley.

It should be noted that the number of projected new residents represents a conservative number as it is not expected that each lot would be able to achieve a maximum developable yield because of physical, environmental, or regulatory constraints that would limit the number of total units that could be developed. In a similar fashion, other approved projects in the County do not realize maximum density. As noted on page 5-18 of the EIR:

> In addition, other approved projects in the County have not and do not always achieve maximum density due to site-specific conditions and Planning Commission decisions. Therefore, over time, the net changes in buildout capacity appear to be in equilibrium with increases offset by other project decreases. This equilibrium is very consistent with the policies and estimates outlined in the adopted County General Plan.

Response 13-G The County does not concur that a 150,000 population cap was approved by the Board of Supervisors. Please see Response 13-D.

Response 13-H The County concurs that potential impacts associated with differences among existing land use designations between the County and City of Grass Valley would occur. As noted on page 4.2-19 of the Draft EIR, this impact is significant and unavoidable after the proposed mitigation to develop policy agreements between the two jurisdictions to reconcile the land use differences. Additionally, the analysis discussion regarding Policy 1.38 has been revised as discussed in Response 6-F. The County acknowledges that significant and unavoidable impacts would occur as result of the proposed densities on properties in the City's Sphere of Influence. The County has proposed Mitigation Measure 4.2-1 in which the County would development policy agreements with the City of Grass Valley regarding an exchange of density calculations between jurisdictions. Please see Response 13-F.

[8] County of Nevada, Negative Declaration, General Plan Land Use Element Update, GP 13-003, EIS 13-013, November 2013.
[9] http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/view.php

Response 13-I Landmark Oaks and Landmark groves are protected under the Nevada County Tree Preservation and Protection Ordinance. The preferred mitigation is avoidance through the establishment of an Environmentally Sensitive Area (ESA) or Non-Disturbance Area; however is some cases it is not feasible and therefore the County's code allows for limited disturbance of landmark oak trees and landmark oak groves through the approval of an Oak Woodland Management Plan prepared by a qualified biologist. For all sites with wetland habitats, including squirrel creek, proposed development would have to implement the same mitigation measures, including the preparation of a Wetland and Riparian Mitigation Monitoring Program, described in Mitigation Measure 4.4-3(a). The primary focus of these plans is to avoid wetlands and wetland impacts. The mitigation measure states that where wetland impacts cannot be avoided, the developer would be required to obtain permits from the USACE, RWQCB, and CDFW as they relate to wetland impacts.

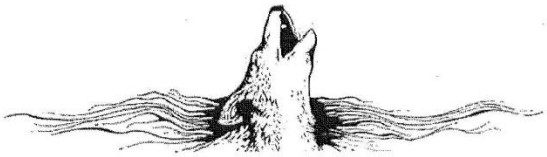
With regard to visual impacts, the Draft EIR includes Mitigation Measure 4.4-3 which applies to all sites. In compliance with Mitigation Measure 4.3-3, projects within the unincorporated area of Nevada County and also those that would be annexed to the City would require design review by the Planning Commission to ensure a development proposal is consistent with the applicable design guidelines for each general plan and area plan.

Response 13-J The Site 2 shown in Appendix B of the EIR was withdrawn from the Housing Element Rezone Implementation Program before the EIR analysis was initiated. As such, that site is not part of the current program and the EIR analysis does not include that site.

Response 13-K The Site 2 shown in Appendix B of the EIR was withdrawn from the Housing Element Rezone Implementation Program before the EIR analysis was initiated. As such, that site is not part of the current program and the EIR analysis does not include that site. It should be noted that the Site 2, located near the La Barr Meadows/McKnight Road Intersection, evaluated in the Draft EIR was also within drawn from the program after the Draft EIR was completed per the property owner's request. The two sites are not related except they were assigned the same site number.

Letter 14

NEVADA COUNTY
RECEIVED
NOV 11 2013
PLANNING DEPARTMENT
CDA



WOLF CREEK COMMUNITY ALLIANCE

"Grass Valley - A creek runs through it."

11 November 2013

To the Honorable Nevada County Board of Supervisors,

Wolf Creek Community Alliance is a non-profit 501-c3 organization that is interested in preserving and protecting the Wolf Creek Watershed. WCCA also strives to promote greater awareness and appreciation of this wonderful natural resource, and to improve stewardship of the watershed.

14-A

It has come to our attention that the Nevada County Board of Supervisors is currently gathering comments regarding the "Housing Element Rezone Program Implementation Project Draft Environmental Impact Report". The Grass Valley Sphere of Influence is largely within the Wolf Creek Watershed. We believe that development within the watershed must be done with extreme care, and that development within this Sphere of Influence is especially critical. For these reasons we are naturally interested in County and City development plans and goals.

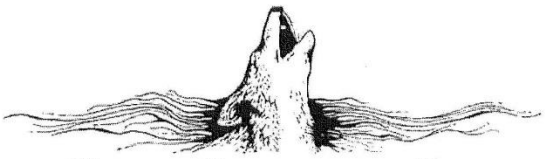
We are particularly concerned with the zoning changes described in Chapter 2.5.2 "EAST BENNETT ROAD SITES ALTERNATIVE". In this section, it is explained that "Sites 6, 7, and 8, which total 30.03 acres and 601 units, would be dropped from the program and no development under the RH Combining District would occur on those sites. **Three new sites would be selected on the north side of East Bennett Road. The new site numbers would be 6, 7, and 8 to replace those sites from the proposed project**. The three sites are approximately 29.74 acres and would have a maximum yield of 595 units". It is the selection of these three new sites which concerns us.

14-B

On the south side of East Bennett Road is the Bennett Road Meadow, a relatively recent addition to Empire Mine State Historic Park. This land was acquired between 2002 and 2004, due to the outstanding natural and historic qualities of this meadow. This lovely meadow, with the South Fork of Wolf Creek winding through the center, is one of the last remaining grassy meadow valleys that caused early settlers to name this community "Grass Valley". Loved by Native Americans and settlers, as well as modern inhabitants of Grass Valley, this

P.O.Box 477, Grass Valley, CA 95945 (530) 272-2347

www.WolfCreekAlliance.org



WOLF CREEK COMMUNITY ALLIANCE

"Grass Valley - A creek runs through it."

meadow is an outstanding natural resource and a remaining gem of a landscape, that informs us of the setting that the first settlers discovered here. When California State Parks was interested in acquiring this meadow, they commissioned a study to ascertain the biological and historical value of the site. One of the people involved in that survey, W. James Barry, Ph.D., Sr. State Park Ecologist, was so impressed by what he say that he wrote:

14-B CONT'D

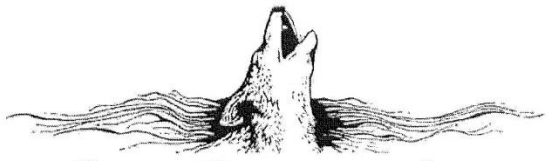
"In summary this property contains important elements of several ecosystems which it shares with Empire Mine State Historic Park. The meadow is likely to be the best example of what the Grass Valley area looked like prior to early development. Few low elevation montane meadows remain intact and this meadow represents an ecosystem now rare in California. It is extremely diverse in native grasses and forbs, many which are uncommon on a regional basis. I have been studying natural grassland ecosystems for 25 years and have not seen a better example in the western Sierra Nevada than this site. This site should be considered for inclusion into the State Park System based upon high biodiversity and high ecological values".

14-C

The land immediately to the north of Bennett Road is an intrinsic (and important) part of this meadow. This land is in ten separate parcels that total approximately 53 acres, rising from the road to the top of a low ridge. At least half of this acreage contains rare gabbro soils and outcroppings. Gabbro soils are similar to serpentine soils, having a low Calcium/high Magnesium ratio. Additionally, these soils have low levels of nitrogen, phosphorus and potassium, the major nutrients required by plants. They also contain high levels of iron and heavy metals such as nickel, chromium and cobalt that are toxic to most plants. There are a number of local plant species that specialize in living in this kind of demanding environment. Some of these species are endemic and extremely rare. The Pine Hills Flannelbush (Fremontodendron decumbens, state-listed as rare, federally listed as endangered) and Follett's Monardella (Monardella follettii, included in the CNPS Inventory of Rare and Endangered Plants) have both been found in this area. Other rare and sensitive species that may be found here include Sanborn's Onion (Allium sanbornii), Bacigalupi's Yampah (Perideridia bacigalupii), MacNab's Cypress (Cupressus macnabiana), Cedar

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WOLF CREEK COMMUNITY ALLIANCE

"Grass Valley - A creek runs through it."

4-C CONT'D | Crest Popcorn-flower (Plagiobothrys glyptocarpus var. modestus), and possibly even the extremely rare Stebbin's Morning-Glory (Calystegia stebbinsii, listed as federally endangered).

14-D | In addition to hosting a rare and diverse community of flora and fauna, these parcels contain several wetlands with ephemeral streams that drain into the Bennett Road Meadow. There is a Nisenan grinding-rock site, as well as several historic remnants of early mining (Placer mining was conducted near the ridge, and is shown on a 1901 USGS topographic map). A portion of the Nevada County Narrow-Gauge Railroad is here as well.

14-E | For all of these reasons, these ten parcels immediately north of Bennett Road would be ideal for inclusion into Empire Mine State Historic Park. In fact park staff members have been interested in adding this land since at least 2008. WCCA agrees that this would be an addition of substantial ecological and historical value. Therefore we respectfully ask that the Nevada County Board of Supervisors remove these parcels from the current proposal, and substitute less-sensitive parcels within the current boundaries of the City of Grass Valley. The City has published a list of un-built parcels within the city boundaries; there are surely many good candidate sites for such high-density low-cost residential zoning. WCCA believes that the proposed re-zoning is not appropriate for the Bennett Road parcels designated in the Draft EIR as numbers 6, 7, and 8. Instead

14-F | we propose that the most appropriate use of these parcels would be inclusion into Empire Mine State Historic Park, for the greatest benefit of our community, and for the people of California.

Sincerely,

Jonathan Keehn, President

Wolf Creek Community Alliance

P.O.Box 477, Grass Valley, CA 95945 (530) 272-2347

www.WolfCreekAlliance.org

Letter 14 – Wolf Creek Community Alliance

Response 14-A The County acknowledges and appreciates this comment. The comments raised in this letter are addressed individually in the responses below.

Response 14-B The County concurs with the history and description of the grasslands on the south side of East Bennett Road provided in this comment.

Response 14-C The County acknowledges that sensitive soils and plant species may exist on the East Bennett Road site. Should the East Bennett Road Alternative be selected for approval by the County Board of Supervisors, the same biological resources mitigation measures that apply for the proposed project would be implemented including those requiring pre-construction plant surveys and habitat replacement requirements.

Response 14-D The County acknowledges that the East Bennett Road site may have sensitive wetlands or cultural and historical resources.

With regard to wetlands on the East Bennett Road sites, the Draft EIR notes that this alternative would result in similar impacts to wetland and riparian habitats as the proposed project, and that any development proposed on the sites would have to implement the same mitigation measures, including the preparation of a Wetland and Riparian Mitigation Monitoring Program, described in Mitigation Measure 4.4-3(a). The primary focus of these plans is to avoid wetlands and wetland impacts. The mitigation measure states that where wetland impacts cannot be avoided, the developer would be required to obtain permits from the USACE, RWQCB, and CDFW as they relate to wetland impacts. For these reasons, potential impacts are considered less than significant.

With regard to cultural resources, should the East Bennett Road Alternative be selected for approval by the County Board of Supervisors, the same cultural resources mitigation measures that apply for the proposed project would be implemented including Mitigation Measure 4.7-1 which would require any identified cultural resources to be included within an Environmentally Sensitive Area. Mitigation Measures 4.7-2 and 4.7-3 require the implementation of specific recovery plans for the protection of any unknown fossils or remains discovered during the construction process.

Response 14-E The East Bennett Road site were included as an alternative to address potential impacts associated with developing a large cluster of development within the Grass Valley SOI. The East Bennett Road Alternative was developed as an option to reduce the density within that area. Sites 3 through 9 are currently within the Grass Valley SOI. The East Bennett Road sites were considered as alternative sites to some of the Brunswick Road sites because of their proximity to existing services and infrastructure located within Grass Valley city limits. However, the County cannot propose to rezone or develop properties within the City of Grass Valley.

Response 14-F The acquisition of the East Bennett Road sites is outside of the control of the County of Nevada and is not a decision that can be made by the Board of Supervisors. The East Bennett Road sites were included as an alternative site per the request of the City of Grass Valley as part of comments received during the Notice of Preparation for the EIR.

Letter 15

Tyler Barrington

From:	Jake Creamer <creamer.jake@gmail.com>
Sent:	Tuesday, November 12, 2013 8:28 AM
To:	Tyler Barrington
Cc:	Planning; Hank Weston; mrenda@theunion.com; mike@ministoragepennvalley.com
Subject:	Letter Regarding the EIR of the Housing Element Rezone Program
Attachments:	Penn Valley Rezoning Letter.pdf

Hi Tyler,

Thank you so much for taking your time to come give your presentation to the Penn Valley community back on October 29th. Attached is my letter regarding my thoughts and concerns regarding the proposed rezoning for sites 9-12 in the Penn Valley area.

15-A I also wanted to let you know that while I was researching and reading the EIR on the MyNevadaCounty website that there is an error with the site numbers contained in Appendix B. Site Analysis Report and Appendix B.1 Site Analysis Report Addendum #1: Revised Candidate Site Maps. The information contained in appendix B appears to be correct as it has the Penn Valley sites listed as 9-12. However, appendix B1 has the Penn Valley sites listed as sites 10-13.

Best Regards,
Jake Creamer
530-575-5940

1

Date: November 8, 2013

From: Jake Creamer
18694 Siesta Drive
Penn Valley, CA 95946

To: Tyler Barrington, Principal Planner
Nevada County Community Development Agency
950 Maidu Ave. Suite 170
Nevada City, CA 95949

Subject: **Public Comment Regarding the Environmental Impact Report (EIR) for the Housing Element Rezone Program Implementation**

First I wanted to say thanks to Tyler Barrington for his recent presentation regarding the Environmental Impact Report (EIR) for the Housing Element Rezone Program. After reading it you can tell that he and the planning department have put a great amount of time into its process and documentation regarding these recommended changes. Clearly, as was witnessed during this community meeting there is grave concern among the Penn Valley residents regarding the changes purposed in the EIR. I too am afraid that I share in those concerns and in good faith cannot be in agreement with these recommended changes for the reasons detailed in this letter.

Of the 28 years of my life thus far, I have had the distinct privilege of calling Penn Valley and its community home for 22 years of them. Having recently moved back it's not hard to wonder what draws people to settle in this small town. Its laid back lifestyle and friendly rural community spirit make it difficult to find anywhere else. It is these qualities of life that my fellow community members and I fear losing with these proposed zoning changes contained in the EIR.

While the EIR has already pointed out some of my concerns regarding the rezoning in the Penn Valley area (sites 9-12), I would like to further examine a few and to further explain what I feel are my and many of my fellow resident's sentiments regarding the changes contained in the EIR.

Public Services & Utilities:

Sewer:

15-B

As mentioned in the EIR report Penn Valley's sewer treatment plant has already been flagged for deficiencies by the Water Quality Control Board who has issued a cease and desist order. While there is a highly publicized plan in the works to reroute our current sewer plants capacity to the Lake Wildwood treatment plant which has increased and available capacity. It is however doubtful that there would be enough increase in capacity to develop these sites (9-12) at the proposed R-3 designation, which would allow for up to 16 units an acre. This would open up a scenario similar to the construction of Valley Oak Court; which was recently developed down the road from the identified sites (9-12). This development

15-B CONT'D called for a community septic system to be installed; but one of a much smaller scale then would be required for any of the proposed Penn Valley sites (9-12). I am fearful of this option given what has occurred over time with the other currently used residential septic systems in the area. Which is that it will breakdown or deteriorate, thus, adding pullulates to the water runoff in the area that flows into our drinking water, lakes, rivers, and streams. While this is a concern for all of the proposed sites (9-12) given the lack of sewer capacity in the area, it is a major concern for site 12 which currently sits outside of the Penn Valley area's sanitation district, and is also the largest of the four proposed sites for the area. Furthermore, I would much rather see any increase in sewer capacity used to offer the existing residents not currently on the sewer system the option of being able to move off their older polluting septic systems; rather than being used on any new high density development.

15-C

Police:

Another major concern that the community and myself have with the proposed changes is the lack of police force to cover our area of the county. Being that Penn Valley is unincorporated means that we much rely solely on the California Highway Patrol (CHP) and the Nevada County Sheriff's office to act as our town's police force. This service has suffered in recent years due to county and state budget constraints and cuts. The Penn Valley area has seen its call response time increase, as well as the number of officers assigned to patrol the Penn Valley area decline. High density housing complexes of any nature will put an increase stain on these services for the area; which as of right now and for the immediate future I believe cannot be accommodated. The Penn Valley area has already experienced a high density development project off of Broken Oak Court; which in its short time has already increased the amount services required for the area, and has had a negative impact on the community overall.

15-D

Fire:

Another public service that potentially could suffer is the Penn Valley Fire Protection District (PVFPD).The PVFPD like most of the other government services in the area have already had to find ways to trim their budgets as taxes and fee revenue has decreased. The PVFPD is no different and over the years our fire chief Gene VanderPlaats has had to make some difficult decisions regarding staffing and equipment needs. It is difficult to see how this vital public service will be able to handle a proposed 52% increase in its population size if these four sites (9-12) where to be developed as R-3 housing (Appendix A).

15-E

Public Transportation:

The way the current EIR is written there is made mention of the various public transit services offered in the Nevada County area. This however has not taken into account the recent changes made at the Transit department; making the scoring factors regarding the transit options for people in the Penn Valley area outdated and unusable as they no longer apply. These recent changes include moving the TeleCare transit to covering only the unincorporated outlying areas of the transit coverage areas which no longer include the Penn Valley downtown area (Light Green Coverage Area, Appendix D). It should also be mentioned that this service receives constant complaints for its ridership regarding the differing fees that its drivers charge as there is a complete lack of consistency. The new Americans with Disabilities Act (ADA) service area would be the new service to cover the Penn Valley area, but riders must first receive

15-F

15-F CONT'D

approval by the county Transit department before being allowed to use this service and it will only accommodate riders with disabilities (Dark Green Coverage Area, Appendix D). This leaves only Gold Country Stage's route six as the only means of public transportation for the general public. However, it is unlikely that this route will be in service indefinitely due to the continuing budget constraints. This route has been flagged for closure on numerous occasions due to its lack of ridership and operating cost. Even with a new influx of residents in the Penn Valley area it is unlikely to see enough increased ridership to justify its operating cost. These factors are not addressed in the EIR and need to be taken into consideration before approval of the Penn Valley sites (9-12) is made.

Economic Factors:

Lack of Jobs:

15-G

One of the often forgotten things about the Penn Valley area is that there is a huge deficit of jobs for the area's population, making Penn Valley a bedroom community. Most of the people in the area already have to commute up to Auburn, Grass Valley, or Nevada City areas to find work. It is true that in recent years we have seen some success stories such as the True Value hardware story, the Tack Room, and Blue Cow Deli restaurants. However, a vote to approve these rezoning changes for the Penn Valley area will be crippling the Penn Valley area of any future commercial development as you will be removing all of the available commercial zoning in the heart of Penn Valley's town center. What proposals do we currently have to go alone with these changes in the EIR for these new residents' being able to make a living? Furthermore, if Gold County Stage where to cut route six as has been purposed what sort of transportation services will take its place to allow any lower income residents to commute to their places of employment? Given that there aren't many currently available jobs in the area, and a vote in favor of these changes would be removing all our communities' ability to develop jobs in the future.

Environmental:

15-H

Development of any size does have an impact to our local environment regardless of the amount of migrating factors deployed. While there have been great advancements to reduce these environmental impacts, there can never be any guarantees for what impact these proposed changes will have on our local environment. Any increases in water runoff for the four sites (9-12) proposed for the Penn Valley area will contain new pollutants which will flow directly into Squirrel Creek. Squirrel Creek also runs through Western Gateway Park which is Penn Valley's only public park and sits immediately downstream from the proposed sites. Throughout the year Western Gateway Park provides a major economic boost for the area as people from throughout the surrounding communities enjoy its baseball fields, disc golf course, hiking trails, and dog parks. What guarantees can be given to the community and business owners that if these sites are developed as R-3 housing with 16 units an acre that there would not be any negative impacts to the local environment and park downstream from the sites?

Public Safety:

Roadways:

15-I The residents prefer the nice quiet traffic-less life that Penn Valley offers. We prefer our rural country roads, and our big two lane streets; over the larger three or more lane roadways. We like the fact that the only signal lights in town are on the highway; and growing up in the area, it was always perceived that if there were more than four cars at the stop sign in the town center there was traffic. These four proposed sites would all need to feed off Penn Valley Drive, as already mentioned in the EIR that it is unlikely that CalTrans will allow access to site 12 from Hwy 20. Any widening of this road would require

15-J the removal of our recently installed bike trail that runs from the intersection of Spencerville Road and Penn Valley Drive to Western Gateway Park. The current EIR states that this road would not require widening, but does it take into account a 52% population increase? Not to mention roadway safety. The newly installed bike trail crosses from one side of Penn Valley Drive to the other. I cannot mention how many times I have seen people and children get hit by a car crossing this road in its current state; not to mention how dangerous this would become if traffic where to increase dramatically as purposed. If the roadway was to be widened what would happen to this new bike trail? Where would it be moved to given that it's presently located in the road easements of the properties along its route? Finally how

15-K much more dangerous would it become for citizens to drive up to the shopping and work centers of Auburn, Grass Valley, and Nevada City? In recent years there have been numerous serious accidents on the portion of highway 20 from Penn Valley to Grass Valley. Is this roadway capable of handing such a large increase of commuters from the Penn Valley area given?

15-L In addition to the issues mentioned above there are a couple of items that relate directly to the EIR process. The foremost being that the county when putting the EIR together the county staff only looked into properties whose owners were willing to be part of this process, this reduced the number of properties looked at for potential rezoning from 39 to 17 properties (EIR Appendix B, pg. 2). This has resulted in a disproportionate 26 percent of the needed rezoning space to occurring in the Penn Valley area, and all of it occurring in the western part of the county (Appendix B). All the while the Penn Valley area only represents 1.64 percent of the county's overall population (Appendix C). Had county staff included and graded all of the initial properties it would have been a much more balanced approach with all portions of the county sharing a portion of this burden being placed on the county by the state. In

15-M addition these changes will also nullify our existing village plan that was adopted by the board of supervisors in 2000, which governs the future development of the Penn Valley area. As mentioned above in this letter these zoning changes will remove all of our available commercial zoned land resulting in a negative economic factor on the area as a whole; as well as severely limiting any future economic development projects for the Penn Valley area.

15-N Like any other community everything is interconnected and relates to each other, and its citizens are no different. While the area continues to develop and grow; it is unlikely that the area would be able to handle such a large amount of growth in such a short amount of time. As was brought up in the community meeting held in October the idea that these sites might not be developed for many years into the future was and is a complete lie as was admitted at the meeting by county staff. Sites 9, 10, and 12 are already owned by an LLC with the intention of developing the sites immediately if the rezoning is approved. We implore you not to go through with these purposed zoning changes.

Thank you for your time and consideration to this most important issue,

Jake Creamer

CC: Doug Donesky, County Planning Commissioner for District 4
Hank Weston, Nevada County District 4 Supervisor
Mike Mastrodonato, President Penn Valley Chamber of Commerce
Matthew Renda, The Union Newspaper

Appendix A

Population Increase Calculation

Sources:

1. 2010 Penn Valley Census Report: http://www.census.gov/popfinder/?fl=06057:0656518
2. Appendix B. Site Analysis Report of the EIR, pages 10 and 11: http://www.mynevadacounty.com/nc/cda/planning/docs/Planning%20Projects/Advance%20Planning%20Projects/2009-2014%20Housing%20Element%20Rezone%20Program%20EIR/Appendix%20B.%20Site%20Analysis%20Report.pdf

15-O

Step 1: According to the 2010 census report Penn Valley had 1,621 residents, living in 628 occupied housing units. This equates out to 2.58 residents per occupied household (1,621 residents divided by 628 occupied housing units equals 2.58 residents per occupied household).

Step 2: According to pages 10 and 11, in the Appendix B. Site Analysis Report in the EIR each of the sites contain contained the following amount of acreage, building acreage, and total units buildable:

Site 9:	6.58 acres, 3.49 buildable acres, 56 units
Site 10:	3.08 acres, 1.46 buildable acres, 23 units
Site 11:	4.56 acres, 3.98 buildable acres, 64 units
Site 12:	19.94 acres, 11.49 buildable acres, 184 units

This totaled 34.16 acres, of which 20.42 are buildable. This would allow the creation of up to 327 units.

Step 3: With 327 units being built at an average of 2.58 residents per unit that equates to 843.66 new residents for the Penn Valley area; which represents a 52.06% increase in population (2.58 multiply 327 new units equals 844 new residents; 844 divided by 1,621 equals 0.5206, take .05206 multiply by 100 equals 52.06%).

Appendix B

Penn Valley's Percentage of Burden Calculation

Sources:

1. Appendix B. Site Analysis Report of the EIR, pages 2, 10, and 11: http://www.mynevadacounty.com/nc/cda/planning/docs/Planning%20Projects/Advance%20Planning%20Projects/2009-2014%20Housing%20Element%20Rezone%20Program%20EIR/Appendix%20B.%20Site%20Analysis%20Report.pdf

Step 1: On page 2 of the Appendix B. Site Analysis Report in the EIR it mentions that the county being required by the state needs to be able to zone enough land as R-3 housing to generate 1,270 units.

15-P

Step 2: First you need to find the total number of acres, buildable acres, and the number of units to be built by site. This information is found on pages 10 and 11 of Appendix B. Site Analysis Report of the EIR. The information is as follows:

Site 9:	6.58 acres, 3.49 buildable acres, 56 units
Site 10:	3.08 acres, 1.46 buildable acres, 23 units
Site 11:	4.56 acres, 3.98 buildable acres, 64 units
Site 12:	19.94 acres, 11.49 buildable acres, 184 units

You will find that with the Penn Valley area having the potential of building 327 of the needed 1,270 units required by the state.

Step 3: To find the percentage of the burden being placed on the Penn Valley area you need to take the 327 new units from sites 9-12 for Penn Valley, and divided that by the 1,270 units needed to fill the states requirement (327 divided by 1,270 equals .2574). By taking the previous total of .2574 and multiplying that by 100 you will arrive at a 25.74%; which represents the percentage of overall burden the county is trying to place on the Penn Valley area.

Appendix C

Penn Valley Population as Percentage of County Population Calculation

Sources:

2. 2010 Penn Valley Census Report: http://www.census.gov/popfinder/?fl=06057:0656518
3. 2010 Nevada County Census Report: http://www.census.gov/popfinder/?fl=06057

15-Q

Step 1: According to the 2010 Census Report Penn Valley had 1,621residents.

Step 2: According to the 2010 Census Report Nevada County had 98,764 residents.

Step 3: You take Penn Valley's population size of 1,621 residents and divided that number by the county population size of 98,764 residents and you arrive at .0164. You take .0164 and multiply it by 100 and you arrive at 1.64%. Which represents that Penn Valley's population size makes up 1.64% of the counties overall population size.

Appendix D

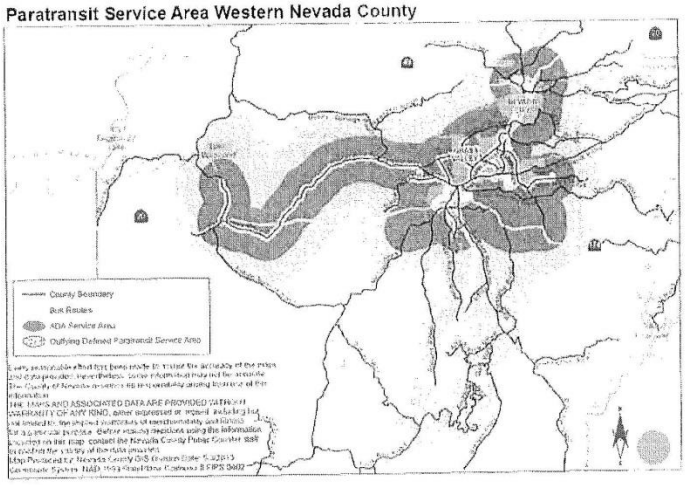
Western Nevada County Transit Service Area Map

Sources:

15-R

1. Paratransit Service Area Western Nevada County:
   http://www.mynevadacounty.com/nc/cda/pw/transit/docs/ParaTransitServiceArea%20(update%205-2013)%20(2).pdf

Paratransit Service Area Western Nevada County



Letter 15 – Jake Creamer

Response 15-A The County acknowledges and appreciates this comment. The County concurs that there is some differences in the numbering of the proposed sites in Appendix B and the Draft EIR. Some of the sites evaluated in the Site Analysis Report were removed from the program before the Site Development Report was completed and other sites were added once the EIR process had been initiated. The changes do not affect the analysis in the EIR. Below is Table 3-4 from the Draft EIR that has been reduced to show only the Penn Valley properties.

Theoretical Yield of Proposed Sites 10-13

Site	10	11	12	13	TOTAL
Parcel Area (Acres)[1]	5.95	3.1	4.37	20.1	**33.52**
Existing Building Density (du/acre)	4	4	6	1	-
Existing Max Yield (Units)	23	12	26	20	**81**
Proposed Building Density (du/acre)	16	16	16	16	-
Proposed Max Yield (Units)	95	49	69	322	**535**

Response 15-B The analysis for Impact 4.13.2 in the Draft EIR notes that additional capacity would be needed. It should be noted that the County's Land Use and Development Code (LUDC) Section L-II 2.7.11.C.6 (specific to the RH Combining District) requires developers to provide written documentation from the applicable public utility, water, and sewer service providers demonstrating that adequate public utilities, water, and sewage disposal is available to accommodate the proposed development for a site. If the property does not have direct access to adequate public utilities to serve the proposed development, it is the responsibility of the developer to provide adequate infrastructure to serve the site consistent with the rules, regulations and standards of the applicable utility provider. The Final EIR has been revised to include this statement.

None of the proposed project sites would be connected to onsite septic systems all sites would be connected to public sewer facilities.

Response 15-C It is assumed the comment is referring to Site 13 in the Draft EIR which is outside the existing County Sanitation District boundaries and would require annexation prior to development. No septic systems are proposed for any of the project sites. Please see Master Response #4 regarding the developers responsibility to provide sewer service to the site.

Response 15-D Please see Response 10-NN

Response 15-E Please see Responses 7-B and 10-NN.

Response 15-F The County does not concur with this comment. Each of the Penn Valley sites (Sites 10-13) are within approximately 0.25 mile of the Gold County State Route on Penn Valley Road, and all sites are within the ADA service area shown in Appendix D of this comment. For these reasons, the proximity of these project sites to existing public transportation make the Penn Valley sites a suitable choice with regards to access to public transportation. The County does not concur that a requirement to demonstrate that a person meets ADA eligibility requirements makes the service unreliable. The County posts the fares for the paratransit service on its website. The fee is $2.00 one way and $4.00 for longer trips.[10]

The Gold Country Stage provides two Route 6 bus stops near the Penn Valley Village central as shown in the Gold County Stage Riders Guide last updated July 1, 2013.[11] No evidence has been presented that the Gold Coach Stage line is considering dropping the Route 6 stops.

No significant impact on Gold Country Stage line has been identified as a result of the project and no further analysis is required in the EIR.

Response 15-G Please see Master Responses #2 and #3. Please see Response 15-F regarding the Gold Country Stage Route.

Response 15-H Surface water quality impacts are evaluated in Section 4.10 of the EIR. Mitigation Measure 4.10-1a applies specifically to Sites 10 and 13 because a portion of the Squirrel Creek Floodplain is located over those sites. Other components of Mitigation Measure 4.10 include source controls and treatment control Best Management Practices to control and treat surface water prior to the water being released from the site. The mitigation also requires future developers to demonstrate that the water detention and retention facilities are adequate sized and designed to accommodate the surface water runoff anticipated from the site. These sizing calculations take into account not only the overall size of the property but also the amount of impervious surface area proposed onsite (e.g., parking areas, paved areas, roof tops, etc.), and also the proposed land use (e.g., multi-family and commercial uses require specific provisions for parking areas, trash enclosures, etc.). Mitigation Measure 4.10-1b also contains this specific provision for Sites 10 and 13:

> Disruption of soils and vegetation near Squirrel Creek (on Sites 10 and 13) shall be minimized to limit potential erosion and sedimentation; disturbed areas shall be graded to minimize surface erosion and siltation; bare soils shall be immediately stabilized and re-vegetated. Seeded areas shall be covered with broadcast straw or mulch. If straw is used for mulch or for erosion control, utilize only certified weed free straw to minimize the risk of introduction of noxious weeds, such as yellow star thistle.

Response 15-I Please see Response 2-B.

Response 15-J No widening of Penn Valley Drive is proposed or required as part of the proposed project. No changes to the existing bike trail are proposed or required as part of the proposed project. The traffic analysis for the project is provided in Section 4.15 of the Draft EIR. Tables 4.15-9 and 4.15-10 provide the analysis of all the intersections in Penn Valley. The analysis includes all of the proposed units for Site 10-13 in Penn Valley. The tables compare the proposed project with residential development that could currently be

[10] http://www.mynevadacounty.com/nc/cda/pw/transit/Pages/Paratransit-Services.aspx
[11] http://www.mynevadacounty.com/nc/cda/pw/transit/Pages/Riders-Guide.aspx

developed on the sites with the existing land use designations. With the exception of the Penn Valley Road/SR 20 intersection, the level of service would not change with the addition of the proposed project. The Penn Valley/SR 20 intersection would change from a level of Service (LOS B) to an LOS C. An LOS C is an acceptable level of service for both the County of Nevada and Caltrans.

Response 15-K The Transportation Corridor Report for SR 20 prepared by Caltrans (last updated in May 2009) shows that the current Level of Service for SR 20 is LOS B. The 20-Year forecast for the segment of SR 20 from 0.8 mile east of Penn Valley Drive to SR 49 is LOS D. Caltrans has identified LOS D as an acceptable level of service for rural segment of SR 20.[12] As such, the addition of the project traffic will not cause a change in the level of service on SR 20 between the project site and Grass Valley and SR 20 will have the capacity for the project generated traffic. No design or roadway safety impacts along SR-20 as a result of the proposed project have been identified.

Response 15-L The County does not concur that a disproportionate number of units are proposed in Penn Valley. Approximately 22% of the sites are located in Penn Valley and approximately 20% of the units are proposed in Penn Valley as well. Please see Response 10-D. By comparison, the Grass Valley Area has 50% of the sites, 49% of the total acreage, and 55% of the total number of units. The Lake of the Pines Area has 27% of the sites, 27% of the area, and 24% of the total units.

The decision to include willing property owners was made by the Board of Supervisors to avoid having to without the property owner's consent. Based on the site analysis report prepared prior to the Draft EIR, the County determined that the PV sites have reasonable access to community services, comparable to other proposed sites associated with the project.

Response 15-M The County does not concur with this comment. Please see Response 9-B.

Response 15-N The County does not concur with this comment. The proposed project does not propose any entitlements for development and it is not known if or when any development proposals consistent with the RH Combing District may be submitted to the County. The County acknowledges that previous development proposals have been submitted to the County for development of sites 10and 11, "Penn Valley Oaks" which is still active and consists of 12,000 square feet of commercial uses and 20 single-family homes. However that project is not related or in conjunction with the proposed project.

Response 15-O The County does not concur with this comment. The sites referenced in this comment are not correct. Please see Response 15-A. The correct site numbers and acreages are shown in Response 15-A above. Please see Responses 10-D and 15-L. Please see Response 13-D and 13-F regarding growth in the County.

Response 15-P The County does not concur with this comment. The sites referenced in this comment are not correct. Please see Response 15-A. The correct site numbers and acreages are shown in Response 15-A above. Please see Responses 10-D and 15-L. Please see Response 13-D and 13-F regarding growth in the County.

[12] California Department of Transportation, State Route 20 Transportation Corridor Concept Report, May 2009; http://www.dot.ca.gov/dist3/departments/planning/tcr/SR20_TCCR_FINAL.pdf

Response 15-Q The County does not concur with this comment. The calculation in the comments uses the population of the entire County of Nevada which includes the incorporated cities, Grass Valley, Nevada City and Truckee. The County's Housing Element is based on the population in the unincorporated area. According the California Department of Finance, the population of the unincorporated area of Nevada County is 65,375 as of January 1, 2013.[13] Nonetheless, the selection of suitable housing sites was not related to the population size of the community, but on the suitability of that community to support a high density housing development.

Response 15-R The County has reviewed the exhibit reference in this comment and concurs that the Paratransit service area includes Penn Valley.

[13] http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/view.php

Letter 16

Date: November 12, 2013

From: Todd Williamson, Manufacturing Engineer
18403 Siesta Dr.
Penn Valley, CA. 95946

NEVADA COUNTY
RECEIVED
NOV 12 2013
PLANNING DEPARTMENT
CDA

To: Tyler Barrington, Principal Planner
Nevada County Community Development Agency
950 Maidu Ave. Suite 170
Nevada City, CA 95949

CC: Supervisor Hank Weston

Subject: **Public Comment Regarding the Environmental Impact Report (EIR) for the Housing Element Rezone Program Implementation**

As a Home/Property owner in Penn Valley I attended the above mentioned meeting to see what was being proposed First I wanted to say thanks to Tyler Barrington for his recent presentation regarding the Environmental Impact Report (EIR) for the Housing Element Rezone Program. After reading it you can tell that he and the planning department have put a great amount of time into its process and documentation regarding these recommended changes. Clearly, as was witnessed during this community meeting there is grave concern among the Penn Valley residents regarding the changes purposed in the EIR. I too am afraid that I share in those concerns and in good faith cannot be in agreement with these recommended changes for the reasons detailed in this letter.

16-A As a Home/Property owner in Penn Valley I attended the above mentioned meeting to see what was being proposed with both the EIR and the purposed rezoning. I have resided in Penn Valley for 14 years and of those 14 years 9 as a home owner. During my time as a home owner I have invested a lot financially on improvements to my house and property as have many of my neighbors, these improvements were done to improve the appearance of my property as well as that of my Neighborhood and Community as a whole. I have grave concerns that these purposed changes to rezoning for high density housing will not only negatively affect the near and long term property values of my and all of my neighbor's property values which will thus inherently affect the amount of taxes that you being "Nevada County" will collect thusly will have detrimental effect on the services that the county is able to provide to us the Tax Payers, which have already suffered greatly during these recent years of economic turmoil. Its laid back lifestyle and friendly rural community spirit make it difficult to find anywhere else. It is these qualities of life that my fellow community members and I fear losing with these proposed zoning changes contained in the EIR.

16-B While the EIR has already pointed out some of my concerns regarding the rezoning in the Penn Valley area (sites 9-12), I would like to further examine a few and to further explain what I feel are my and many of my fellow resident's sentiments regarding the changes contained in the EIR.

16-B CONT'D

Public Services & Utilities:

Sewer:

As mentioned in the EIR report Penn Valley's sewer treatment plant has already been flagged for deficiencies by the Water Quality Control Board who has issued a cease and desist order. While there is a highly publicized plan in the works to reroute our current sewer plants capacity to the Lake Wildwood treatment plant which has increased and available capacity. It is however doubtful that there would be enough increase in capacity to develop these sites (9-12) at the proposed R-3 designation, which would allow for up to 16 units an acre. This would open up a scenario similar to the construction of Valley Oak Court; which was recently developed down the road from the identified sites (9-12). This development called for a community septic system to be installed; but one of a much smaller scale then would be required for any of the proposed Penn Valley sites (9-12). I am fearful of this option given what has occurred over time with the other currently used residential septic systems in the area. Which is that it will breakdown or deteriorate, thus, adding pullulates to the water runoff in the area that flows into our drinking water, lakes, rivers, and streams. While this is a concern for all of the proposed sites (9-12) given the lack of sewer capacity in the area, it is a major concern for site 12 which currently sits outside of the Penn Valley area's sanitation district, and is also the largest of the four proposed sites for the area. Furthermore, I would much rather see any increase in sewer capacity used to offer the existing residents not currently on the sewer system the option of being able to move off their older polluting septic systems; rather than being used on any new high density development.

Police:

Another major concern that the community and myself have with the proposed changes is the lack of police force to cover our area of the county. Being that Penn Valley is unincorporated means that we much rely solely on the California Highway Patrol (CHP) and the Nevada County Sheriff's office to act as our town's police force. This service has suffered in recent years due to county and state budget constraints and cuts. The Penn Valley area has seen its call response time increase, as well as the number of officers assigned to patrol the Penn Valley area decline. High density housing complexes of any nature will put an increase stain on these services for the area; which as of right now and for the immediate future I believe cannot be accommodated. The Penn Valley area has already experienced a high density development project off of Broken Oak Court; which in its short time has already increased the amount services required for the area, and has had a negative impact on the community overall.

Fire:

Another public service that potentially could suffer is the Penn Valley Fire Protection District (PVFPD).The PVFPD like most of the other government services in the area have already had to find ways to trim their budgets as taxes and fee revenue has decreased. The PVFPD is no different and over the years our fire chief Gene VanderPlaats has had to make some difficult decisions regarding staffing and equipment needs. It is difficult to see how this vital public service will be able to handle a proposed 52% increase in its population size if these four sites (9-12) where to be developed as R-3 housing (Appendix A).

16-B CONT'D

Public Transportation:

The way the current EIR is written there is made mention of the various public transit services offered in the Nevada County area. The first one mentioned is Gold Country Telecare services which in recent years had already been hit with budget cuts causing it to cut it services in 2009 by 20 percent. Then their service was terminated during the recent rebidding process and a new provider has taken over this service, with us the tax payers paying for a new fleet of Vans for the new provider "Gold Country Lift". While this new provider contracted through Nevada County's Public Transportation service is currently able to cover the Penn Valley area, would it be able to handle a sudden increased demand in the Penn Valley area while not reducing its coverage in other areas of the county? The EIR also makes mention that route 6 of the Gold Country Stage that covers the Penn Valley area. However, due to the current utilization of this route and increased operating cost Gold Country Stage has purposed eliminating this route on several occasions. If this route where to be eliminated in the future there would be no public transportation in the area to handle this influx of new citizens.

Economic Factors:

Lack of Jobs:

One of the often forgotten things about the Penn Valley area is that there is a huge deficit of jobs for the area's population, making Penn Valley a bedroom community. During my entire residence in this community I have never been able to find employment locally, due to the lack of businesses in Penn Valley like most of the people in the area already have to commute up to Auburn, Grass Valley, or Nevada City areas to find work. It is true that in recent years we have seen some success stories such as the True Value hardware story, the Tack Room, and Blue Cow Deli restaurants. However, a vote to approve these rezoning changes for the Penn Valley area will be crippling the Penn Valley area of any future commercial development as you will be removing all of the available commercial zoning in the heart of Penn Valley's town center. What proposals do we currently have to go alone with these changes in the EIR for these new residents' being able to make a living? Furthermore, if Gold County Stage where to cut route six as has been purposed what sort of transportation services will take its place to allow any lower income residents to commute to their places of employment? Given that there aren't many currently available jobs in the area, and a vote in favor of these changes would be removing all our communities' ability to develop jobs in the future.

Environmental:

Development of any size does have an impact to our local environment regardless of the amount of migrating factors deployed. While there have been great advancements to reduce these environmental impacts, there can never be any guarantees for what impact these proposed changes will have on our local environment. Any increases in water runoff for the four sites (9-12) proposed for the Penn Valley area will contain new pollutants which will flow directly into Squirrel Creek and as proposed in the EIR/Rezoning these will be High Density Residential 16 units per acre including parking areas for said units which drastically increases the likely hood that said pollutants coming from all of these potential additional vehicles being parked will end up in the local water ways. Squirrel Creek also runs through Western Gateway Park which is Penn Valley's only public park and sits immediately downstream from the proposed sites. Throughout the year Western Gateway Park provides a major economic boost for the

16-B CONT'D

area as people from throughout the surrounding communities enjoy its baseball fields, disc golf course, hiking trails, dog parks and numerous paid events that continue to grow in number and these events bring more paying individuals into our region benefiting the community and surrounding businesses . What guarantees can be given to the community and business owners that if these sites are developed as R-3 housing with 16 units an acre that there would not be any negative impacts to the local environment and park downstream from the sites?

Public Safety:

Roadways:

The residents prefer the nice quiet traffic-less life that Penn Valley offers. We prefer our rural country roads, and our big two lane streets; over the larger three or more lane roadways. We like the fact that the only signal lights in town are on the highway; and growing up in the area, it was always perceived that if there were more than four cars at the stop sign in the town center there was traffic. These four proposed sites would all need to feed off Penn Valley Drive, as already mentioned in the EIR that it is unlikely that CalTrans will allow access to site 12 from Hwy 20. Any widening of this road would require the removal of our recently installed bike trail that runs from the intersection of Spencerville Road and Penn Valley Drive to Western Gateway Park. The current EIR states that this road would not require widening, but does it take into account a 52% population increase? Not to mention roadway safety. The newly installed bike trail crosses from one side of Penn Valley Drive to the other. I cannot mention how many times I have seen people and children get hit by a car crossing this road in its current state; not to mention how dangerous this would become if traffic where to increase dramatically as purposed. If the roadway was to be widened what would happen to this new bike trail? Where would it be moved to given that it's presently located in the road easements of the properties along its route? Finally how much more dangerous would it become for citizens to drive up to the shopping and work centers of Auburn, Grass Valley, and Nevada City? In recent years there have been numerous serious accidents on the portion of highway 20 from Penn Valley to Grass Valley. Is this roadway capable of handing such a large increase of commuters from the Penn Valley area given?

In addition to the issues mentioned above there are a couple of items that relate directly to the EIR process. The foremost being that the county when putting the EIR together the county staff only looked into properties whose owners were willing to be part of this process, this reduced the number of properties looked at for potential rezoning from 39 to 17 properties (EIR Appendix B, pg. 2). This has resulted in a disproportionate 26 percent of the needed rezoning space to occurring in the Penn Valley area, and all of it occurring in the western part of the county (Appendix B). All the while the Penn Valley area only represents 1.64 percent of the county's overall population (Appendix C). Had county staff included and graded all of the initial properties it would have been a much more balanced approach with all portions of the county sharing a portion of this burden being placed on the county by the state. In addition these changes will also nullify our existing village plan that was adopted by the board of supervisors in 2000, which governs the future development of the Penn Valley area. As mentioned above in this letter these zoning changes will remove all of our available commercial zoned land resulting in a negative economic factor on the area as a whole; as well as severely limiting any future economic development projects for the Penn Valley area.

16-B CONT'D

Like any other community everything is interconnected and relates to each other, and its citizens are no different. While the area continues to develop and grow; it is unlikely that the area would be able to handle such a large amount of growth in such a short amount of time. As was brought up in the community meeting held in October the idea that these sites might not be developed for many years into the future was and is a complete lie as was admitted at the meeting by county staff. Sites 9, 10, and 12 are already owned by an LLC with the intention of developing the sites immediately if the rezoning is approved. We implore you not to go through with these purposed zoning changes.

Issues noted below Are Critical Issues that were not addressed in the EIR and Have Been Noted by the Penn Valley Chamber of Comerce:

- The project sites proposed for rezoning to R-3 (16 units per acre) in Penn Valley are in conflict with what was proposed in the Penn Valley Focused Economic Development Study adopted by the County Board of Supervisors in 2000.
- This Plan (termed the Village Plan) called for commercial, business, retail and industrial uses in the Penn Valley Village. The Board of Supervisors adopted this plan in order to provide guidance for future development of the Penn Valley Area.
- The EIR completely ignored the Village Plan which results in a Significant Unavoidable Impact With No Effort to Mitigate. The result is a legally flawed EIR.
- Penn Valley needs more jobs. The proposed rezoning eliminates the opportunities to increase employment and bring in good paying jobs to the community.
- Developing low cost housing at 16 units per acre will further stress public services such as schools, sheriff, fire and other critical services which were negatively affected during the past few years of the Great Recession.
- The proposal for dense housing does not belong in a rural and pastoral area such as Penn Valley.
- The proposed sites are not close to public services and other amenities required for this type of housing. Further, these sites do not minimize the need to commute. This is a serious environmental impact.
- The Board of Supervisors' site selection criteria was also flawed, which resulted in 42% of the County's State mandated housing being located in Penn Valley.
- The proposal does not foster economic growth as recommended in the EIR.

16-B CONT'D

- The Penn Valley area should be allowed to develop as recommended by the Village Plan, which states that "opportunities exist for business park, light manufacturing for firms providing components for high tech manufacturing, as well as office based businesses in software development and internet applications".

Recommendations:

1. Return the EIR to staff and consultants for revision to correct the major legal and policy flaws contained in the document.

2. Extend the public comment period (which ends November 12) for one month to fully allow for more public input.

To Summarize the EIR Appears to have been to Written Address Concerns of Placing this High Density Low Income Housing in the Grass Valley/Nevada City Area, where All of the Community Resources Reside that are required with these type of developments, and Skims Lightly over Any Issues or Concerns that Would Occur with Rezoning most of Down Town Penn Valleys Remaining Commercially Zoned Properties. Not to Mention Placing the Large Majority of the Burden of State Required Increase for Low Income Housing in Penn Valley with no Mention of how any of these issues would be addressed for all of Penn Valleys Existing Residents and Businesses.

Thank you for your time and consideration to this most important issue,

Todd Williamson

Appendix A

Population Increase Calculation

Sources:

1. 2010 Penn Valley Census Report: http://www.census.gov/popfinder/?fl=06057:0656518
2. Appendix B. Site Analysis Report of the EIR, pages 10 and 11: http://www.mynevadacounty.com/nc/cda/planning/docs/Planning%20Projects/Advance%20Planning%20Projects/2009-2014%20Housing%20Element%20Rezone%20Program%20EIR/Appendix%20B.%20Site%20Analysis%20Report.pdf

16-B CONT'D

Step 1: According to the 2010 census report Penn Valley had 1,621 residents, living in 628 occupied housing units. This equates out to 2.58 residents per occupied household (1,621 residents divided by 628 occupied housing units equals 2.58 residents per occupied household).

Step 2: According to pages 10 and 11, in the Appendix B. Site Analysis Report in the EIR each of the sites contain contained the following amount of acreage, building acreage, and total units buildable:

Site 9:	6.58 acres, 3.49 buildable acres, 56 units
Site 10:	3.08 acres, 1.46 buildable acres, 23 units
Site 11:	4.56 acres, 3.98 buildable acres, 64 units
Site 12:	19.94 acres, 11.49 buildable acres, 184 units

This totaled 34.16 acres, of which 20.42 are buildable. This would allow the creation of up to 327 units.

Step 3: With 327 units being built at an average of 2.58 residents per unit that equates to 843.66 new residents for the Penn Valley area; which represents a 52.06% increase in population (2.58 multiply 327 new units equals 844 new residents; 844 divided by 1,621 equals 0.5206, take .05206 multiply by 100 equals 52.06%).

Appendix B

Penn Valley's Percentage of Burden Calculation

Sources:

1. Appendix B. Site Analysis Report of the EIR, pages 2, 10, and 11: http://www.mynevadacounty.com/nc/cda/planning/docs/Planning%20Projects/Advance%20Planning%20Projects/2009-2014%20Housing%20Element%20Rezone%20Program%20EIR/Appendix%20B.%20Site%20Analysis%20Report.pdf

Step 1: On page 2 of the Appendix B. Site Analysis Report in the EIR it mentions that the county being required by the state needs to be able to zone enough land as R-3 housing to generate 1,270 units.

16-B CONT'D

Step 2: First you need to find the total number of acres, buildable acres, and the number of units to be built by site. This information is found on pages 10 and 11 of Appendix B. Site Analysis Report of the EIR. The information is as follows:

Site 9:	6.58 acres, 3.49 buildable acres, 56 units
Site 10:	3.08 acres, 1.46 buildable acres, 23 units
Site 11:	4.56 acres, 3.98 buildable acres, 64 units
Site 12:	19.94 acres, 11.49 buildable acres, 184 units

You will find that with the Penn Valley area having the potential of building 327 of the needed 1,270 units required by the state.

Step 3: To find the percentage of the burden being placed on the Penn Valley area you need to take the 327 new units from sites 9-12 for Penn Valley, and divided that by the 1,270 units needed to fill the states requirement (327 divided by 1,270 equals .2574). By taking the previous total of .2574 and multiplying that by 100 you will arrive at a 25.74%; which represents the percentage of overall burden the county is trying to place on the Penn Valley area.

Appendix C

Penn Valley Population as Percentage of County Population Calculation

Sources:

2. 2010 Penn Valley Census Report: http://www.census.gov/popfinder/?fl=06057:0656518
3. 2010 Nevada County Census Report: http://www.census.gov/popfinder/?fl=06057

Step 1: According to the 2010 Census Report Penn Valley had 1,621residents.

Step 2: According to the 2010 Census Report Nevada County had 98,764 residents.

Step 3: You take Penn Valley's population size of 1,621 residents and divided that number by the county population size of 98,764 residents and you arrive at .0164. You take .0164 and multiply it by 100 and you arrive at 1.64%. Which represents that Penn Valley's population size makes up 1.64% of the counties overall population size.

Letter 16 – Todd Williamson

Response 16-A The County acknowledges this comment. However, comment is not at variance with the content of the EIR and no further response is required. This letter will be will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Response 16-B The comment letter from this point forward has the exact same text as Comment Letter 15 from Jake Creamer. As such, please refer to Responses 15-B through 15-Q for responses for the remainder of this letter.

Letter 17

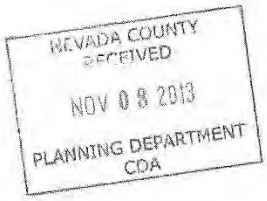
Tyler Barrington

From: Christine Dickinson <toassist@sbcglobal.net>
Sent: Thursday, November 07, 2013 2:46 PM
To: Tyler Barrington
Subject: Element Rezone Implementation Program EIR Comment Submission
Attachments: EIR Comments - Christine Dickinson.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Attached please find an electronic copy of my comments pertaining to the Housing Element Rezone Implementation Program EIR specifically addressing the LOP region. A hard copy has been mailed as well.

Christine



1

Name:	Christine Dickinson
Agency/Group/Organization:	Self
Mailing Address:	23718 Rosewood Road, Auburn, CA 95602
Email Address:	christine@to-assist.com
Phone Number:	(916) 214-1122

Comments:

17-A My objection regarding the proposed rezoning of parcels 57-270-02 and 57-270-03 (Site 15 and 16 on Woodridge Drive) in addition to 57-270-06 (Site 17 on Rosewood Road) stem mainly from a personal perspective as the owner of 23718 Rosewood Road (57-270-01). My property boundary is adjacent to the Higgins Marketplace shopping center which was just recently approved, as well as the parcels off Woodridge Drive. My parcel is zoned Res-Ag, as are the majority of the surrounding parcels, including Highway 49 frontage next to the proposed shopping center land. Basically, you could say that but for the corner of Highway 49 and Combie Road, the surrounding community at large is Res-Ag.

17-B While I understand the need for high-density housing in city environments, this location at Woodridge and Rosewood is not within city boundaries or near the services associated with city life. Rather, the community is rural with scattered small businesses catering to necessity and convenience shopping. To rezone these parcels within this community, you are basically doing it without thought to the rural community and the impact of its residents and their lifestyle. First and foremost, your Environmental Impact Report should be accompanied by an economic impact study that brings into account the lifestyles and needs of the existing community.

17-C Now, my opinion from a professional standpoint: I manage a real estate brokerage that handles sales, residential rentals, and commercial rentals. For 15 years I have dealt with all manner of clientele and tenants. While there are a few exceptions to every rule, I can safely say that low-income housing will be blight on our rural neighborhood. Worse is government-subsidized housing (Section 8 or HUD) where the tenants pay under-market rent and the landlord is "guaranteed" rent. HUD housing provides a subsidy to the property owner directly with the purpose of bringing in low-income tenants who ordinarily could not afford market rates. The landlord is not motivated to maintain the property because there is no financial incentive. Persons with disabilities and seniors may participate in this program, but that is not the bulk of the demographic unless age restrictions are specified early on. HUD housing is designed for landlords who wish to increase their portfolio and/or carry a loss for the tax write-off.

17-D Our community does not need the crime, noise, traffic, or fire danger that high-density housing will bring with it. By building such housing, my property value and lifestyle will be negatively impacted. Our surrounding neighbors are in agreement that it is inappropriate at best to place high-density or low-income housing in our community.

17-E Already two housing tracts have been approved within this region: Cascade Crossing (approx. 79 homes) and Rincon del Rio (approx 345 units). To add another 660+ units within a one-block radius onto our existing roads is ridiculous. Our roads, schools and utilities are not ready to support this influx, as they are already over capacity.

Since common sense doesn't seem to be the prevailing wind, I will do as recommended and point out the issues within the EIR so they may be taken into consideration.

Discrepancies I note in your EIR are as follows:

17-F 1. Your development footprint of Sites 15 and 16 indicate plans to utilize 100% of the ~ 23 acres as buildable. To implement this, you would need to completely alter the landscape from entire western portion of Sites 15 and 16, as they are on a steep slope. This slope happens to run across the western section of my property and my neighbor's, and we both have "no build" zones over about 35% of our acreage. As noted in Photos 1 through 3 below, you can see a small portion of this slope on Site 16.

17-G 2. Page 2-12 to 2-13, under heading 2.5.4, it lists Site 14 being potentially removed due to the blue oaks and grading with manufactured slopes which would be visible from Highway 49. Note item #1 above. The western slope of Sites 15 and 16 are equally steep and within view of Highway 49. Highway 49 can be seen from Site 16 and parcel 57-270-01.



Photo 1: Site 16 Uphill Slope



Photo 2: Site 16/15 Downhill Slope



Photo 3: Site 16 Slope

17-H

3. On Page 3-61, under descriptions of Sites 15 and 16 it indicates access is off Woodside Road. I presume this is an error in that the closest road is Woodridge Road, and there is no other access to these parcels without crossing private property.

17-I

4. On Page 3-62, under heading 3.5, it indicates the plan objective included identifying "participating properties that have reasonable access to existing infrastructure (e.g., public roads and utilities)." Rosewood Road is not a public road, and Woodridge is a private driveway as it enters the Woodridge sites. There is no sewer service to existing residents, and treated NID only services a portion of the Rosewood. Most homes are on well and septic systems.

17-J

5. On Page 3-62, under heading 3.5, another plan objective is to "identify properties that have reasonable access to community services (e.g., public transportation, retail/grocery stores, employment opportunities)." Most businesses in the area are 10-employees or less and/or sole proprietors. There are few to no employment opportunities. If you do not believe this, you can ask my neighbor's son who has been trying to find a part-time job within walking/biking distance of their home for the past two years, without success.

17-K

6. On Page 3-62, under heading 3.5, another plan objective is to "protect the natural environment." There is a creek running under (and occasionally over) Rosewood Road at the entrance, adjacent to Site 17. We've already addressed Site 15 and 16 which would need severe grading for your "100%" buildable expectation. The majority of those sites are heavily forested through all slopes, so one would presume that you would either grade around the trees if you plan to protect the natural environment. Refer to Photo 2 which shows the south west region of Site 16, looking toward Site 15.

17-L

7. Page 4.2-2: The Site 14 description fails to include the CDF/Higgins Fire Station to the immediate south of the parcel.

17-M

8. Page 4.2-2: The Site 15 and 16 description fails to include multiple items which I would consider significant: To my knowledge only one single-family home is in this "contiguous" location. The second structure, on Site 16, is an older barn which houses the Nevada County Sanitation District Wastewater Facility which services the existing Higgins Center (and I believe was slated to service the Higgins Marketplace as well) per Photo 4. Additionally, along the east side of both parcels are high tension power lines (see Photos 5 and 6).

17-N

9. Page 4.2-5 under the zoning description it reads, Sites 15 and 16 are designated Planned Development (PD) and zoned Interim Development Reserve – Scenic Corridor Combining District - Site Performance Combining District (IDR-SC-SP). This is contradicts public records. See Attachment 1 and 2. Both these parcels are Residential/Agricultural.



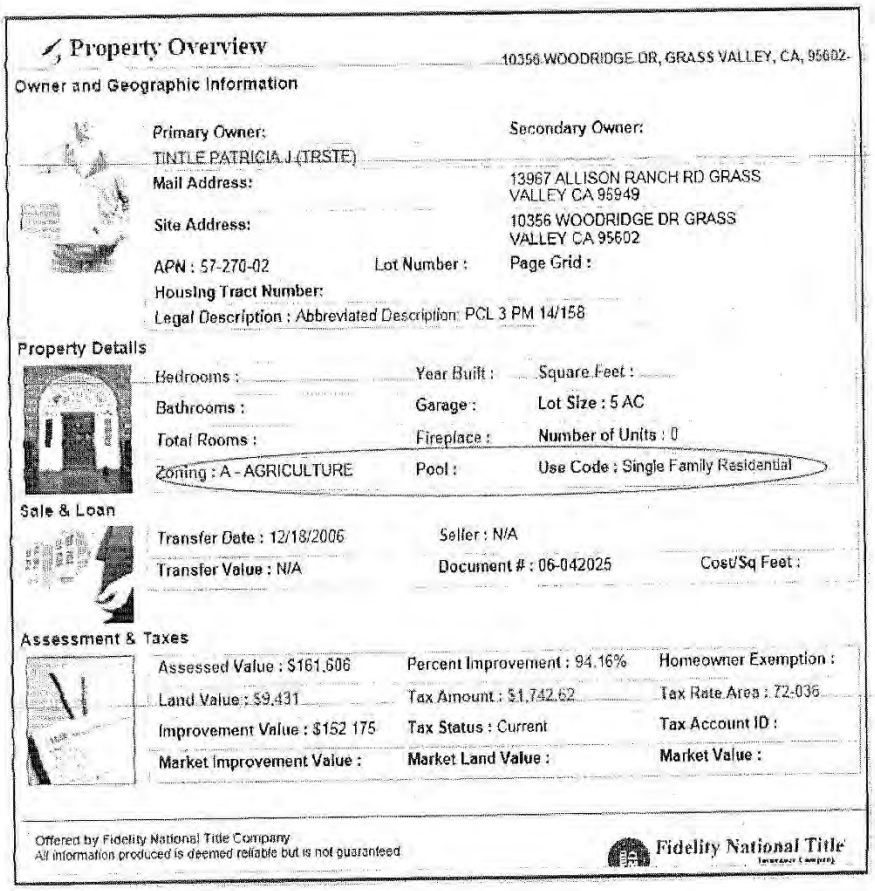
Photo 4: Site 16 Wastewater Facility



Photo 5: Uphill Power Lines on Site 16 toward Site 15



Photo 6: Downhill Power Lines on Site 16 toward Rosewood Road



Property Overview

10356 WOODRIDGE DR, GRASS VALLEY, CA, 95602-

Owner and Geographic Information

Primary Owner:	Secondary Owner:
TINTLE PATRICIA J (TRSTE)	
Mail Address:	13967 ALLISON RANCH RD GRASS VALLEY CA 95949
Site Address:	10356 WOODRIDGE DR GRASS VALLEY CA 95602
APN : 57-270-02 Lot Number :	Page Grid :
Housing Tract Number:	
Legal Description : Abbreviated Description: PCL 3 PM 14/158	

Property Details

Bedrooms :	Year Built :	Square Feet :
Bathrooms :	Garage :	Lot Size : 5 AC
Total Rooms :	Fireplace :	Number of Units : 0
Zoning : A - AGRICULTURE	Pool :	Use Code : Single Family Residential

Sale & Loan

Transfer Date : 12/18/2006	Seller : N/A	
Transfer Value : N/A	Document # : 06-042025	Cost/Sq Feet :

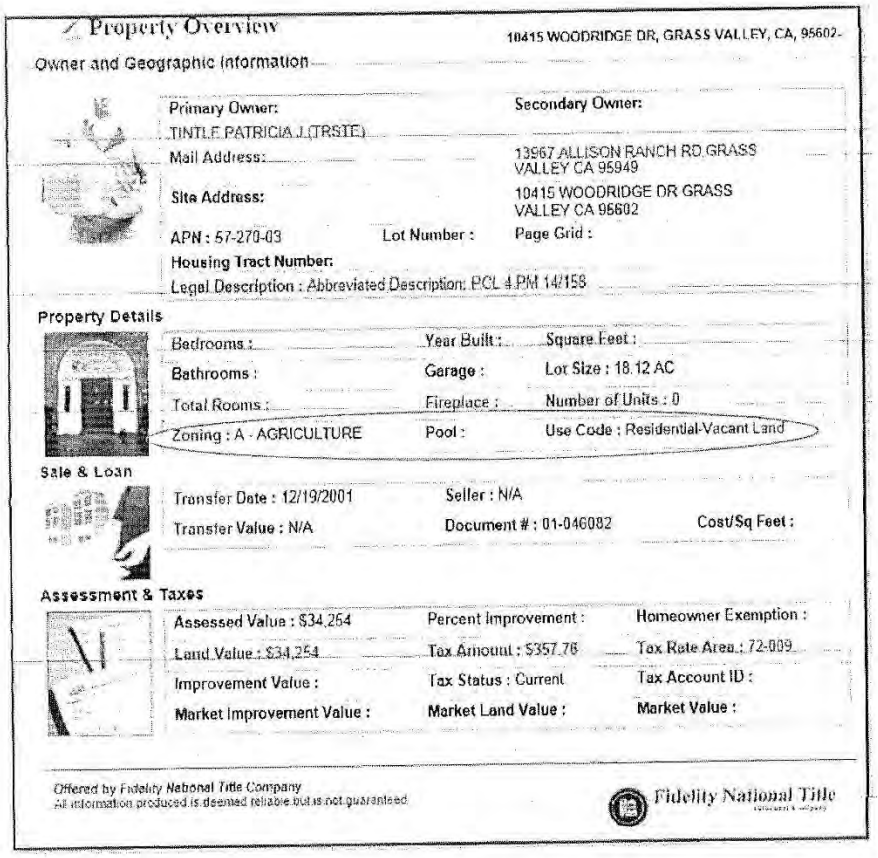
Assessment & Taxes

Assessed Value : $161,606	Percent Improvement : 94.16%	Homeowner Exemption :
Land Value : $9,431	Tax Amount : $1,742.62	Tax Rate Area : 72-036
Improvement Value : $152,175	Tax Status : Current	Tax Account ID :
Market Improvement Value :	Market Land Value :	Market Value :

Offered by Fidelity National Title Company
All information produced is deemed reliable but is not guaranteed

Fidelity National Title

Attachment 1: Site 15 Zoning



Property Overview

10415 WOODRIDGE DR, GRASS VALLEY, CA, 95602-

Owner and Geographic Information

Primary Owner: TINTLE PATRICIA J (TRSTE)

Secondary Owner:

Mail Address: 13967 ALLISON RANCH RD GRASS VALLEY CA 95949

Site Address: 10415 WOODRIDGE DR GRASS VALLEY CA 95602

APN : 57-270-03 Lot Number : Page Grid :

Housing Tract Number:

Legal Description : Abbreviated Description: PCL 4 PM 14/158

Property Details

Bedrooms : Year Built : Square Feet :

Bathrooms : Garage : Lot Size : 18.12 AC

Total Rooms : Fireplace : Number of Units : 0

Zoning : A - AGRICULTURE Pool : Use Code : Residential-Vacant Land

Sale & Loan

Transfer Date : 12/19/2001 Seller : N/A

Transfer Value : N/A Document # : 01-046082 Cost/Sq Feet :

Assessment & Taxes

Assessed Value : $34,254 Percent Improvement : Homeowner Exemption :

Land Value : $34,254 Tax Amount : $357.76 Tax Rate Area : 72-009

Improvement Value : Tax Status : Current Tax Account ID :

Market Improvement Value : Market Land Value : Market Value :

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All information produced is deemed reliable but is not guaranteed

Fidelity National Title

Attachment 2: Site 16 Zoning

17-O

10. Throughout Table 4.2-1 on page 4.2-11, it repeats that the various Goals, Objectives and Policies are "Consistent" to all proposed project sites being located within Community Regions, and combining "high-density, multi-family residential uses adjacent to a mix of uses such as residential, commercial, industrial, and open space/recreation would promote the continued growth centered in the Community Regions." Also consistent is establishing the re-zoning within areas "where such development can be served most efficiently and effectively with the necessary urban services and facilities."

    Note that Sites 14 through 18 are not within city limits, nor is there a plethora of urban services or facilities. The closest sewer facility is the Lake of the Pines plant which later in the EIR on page 4.13-5 is identified at over capacity for current use. This assessment likely does not factor in the two communities already approved and under construction within a mile radius of these Sites: Cascade Crossing (approx. 79 homes) and Rincon del Rio (approx 345 units). You propose to add 660+ additional units to an overloaded wastewater facility PLUS the Higgins Corner sewer and Higgins Marketplace.

17-P

    Another key point is that the term "residential" zoning is very broadly used. Were I to collect my horses and move back to the Bay Area into "residential" zoning, it would not take long for the city officials to line up on the doorstep instructing me to remove my livestock from the residential area. Therefore, your report fails to delineate what type of residential zoning it seems appropriate to place high-density zoning alongside. This community is at large zoned for Agricultural Residential use. Since the EIR infers that it is consistent to put these proposed Sites next to Agricultural zoning, at least be accurate in defining that the surrounding parcels are Res-Ag zoned.

17-Q

11. The descriptions on page 4.3-3 of Site 14 fails to mention the CDF fire station to the south which is far closer in proximity than the Crossroads Church facility.

17-R

12. On page 4.4-27 various species of wildlife "observed" on the properties are noted. Raccoons, red foxes and at least one female bobcat also reside and range through Sites 15 and 16.

17-S

13. On page 4.9-8, addressing wildland fire risks in the area, it states "The standards require the provision of secondary road access to new projects where necessary for fire safety or emergency access." I would like to specifically know where it would be proposed, in the event Sites 15 and 16 were developed, for this secondary road. There is only one way into these parcels through Woodridge, and the surrounding parcels are either fed from Woodridge or are private, agricultural residences on a private road.

17-T

14. Further into this same section, on page 4.9-10, the EIR resonates a key reason why I fear multi-family, high-density housing brought into our rural neighborhood: "...the proposed project would have a significant impact related to hazards and hazardous materials if it would...Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands."

17-T CONT'D

If you are familiar with the landscape of Site 16, it is apparent the best and only relatively level building area is close to the property line on the southeast border, which is away from the wastewater facility, steep slope, and high-tension power lines. This is the boundary of mine and my neighbor's property. Both our homes are within 50 to 100 feet of the property boundary shared with Site 16. I would like specifically addressed how adding an urban community in a high-risk wildland fire neighborhood will not place a substantial fire risk to our homes and property which literally sit in direct line of fire from activities which would be common to the exterior of high-density housing (ie., smoking, barbequing, fire pits, machinery use, and fireworks--legality or no, they **are** commonly heard in Nevada County during holidays).

17-U

15. Section 4.9-5 on page 4.9-14 continues in this thought stating: "Section L-II 4.3.18 of the County's Land Use Development code states that all discretionary and Administrative Development Permit projects within a very high fire hazard zone shall submit a Fire Protection Plan to be approved by the Nevada County Fire Marshal and/or his/her designee, which includes identification of a feasible evacuation plan and/or safe evacuation routes for use by future occupants of the project."

The evacuation options of the surrounding neighbors and their livestock should be considered as well. This past summer there were three separate incidents where a telephone pole was knocked down across Combie Road. This effectively shut down the entire LOP community's ingress and egress for an extended time (3 to 8 hours). On one incident, the emergency gates were opened, allowing access from Combie out to Brewer Road. Residents of Golden Oaks were "hostile" toward emergency personnel and they were forced to shut one of the gates.

17-V

Herein lies a multitude of problems. First and foremost, there is no safe emergency evacuation available now at this juncture were the community of Lake of the Pines to be evacuated. Combie Road to Highway 49 is a bottleneck and it cannot service the community as it exists. There is no way to divert volume of traffic successfully, and apparently emergency personnel are at the whim of private residents if they are disturbed by the use of emergency access roads. Due to the extreme slope of my property, there is only one way to drive out--Rosewood Road to Combie Road. This intersection is already deemed an "F" on your scale of traffic density. (Per page 14.15-18 it is defined as "Forced or breakdown flow. Demand exceeds capacity. Vehicles experience short spurts of movement followed by stoppages. Intersection congestion, long queues and delays are common.")

17-W

On a good day it may take five minutes to merge into or across traffic. Adding, at best, 500 cars between Cascade Crossings and the proposed LOP Sites should be viewed as an extreme burden on an overly burdened area. As a wildland fire area, a grass fire or structure fire has the potential to ignite hundreds of acres vs. being confined to one location or residence, and there is great potential for complete roadway failure at the present occupancy levels. Evactuations are not limited to the surrounding 300 to 500 feet in a wildland fire zone.

17-X

16. The testing of peak hours per page 4.15-18, references the hours of 4pm to 6pm only. This should be extended to include peak school traffic from 1:45pm to 3:30pm. My experience at the intersection of Combie and Rosewood Road is that 2:10pm to 3:10pm has a higher level of traffic than later in the afternoon.

17-Y

17. If, per Section 6.2.2 (page 6-3) is accurate, the project objectives include "Identify participating properties that have reasonable access to existing infrastructure (e.g., public roads and utilities)." Based on the traffic studies it seems "reasonable" that redesigning a mile of roads, expecting Higgins Marketplace to provide the extension of Higgins Road, and adding multiple traffic lights are a few steps beyond "reasonable access to existing infrastructure." This may affect those in the outlying areas who fall into Mello-Roos zones. In addition, to build on Sites 15 or 16, it seems logical to anticipate that eminent domain may factor into the required alternative road.

17-Z

Overall, as mentioned by the Penn Valley Chamber of Commerce, the focus on "participating owners" to establish the sites significantly excludes parcels that may be far better suited for development. There are several parcels currently on the market for sale within the LOP region which are far more buildable (flat) and closer to existing projects and roadways that have access that is less congestive.

17-AA

It is far more appropriate to focus on property within city limits as the entire point of residing in the "unincorporated portion" of the county is to enjoy the environment of a rural lifestyle.

Christine Dickinson

Letter 17 – Christine Dickinson

Response 17-A The County acknowledges and appreciates this comment. It should be noted that the General Plan Designation for Sites 15 and 16 is Planned Development: Urban High Density (15 units per acre). The current zoning designation is Interim Development Reserve – Scenic Corridor Combining District – Site Performance Combining District (IDR – SC – SP). As such, the existing land use designations reflect an intention to have a transitional land use between the commercial areas around Higgins Marketplace and the surrounding residential uses.

Response 17-B The County does not concur with this comment. Please see Response 17-A regarding the existing land use regulations. Please see Master Response #5.

Response 17-C The County does not concur with this comment. The project does not propose Section 8 HUD housing. Please see Master Response #6.

Response 17-D The County does not concur with this comment. Potential impacts to noise (Section 4.11), traffic (Section 4.15), and fire hazards (Section 4.9) are addressed in the Draft EIR. Please see Master Responses #1 and #7.

Response 17-E The County acknowledges that the Cascade Crossing and Rincon del Rio projects have been approved. The County does not concur that all 662 units in the Lake of the Pines Area are in a one-block radius. Site 18 with a maximum of 176 units is located within the Dark Horse development within the Lake of the Pines development area is located approximately 2 miles to the east on Combie Road. The draft EIR evaluates potential impacts to roads (Section 4.15), schools, and utilities (Section 4.13) of the proposed project.

Regarding impacts to roads in the Lake of the Pines area, the existing level of service at the Higgins Road/Combie Road and Rosewood/Combie Road intersections currently operate at LOS F during the peak hour. Developers on Sites 14 through 18 would contribute to traffic mitigation improvements that would improve the traffic operations at SR 49 and Combie Road and Combie Road at Higgins Road. The traffic improvements at this intersection include installing additional turn lanes at SR49/Combie Road and a traffic signal at Combie Road/Higgins Road. Improving the operations at these intersections would improve the flow of traffic along the Combie Road roadway segment because the traffic flow would be controlled which would improve operations the Rosewood/Armstrong/Combie Road intersection. Traffic impacts are reduced to less than significant.

Regarding impacts to schools, per state law, the developer would be required to pay school fees at the time of building permits. As noted on page 4.13-15 of the Draft EIR, The mitigation fee set by the Grass Valley School District and Nevada Joint Union High School District is $2.97 per square foot of living space for residential uses. Pursuant to Section 65995(3)(h) of the California Government Code (SB 50), "the payment of statutory fees is deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use or development of real property . . . ." Therefore, with payment of statutory fees, school impacts would be considered less than significant.

The analysis public utilities for Impact 4.13.2 in the Draft EIR notes that additional capacity would be needed and that potential impact would be significant and unavoidable

because it is not known at this time what the capacity of water and wastewater system would be at the time that development is proposed. It is also unknown if completion of the required infrastructure improvements would be feasible for a single project developer. It should be noted that the Land Use and Development Code (LUDC) Section L-II 2.7.11.C.6 (specific to the RH Combining District) requires developers to provide written documentation from the applicable public utility, water, and sewer service providers demonstrating that adequate public utilities, water, and sewage disposal is available to accommodate the proposed development for a site. If the property does not have direct access to adequate public utilities to serve the proposed development, it is the responsibility of the developer to provide adequate infrastructure to serve the site consistent with the rules, regulations and standards of the applicable utility provider. The Final EIR has been revised to include this statement.

Response 17-F The County does not concur with this comment. The EIR does show that the building footprint over all of Sites 15 and 16. The area of the development footprint shows that there are no areas where development would generally be precluded such as wetland areas or areas that contained cultural resources. However, there may be other physical or regulatory constraints that limit development on the site, such as steep slopes. The County's Land Use and Development Code (LUDC) Section L-II 4.3.13 defines steep slopes as those areas with a slope (gradient) of 30% or greater. Per the LUDC development in areas of steep slopes is restricted. The geotechnical report (Appendix G of the Draft EIR) prepared for the project identified Site 16 as having moderate slope of approximately 20 percent. Any future development on these sites would be subject to review and approval of a site plan review and grading plan by County staff.

Response 17-G The County concurs that Sites 15 and 16 are visible from SR-49. These sites have a Scenic Corridor Combining District zoning designation that would require a Scenic Corridor Analysis in which the developer would submit an analysis to the County Planning Department describing how the development will ensure compatibility with the scenic nature of the surrounding area, and how it will minimize impacts to identified scenic resources. This same requirement would apply to Site 14. Additionally, all future development within the Regional Housing Need Combining District (LUDC Section L-II 2.7.11.C.5) is required pursuant to the RH Combining District to undergo a Design Review process and public hearing at the Planning Commission limited to design issues. This will ensure project design is consistent with surrounding area, western Nevada County Design Guidelines and the design criteria established by the Higgins Corner Area Plan.

Response 17-H The County concurs that the correct street name is Woodridge Road.

Response 18-I The County concurs that water and wastewater service would be required to be extended to Sites 15 and 16. Please see Master Response #4.

Response 17-J Please see Master Response #2.

Response 17-K Please see Figure 4.4-6 which shows that most of Site 17 is within an Environmentally Sensitive Area (ESA) which would preclude development within that area. Mitigation measures 4.4-3b and 4.4-5 are included in the Draft EIR to protect wetland habitats and oak woodland habitats, respectively. Please see Response 17-F regarding steep slope areas.

Response 17-L The County concurs that the fire station is located adjacent to Site 14 to the south. The Final EIR has been revised to recognize the presence of the Higgins Fire Protection District fire station located adjacent to Site 14 to the south.

Response 17-M The County concurs that Site 15 has a single family residence and Site 16 contains a structure used by the Nevada County Sanitation District. The County concurs that an existing power line easement and overhead power lines traverse the site. This information does not change any of the analysis or conclusions in the Draft EIR.

Response 17-N The County does not concur with this comment. The zoning designations are correct as stated in the EIR. This information comes from the County Zoning District Maps (ZDMs) that are adopted by the County Board of Supervisors. The County Assessor's records are based on these ZDMs[14].

Response 17-O The County agrees that none of the proposed sites are located within City limits. Each jurisdiction in California is required to address housing needs within their housing elements focusing on the territory for which they have jurisdiction. For example, the County only has jurisdiction over the unincorporated area, and therefore Urban High Density (UHD) sites need to be outside of City boundaries.

The Draft EIR includes a cumulative analysis that evaluates the cumulative effect of the Higgins Market Place, Cascade Crossing, and Rincon del Rio projects (See Table 5-1). Please see Response 17-E and Master Responses #4 regarding the developers responsibility for providing sewer availability.

Response 17-P The County does not concur that the term residential zoning is broadly defined. As noted in Response 17-A the zoning on Sites 15 and 16 is Interim Development Reserve – Scenic Corridor Combining District – Site Performance Combining District (IDR – SC – SP). The proposed zoning is R3-RH or PD-RH (Table 3-3 in the Draft EIR).

Policy 1.5(a) of the County General Plan discussed on page 4.2-2 of the Draft EIR provides the following detail regarding the compatibility of Urban High Density:

> The General Plan provides for future development in accordance with the following criteria for the various land use designations:
>
> Urban High Density Residential (UHD) is intended to provide for residential uses, including single- and multi-family housing types at higher densities, of up to 20 dwelling units per acre within incorporated area's spheres of influence and 15 units per acre elsewhere, in locations with a high degree of access to transportation facilities (including arterial and major collector roads and public transit), shopping and services, employment, recreation and other public facilities. Areas of Urban High Density Residential use are intended to provide locations appropriate for the development of affordable housing due to the higher density allowed and resulting cost efficiency in costs of land development and provision of services. Locations which are adjacent to or in close proximity to Community Commercial, Business Park or Industrial areas are considered appropriate for this designation.

There is an existing mix of development in the surrounding area of Sites 15 and 16. There is single-family residential adjacent to the site to the east and south with the RA 1.5 zone. However, adjacent to the sites is to the north and west are commercially zoned property, a residential zone with a Mobilehome Park Combining District, Business Park, and Office

[14] http://gis.nevcounty.net/MyNeighborhood/

Professional across Combie Road behind the fire station. As noted in General Plan Policy 1.5(a) above, locations which are adjacent to or in close proximity to Community Commercial, Business Park areas are considered appropriate for this RH Combining District designation.

Response 17-Q The County concurs that the fire station is closer than the Crossroads church to Site 14. This information does not change any of the analysis or conclusions in the Draft EIR.

Response 17-R The Draft EIR includes Mitigation Measure 4.4-2c which requires pre-construction biological surveys for special status wildlife species prior to construction. Pre-construction surveys are required prior to construction to ensure that any changes in the presence of protected wildlife species prior to construction can be noted, and avoidance or protective measures can be put in place.

Response 17-S The site plans and final access points have not been determined at this time. No development plans have been proposed or submitted to the County. The Final EIR has been revised to reference the County Land Use and Development Code (LUDC) Section L-II 2.7.11.C.8 which requires future developers to demonstrate that they have legal access to their property via a County maintained Road. Section L-II 2.7.11.C.8 states in part, "If a property does not have direct access to a County maintained roadway, it shall be the responsibility of the land owner or developer to provide written documentation as to their legal right to utilize and improve the road(s) that provide ingress and egress to the site, including secondary access if required, and that the road(s) meet the County minimum standards to serve the development proposed."

Response 17-T As shown on Table 4.9-3, page 4.9-16 of the Draft EIR, Sites 15 and 16 have a Fire Severity Zone designation of Moderate and High. The 2010 California Fire Code, Section 4906, requires that all unincorporated lands designated by the State Board of Forestry and Fire Protection as State Responsibility Areas (SRA) and are designated as "moderate," "high," or "very high" fire severity zones are required to maintain defensible space of a minimum of 100 feet from each side and from the front and rear of the structure, but not beyond the property line unless otherwise specified by a fire agency having jurisdiction over the property. Additionally, the project would include hydrants, fire sprinklers, vegetation management plans, and building materials, as required by Chapter 7A of the California Building Code. Consistency with required defensible space, impacts would be less than significant.

Response 17-U The County concurs that proposed project must show adequate emergency access. No site plans are included for any of the proposed sites as the project only proposes the inclusion of a housing overlay zone at this time. However, secondary access would be a critical component of future developments. As such, Section L-II 2.7.11.C.8 of the County's LUDC states in part, "If a property does not have direct access to a County maintained roadway, it shall be the responsibility of the land owner or developer to provide written documentation as to their legal right to utilize and improve the road(s) that provide ingress and egress to the site, including secondary access if required, and that the road(s) meet the County minimum standards to serve the development proposed."

Response 17-V Existing evacuation routes out of the Lake of the Pines area consists of Combie Road to SR 49 or Combie Road to Magnolia Road which extends north eventually to Dog Bar Road then to Alta Sierra Drive to SR 49 or La Barr Meadows Road and ultimately SR 49. Additionally, Armstrong Road connects to Cameo Drive which connects to SR 49. The County concurs that the existing level of service at the Rosewood/Combie Road

intersection currently operates at LOS F during the peak hour. Developers on Sites 14 through 18 would contribute to traffic mitigation improvements that would improve the traffic operations at SR 49 and Combie Road and Combie Road at Higgins Road. The traffic improvements at this intersection include installing additional turn lanes at SR49/Combie Road and a traffic signal at Combie Road/Higgins Road. Improving the operations at these intersections would improve the flow of traffic along the Combie Road roadway segment because the traffic flow would be controlled which would improve operations the Rosewood/Armstrong/Combie Road intersection.

Response 17-W Please see Response 17-V.

Response 17-X The County acknowledges and appreciates this comment. In accordance with the Nevada County policies traffic counts were performed during the PM peak hour (4:00 PM to 6:00 PM) at the twenty eight study intersections in the vicinity of the entire project area on November 8, 2012. The PM peak hour is defined by the highest hour for overall traffic volumes or the worst-case traffic conditions during the day. This is reflective of typical travel patterns throughout Nevada County and due to the low number of retail-related trips that take place during the AM peak hour. In addition, the project trip generation rate is highest during the PM peak hour. Notwithstanding any additional periods during the day, the intersection was identified as LOS F for the PM peak hour and changing the afternoon hours of peak congestion would not changes that designation.

Response 17-Y The County does not concur with this comment. Any infrastructure improvements (e.g., traffic, roadway, sewer and water, etc.) would be paid for by the developers of the proposed sites or by the developers of other projects in the area. None of the improvements would be publically financed or paid for by tax assessment districts of other property owners (such as existing Mello-Roos districts). Developers of the proposed sites must pay for the improvements or wait until the needed improvements are in place and then pay a fair share contribution towards the improvements at the time of construction. No eminent domain is proposed by the County.

Response 17-Z The decision to include willing property owners was made by the Board of Supervisors to avoid having to impose a new zoning designation on a landowners property without their consent. Based on the site analysis report prepared prior to the Draft EIR, the County determined that the Lake of the Pines sites have reasonable access to community services, comparable to other proposed sites associated with the project. The proposed program only includes privately-owned land, and the County is not purchasing property for residential uses.

Response 17-AA Please see Master Response #7.

Letter 18

Tyler Barrington

From: ralph.silberstein@gmail.com on behalf of Ralph Silberstein <ralph@claim-gv.org>
Sent: Tuesday, November 12, 2013 9:33 AM
To: Tyler Barrington
Subject: DEIR comments
Attachments: RS_NevadaCountyHousingElementRezone_DEIR_comments_Nov2013.doc

Follow Up Flag: Follow up
Flag Status: Flagged

Please accept these comments on the Housing Element Rezone Implementation Program Draft Environmental Impact Report, (DEIR) REZONE (Z12-002), GENERAL PLAN MAP AMENDMENT (GP12-002), and CERTIFICATION of the EIR (EIR12-002).

(attached)

Thank you,
Ralph Silberstein
10505 Bragg Ave.
Grass Valley, CA
ph: 274-1604

1

Please accept these comments on the Housing Element Rezone Implementation Program Draft Environmental Impact Report, (DEIR) REZONE (Z12-002), GENERAL PLAN MAP AMENDMENT (GP12-002), and CERTIFICATION of the EIR (EIR12-002).

I. Regarding 6.0 Alternatives, Alterntive2: East Bennett Road Sites
The alternative proposal is to substitute approximately half of the units to properties off of East Bennett Road to disperse the additional demand on existing traffic facilities, sewer, and water facilities.

18-A 1) This DEIR is missing information that would be necessary to assess the viability of listing the East Bennett Road sites as an alternative.
- There is no analysis of the impacts on traffic for this proposal. What are the traffic impacts?
- There is no analysis of availability or impacts of sewer for this proposal. What are the sewer impacts?
- There is no analysis of the availability or impacts on water service for this proposal. What are the water impacts?

18-B 2) On pg 6-16, Land Use and Planning. This DEIR is missing information that would be necessary to assess the viability of listing the East Bennett Road sites as an alternative. The 30 acres of land are described as currently zoned Business Park, but no discussion therein that the Grass Valley General Plan has listed the property as UMD. Since the property has a near term annexation status, the discussion about loss of business park property for the City is misleading. The discussion needs to consider impacts to medium density housing. What is the availability of UMD land currently? Is there adequate UMD land available for development within the City?

18-C 3) On pg 6-16, Aesthetics. This DEIR is missing information that would be necessary to assess the viability of listing the East Bennett Road sites as an alternative. The DEIR does not actually provide any analysis of the aesthetic elements of the Bennett Road property. Thus, it is a presumption to conclude that the impacts would be slightly less compared to the Brunswick Road corridor. The property directly across Bennett Road is Empire Mine State Park. While this property is not yet zoned to reflect this, it is in fact an open space wildlife zone and an important aesthetic part of the state park. The impact of increased housing density on the aesthetics of the park should be considered.

18-D 4) On pg 6-17, Biological Resources. This DEIR is missing information that would be necessary to assess the viability of listing the East Bennett Road sites as an alternative. The DEIR makes the claim that the Bennett Road alternative would not effect biological resources "...any more or less then development under the proposed project." Yet there is no analysis of the resources on the Bennett Road property. There are strong indications that several endangered or species of concern are on the property including Pine Hill Flannel Bush. In addition, Biological Resources 4.4-22 indicates that "serpentinite or gabbro soil" does not occur on any of the sites, which seems in error regarding Bennett Rd. parcels.

18-E 5) Pg 6-18, Hydrology and Water Quality. This DEIR is missing information that would be necessary to assess the viability of listing the East Bennett Road sites as an alternative. The simplistic claim that the Bennett Rd. properties "would flow to the same Wolf Creek watershed" fails to recognize that the properties are in different watersheds and have different impacts. After all, we could claim that both properties are in the Bear River watershed as well. The DEIR should examine and compare the impacts on the individual riparian areas.

18-F 6) Pg 6-18, Population and Housing. This DEIR is missing information that would be necessary to assess the viability of listing the East Bennett Road sites as an alternative. The DEIR assumption that the Bennett Rd properties would provide roughly the same housing density fails

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18-F CONT'D

to adjust the realizable land use density due to obvious steep slope limitations, stream and wetland setbacks, protected species buffers, and cultural resource protection. The realizable density would undoubtedly be significantly lower than the Brunswick properties.

II. General comments.

18-G

We can do better. Before slapping on a high density residential designation to the three Bennett Road parcels in Alternative 2, I would strongly urge planners to conduct a thorough review of the properties and consider general plan revisions which would recognize and protect the important biological and intrinsic values of this area in a more comprehensive fashion as well as creating reasonable transitions between adjacent land uses. For example, this could include setting aside, as a wildlife buffer, the eastern-most parcel close to the meadow lands as well as portions of the middle parcel, while still allowing higher density housing to the western portions of these lands. This would put the high density housing closer to existing housing and could provide an excellent walkable community closer to city services.

Thank you,
Ralph Silberstein

Letter 18 – Ralph Silberstein

Response 18-A The County does not concur that the Draft EIR is missing information. This alternative was included as an alternative to address potential impacts associated with developing a large cluster of development within the Grass Valley SOI. The East Bennett Road Alternative was developed as an option to reduce the density within that area. The alternatives in the Draft EIR are included to provide a comparison to the proposed project to determine if potentially significant impacts would be less than significant. Consistent with CEQA Guidelines Section 15126.6(d), which states that, "if an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the proposed project." In the case of the East Bennett Road Alternative (Alternative 2), the Draft EIR notes that this alternative would result in traffic impacts that were similar to the proposed project and that the project would still result in significant and unavoidable traffic impacts. With regard to public services and utilities (including water and sewer), the DEIR notes that the East Bennett Road Alternative would result in similar level of impacts as the proposed project. So for comparison purposes, which is the intent of the Alternatives section, the Draft EIR shows that the East Bennett Road Alternative does not significantly reduce any significant impacts compared to the proposed project. Should the Board of Supervisors wish to pursue the East Bennett Road Alternative, additional environmental studies, such as traffic, biological resources, cultural resources would be required and the results of those studies incorporated into the EIR before the alternative could be approved and the EIR certified.

Response 18-B The County concurs that the Grass Valley General Plan shows the East Bennett Road sites as UMD – Urban Medium Density. However, those land use designations represent a future land designation should the City annex this property. The Draft EIR evaluates the changes based on the existing land use designations that are in places today.

The City of Grass Valley General Plan shows the properties within the East Bennett Road Alternative to be within Urban Medium Density (UMD) land use designation within the City's Sphere of Influence area. The UMD designation permits up to 12 dwelling units per acre. Additionally, the East Bennett Road sites are adjacent to properties to the east that have an Urban High Density (UHD) designation which allows up to 20 units per acre similar to what is proposed in Alternative 2. The proposed rezone on the East Bennett Road Sites would be a slightly higher density than what was planned for the sites under the Grass Valley General Plan, but consistent is planned for the adjacent properties to the east. Therefore, the proposed project would result in higher multifamily densities for the East Bennett Road properties but would be compatible with the overall multi-family designation and compatible with the proposed land uses on the adjacent properties.

Response 18-C The County does not concur that the Draft EIR is missing information. Compared to the proposed project, the East Bennett Road Alternative will have similar impacts on visual resources. It will have approximately the same visibility form the East Bennett Road as the proposed project. The proposed development is evaluated based on the existing zoning for the site. Should the Board of Supervisors wish to pursue the East Bennett Road Alternative, additional environmental studies, such as traffic, biological resources, cultural resources would be required and the results of those studies incorporated into the EIR before the alternative could be approved and the EIR certified.

Response 18-D The County does not concur with this comment. Please see Responses 8-C, 8-D, and 8-G. A review for sensitive soils would be completed during a biological resources field

survey for the project site, should the Board of Supervisors decide to pursue this alternative. Please see Response 18-A.

Response 18-E The County does not concur with this comment. Similar to the explanation in Response 18-A, the project alternative is provided to make a comparison with the proposed project. The Draft EIR concludes that moving some of the proposed sites to East Bennett Road would result not result in any reduction in water quality impacts and that development of the East Bennett Road would result in impacts to water quality similar to the proposed project. Any development of the East Bennett Road sites would require the same surface water quality measures as the proposed project.

Response 18-F The County does not concur with this comment. Please see Response 18-A. As with the proposed project, the Draft EIR analysis assumes the worst-case scenario which is the sites could be developed with the maximum density. Please see Master Response #8

Response 18-G Please see Response 18-A. Should the Board of Supervisors wish to pursue the East Bennett Road Alternative, additional environmental studies, such as traffic, biological resources, cultural resources would be required and the results of those studies incorporated into the EIR before the alternative could be approved and the EIR certified. This includes identifying any Environmentally Sensitive Areas, establishing building envelopes and minimum density requirements on the parcels similar to what was done for the proposed project. Should this alternative be selected it is anticipated that a similar aggregate density as described in Master Response #8 would be applied to account for Environmentally Sensitive Areas as well as other physical and regulatory constraints.

Letter 19

Tyler Barrington

From: Brian Foss
Sent: Wednesday, October 30, 2013 12:42 PM
To: Tyler Barrington
Subject: FW: Housing Element Update Constituent Mail

From: Barbara Price
Sent: Wednesday, October 30, 2013 11:36 AM
To: Brian Foss; Alison Barratt-Green
Subject: Housing Element Update Constituent Mail

For your information regarding Housing Element Update.

From: Gary Hammer [mailto:gchamm@sbcglobal.net]
Sent: Tuesday, October 29, 2013 8:39 PM
To: bdofsupervisors
Subject: Proposed Penn Valley zoning changes

Gentlemen:
I attended the Penn Valley meeting tonight. The high density housing proposals for Penn Valley are ill-advised. We live in a rural area by choice. The impact of these developments will seriously harm our quality of life. And we don't have the infrastructure to support and maintain such housing.
In my mind, you must push back on the state and not allow them to ruin our area. The BOS exists to support the health & welfare of the county. Please show me some backbone.

Regards,

Gary Hammer
Penn Valley

AREA PLANS

19-A

1. The Area Plans referred to in the August 1, 2013 power point presentation at the Nevada County ERC meeting refers to 4 area plans.
   http://www.mynevadacounty.com/nc/cda/planning/Pages/Nevada-County-Area-Plans.aspx
   "Area plans are informational policy documents that are used to address specific issues within a community to provide long-term guidance and stability in implementing identified County and community goals."
   In addition to the PENN VALLEY AREA PLAN posted on the mynevadacounty.com website there is a PENN VALLEY VILLAGE FOCUSED ECONOMIC DEVELOPMENT STUDY that was approved by the Nevada County Board of Supervisors on September 26th 2000, Resolution No. 00-468.

RHNA Plan Objectives (as outlined in the May 14, 2013, Board of Supervisors Summary Minutes)

19-B

1. The RHNA Plan is required to be consistent with the following four objectives:

   a. "Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low and very low-income households."
   The proposed rezone plan does not reflect an equitable distribution throughout the County of sites designated for rezone to accommodate the development of low income units.

19-C

   b. Promoting infill development and **socioeconomic equity**, the protection of environmental an agricultural resources and the encouragement of efficient development patterns.

   "A socio-economic impact assessment examines how a proposed development will change the lives of current and future residents of a community. The indicators used to measure the potential socio-economic impacts of a development include the following:

   - **Changes in community demographics;**
   - **Results of retail/service and housing market analyses;**
   - **Demand for public services;**
   - **Changes in employment and income levels; and**
   - **Changes in the aesthetic quality of the community.**

   Quantitative measurement of such factors is an important component of the socio-economic impact assessment. At the same time, the perception of community members about how a proposed development will affect their

Page | 1

19-C CONT'D

lives is a critical part of the assessment and should contribute to any decision to move ahead with a project. In fact, gaining an understanding of community values and concerns is an important first step in conducting a socio-economic impact assessment."

www.lic.wisc.edu/shapingdane/facilitation/all.../analysis_socio.htm

19-D

c. Promoting an improved intraregional relationship between jobs and housing.
Simply stated there are very few jobs in Penn Valley and not nearly enough to support the proposed number of units/increased population in the Penn Valley Village Center.

19-E

d. Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent decennial United States Census.
Using the criteria set forth in SB244, the County of Nevada elected to bifurcated the Penn Valley area into two communities; the Penn Valley Village Center (south/west) and the Lake Wildwood side of Penn Valley (north/east) of HWY 20. Using US Census data and SB244 criteria the Penn Valley Village Center has been designated a "disadvantaged unincorporated legacy community (DUC). The census data and the SSB244 designation verify that the Penn Valley Village Center already has a disproportionately high share of households in lower income categories. Thus adding to this population is not consistent with this RHNA Plan objective.

General Plan Objectives

19-F

1. There are four Central themes (elective elements) of the Nevada County General Plan – Economic Development, Education, Aesthetics and Eastern Nevada County. The land use Element is the most visible and often-used element in the local General Plan. It is instrumental in facilitating the planning principles of four central themes that are reflected in the goals, objectives and policies in the Nevada County General Plan to attain the vision of a "balanced, self-sustaining community"...District 4 Supervisor Hank Weston.

The proposed zoning changes in Penn Valley are not consistent with the central themes articulated in the General Plan. Changing commercial zoning to R3 Zoning constitutes a down-zone and inhibits the Village Center's ability to develop, attract and grow commerce.

It is important that the commercial zoning in the Penn Valley Village Center be preserved. As the local economy continues to recover from the recession and an improved sewer system is able to accommodate growth, subdivisions will be developed. With new subdivisions comes increased demand for commercial enterprise. It makes sense that the community takes the initiative to have commercial properties available as the demand grows.

Page | 2

19-G

2. Based upon the central themes, all land areas of the County are divided into "Community Regions" and "Rural Regions". In Community Regions balanced growth and development are encouraged.
   The Penn Valley Village Center is a designated Community Region. The proposed rezone is not consistent with the goal of encouraging balanced growth and development in Penn Valley Community Region. Instead the proposed rezone will promote the saturation of high density housing in the community, without corresponding employment opportunity.

19-H

3. **Businesses look at the local income levels as part of their analysis when determining where to locate. A surplus of low-income units in Penn Valley will reduce income level data, thereby inhibiting the area's ability to attract viable commerce.**

19-I

4. "The actual growth in the decade from 2000 to 2010 for County population was around seven percent, drastically less than anticipated. Without the substantial population growth that was anticipated, the Land Use Goals, Objectives and Policies remain pertinent in 2013."...District 4 Supervisor Hank Weston, comments relative to "refreshing" the General Plan.

SB244

19-J

1. There is a state-mandated deadline to incorporate SB 244 "Planning for Disadvantaged Unincorporated Communities" by June of 2014. The County has devised a work plan and included as one of the objectives in Phase I: "Conduct consistency analysis to identify and supporting land use policy documents that will be affected.
   The Penn Valley Village Focused Economic Development Study and the2000-2010 General Plan are land use policy documents that contain generally appropriate land use patterns and a framework for encouraging business growth and job development in the Penn Valley Village Center. Absent the proposed rezone of the designated parcels in Penn Valley, a General Plan change would not be required.
   Penn Valley has waited decades and through a recession to have the sewer capacity to grow commercially and create a diverse and balanced mix of businesses that increase the economic self-sufficiency of the community. Furthermore, as existing business centers in Nevada County are annexed to Grass Valley, business development in Penn Valley and other unincorporated areas of the County will become a significant potential source of revenue for County Government.

Community Impact

19-K

1. **It has been suggested that a high density mixed-use project would address the issue of preserving commercial zoning of two designated parcels in Penn Valley. There is not one example in Nevada County or a neighboring County of a high-density mixed use project that can be cited as a successful project. The only somewhat similar concept is a few vintage apartments above commercial space located in Nevada County's historic cities and town.**

19-K CONT'D

Typically the higher density mixed use concept is only successful in major metropolitan areas, close to a broad range of retail, restaurants and a variety of public transportation options.

19-L

2. The proposed rezone would isolate a population that needs jobs without the expense of a long commute. There are very few jobs in Penn Valley.

19-M

3. The County will be challenged to accommodate the support services most often required by the low-income population if they are sequestered in a rural area of the County.

19-N

4. With an increase in high-density low-income units, more emergency, law enforcement, fire and other services will be required without a commensurate increase in the tax base. These services will either fall short of serving the community or will necessitate an increase in cost to the entire community in order to support the increased costs by a population that is unable to help offset the additional expense.

19-O

5. In areas comprised mostly of low-income housing - particularly those areas lacking jobs, and community services - crime can be higher. Local governments can help diminish the effect of such concentrations of low-income housing in any one place by encouraging the development of affordable apartments in scattered locations. Enclosed is a CFS Event List Report provided by the Nevada County Sheriff's Office. The report documents 214 calls from 10/01/2011 to 10/08/2013 to the Courtyard Apartments located on Broken Oak Court in the Penn Valley Village. The average number of calls per month to this 45 unit, Section 8 approved complex is 6. Under the current proposed zoning changes it will be possible to develop multiples of the 45 units within ¼ mile of each other. The potential increase of the number of Sheriff calls to the area as a result of clustering high density housing in the Village Center is disturbing. Will the County Sheriff's department be able to adequately service this area given the reduction in revenues over the last few years and the State's propensity for realigning services back to the Counties?

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Letter 19 – Gary Hammer

Response 19-A The County acknowledges that the statements regarding the Nevada County Area Plans. The County does not concur that the Penn Valley Village Focused Economic Development Study is an applicable land use document. Please see Master Response 9-B.

Response 19-B The County does not concur with this comment. Please see Master Response #1 and Response 10.V. The unincorporated area of Nevada County is generally rural. There are a limited number of locations where existing infrastructure exists that could support the addition of R-3 zoning. All of the sites are located in western Nevada County because that is where the largest population centers are located within the County. Additionally, sites were located away from the more rural regions that make up the majority of the County because those areas generally lack adequate infrastructure such as public water and wastewater system, roadways, and access to public transit and community services. As such, the proposed sites are limited to those community regions within the County where those services are available.

Response 19-C The County acknowledges the definition of socio-economic impacts from the Regional Housing Needs Assessment Plan. However, the comment is not at variance with the content of the EIR. Please see Master Response #5. No further response is required.

Response 19-D The County does not concur with this comment. Please see Master Response #2.

Response 19-E The County concurs that Penn Valley was designated a Legacy Community pursuant to SB 244. The County does not concur that the proposed project would contribute to a disproportionately high share of households in Penn Valley. As a Disadvantaged Unincorporated Community (DUC) it is likely there will be a need to provide a variety of housing types for all income segments of the population. This project would assist in provide higher density options that are limited not only in Penn Valley but throughout the unincorporated area. This new housing would likely serve an existing need in the community and accommodate future population growth. Please see Master Response #6.

Response 19-F The County does not concur that the proposed zoning changes are not consistent with the Land Use Element of the General Plan. Pursuant to the requirements state law, SB 244 (CA Government Code Section 65302.10 et sec.), the County of Nevada updated the Land Use Element of the General Plan in compliance with the state law. This action was approved by the County Board of Supervisors in January 2014. The Land Use update process considered the RH Combining District because pursuant to Government Code Section 65583.2, the 2009-2014 Housing Element was approved by the Board of Supervisors (May 2010) with policy language specifying the sites rezoned to accommodate unmet housing needs would allow for a minimum density of 16 units per acre (Housing Element Programs HD - 8.1.3 and HD-8.1.4). This exception to residential density emphasizes that this density exception is extremely limited but is required for internal consistency within the General Plan.

Response 19-G The County does not concur that that the proposed rezone is not consistent with the General Plan or that it would promote saturation of high density housing in the community. The existing General Plan land use designation on Sites 12 and 13, is Urban Medium Density (UMD) at 6-units per acre. Site 13 is designated PD "Planned Development" with UMD (26 ac.) and Open Space (8ac.) reflecting this designation applies to a larger set of properties, as Site 13 is approximately 20 acres. As such, these two sites are already slated for higher density residential than rural residential, although not as high of a density as the

R3 designation. Please see Master Response #2 regarding the project's relationship to jobs. Please see Master Response #3 regarding commercial development in Penn Valley.

Response 19-H The County does not concur with this comment. The commenter does not provide any evidence that the proposed project would inhibit the area's ability to attract viable commerce. To be designated as a Legacy Community, means that the median household income in Penn Valley is 80% or less than statewide median household income. As such, this project would assist in providing a variety of housing types for all income segments of the population and by density alone would be inherently more affordable to existing and future residents of the County. Please see Master Response #6.

Response 19-I The County acknowledges and appreciates this comment. However the comment is not at variance with the content of the EIR and therefore, no further comment is required.

Response 19-J The County does not concur with this comment. Please see Response 9-B regarding the Penn Valley Village Focused Economic Development Study. The project proposes a General Plan Map Amendment which is required for all sites included in the project and not just the two sites in Penn Valley with a commercial designation. Please see Master Response #4 regarding the developers' responsibilities regarding providing sewer and water infrastructure. Please see Master Response 3# regarding the commercial zoning in Penn Valley.

Response 19-K The County does not concur with this comment. Please see Master Response #3. The purpose of the RH Combining District is to allow for continued commercial development on the site. Two County projects have been approved utilizing horizontal mixing, including the Penn Valley Oaks project, located on Sites 10 and 11 of the proposed project. The Penn Valley Oaks project proposes 12,100 sq. ft. of commercial in three buildings, 19-single-family residential units. The other project is the Bear River Plaza project consisting of 40,000 square feet of general office/specialty retail use in four buildings (three general office buildings and one specialty retail building) and twenty-eight single ownership residential units in four two-story multi-family buildings totally approximately 35,000 square feet). Neither project has been built due to the fiscal recession, but both are still active and could develop if and when market conditions improve.

Response 19-L The County does not concur with the this comment. The comment does not provide any evidence that the project would isolate the Penn Valley population. Please see Master Response #2.

Response 19-M The County does not concur with this comment. The comment does not provide any evidence as to how the County would be challenged to provide support services. Please see Master Response #1 regarding how the County selected the proposed sites.

Response 19-N The County concurs that additional fire and sheriff services may be needed. Please see Response 10-NN.

Response 19-O The County does not concur with this comment. Please see Responses 19-B and 10-NN.

Letter 20

Tyler Barrington

From:	shipping@pvponyexpress.com
Sent:	Tuesday, November 12, 2013 4:12 PM
To:	Tyler Barrington
Cc:	info@pennvalleycoc.org
Subject:	Comments on Draft EIR Housing Element Rezone Program Implementation
Attachments:	Penn Valley Area Sites EIR Comments.docx

Hi Tyler,

I have attached a marked up copy of the Draft EIR with my comments.

The following are talking points that the Penn Valley Chamber of commerce has brought to my attention:

20-A -The project sites proposed for rezoning to R-3 (16 units per acre) in Penn Valley are in conflict with what was proposed in the Penn Valley Focused Economic Development Study adopted by the County Board of Supervisors in 2000.
-This Plan (termed the Village Plan) called for commercial, business, retail and industrial uses in the Penn Valley Village. The Board of Supervisors adopted this plan in order to provide guidance for future development of the Penn Valley Area.
-The EIR completely ignored the Village Plan which results in a Significant Unavoidable Impact With No Effort to Mitigate. The result is a legally flawed EIR.

20-B - Penn Valley needs more jobs. The proposed rezoning eliminates the opportunities to increase employment and bring in good paying jobs to the community.

20-C -Developing low cost housing at 16 units per acre will further stress public services such as schools, sheriff, fire and other critical services which were negatively affected during the past few years of the Great Recession.

20-D -The proposal for dense housing does not belong in a rural and pastoral area such as Penn Valley.
-The proposed sites are not close to public services and other amenities required for this type of housing. Further, these sites do not minimize the need to commute. This is a serious environmental impact.

20-E -The Board of Supervisors' site selection criteria was also flawed, which resulted in 42% of the County's State mandated housing being located in Penn Valley.
- The proposal does not foster economic growth as recommended in the EIR.

20-F -The Penn Valley area should be allowed to develop as recommended by the Village Plan, which states that "opportunities exist for business park, light manufacturing for firms providing components for high tech manufacturing, as well as office based businesses in software development and internet applications".

20-G Recommendations
1. Return the EIR to staff and consultants for revision to correct the major legal and policy flaws contained in the document.
2. Extend the pubic comment period (which ends November 12) for one month to fully allow for more public input

I would like to have been able to spend more time on my review. Please consider extending the public comment period as the chamber has ask.

I own 2 residential properties and a business within the Penn Valley community.

Thanks, Bob Olsen

1

Penn Valley Area Sites

4.15 TRANSPORTATION AND TRAFFIC

Sites 10, 11, 13

Sites 10, 11 and 13 form a contiguous parcel located in the residential area of the Penn Valley Community on the north side of Penn Valley Drive approximately ¼ mile east of the intersection of Penn Valley Drive and Spenceville Road. The sites are currently vacant; however, there is an existing access road at the Penn Valley Drive street frontage of Site 11. Regional access to Sites 10, 11, and 13 is provided by SR 20 from the east and west.

Site 12

Site 12 is located in the Penn Valley Community south of Penn Valley Drive on Broken Oak Court. Site 12 is located to the south of Sites 10, 11, and 13, approximately ¼ mile from the intersection of Broken Oak Court and Penn Valley Drive. Site 12 is a vacant parcel located within an existing residential neighborhood. Broken Oak Court fronts the entire east side of the site and includes a cul-de-sac at the northeast and southeast corners. The following Penn Valley area roadways were examined in the EIR:

SR 20

SR 20 is a west-east highway that runs from the Yuba County line in the west through the cities of Grass Valley and Nevada City and terminates at Interstate 80 in the east. The posted speed limit on SR 20 is 55 miles per hour east of Penn Valley Drive and 65 miles per hour on the four-lane portion west of Penn Valley.

20-H THIS IS INCORRECT
SR20 Posted speed limit is 65 MPH East of Penn Valley. It has portions that are 4 lanes, 3 lanes, and 2 lanes between Grass Valley and Penn Valley Drive. It is a 2 lane highway posted at 55MPH West bound between Penn Valley Drive and Marysville city limits.

Penn Valley Drive

Penn Valley Drive is the primary two-lane major collector through the Penn Valley Community and provides access to SR 20 to the east and west. Penn Valley Drive travels in an east-west direction parallel to SR 20 from the south leg of SR 20 and Rough and Ready Highway, through the Penn Valley Community, to Pleasant Valley Road and Chances Rural Road in the east. Sites 10, 11, 12 and 13 are all accessible via access roads onto Penn Valley Drive. The Penn Valley Pathway (Class I facility) runs parallel to Penn Valley Drive between Horton Street and Spenceville Road. The posted speed limit on Penn Valley Drive is 35 miles per hour.

4.15.2 STUDY LOCATIONS

Penn Valley Bicycle and Pedestrian Facilities

Bicycle and Pedestrian facilities in the Penn Valley area include the Penn Valley Pathway. The Penn Valley Pathway is a 1-mile long Class I shared path that runs parallel to Penn Valley Drive Road between Horton Street and Spenceville Road. From Spenceville Road West to SR20

4.15.4 EXISTING TRAFFIC OPERATIONS AND LEVELS OF SERVICES

PROJECT SITE SCENARIO	LAND USE SIZE	PEAK HOUR IN / OUT	CODE PROJECT	LAND USE SIZE	PEAK HOUR IN / OUT
Penn Valley Area Sites					
Site 10 Current GP SFD 210	23 Units	23 14 / 9	Housing Rezone Program MFD 230	95 Units	49 33 / 16
Net New Trips (Project Trips) 26 19 / 7					
Site 11 Current GP SFD 210	12 Units	12 8 / 4	Housing Rezone Program MFD 230	50 Units	25 17 / 8
Net New Trips (Project Trips) 13 9 / 4					
Site 12 Current GP SFD 210	26Units	26 16 / 10	Housing Rezone Program MFD 230	36 Units	36 24 / 12
Net New Trips (Project Trips) 10 8 / 2					
Site 13 Current GP SFD 210	1 Unit	1 1 / 0	Housing Rezone Program MFD 230	322 Units	167 112 / 55
Net New Trips (Project Trips) 166 111 / 55					
Penn Valley Net New Trips Subtotal 216 147 / 68					

20-I *This data indicates 1 trip per unit at current density and 1 trip per every 2 units at proposed density. Logic says that there will be more trips per unit at the proposed zoning. From 2 to 4 trips per unit is more realistic. This is due to a majority of current residents being retired, working in the Penn Valley area, and not having children at home. The proposed zoning increased density residents will be more likely to have children, and be commuting to either the business and commercial areas in Nevada County or Yuba County.*

4.15.5 REGULATORY SETTING

PENN VALLEY AREA SITES

Sites 10, 11, 13

Sites 10, 11 and 13 form a contiguous parcel located in a residential area of the Penn Valley Community. Shared access to Sites 10, 11, and 13 will be provided at the location of the existing access road on the Penn Valley street frontage of Site 11. Internal circulation roads will be constructed connecting the sites, including a bridge / culvert structure over the creek at the northern portion corner of Site 12 providing a link to Site 13. A landscaped berm will be constructed at the northern boundary of Site 13 along SR 20 to provide noise screening and prohibit access to SR 20. Sight distance in and out of the site access road on Penn Valley Road is currently restricted due to the location of multiple large trees along the Penn Valley Road frontage. Removal of selected trees may be required to allow for adequate site distance at this location. These trees are Heritage Oaks and mitigation may be required to remove them

20-J

Site 12

Site 12 is located in the Penn Valley Community south of Penn Valley Drive on Broken Oak Court. Site access to Penn Valley Drive will be provided at the east side of the site via a driveway to Broken Oak Court.

Impact Analysis

The level of service for the following intersections would remain at an acceptable level of service in accordance with City of Grass Valley (LOS D or better) and Nevada County (LOS D or better in Community Regions, LOS C or better in Rural Regions) significance thresholds and Caltrans (LOS C or better) standards as shown in Table 4.15-9 and 4.15-10.

11. Pleasant Valley Road/ SR 20
12. Cattle Drive / SR 20
13. Penn Valley Drive/ SR 20
14. Spenceville Road / Penn Valley Drive This needs to be re-evaluated as proposed trips are not realistic
23. Penn Valley Driveway / Site 10,11, 13 Access Road This needs to be re-evaluated as proposed trips are not realistic
24. Penn Valley Drive / Broken Oak Court (Site 12 Access Road) This needs to be re-evaluated as proposed trips are not realistic

20-K

As the proposed project would not degrade the level of service below LOS D for these intersections, the proposed project would have a less than significant impact at these intersections or LOS C for Caltrans intersections.
The potential at build out is 500 units with 2000 residents, probably at least 1 plus per unit commuting via Penn Valley Drive to SR20 since there is minimal employment opportunity in the Penn Valley area

Mitigation Measures: No mitigation required. Really

Level of Significance After Mitigation: Not applicable. *I do not agree*

4.2.1 ENVIRONMENTAL SETTING
SITE CHARACTERISTICS AND SURROUNDING LAND USES

Sites 10 through 13 (Penn Valley Area)

Sites 10 through 13

These four sites are being evaluated together because the sites are contiguous or very close together. Because of their proximity, the sites have very similar characteristics and have the potential to be developed as one site. Sites 10 and 11 are under the same ownership, while Site 13 is under a separate ownership. These sites are located in the community of Penn Valley in the unincorporated area of Nevada County and not within a Sphere of Influence of another jurisdiction. These sites are currently undeveloped and relatively flat with little to no slope. Sites 10 and 13 have a portion of Squirrel Creek that runs across a portion of the properties with associated wetlands traversing the northern portion of Site 10 (covering approximately half of the site) and southeastern portion of Site 13. These are also in a Federal designated flood plain.

20-L

Although no drainages are present on Sites 11 and 12, both sites have small wet areas. Site 13 is the only site of this group with an oak woodland. Sites 11, 12, and 13 have scattered Landmark Oaks onsite. The sites are located adjacent to an existing mobile home park, post office, and self-storage business. Other uses in the area include a mix of single family residential, civic, commercial and light industrial businesses. These sites have nearby access to SR-20 located just north of the properties. A separated pedestrian and bicycle path runs on the northern side of Penn Valley Drive from SR20

20-M ~~Western Gateway Park~~ east to just east of Pheasant Lane where it crosses to the south side of Penn Valley Drive and continues on to Spenceville Road. Collectively these sites compromise approximately 33.52 acres of developable land.

4.2.2 REGULATORY SETTING
LOCAL FRAMEWORK
Land Use Element

Sites 10 through 13

- Sites 10 and 11 are designated as Community Commercial (CC) on the County's General Plan Land Use Map and zoned Community Commercial - Site Performance Combining District (C2-SP). The CC designation is intended to provide a wide variety of commercial uses, and limited mixed use employment opportunities, to serve large geographic areas with a wider range of goods and services than are available in Neighborhood Commercial areas. The C2 District is intended to provide a wide range of retail and service uses that serve the varied needs of large geographic areas. The purpose of the SP District designation is to provide for refinements in the site development standards and/or the permitted uses in the base zone district with which the SP District regulations are combined. This current zoning was approved as proposed in a Penn Valley regional study adopted by the Nevada County Board of Supervisors in 2000.

20-N

- Site 12 is designated as Urban Medium Density Residential (UMD) on the County's General Plan Land Use Map and zoned Medium Density - Site Performance Combining District (R2-SP). The UMD designation is intended to provide for residential uses, including affordable single-family dwellings on smaller lots, and multi-family housing types at moderate densities, of up to six dwelling units per acre, in locations with convenient access to transportation facilities (including arterial and major collector roads and public transit), shopping and services, employment, recreation and other public facilities. Areas of Urban Medium Density Residential use may provide locations appropriate for the development of affordable housing through clustering of single-family residences or other design techniques. The purpose of the SP zoning designation is to provide for refinements in the site development standards and/or the permitted uses in the base zone district with which the SP District regulations are combined.
- Site 13 is designated as Planned Development (PD) and zoned Interim Development Reserve - Site Performance Combining District (IDR-SP). The PD designation is intended to designate planned developments in locations where a mix of uses is desirable. The PD designation may allow a variety of land uses, including single-family and multi-family, residential, commercial, industrial, open space, and/or other land uses consistent with the capability and constraints of the land. Primary emphasis for development should be placed on clustering intensive land uses to minimize impact on various natural and man-made resources, minimize public health concerns, and minimize aesthetic concerns. The IDR is a special purpose district zone. The IDR District is intended to be used as an interim zoning district to reflect and reserve the development potential of property designated as Planned Development and Special Development Area in the General Plan. The purpose of the SP District designation is to provide for refinements in the site development standards and/or the permitted uses in the base zone district with which the SP District regulations are combined.

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PLAN, POLICY, AND REGULATION CONSISTENCY
4.2-1 THE PROPOSED PROJECT COULD CONFLICT WITH AN APPLICABLE LAND USE PLAN, POLICY, OR REGULATION OF AN AGENCY WITH JURISDICTION OVER THE PROJECT SITE.
Level of Significance Before Mitigation: Potentially Significant Impact.
Impact Analysis
Nevada County General Plan and Land Use Development Code (Zoning Ordinance)
Consistency of the proposed project with the applicable goals, objectives, and policies of the Nevada County General Plan is presented below in Table 4.2-1, *Nevada County General Plan Consistency Analysis*. It should be noted that a policy conflict would not in and of itself be considered a significant environmental impact under CEQA.
The proposed project would require Sites 1 through 9 to annex into the City of Grass Valley. After that occurs, the Nevada County General Plan and Zoning Ordinance would no longer govern the sites, as they would then be governed by the Grass Valley 2020 General Plan and Development Code. It should be noted that both the Nevada County General Plan and the Grass Valley 2020 General Plan identify the project areas for development. The remaining sites, Sites 10 through 18, are within Nevada County and are governed by the Nevada County General Plan and Zoning Ordinance.
As previously noted current designations include Office Professional (OP), Business Park (BP), Community Commercial (CC), Urban Medium Density Residential (UMD), Planned Development (PD), and Urban Single-Family Residential (USF), while current zoning designations include Office Professional (OP), Business Park (BP), Medium Density (R2), Residential Agriculture (RA), Community Commercial (C2), Interim Development Reserve (IDR), and Single-Family

(R1), and three different combining districts including Planned Development (PD), Scenic Corridor Combining District (SC), and Site Performance Combining District (SP); refer to Section 4.2.2 (Regulatory Framework) for permitted uses under the existing General Plan and zoning land use designation for each site. As the proposed project proposes densities of 16 or 20 units per acre, the proposed project is inconsistent with current General Plan and Zoning designations for the proposed project sites. As such, the proposed project would require General Plan and Zoning amendments to ensure consistency with the proposed general plan and zoning designations of the sites; High Density (R3) District and Regional Housing Need (RH) Combining District. Amending the General Plan to Urban High Density Residential and rezoning the sites to R3 would permitdensities of up to 20 dwelling units per acre within the Grass Valley SOI and 16 units per acre within the unincorporated County, while the RH Combining District would allow densities ranging from 16 to 20 units per acre. Therefore, with implementation with the proposed General Plan and Zoning Amendments, the proposed densities would not conflict with a Nevada County applicable land use plan, policy, or regulation of an agency and there would be no impact in this regard. This is not true. It conflicts with the plan adopted by the board of supervisors in 2000 that designated sites 10, 11, 12, and 13 to be within the Penn Valley downtown planned development zone and established the current zoning for those sites.

20-O

Furthermore, given the mix of existing developments in the surrounding areas, including industrial, office, commercial, recreational, single-family residential, and medium density residential, development of higher density affordable housing would be compatible with the surrounding land uses. This is not true for sites 10, 11 and 13because the existing development would not support infrastructure and employment to support high density housing on these sites.

20-P

Table 4.2-1 Nevada County General Plan Consistency Analysis

Goals, Objectives, and Policies Nevada County Land Use Element	Consistency of Proposed Project Analysis
Goal 1.1: Promote and encourage growth in *Community Regions* while limiting growth in *Rural Regions*	**Consistent**. All the proposed project sites are located within *Community Regions*. Incorporating high-density multi-family residential uses adjacent to a mix of uses such as residential, commercial, industrial, and open space/recreation would promote the continued growth centered in the *Community Regions*. Not consistent with the Penn Valley regional plan. Penn Valley is a small community center in a rural area that does have the infrastructure to support high density housing of this magnitude.
Objective 1.1: Define and maintain a distinct boundary between *Rural* and *Community Regions*.	**Consistent**. All the proposed project sites are located within *Community Regions*. Incorporating high-density multi-family residential uses adjacent to a mix of uses such as residential, commercial, industrial, and open space/recreation would promote the continued growth centered in the *Community Regions*. Not Consistent for the same reasons as listed in Goal 1.1
Policy 1.2: Within Nevada County, the *Community Regions* are established as the areas of the County within which growth should be directed to provide compact, areas of development where such development can be served most efficiently and effectively with necessary urban services and facilities	**Consistent**. The proposed project sites were selected due to their location adjacent to a variety of existing land uses including, residential, commercial, retail, office, public, industrial, open space/recreation/park, and existing infrastructure, including roadways and water and sewer lines. Not Consistent. Penn Valley is a small community center in a rural area that does not have the infrastructure to serve high density housing of this magnitude.
Goal 1.2: Recognize and allow for a range of land uses that preserve the qualities of each *Rural* and *Community Region* and *Rural Place*.	**Consistent**. The proposed project would allow for the development of high-density multi-family residential uses adjacent to a mix of uses such as residential, commercial, industrial, and open space/recreation which is consistent with the existing qualities of the surrounding *Community Regions*. Not Consistent. This Zoning is not consistent with the existing adjacent mix of uses in the Penn Valley area.
Objective 1.2: Provide an appropriate range of land use designations to serve the needs of the residents of the County and with an adequate amount of land in	**Consistent**. The proposed project includes the development of up to approximately 2,675 new high-density multi-family low to very-low income housing units. This would allow for the

20-Q

20-R

20-S

20-T

	each designation to provide a balanced pattern of development.	development of the current 1,270 low and very-low income unmet housing needs the County identified in the 2009-2014 Nevada County General Housing Element. Not Consistent. Nevada County is a rural county that does not have the infrastructure to support this type of zoning to provide a balance pattern of development. There is neither employment opportunities or public services to support high density housing as it is being required by the State of California
20-U		
	Policy 1.3: To provide for an appropriate range of land use types and densities within the County, the following General Plan land use designations are established: a. Urban High Density Residential (20 dwelling units per acre maximum within incorporated area's spheres of influence; 15 units per acre elsewhere)	**Inconsistent.** Sites 10 through 18 will develop a minimum of 16 units per acre within the unincorporated County and outside the Grass Valley Sphere of Influence, which is not consistent with this policy of the General Plan since these sites are not located within the Grass Valley Sphere of Influence, which allows up to 20 units per acre. However, it should be noted that, the proposed project would allow for the development of. high-density multi-family residential uses pursuant to the Housing Element of General Plan which requires the County to provide a balance of range of housing opportunities. In weighing the planning and environmental considerations of each site, the County determined that these sites provided the County with best opportunity to meet the Project Objectives included in Section 3.0. This determination was made without consulting the residences and businesses adjacent to sites 10, 11, 12, and 13.
20-V		
	Policy 1.4: The General Plan is intended to provide for the development of Nevada County as a balanced community with adequate amounts of land designated in each land use category to achieve a balance among housing, employment, retail and commercial services, recreation, and public facilities. Multiple Family Residential (Urban High Density and Urban Medium Density) - up to 30 percent of total dwelling units	*Consistent. The proposed project would allow for the development of high-density multi-family residential uses adjacent to a mix of uses such as residential, commercial, industrial, and open space/recreation resulting in a range of land use types and densities in the project areas.* *Inconsistent. The proposed project defeats the current balanced plan for the Penn Valley community that is currently in effect. The area in the vicinity of the proposed high density housing would become approximately 80 percent or more high density of total dwelling units.*
20-W		
	Policy 1.5: The General Plan provides for future development in accordance with the following criteria for the various land use designations: a. Urban High Density Residential (UHD) is intended to provide for residential uses, including single- and multi-family housing types at higher densities, of up to 20 dwelling units per acre within incorporated area's spheres of influence and 15 units per acre elsewhere, in locations with a high degree of access to transportation facilities (including arterial and major collector roads and public transit), shopping and services, employment, recreation and other public facilities. Areas of Urban High Density Residential use are intended to provide locations appropriate for the development of affordable housing due to the higher density allowed and resulting cost efficiency in costs of land development and provision of services. Locations which are adjacent to or in close proximity to Community Commercial, Business Park or Industrial areas are considered appropriate for this designation.	***Inconsistent.** Sites 10 through 18 will develop a minimum of 16 units per acre within the unincorporated County and outside the Grass Valley Sphere of Influence, which is not consistent with this policy of the General Plan since these sites are not located within the Grass Valley Sphere of Influence, which allows up to 20 units per acre. However, it should be noted that, the proposed project would allow for the development of high-density multi-family residential uses pursuant to the Housing Element of General Plan which requires the County to provide a balance of range of housing opportunities. In weighing the planning and environmental considerations of each site, the County determined that these sites provided the County with best opportunity to meet the Project Objectives included in Section 3.0. This is not true since the county only considered properties the owners were willing to have rezoned for this project as mentioned elsewhere in this EIR.*
20-X		

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20-Y	**Policy 1.36:** The County recognizes that amending the Plan through individual General Plan amendments for specific site changes may not be compatible with a comprehensive and internally consistent plan. Where General Plan amendments are considered on an individual basis, the following shall apply: The proposed amendment must be found to be: a. in the public interest; and b. consistent with the General Plan's central themes, goals, objectives, and policies.	**Consistent**. The proposed project includes the development of up to approximately 2,675 new high-density multi-family low to very-low income housing units. This would allow for the development of the current 1,270 low and very-low income unmet housing needs of the county identified in the 2009-2014 Nevada County General Housing Element. Inconsistent. This project rezones a low density population area with limited infrastructure into a area where 500 high density housing will overwhelm the current population and infrastructure.
20-Z	**Circulation Element** Adverse physical changes to the environment related to project conflicts with Circulation Element goals, objectives and policies are discussed in Section 4.15 (Transportation/Traffic). I have made comments related to the Penn Valley area in Section 4.15 **Conservation/Open Space Element** Adverse physical changes to the environment related to project conflicts with Conservation Element goals, objectives and policies are discussed in Sections 4.3 (Aesthetics), 4.5 (Air Quality), 4.6 (Biological Resources), and 4.10 (Hydrology and Water Quality), as appropriate. **Noise Element** Adverse physical changes to the environment related to project conflicts with Noise Element goals, objectives and policies are discussed in Section 4.11 (Noise). **Safety Element**	
20-AA	Adverse physical changes to the environment related to project conflicts with Safety Element goals, objectives and policies are discussed in Sections 4.8 (Geology and Soils), 4.9 (Hazards and Hazardous Materials), 4.10 (Hydrology and Water Quality), and 4.15 (Transportation/Traffic). Public safety is not addressed – law enforcement and fire support in the Penn Valley community. **Recreation Element** Adverse physical changes to the environment related to project conflicts with Recreation Element goals, objectives and policies are discussed in Section 4.14 (Recreation **Historical Element** Adverse physical changes to the environment related to project conflicts with Historical Element goals, objectives and policies are discussed in Section 4.3 (Aesthetics). **Community Design Element** Adverse physical changes to the environment related to project conflicts with Community Design Element goals, objectives and policies are discussed in Section 4.3 (Aesthetics).	

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4.13 PUBLIC SERVICES AND UTILITIES

4.13.1 ENVIRONMENTAL SETTING

NEVADA COUNTY

Fire Protection and Emergency Services

Penn Valley Fire Protection District

Penn Valley Fire Protection District (PVFPD) has three fire stations, two of which are staffed. The closest to these projects is located at 10513 Spenceville Road, near the intersection of Penn Valley Drive and Spenceville Road. The closest station has a fire engine, water tender and a medic unit and is staffed with a minimum of two qualified personnel. The next closest station is located at Pleasant Valley Road and Lake Wildwood Drive and has a fire engine and a medic unit (along with a reserve engine) and is also staffed with a minimum of two personnel. PVFPD, in addition to the normal fire suppression services, provides advanced life support (paramedics) and transport units. Average travel time to the project sites would be one to four minutes and an additional two to three minutes for dispatch reaction time. This does not take into account response times if units are already on a call. High density housing significantly increases the frequency of calls

20-BB

Sheriff's Protection

The Nevada County Sheriff's Department provides law enforcement to all the unincorporated areas of Nevada County. Sheriff's services include patrol, dispatch, investigations, search and rescue, boat patrol, correctional facilities, and coroner and court security services. The department's main office is located at 950 Maidu Avenue (Eric Rood Administration Center) in Nevada City. A substation is located in the Town of Truckee, which contains a small jail facility. The Sheriff's Department also has a satellite jail located on the campus of the main governmental/administrative complex along with a satellite court holding facility in downtown Nevada City. Sheriff's deputies are dispatched and patrols initiated from these locations.

Sheriff's Department facilities also include two satellite volunteer service centers: one in the business center across from the main gate to Lake Wildwood and the other in a business complex near Lake of the Pines in the southern part of Nevada County. Both centers are staffed on certain days and hours by citizen volunteers and are utilized by patrol staff to meet with citizens and to complete their law enforcement reports. The department does not currently have any set standards as to the number of officers per 1,000 population. Response times in the vicinity of the proposed project area are estimated to be approximately 20 to 25 minutes as the main station, located in Nevada City, is approximately 20 miles north of the sites in both Penn Valley and Lake of the Pines. Average response times to individual address/areas within the County are separately tracked. Response times are tracked by the incident. The Nevada County Sheriff's Department records a "Response Times by Priority" report. "Priority 1" calls are those in-progress felonies, misdemeanors including death. "Priority 2" calls are those felonies and misdemeanors that are not in-progress. "Priority 3" calls are all others not falling into the prior two categories. On a three-year average, the response times are as follows: creation of call to dispatching resources is 12 minutes nine seconds, dispatch to on scene is 12 minutes nine seconds, and on scene to clear is thirty-two minutes fifty-two seconds.[4]

The Sheriff's Department has mutual aid assistance agreements with the California Highway Patrol (CHP), which provides police protection on all state and county roadways within Nevada County. CHP also provides backup protection to the Sheriff's Department as needed, and the Sheriff's Department provides backup protection to the CHP. This also does not take into account response times if units are already on a call. High density housing significantly increases the frequency of calls. This can be supported by the increase in calls since the high density housing was constructed on Broken Oak Court.

20-CC

Schools

Nevada County has nine elementary/middle school districts feeding into the high schools, which provide secondary education to over 4,000 students with a variety of schools and programs.

Penn Valley

The proposed project Sites 10 through 13 within the Penn Valley Area would be served by Williams Ranch School K-3, Pleasant Valley School 4-8, Ready Springs School, and Vantage Point Charter School K-12. Ready Springs School will serve project areas 10-13. They are already are using portable buildings. Williams Ranch and Pleasant Valley schools would require bussing students from the project areas.

20-DD

Wastewater

The County does not comprehensively provide wastewater collection and treatment to all areas of the County. Primarily

there are eight Community Regions, two Rural Regions, one Rural Area and two districts in Eastern Nevada County, that have access to public sewage disposal. Much of Nevada County is served by on-site sewage disposal/septic systems. Lack of extensive public sewage disposal can be viewed as the primary limiting factor to the development of affordable housing in Nevada County. All other services are viewed to be adequate to accommodate planned higher density multi-family housing. The distances from centralized services such as police support, employment, and shopping facilities are not conducive to high density housing in project areas 10 through 13.

20-EE

The County of Nevada's Wastewater Division of the Public Works Department administers and maintains sewage collection systems and treatment facilities for Nevada County Sanitation District No. 1. The Sanitation District provides sewer service to 5,230 accounts in western Nevada County with a population of 14,000 persons. Currently, there are ten zones within the Sanitation District with facilities that collect and treat 1,245,000 gallons of wastewater each day. Three of these zones would be affected by the proposed project: Lake of the Pines, Penn Valley, and Lake Wildwood Zones. None of the sites are currently served by sewer but are near existing sewer lines or can be reached through the extension of existing sewer lines.

Penn Valley Wastewater Treatment Plant

The Penn Valley Wastewater Treatment Plant (PV-WWTP) is located south of the community of Penn Valley. The Penn Valley collections system conveys septic tank effluent from individual septic tanks through a network of force mains to the PV-WWTP. The PVWWTF serves 347 active connections and was historically permitted monthly average dry weather flow limit of 89,700 gallons per day. The treatment facility consists of aerated lagoons, a storage reservoir, and 33 acres of pasture land for spray irrigation. Due to deficiencies with the current PV-WWTP, including inadequate pond size and surface discharge area and discharge violations, the PV-WWTP is currently operating under a cease and desist order (CDO) issued by the Central Valley Regional Water Quality Control Board (CVRWQCB). The CDO limits monthly average dry weather inflow to 60,000 gallons per day until facility improvements are made or another means of sewer treatment is developed. Upon the completion of a Facilities Improvement Design Report (FIDR) in December 2011, the construction of a pipeline from Penn Valley to the Lake Wildwood WWTP was determined to be the most cost-effective way to address the CDO. In April 2012, the Nevada County Sanitation District Board of Directors approved Resolution No. SD12-06 approving pursuit of a State Revolving Fund loan to construct a pipeline from Penn Valley to the Lake Wildwood WWTP. However, as of the preparation of this EIR, the pipeline has not been constructed and there is not sufficient capacity at the Penn Valley Wastewater Treatment Plant to serve those project sites (Sites 10-13) within the Penn Valley Wastewater Treatment Plant service area. A pipeline will not resolve the issues even if built. There is no capacity in the existing WWTPs, and it is not environmentally practical to expand the existing WWTPs. New sites need to be identified in the EIR.

20-FF

Water

Water is supplied to the both the County and City by the NID, an independent California special district that supplies irrigation, municipal, domestic and industrial water. NID was organized in 1921 under the California Irrigation District Act of 1897 as a nonprofit water agency, and operates under Division 11 of the State Water Code. Located on the western slope of the Sierra Nevada Mountain Range, NID encompasses 287,000 acres, mainly in Nevada and Placer Counties. NID's mountain watersheds cover 70,000 acres and include the upper portions of the Middle Yuba River above Milton Diversion, Canyon Creek above Bowman Reservoir, and Deer Creek. NID stores water in ten reservoirs that have a storage capacity of approximately 280,380 acre-feet and operates seven water treatment plants (WTPs) that supply approximately three billion gallons, or approximately 9,000 acre-feet, of treated drinking water per year. The proposed project areas are located within NID's service area.

NID has water rights to the majority of its water supply. Approximately three percent of NID's water supply is from outside sources. These include water contract purchases from Pacific Gas and Electric (PG&E) and recycled water obtained from four municipal wastewater treatment plants: Grass Valley, Nevada City, Auburn, and Placer County at Joeger Road. Each of the sites would be treated by one of four existing water treatment plants:

- Lake Wildwood: Site 10-13

The existing potable water infrastructure available to each of the sites varies by site. All sites have access to existing potable water systems, but some sites have more improvements that are required to get potable water to the site.

- Sites 10-13: Improvements to the Lake Wildwood Treatment Plant are required as the existing facility is at 85% capacity. The feasibility and available water resources need to be addressed for the expansion of the Lake Wildwood Treatment Plant.

20-GG

POTENTIAL IMPACTS AND MITIGATION MEASURES

Public Services

4.13-1 THE PUBLIC SERVICE NEEDS OF THE PROPOSED PROJECT COULD RESULT IN SUBSTANTIAL

ADVERSE IMPACTS.
Level of Significance Before Mitigation: Potentially Significant Impact
Impact Analysis
Fire Protection and Emergency Services
The Nevada County Consolidated Fire Department, Nevada County Fire Marshal Office, and the City of Grass Valley Fire Department have standards for residential and commercial development within their respective jurisdictions, and the proposed project would be required to comply with these standards prior to issuance of building permits. The fire departments or fire marshal office would be involved in the review of project plans and the project developer would be required to incorporate the Fire Department's requirements into the final project design as conditions of approval. The proposed project would result in an increase in population of approximately 2,960 residents in Grass Valley and 2,438 residents in the County (refer to Section 4.12 [Population and Housing], for additional information on population). The introduction of residential development in the project vicinity would intensify density and uses in the area. This could result in an increase in demand for services and subsequently an increase in response times and reduced level of service. Therefore, the proposed project could result in potentially significant impacts to fire protection services requiring mitigation. Sites 10 through 13, located within the jurisdiction of the Penn Valley Fire Protection District, will be required to pay - one-time – into the new development fire impact fee program. In addition to the property taxes, the Penn Valley Fire Department District also imposes a Special Fire Suppression Benefit Assessment District and a SpecialTax – Rescue. Although new developments increase the demand on existing fire and emergency services, as a result of the taxes paid by developers, each new development bridges the fire districts closer to additional fire stations, apparatus and equipment. The required fees are intended to cover the fees of that equipment. As such, the required development fees, property tax, Special Assessment Fee and the Special Tax are intended to provide the means which allow the District to maintain the current level of service. In addition, as noted in Mitigation Measure 4.13-1a, future developments on all sites will be required to provide documentation ensuring adequate fire service response times. As such, payment into the required tax programs would reduce potential impacts related to adequate services times to less than significant. As noted in Mitigation Measure 4.13-1a, Current taxes are to maintain adequate service. The new service required by high density housing will require significant initial investments to increase facilities and equipment. This needs to be addressed in the EIR

20-HH

future developments on all sites will be required to provide documentation ensuring adequate fire service response times. All project sites would include a defensible space of 100 feet around the residential structures, as required by law, and would be required to implement Mitigation Measure 4.13- 1b. As part of required vegetation management plans included in Mitigation Measure 4.13-1b, it is recommended that an area of 30 feet immediately surrounding the structures be maintained to reduce or eliminate ignition hazards presented by vegetation. Vegetation management for the remaining 70 feet (or to property line) will depend on the steepness of the final site designs and will also be included in the vegetation management plan. In summary, the proposed project would result in an increase in property taxes and sales taxes that would generally offset the increase in the cost of fire and emergency services required by the project. In addition, the project would be required to pay development impact fees tocover the incremental costs of the additional manpower, new equipment and infrastructure required for the proposed project. How will these fees be determined?

20-II

Implementation of Mitigation Measures 4.13-1a and 4.13-1b, which would require measures to provide adequate response times and vegetation fuel management, would reduce impacts to a less than significant level. The Mitigation measures do not adequately define how they would mitigate the impacts

20-JJ

Emergency Water Supply System
As noted in Chapter XVI of the County of Nevada Land Use Development Code, all future multi-family developments on any of the project sites would be required to install a water supply system, as required in Section 10.301(c) of 1988 Uniform Fire Code. All emergency water to meet fire flow requirements is in addition to the domestic water source. Since the adoption of the Land Use Development Code, the State of California has adopted the 2010 California Fire Code, which is based on the 2009 International Fire Code (IFC). The IFC is a model code that regulates minimum fire safety requirements for new and existing buildings, facilities, storage and processes. The IFC is a designdocument and provides development guidelines including requiring that before one constructs a building, the site must be provided with an adequate water supply for firefighting operations. Section 501.3 *Construction Documents*, requires that construction documents for proposed fire apparatus access, location of fire lanes, security gates across fire apparatus access and construction documents and hydraulic calculations for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction. Fire flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method or Appendix B of the 2010 California Fire Code, Table B105.1 which establishes fire flow requirements depending on building square footage. Coordination with the local water agency will be required to ensure the demand of such flows can be served by existing water supplies. As such, coordination with the local water agency, through adherence to the 2010 California Fire Code, will ensure impacts will be less significant in this regard. The EIR needs to determine if the flows can be served by the existing water supplies to mitigate the impact.

20-KK

Police Protection/Sheriff Service
As previously mentioned, the proposed project would result in an increase in population of approximately 2,960 residents in Grass Valley and 2,438 residents in the County. The number of traffic accidents, auto thefts, burglaries, police reports, and similar incidents increases when new development occurs, resulting in greater demands on police protection and

other services. As such, the proposed project could generate the need for additional police officers, dispatchers or new facilities. Similar to fire protection services, and for all of the project sites, future developments would bring additional annual revenue in the form of increased local property taxes and sales taxes that would help offset the increased demand for police services by funding increases in police personnel, training and equipment. Furthermore, the project developer would be required to pay development impact fees which are intended to provide the means which allow the local police and sheriff to maintain the current level of service. As such, impacts are considered to be less than significant. Implementation of Mitigation Measure 4.13-1c, which would require the project to provide documentation noting adequate response times, would reduce impacts to less than significant. Mitigation Measure 4.13-1C is very general and does not explain how it reduce impacts to less than significant.

20-LL

Schools

The increase in multi-family residential uses on the proposed project sites would generate new students and subsequently an increase in demand on existing school facilities. Development within the proposed project areas would be subject to school impact fees in accordance with the provisions of SB 50. The mitigation fee set by the Grass Valley School District and Nevada Joint Union High School District is $2.97 per square foot of living space for residential uses. Pursuant to Section 65995(3)(h) of the California Government Code (SB50), "the payment of statutory fees is deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use or development of real property . . . ." Therefore, with payment of statutory fees, school impacts would be considered less than significant. School impact fees were determined for the county low density population which has a lower number of students per unit that would be typical of the project type of residence. Impact fees will need to be increased for high density housing. This needs to be addressed in the EIR.

20-MM

Other Services and Facilities

The population increase from the proposed project would increase the demand for other services or facilities, such as public libraries, hospitals, or civic uses. The proposed project would increase the resident population of approximately 2,960 residents in Grass Valley and 2,438 residents in the County, which in turn would increase the demand for library services. The space standard for libraries in California is 0.5 square feet per capita.

Nevada County

As previously noted there are six public libraries throughout the County. However, based on the distance from the proposed project sites it is anticipated that only the Penn Valley Station and the Bear River Station would be utilized by the new residential units within Penn Valley and Lake of the Pines; respectively. The proposed project would result in 1,090 new residents within Penn Valley Area and 1,348 new residents within the Lake of the Pines Area. The County requires a level of service standard of 300 feet of library space for each increase of 1,000 persons in county-wide population. Future development associated with the proposed project would be required to ensure the level of service standards for libraries is not exceeded. As such, the proposed project would result in less than significant impacts. The increase in residents may increase the number of hospital visitors. The Sierra Nevada Memorial Hospital is a regional hospital serving approximately 78,518 people in western Nevada County. The incremental increase of 5,398 residents (i.e., approximately 6.9 percent) over a 10- to 20-year buildout would not result in a substantial increase in the use of hospital services. Additionally, the Sierra Nevada Memorial Hospital recently underwent renovations to provide expanded services, including a 15 million dollar diagnostic imaging and women's center (opened in the fall of 2006). Therefore, no new physical facilities associated with hospitals would be needed as a result of the proposed project, and no adverse physical impacts associated with the provision of new or altered hospital facilities would occur. Therefore, impacts related to health care facilities would be less than significant. The EIR indicates the 503 units proposed for Penn Valley would only add 1,090 new residents. This is assuming there would be nearly no children in the new units. This is not a realistic assumption.

20-NN

4.13-1c Prior to Building Permit issuance, the project developer shall provide written documentation from the Police or Sheriff services ensuring adequate police response times.

Level of Significance After Mitigation: Less Than Significant Impact. How is this enforced? And what are the consequences if the documentation is not obtained.

20-OO

Wastewater

4.13-2 THE PROPOSED PROJECT COULD RESULT IN A DETERMINATION BY THE WASTEWATER TREATMENT PROVIDER THAT IT HAS INADEQUATE CAPACITY TO PROVIDE FOR THE PROJECT'S PROJECTED DEMAND IN ADDITION TO THE PROVIDER'S EXISTING COMMITMENTS.

Level of Significance Before Mitigation: Potentially Significant Impact

Impact Analysis

Nevada County

The proposed project sites would be served by the Penn Valley WWTP (Sites 10 through 13), and Lake of the Pines WWTP (Sites 14 through 18) in the County. However, as previously noted the Penn Valley WWTP is currently operating under a Cease and Desist Order (CDO)from the CVRWQCB and pending State Revolving Fund loan to construct a pipeline from Penn Valley to the Lake Wildwood WWTP. As such, there is currently not enough sewer capacity to serve all of the proposed project areas. Table 4.13-1, *Sewer Availability,* breaks out each of the three zones showing connected, standby and unallocated EDUs. As noted in Table 4.13-1, there are approximately 915 standby equivalent dwelling units

(EDUs) and 500 unallocated EDUs in those zones. It has been noted by the County that several projects are already approved or in the planning process in the Lake of the Pines area and will need the EDU allocation from Lake of the Pines in order for them to develop to their planned potential. County Sanitation staff estimate that the approved or planned projects will require approximately 500 to 604 EDUs to accommodate the build out of those projects. Therefore, the unallocated EDUs shown the Table 4.13-1 will likely be used for projects already approved. The County has established sewer capacity service requirements for development within their jurisdiction. Without proposed improvements to existing WWTPs there would not be sewer service available for the proposed project Sites 10 through 18 and the proposed project would result in potentially significant impact. However, with implementation of Mitigation Measure 4.13-2, impacts would be reduced to less than significant. – I disagree … It is environmentally unfeasible to expand either the Lake Wildwood or the Penn Valley sewer plants. There are no proposed improvements other than a pipline to tie Penn Valley to Lake Wildwood WWTP … This will not increase capacity.

20-PP

Table 4.13-1
Sewer Availability

Zone Connected	EDUs	Standby EDUs	Unallocated EDUs
Lake Wildwood	2,919	648	0
Penn Valley	347	111	0

Source: Department of Public Works, Sanitation Division, 2009. This data is over 4 years old. Standby EDUs is suspect.

20-QQ

Mitigation Measure:

This mitigation measure applies to all sites:

4.13-2 Prior to approval of a Site Plan, grading plan, or any permit authorizing construction (or as part of the annexation request for Sites 1-9) for a property within the RH Combining District, the project developer shall tothe satisfaction of the Director of the County Planning Department (or City of Grass Valley Planning Department for Sites 1-9):
Provide written documentation that adequate sewer capacity is available for the proposed development. The project developer may provide written documentation that the wastewater treatment plant has been upgraded to increase capacity or a report from a registered civil engineer demonstrating that adequate capacity is available. If adequate sewer capacity does not exist, the developer will pay for WWTP upgrades to account for the additional effluent. The developer may develop a reimbursement agreement, if needed, to recuperate fair-share costs associated with other proposed developments nearby.

Level of Significance After Mitigation: Significant and Unavoidable. This impact remains significant because it is unknown what the capacity of the wastewater treatment facilities would be at the time of project construction. It is also unknown if completion of the required wastewater facility improvements would be feasible for a single project developer. Furthermore, the County does not have jurisdiction over the timing of when wastewater improvements would occur within the City of Grass Valley.

Letter 20 – Bob Olsen

Response 20-A The County does not concur with this comment, please see Response 10-A.

Response 20-B The County does not concur with this comment. Please see Master Responses #2 and #3.

Response 20-C The County does not concur with this comment. Please see Response 10-NN.

Response 20-D The County does not concur with this comment. Please see Response 10-II.

Response 20-E The County does not concur with this comment. Please see Response 10-OO.

Response 20-F The County does not concur with this comment. Please see Response 9-B and Master Response #3.

Response 20-G The County does not concur with this comment. Please see Response 10-A. The County closed the public review period as planned on November 12, 2013 as planned. The County provided a 60-day public review period which was increased from the required 45-day review period.

Note: From this point forward much of the comments consist of text copied from the Draft EIR. The responses are related to the additional comments provided by the commenter in underlined text.

Response 20-H The County concurs that the description of SR 20 speed limits were transposed with regard to direction. The Final EIR has been revised to make this correction.

Response 20-I The County does not concur with this comment. The trip generation rates shown in Table 4.15-8 represent only the PM peak hour trips and not average daily total. The PM peak hour is defined by the highest hour for overall traffic volumes or the worst-case traffic conditions during the day. This is reflective of typical travel patterns throughout Nevada County and due to the low number of retail-related trips that take place during the AM peak hour. In addition, the project trip generation rate is highest during the PM peak hour. The traffic trips are based upon rates published in the Institute of Transportation Engineers (ITE) Trip Generation, 9th Edition, 2012.

Response 20-J The County concurs that mitigation may be required for impacts on Landmark Oaks. As such, avoidance of oak trees and oak woodland is the required mitigation through the establishment of Environmentally Sensitive Areas (ESAs). The ESAs require avoidance unless avoidance is infeasible. If avoiding oak trees or oak woodlands is not feasible then a management plan is required. Mitigation Measure 4.4-5 in Section 4.4 of the Draft EIR requires a management plan to be prepared if oak woodlands are impacted as a result of the proposed development. The Management Plan provides different options for oak woodland mitigation that range from onsite preservation (avoidance), enhancement of degraded oak woodlands, or paying in lieu fees into a County approved fund used to purchase and preserve comparable oak woodland communities in the region.

Response 20-K The County does not concur with this comment. Please see Response 20-I. Table 4.15-8 shows that the project would generate 216 trips during the PM peak hour in Penn Valley. Figure 4.15-5b shows how those trips would be distributed within Penn Valley.

Response 20-L The County concurs that a flood plain exists on portions of Sites 10 and 13. Mitigation Measure 4.10-1a requires that Environmentally Sensitive Areas (ESAs) be established over

the floodplains on Sites 10 and 13. If access to Site 13 is requires building a bridge(s) or bridges within the floodplain to cross Squirrel Creek to access the property then a management plan to address impacts to the ESAs and separate conditional use permit would be required and would be considered a discretionary action. If the developer is able to demonstrate that building the access to the site would not disturb the floodplain then a management plan would be required. A management plan is considered a ministerial permit when associated with a building permit.

Response 20-M The County concurs the pedestrian and bike path continues on to Spenceville Road.

Response 20-N The County does not concur with this comment. The current zoning is determined by the County Zoning Maps. The Penn Valley Village Economic Development Study is not a binding land use document. Please see Response 9-B.

Response 20-O The County does not concur with this comment. Please see Response 20-N.

Response 20-P The County does not concur with this comment. Please see Master Responses #2, #3, and #4.

Response 20-Q The County does not concur with this comment. The project is consistent with the goals and policies of the Land Use Element. The proposed Penn Valley sites are close to the Penn Valley Village Center, are compatible with the existing surrounding land uses, and have direct access to existing infrastructure and public transportation. Please see Master Response #4 regarding developer responsibilities to provide water and sewer infrastructure.

Response 20-R The County does not concur with this comment. Please see Response 20-Q.

Response 20-S The County does not concur with this comment. Please see Response 20-Q.

Response 20-T The County does not concur with this comment. The project is consistent with the goals and policies of the Land Use Element. The proposed Penn Valley sites are close to the Penn Valley Village Center and are compatible with the existing surrounding land uses. Please see Master Response #3 with regards to retaining the commercial uses on Sites 10 and 11. The comment does not provide any examples of where the project is inconsistent.

Response 20-U The County does not concur with this comment. Please see Response 20-Q and Master Response #2.

Response 20-W The County does not concur that the Penn Valley Area "would become approximately 80 percent or more high density of total dwelling units." Please see Master Response #3 regarding the development of sites with commercial, Industrial, Office Professional, or Business Park base zones to be developed with a use consistent with the base zone. With regard to Penn Valley this would allow Sites 10 and 11 to retain some commercial uses onsite.

Response 20-X The County does not concur with this comment. Please see Master Response #1 regarding the site selection process for the project.

Response 20-Y The County does not concur with this comment. The Draft EIR evaluated the potential impacts associated with public services and utilities (Section 4.13), traffic (Section 4.15) and population and housing (Section 5.1.2). No impacts were identified to traffic in the Penn Valley area and no impacts were identified for the impacts from increases in

population and housing. Mitigation measures are proposed to reduce potentially significant impacts to water and sewer facilities. Please see Master Response #3.

Response 20-Z Please see Responses 20-H and 20-I.

Response 20-AA The County does not concur with this comment. Fire Protection and Sheriff service are discussed in Section 4.13 of the EIR.

Response 20-BB The County does not concur with this comment. This information was provided by Penn Valley Fire District. Please see Appendix K of the Draft EIR.

Response 20-CC The County does not concur with this comment. Please see Appendix K of the Draft EIR.

Response 20-DD Please see response 10-MM**.**

Response 20-EE The County does not concur with this comment. Sites 10-13 are in an area that is already served by the fire district and sheriff's department. The proposed project does not extend these services any farther than their existing service areas. Please see Master Response #2 regarding employment opportunities.

Response 20-FF The County does not concur with this comment. Please see Master Response #3 regarding the developers responsibilities for ensuring adequate capacity is not available. The proposed sites meet the criteria for the project objectives. No new or additional sites are requires or being considered.

Response 20-GG Because it is unknown when the development will occur, the capacity of the wastewater treatment facilities at the time of construction is also unknown. Because of the unknown timing of the development, capacity that is available today may not be available in the future; the impact was identified as significant and unavoidable. The EIR does require mitigation (Mitigation Measure 4.13.2) which requires the developer to demonstrate that adequate facilities (including capacity) exist prior to construction.

Response 20-HH The Draft EIR address future impacts on fire and sheriff services. Please see Response 10-NN.

Response 20-II Fees are determined prior to the issuance of a building permit, based on an established fee schedule determined by the fire district.

Response 20-JJ The County does not concur with this comment. Please see Response 10-NN.

Response 20-KK The County does not concur with this comment. As noted in Mitigation Measure 4.13-1(c), the developer is required to demonstrate the County that adequate response times (including fire flows) can be provided to the project. The developer will be responsible for meeting the requirements of the fire district and the water district.

Response 20-LL The County does not concur with this comment. Please see Response 10-NN.

Response 20-MM The County does not concur with this comment. Please see Response 10-MM. The payment of school fees are based on per square foot basis of residential development.

Response 20-NN The population estimates are based on population estimates from the General Plan. The population estimates take into an account of the average number of people per households as some households will have less than 2 people some will have more.

Response 20-OO Mitigation Measure is enforced by County staff. The developer must provide written documentation from the Sheriff's Department that the department can meet the required response times with the development. The consequences of not being able to provide the documentation are not being allowed to proceed with the development. Furthermore, the RH Combining District has a requirement to create a "Regional Housing Need Implementation Plan" per the County's Land Use and Development Code (LUDC) Sec. L-II 2.7.11.C.3. The Regional Housing Need Implementation Plan will include the site specific development standards and CEQA mitigation measures for all development of multi-family housing on a Regional Housing Need (RH) site. The purpose of the Implementation Plan is to ensure that all future development within the RH Combining District is constructed in compliance with the specific development standards and mitigation measures approved for the RH Combining District and that the conditions of approval and mitigation measures for each site are easily identifiable at the time when construction is proposed.

Response 20-PP The County does not concur with this comment. Extending the waste water pipeline from the Penn Valley Area to the Lake Wildwood Waste Water Treatment Plant (WWTP) will not expand the capacity of the plant, but will expand the number of homes in the Penn Valley Area that could connect to public sewer. The comment does not provide any evidence that extending the pipeline is environmentally infeasible. The extension of the pipeline is not part of the proposed project and would be required to comply with the California Environmental Quality Act separately if the project is initiated. Please see Master Response #3 regarding the developers responsibilities for ensuring adequate facilities exist.

Response 20-QQ The County has revised the Final EIR to include the information provided below. Also Table 4.13-1 has been updated with current information. Note that the Penn Valley zone did not change but that the Connected and Standby EDUs for Lake Wildwood varied by 3 EDUs. The number of Unallocated EDUs (those EDUs that have not been assigned to a specific zone) increased from 0 to 732.

> The proposed project sites would be served by the Penn Valley WWTP (Sites 10 through 13), and Lake of the Pines WWTP (Sites 14 through 18) in the County. However, as previously noted the Penn Valley WWTP is currently operating under a Cease and Desist Order (CDO) from the CVRWQCB. ~~and pending~~ The County has received an approximately $5 M State Revolving Fund loan and an approximately $1.3M Community Development Block Grant (CDBG) to construct a pipeline from Penn Valley to the Lake Wildwood WWTP. The County Department of Public Works has identified proposed upgrades to the Penn Valley and Lake Wildwood treatment zones to resolve the lack of storage and irrigation capacity that led the state to issue the CDO. The project would include the decommissioning of the Penn Valley treatment facility and the installation of a pipeline and lift station(s) that would transfer wastewater from the Penn Valley zone to the Lake Wildwood treatment facility. The pipeline from Penn Valley to Lake Wildwood would free up EDU's in Penn Valley by eliminating the capacity issues at the current Penn Valley facility and would also provide for future growth in the Penn Valley area. The pipeline improvements are currently in the conceptual design phase with construction expected to begin in the first quarter of 2016 and be completed in the fourth quarter of 2016.

Table 4.13-1
Sewer Availability

Zone	Connected EDUs	Standby EDUs	Unallocated EDUs
Lake Wildwood	2,919 2,916	648 652	0 732
Lake of the Pines	2,0572,090	156 97	500 0
Penn Valley	347	111	0
TOTAL	**5,3235,353**	**915 860**	**500 732**

Source: Department of Public Works, Sanitation Division, ~~2009~~2014.

Letter 21

Frederick S. Morrill
23049 Rosewood Rd.
Auburn, CA 95602

Mr. Tyler Barrington
Principal Planner
950 Maidu Avenue, Suite 170
Nevada City, CA 95959-9617

October 04, 2013

NEVADA COUNTY
RECEIVED
OCT 07 2013
COMMUNITY DEVELOPMENT
AGENCY

Re: Site 17: 57-270-06
Housing Element Rezone Program

To Whom It May Concern:

My house (23049 Rosewood Rd. Auburn, CA 95602) is located immediately to the south border of the planned low income housing community – less than 100 feet.

21-A This area happens to be a very sensitive environmental area:
The land where the proposed housing is to be located has a creek that runs through it. It floods on an annual Basis – providing habitat for various forms of wild life.
Having lived immediately adjacent to the area, I have observed a variety of wildlife throughout the year.
Raptors who nest in the area and raise their off spring.
Owls who nest and raise their young in the fallen oak trees in the proposed area.
Deer
Wild Turkeys
Ducks
Geese
To Name A Few.
Additionally, the area houses numerous ancient Oak Trees and numerous plant forms.

21-B In addition to this proposed low income housing development, there is active construction immediately across Combie Road slightly to the east and north of this proposed development. The builder is in the process of building approximately 40 -50 densely situated housing units.

I believe that this proposed low income housing development in addition to the development in construction across the street just mentioned and the dense existing commercial establishments immediately across the proposed area will have a SIGNIFICANT NEGATIVE IMPACT ON THE WILDLIFE IN THE AREA.

21-C My house is located immediately to the South of this planned "low to very low income housing" development.
All the land in my immediate vicinity has been zoned for single housing units.
The development of this low income housing complex will place the Southern border of this large complex immediately within less than 100 feet of my bedroom window, living room windows, and porch (see attaché description and maps).

21-D This will significantly reduce the economic and intangible values of my hose and property.
When I purchased my house four years ago, I paid a market value that was based on zoning that provided the construction of single family homes, not that of a large complex containing "low to very low income" housing units (in your own words).

Sincerely

10-04-2013

Frederick S. Morrill

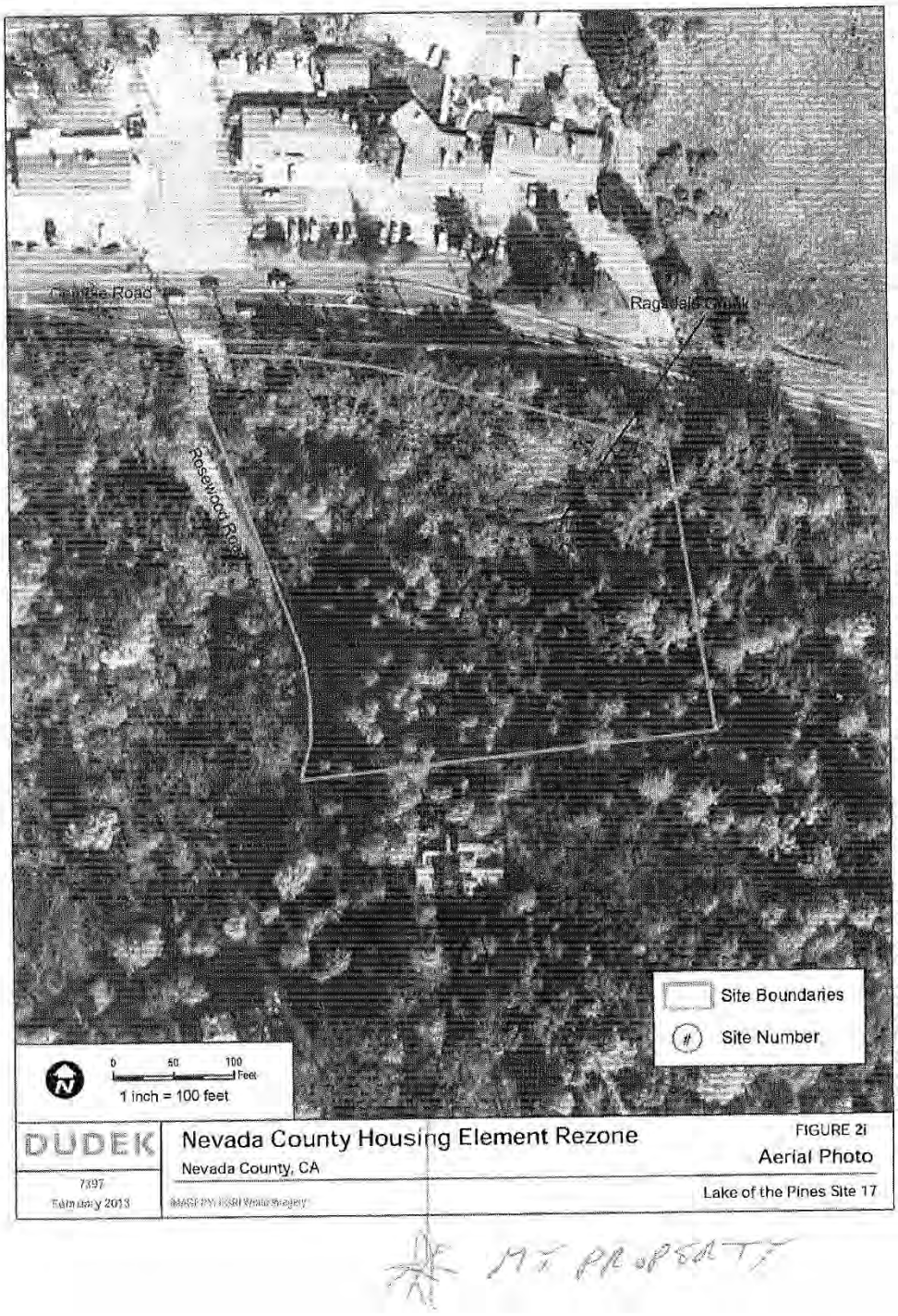
dominated by interior live oak with scattered California black oaks. A mixed chaparral community occurs in the central portion of the site, likely the result of defined past disturbances on this parcel. Dominant species observed in this small chaparral community include whiteleaf manzanita, buckbrush, yerba santa (*Eriodictyon californica*), coyote brush (*Baccharis pilularis ssp. consanguinea*), and coffeeberry. The remainder of the site supports a low density mixed blue-oak foothill pine community. On Site 16 this habitat is characterized by a low density mix of tree species interspersed with groups of shrubs and non-native annual grasslands. Representative tree species in this community include interior live oaks, foothill pine, and ponderosa pine. Representative shrubs include whiteleaf manzanita and poison oak. No defined hydrologic features were noted on Site 16.

Site 17

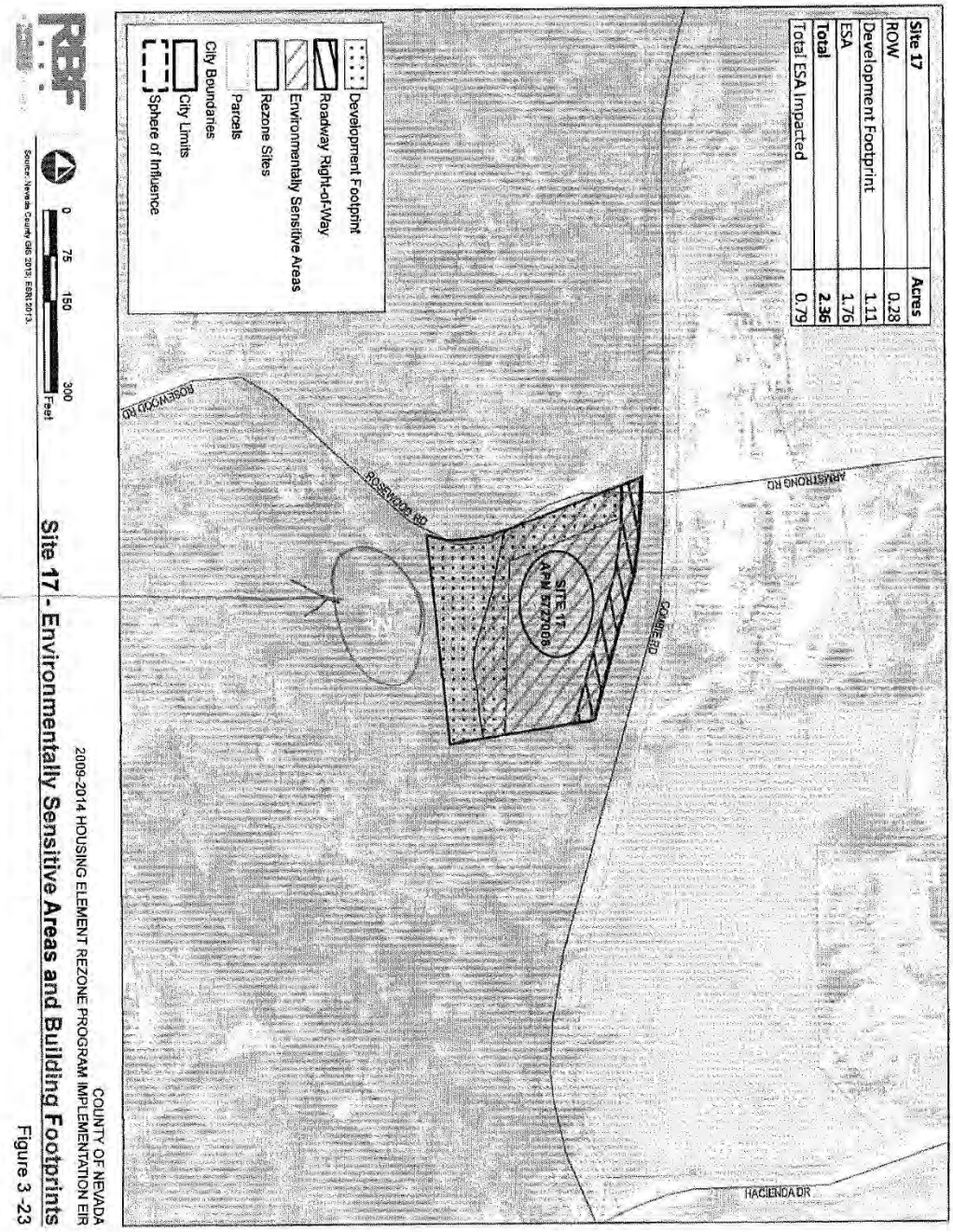
Site 17 is an undeveloped, densely vegetated parcel. The site slopes moderately to the north down to Ragsdale Creek, and bisects the site east-west along the site's northern boundary and supports a dense foothill riparian corridor. Ragsdale Creek is the only substantial hydrologic feature on the site. Himalayan blackberry, willows, and valley oak are dominant species in the riparian corridor on this site. The remainder of the site supports a densely wooded montane hardwood community of mostly smaller diameter trees. California black oak is the dominant species in this community, with interior live oak as a subdominant species and valley oak intergrading along the riparian corridor. Canopy cover of this woodland is 90 – 100 percent, qualifying the woodland onsite as a Landmark Grove. Scattered ponderosa pine and foothill pine also occur. Site 17 is bound by single family residential property on the south, Rosewood Road and undeveloped land to the east, undeveloped land to the west, and commercial development across Combie Road to the north.

Site 18

Site 18 is adjacent to the Hole 6 green of the adjacent Darkhorse Golf Course, which abuts the site on the north and east. Single family residential development and open space are east and south of the site. A small knoll occurs within the southern half of the site and the site slopes moderately away from this high point in all directions. A rock outcrop occurs at the high point of the site. Vegetation onsite is split between two plant communities. The southern half of the site supports a montane hardwood woodland community in which blue oak is the dominant species, and interior live oak and California black oak also occur. Trees on this site are generally of larger diameter and well-spaced. Some large diameter blue and black oak specimens grow on this property and likely meet County criteria for Landmark Oak status. The canopy cover in this oak woodland is 80 to 90 percent, which exceeds the County's criteria for a Landmark Grove. Understory throughout this site is primarily non-native grasses and forbs. Species recorded in the understory include gray ripgut brome, dogtail grass, blue wildrye (*Elymus glaucus*), mule ears (*Wyethia helenoides*), whiteleaf manzanita, arrowleaf balsamroot (*Balsamorhiza sagittata*), crimson clover (*Trifolium incarnatum*), and yellow star tulip (*Calochortus monophyllus*). The northern half of the site supports a Sierran mixed forest community and is dominated by well-spaced, mature ponderosa pines. No significant hydrologic features occur on this site, though a small ephemeral drainage occurs in the northwest portion of the property. Stormwater entering this drainage traverses through the site to the northeast.


Rosewood Road
Site Boundaries
Site Number
0 50 100 Feet
1 inch = 100 feet
DUDEK
Nevada County Housing Element Rezone
Nevada County, CA
FIGURE 2i
Aerial Photo
Lake of the Pines Site 17
7397
February 2013

MY PROPERTY


Site 17 | Acres
ROW | 0.28
Development Footprint | 1.11
ESA | 1.76
Total | 2.36
Total ESA Impacted | 0.79
Development Footprint
Roadway Right-of-Way
Environmentally Sensitive Areas
Rezone Sites
Parcels
City Boundaries
City Limits
Sphere of Influence
ROSEWOOD RD
ROSEWOOD RD
ARMSTRONG RD
COLFAX RD
HACIENDA DR
SITE 17
APN 57-270-08
0
75
150
300
Feet
Source: Nevada County GIS 2013; ESRI 2013.
Site 17 - Environmentally Sensitive Areas and Building Footprints
2009-2014 HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION EIR
COUNTY OF NEVADA
Figure 3 -23

Letter 21 – Frederick Morrill

Response 21-A The comment refers to Site 17 in the Lake of the Pines area. The County acknowledges that Ragsdale Creek traverses this site as having sensitive oak woodland habitats. Figure 3-23 of the Draft EIR shows that the majority of the site has been designated as an Environmentally Sensitive Area (ESA) due to the presence of the Ragsdale Creek and the adjacent riparian habitat. Mitigation Measure 4.4.3b requires the developer of Site 17 to prepare a formal wetland delineation to determine the extent of the wetland area. Mitigation Measures 4.4-2b and 4.4-2c require the developer to prepare preconstruction plant and animal surveys before final development plans are approved. Mitigation Measure 4.4-5 requires the developer of Site 17 to prepare an oak woodland management plan for the protection of sensitive oak woodlands onsite.

Response 21-B The County does not concur with this comment. The Draft EIR includes a cumulative analysis that evaluates the cumulative effect of the Higgins Market Place, Cascade Crossing (project referenced), and Rincon del Rio projects (See Table 5-1). A discussion of cumulative biological impacts is provided in Section 5.25 of the Draft EIR. Implementation of mitigation measures in Section 4.4 would ensure that impacts to sensitive and high value habitats, such as riparian zones and wetland, and to special status species of wildlife and plants would be less than significant.

Response 21-C The County concurs that the properties adjacent to Site 17 are zoned for single family residential development. However, there is an existing mix of development in the surrounding area. Across Combie Road is commercially zoned property, and to the west on Combie Road are parcels with residential zone with a Mobilehome Park Combining District, Office Professional, and more commercial development at the intersection of Combie Road and SR 49. With regards to development on the site, the Regional Housing Need (RH) Combining District requires the following: "Development proposes shall undergo a Design Review process and public hearing at the Planning Commission limited to design issues only. No discretionary permit is necessary for the density or use of the site." (LUDC Section L-II 2.7.11.C.5). This will ensure project design is consistent with surrounding area, western Nevada County Design Guidelines and the design criteria established by the Higgins Corner Area Plan. Furthermore, the existing zoning for Site 17 has Scenic Corridor (SC) and Site Performance (SP) Combining Districts which will remain. The SC combining district requires future development, "To protect and preserve the scenic resources of areas which are adjacent to highways and roads which have been identified as having high scenic quality and requiring protection for the benefit of residents and visitors."[15] This protection is implemented through the preparation of a Scenic Corridor Analysis that is prepared by the developed and reviewed and approved by County Staff. The SP combining district provides "for refinements in the site development standards and/or the permitted uses in the base zone district with which the SP District regulations are combined."[16] As such, site development standards for the site would be adjusted on the site to account for physical constraints such as Ragsdale Creek and sensitive habitats above and beyond the development restrictions created by the ESA designations.

Response 21-D Please see Master Responses #5 and #6.

[15] County of Nevada Land Use and Development Code, Section L-II 2.7.7
[16] County of Nevada Land Use and Development Code, Section L-II 2.7.8

Letter 22

Jory Beyer Stewart, AICP
Planning, Zoning, Environmental Review

RECEIVED
NOV 12 2013
Nevada County Community Development Agency

November 7, 2013

Mr. Tyler Barrington, Principal Planner
Nevada County Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

RE: Draft EIR Nevada County Housing Element Rezone Program Implementation

Dear Tyler;

Thank you for the opportunity to submit comments on the proposed Draft EIR for the Housing Element Rezoning Implementation. In addition to my personal interest in the rezoning, I have been asked by the Penn Valley Area Chamber of Commerce to review the EIR and discuss their concerns. There are several areas that we think the EIR could be improved to fully disclose potential adverse impacts to the small village of Penn Valley. Our comments are specific to the proposed rezoning of parcels numbered 10, 11, 12 and 13 in the current draft EIR.

22-A

Inconsistency with existing plans. We believe the most important issue for the EIR to address is the inconsistency of the proposed rezoning of parcels 10 and 11 from commercial and parcel 13 from IDR to residential high density with the Penn Valley Village Focused Economic Development Study. This study, adopted by the Board of Supervisors September of 2000, identifies parcels 10 and 11 as vacant and underutilized commercial and industrial parcels (Figure 4 of the study) that are important to the future creation of jobs and tax base for Penn Valley and Nevada County as a whole. The EIR discusses the potential loss of Business Park (a designation we know is abundant in Nevada County) as a reason to exclude the East Bennett option (see page 6-16 Draft EIR) yet the EIR does not address the loss of commercial opportunity in Penn Valley due to the proposed rezoning of parcels 10 and 11, nor does it discuss the loss of the IDR options for parcel 13. The EIR should identify the loss of economic opportunity and potential increased tax base from these three parcels as an issue and potentially include dropping them from consideration in the Alternatives section of the EIR. It cannot be emphasized enough how important retaining these parcels for future commercial opportunity is to the Chamber. The Chamber has identified a possible synergy between the three parcels that could allow for a larger planned development that could provide a number of goods and services, job growth, as well as a mix of housing as a component of the development. Parcel 13 becomes critical to this scenario because of the exposure, sans access, to Hwy 20. The exposure could allow traffic along Hwy 20 to see what goods and services are available in the village of Penn Valley. Please address this critical issue in the EIR so that it may be considered by the Planning Commission and Board of Supervisors before they make a decision on the rezoning of these parcels.

22-B

Infrastructure deficiencies. The second issue that we do not feel the EIR adequately addresses is the increase of affordable residential units in an isolated rural village, Penn Valley, that has been identified

22-B CONT'D by the Department of Water Resources as a "Disadvantaged Unincorporated Community" for purposes of SB 244 compliance. The EIR should address the inconsistency of adding additional residential units especially that of potentially low-income, to an area considered to lack access to certain basic infrastructure. Adding people instead of adding tax base only acts to worsen this condition by creating long-term inefficiencies in funding improvements that will serve the area as a whole. This is inconsistent with the policy objectives established by the State legislature in the enactment of SB 244 and this inconsistency should be addressed in the EIR.

22-C Related to the paragraph above is the issue of wastewater treatment and treatment capacity. The Penn Valley Wastewater Treatment Plant is discussed in the draft EIR on page 4.13-5. The EIR states that the current treatment plant is under a cease and desist order from the Central Valley Regional Water Quality Control Board due to a number of deficiencies. A proposed pipeline to connect this treatment plant with that of the Lake Wildwood plant is identified as the remedy yet there is no discussion of when this might occur, how the current waiting list for EDU's (Equivalent Dwelling Units) will be accommodated via this new connection, and if there will be capacity for the new units proposed along with existing approvals not yet built. Lastly, there is no discussion of whether or not this capacity can be discharged from the expanded Lake Wildwood plant without considerable upgrades and whether or not these upgrades are funded.

22-D I believe that HCD does not require that infrastructure be in place in order for a jurisdiction to designate a parcel high-density residential. However, the concern of the Chamber is that vacant parcels viable for commercial development will be held "hostage", so to speak, if they are down zoned to residential that may never be feasible due to limited wastewater treatment capacity. The potential loss of this economic opportunity to Penn Valley is not adequately addressed by the EIR. The EIR should disclose the issues of treatment capacity for Penn Valley so that if there is a capacity issue the decision makers can weigh what is better for Penn Valley in the long run; potential commercial development or parcels zoned for high-density residential that may never be built.

22-E Traffic Circulation. The third concern has to do with the access to parcel 13. The EIR assumes access to Hwy 20 across from Cattle Drive (page 3-61). Then on page 4.15-49, the EIR discusses a landscaped-berm for noise attenuation that would prohibit access to Hwy 20. The EIR needs to clarify this discrepancy and address any changes to circulation that may be a factor depending on what access is viable. If the Hwy 20 access across from Cattle is chosen, the EIR should address the likelihood that this could occur by getting preliminary comment from CalTRANS on whether or not this access is feasible. Feasibility of an intersection at Cattle is greatly reduced due to the proximity of the signalized intersection of Spenceville Drive and Hwy 20 less than a mile away.

22-F Willing participant. The fourth concern is that having to do with the policy decision of the Board to reject parcels if the property owner did not indicate a desire to participate. This policy summarily eliminates numerous opportunities that provide the most feasible solution to provide affordable housing in the context of existing services and job availability thus addressing the jobs/housing balance policies of the Housing Element itself. The concern has been stated to be simply that the Board does not wish to act on its "police power" due to the controversy that would ensue. The EIR, as a full disclosure document, should address the use of "police power" and eminent domain so that the Board clearly understands what its authority is and what, if any, consequences would occur if they were to act on a parcel with a non-willing property owner. The EIR should also address those sites summarily rejected to evaluate the feasibility of those sites as well as the likelihood that they are more consistent with existing policies of the General Plan and Housing Element.

22-G

Socioeconomic impacts. In closing, affordability of housing is not just the cost of the rental. In fact, the cost of the rental is only a small factor in affordability. Affordability comes from placing housing in the appropriate context. If the unit is close to public transit (that runs at a frequency that allows a person to use it for commuting to work) or better yet; allows the resident to walk to work, to the market, to school or the local park, it becomes far more affordable because a first or second vehicle does not have to be maintained by the household. By putting affordable units in a rural village context like Penn Valley where there are few opportunities for jobs, no local grocery, infrequent transit availability and limited access to social services and health care, we are isolating a population that has very little in the way of resources. These areas become susceptible to blight and a high volume of incident calls, as can be seen in the attached CFS Event Report from the Nevada County Sheriff's Office for the Broken Oak development in Penn Valley. The EIR really does not discuss these socioeconomic issues or the greater context of what is being attempted here, which is the provision of affordable housing opportunity and lifestyle...not just units. The EIR should discuss the potential opportunities gained by conducting a socioeconomic impact assessment of the project in order to determine the best fit for the location of affordable housing. After that is completed, I think we would have a much better idea of what parcels truly meet affordability objectives.

22-H

From me and the Penn Valley Area Chamber of Commerce thanks again, Tyler. Keep up the good work and we look forward to seeing you in future meetings.

Sincerely,

Jory Stewart
19948 Valley Vista Way
Penn Valley, CA 95946
530-432-9363
spotteddogfarm@att.net

Ed James
Penn Valley Area Chamber of Commerce
17422 Penn Valley Drive
Penn Valley, CA 95946
erjames@hughes.net

Letter 22 – Jory Stewart

Response 22-A The County does not concur with this comment. The Penn Valley Village Focused Economic Development Study is not a land use document with a substantive mandate for the County of Nevada. Please see Response 9-B. The County does not concur that the project would remove opportunities for commercial development in Penn Valley. Please see Master Response #3 regarding the retention of existing zoning in Penn Valley. Furthermore, the existing General Plan land use designation on Site 13, is Urban Medium Density (UMD) at 6-units per acre. Site 13 is designated PD "Planned Development" with UMD (26 ac.) and Open Space (8ac.) reflecting this designation applies to a larger set of properties, as Site 13 is approximately 20 acres. As such, this site is already slated for higher density residential than rural residential, although not as high of a density as the R3 designation. Site 13 is not designated for commercial or industrial use.

The EIR has been revised to eliminate the access from SR 20 to Site 13. Please see Response 2-B.

Response 22-B The County does not concur with this comment that Penn Valley lacks access to certain basic infrastructure. The Draft EIR evaluates the project's impact on existing infrastructure and public services in Section 4.13. The County applied for and is in the final approval stages of receiving a $1.3M CDBG Grant and a State Revolving Fund loan in the amount of $5.1M from the Regional Water Quality Control Board to complete extend the sewer main from Penn Valley to the Lake Wildwood treatment plant and complete associated upgrades to the plant. If funding is received, this project is expected to occur in the next 2 to 4 years. The anticipated expansions would allow for a greater range of areas where high density housing could be located and would assist the County in achieving its goals of providing a range of housing options.

As a Disadvantaged Unincorporated Community (DUC) it is likely there will be a need to provide a variety of housing types for all income segments of the population. This project would assist in provide higher density options that are limited not only in Penn Valley but throughout the unincorporated area. This new housing would likely serve an existing need in the community and accommodate future population growth.

Please see Master Response #4 regarding the developers' responsibility to provide the needed infrastructure. The County does not concur that the project is inconsistent with SB 244.

Pursuant to the requirements state law, SB 244 (CA Government Code Section 65302.10 et sec.), the County of Nevada updated the Land Use Element of the General Plan in compliance with the state law. This action was approved by the County Board of Supervisors in January 2014.

The implementation of Government Code Section 65302.10 played a major factor for the County in initiating the update process of the Land Use Element. Based on the parameters set forth in Government Code Section 65302.10, five Legacy Communities have been identified within Nevada County, including Penn Valley[17]. As required by state law, the

[17] Legacy Communities are defined as geographically isolated communities that have been in existence for over 50 years, and where the median household income is 80% or less than the statewide median household income. In accordance with state law, the County has identified the following communities as legacy disadvantaged unincorporated communities (Legacy Communities): North San Juan, Penn Valley, Rough and Ready, Soda Springs and Washington. (CA GC 65302.10(a)

new Land Use Element language includes an inventory of the service and infrastructure needs of the five identified Legacy Communities.

Additionally, the new Land Use Goal 1.9, Policies 1.9.1 and 1.9.2 and Program 1.9.1 include an analysis of service and infrastructure needs and potential funding sources available. While the new language identifies service and infrastructure needs in the Legacy Communities, it is strictly part of a policy document that does not alter the potential build out rate of those areas. The recognition of needs based on the Legacy Community analysis does not result in specific project implementation measure being undertaken. The establishment of policies for compliance with Government Code Section 65302.10 does not, in itself, create significant impacts on housing. As such the County found that a less than significant impact would result from the adoption of the Land Use Element update, and no mitigation is required.

The Land Use update process considered the RH combining District because pursuant to Government Code Section 65583.2, the 2009-2014 Housing Element was approved by the Board of Supervisors (May 2010) with policy language specifying the sites rezoned to accommodate unmet housing needs would allow for a minimum density of 16 units per acre (Housing Element Programs HD - 8.1.3 and HD-8.1.4). This exception to residential density emphasizes that this density exception is extremely limited but is required for internal consistency within the General Plan as well as the County Land Use and Development Code Section L-II 2.7.11: Regional Housing Need Combining District which was adopted in 2011 and allows for a minimum of 16-units per acre when necessary to accommodate an unmet Regional Housing Need Allocation.

For the reasons listed above, the County is consistent with the requirements of SB 244 and no conflicts have been identified and no further analysis is required.

Response 22-C The County concurs that Penn Valley wastewater treatment plant is under a cease and desist order and that completion of an extension to the Lake Wildwood plant is unknown. The County does not concur that the EIR does not evaluate the impacts. The analysis on page 4.13-17 of the Draft EIR notes that currently sewer availability is limited for both Penn Valley and Lake Wildwood. The Draft EIR proposes a mitigation measure that the future developers are responsible for ensuring that adequate facilities are available. However, the EIR notes that potential impacts remain significant and unavoidable because of the unknowns of future sewer availability and the unknowns regarding the feasibility of a single developer being able to make the facility improvements. Please also see Master Response #4 regarding the developers' responsibilities codified in the County Land Use and Development Code.

Response 22-D The County does not concur with this comment. The project will not result in a loss of economic opportunity to for Penn Valley. Please see Master Response #3 and Response 9-C. The issues regarding wastewater treatment capacity are provided in the Draft EIR on page 4.13-17 – 18.

Response 22-E The EIR has been revised to reflect that access is not permitted off of SR 20. Please see Response 2-B. Additionally, the Final EIR had been revised to remove the statement regarding the landscaped berm. A landscaped berm is not proposed as part of the project.

Response 22-F The County does not concur with this comment. Please see Master Responses 1 and 2. The issues of police powers and eminent domain are not CEQA issues and not relevant to the EIR. The EIR addresses the physical environmental impacts associated with the

proposed project sites. The Board of Supervisors initiated the project objectives and chose not to include non-willing property owners.

Regardless of the directive to work with willing property owners, the County would still be looking at sites in Penn Valley, Lake of the Pines, the Grass Valley Sphere of Influence (SOI). It is very likely that the same sites would be identified, especially in the Penn Valley and Lake of the Pines areas because these are the undeveloped sites that met the primary requirements for inclusion in the project. The following site selection criteria are provided in Section L-II 2.7.11.B.2 of the County Land Use and Development Code (LUDC):

> **Site Selection Criteria**. For sites to be designated under the Regional Housing Need (RH) Combining District, the site must meet the following criteria:
>
> a. Generally, the site must be identified by the County to satisfy the Regional Housing Need as outlined in L-II 2.7.11.B.1 above. A private landowner however, may apply for the RH designation if the landowner has received concurrence from the Board of Supervisors, prior to submitting an application for rezone, that the rezoning of the site to add the RH overlay is necessary to meet a Regional Housing Need.
>
> b. The site is currently undeveloped or it can be demonstrated that the site is underdeveloped.
>
> c. The site is of adequate size and shape to allow for the reasonable development of residential housing at the minimum densities required under Standard L-II 2.7.11.B.3.
>
> d. The site has ingress and egress on a County maintained road or can be connected to a County maintained road pursuant to Standard L-II 2.7.11.C.8.
>
> e. The site is in or within a reasonable walking distance to a Community Region or Village Center, as shown on the General Plan Land Use Maps, which has access to schools, services, fire protection and jobs.
>
> f. The site is located on or is within reasonable walking distance to a public transit route.
>
> g. The site is within or can reasonably be annexed into an existing sanitary sewer district and public water district.
>
> h. The anticipated residential development can be sited to avoid major environmental hazards and/or constraints including but not limited to wetlands, watercourses, floodways, steep slopes, geologic hazards, archaeological resources, sensitive habitat areas, and airport noise and safety zones that limit density.

If the County has chosen not to work with willing property owners, there would not be clustering opportunities on Brunswick Road sites in the Grass Valley SOI. The sites would likely be spread out and the project impacts would be spread out as well. It is possible that the County would potentially consider sites the Nevada City and Truckee SOIs. However, it would not remove the Penn Valley or Lake of the Pines areas from consideration because these are unincorporated areas of the County that have a mix of developed and designated

uses, have existing infrastructure, and some transportation opportunities. The Penn Valley and Lake of the Pines areas meet the site selection criteria listed above; including having commercial cores with available public water and sewer, and being within community regions as identified by the County General Plan. Other more rural or remote areas of the unincorporated County do not have existing public water and sewer infrastructure and are not within community regions that have a mix of developed and planned uses such as commercial, business park, or office professional uses.

Locating all or most of the sites within a city SOI does not always benefit the needs of unincorporated population because the sites within the SOI will eventually annex into the city. Unless mutually acceptable RHNA transfer agreements can be made, the availability of these sites are lost to the County. Therefore, it is important that the County provide a balance of sites both within and outside of city SOIs.

The discussion of project alternatives that are determined to be infeasible do not require further discussion pursuant to CEQA Guidelines 15126.6(a).

Response 22-G The County does not concur with this comment. Given the rural nature of unincorporated area of Nevada County as a whole, the number of locations where community services, infrastructure, and employment opportunities all exist around one site are limited. However, while one particular site is unlikely to meet all of the criteria it is an effective method for comparing sites and eliminating sites that meet the fewest number of criteria. Please see Master Responses #2, #5, #6, and #7.

The Penn Valley Area is a community region, with a commercial core that has some available services within walking distance of the proposed Penn Valley sites including:

- a small market;
- salons;
- bank;
- a hardware store;
- several options for restaurants/cafes;
- gas station and auto repair stores;
- financial planning;
- churches;
- veterinary services; and,
- other commercial services that are available

The Penn Valley area includes a separated pedestrian and bicycle path runs on the northern side of Penn Valley Drive from Western Gateway Park east to just east of Pheasant Lane where it crosses to the south side of the Penn Valley Drive. The path continues east to Spenceville Road where it continues in both north and south directions. The path is within 0.25 mile of Sites 10-13.With regard to transit opportunities

There are also transit opportunities in the Penn Valley Area. Gold Country Stage Route 6 has a bus stop at Penn Valley Drive and Spencerville Road (approximately 0.2 mile from the sites) and connects to the main depot in Grass Valley, which provides access to other destinations such as Sierra College and other businesses in Grass Valley and provides a connection to Route 5. Route 5 travels to Auburn Station which connects with Placer County Transit (which serves Auburn, Rocklin, Sierra College, Roseville Galleria and Sacramento Light Rail), Auburn Transit and Amtrak Thruway bus service as connecting schedules allow.

Nevada County administers a door-to-door paratransit service for persons with disabilities for trips within the Grass Valley/Nevada City area and nearby communities. The service is provided by Gold Country Telecare, a private non-profit organization, under a contract with the County of Nevada. All paratransit vehicles are equipped with wheelchair lifts and other accessibility features.

Because of the existing access to all of these services within walking distance of the proposed Sites 10 – 13, Penn Valley is a good location for the high density housing. However, beyond what is immediately available in the Penn Valley Village Center, the Lake Wildwood Commercial Center, located just 3 miles northwest of the Penn Valley Village Center with additional commercial services. Another 1.5 miles north along Pleasant Valley Road from the Lake Wildwood Commercial Center is the Lake Wildwood Shopping Center which contains additional services such as a medical office, dental office, a pharmacy, and additional banking opportunities.

The City of Grass Valley is located approximately 16 miles to the east, approximately a 10-minute drive with additional services available. Given the existing services, existing commercial development and infrastructure (roads, sewer, water, fire service) that are available in Penn Valley, the locating potential sites in the area satisfies the site selection criteria for the for the RH Combining District discussed in Response 22-F above.

Response 22-H The County does not concur with this comment. Please see Response 22-G and Master Response #5

Letter 23

RECEIVED
NOV _ 5 2013
Nevada County Community
Development Agency

October 30, 2013

Tyler Barrington
Principal Planner
Nevada County Planning Department
950 Maidu Avenue, Suite 170 Nevada City, CA 95959

Dear Sir:

I wish to introduce myself as a resident of Penn Valley since 1977 and a retired Professor of Accounting and Information Technology for over 38years. I attended your presentation at the Church in Penn Valley concerning the rezoning of parcels in our community to Low Income, High Density Residential Housing. I attentively listened to the presentation of the EIR Study for the Project's effects on Penn Valley. At the end of your discussion, you requested that those who had concerns about the study and program should put them in writing and forward them to you.

23-A Below I have listed a number of items within the EIR in which I disagree or at a minimum find fault. Throughout the EIR you have sited constraints and concerns to the project and then propose mitigation measures to alleviate them. In these measures the EIR utilizes to same Fees and Taxes derived from the program construction and ongoing tax collections to mitigate these constraints. The same dollars are spent over and over again. In addition other mitigation measures are assumed to take place in the future where no existing firm plans for implementation exist and no funding source is assigned. (ie. Sewer systems, potable water supply, flood control etc.) I will point out these short comings below.

Description of Penn Valley EIR pg 3-33

Penn Valley, an unincorporated community, is located in the western portion of Nevada County, six miles west of the City of Grass Valley. Penn Valley has a "small town" feel with a population of approximately 1,621 but approximately 12,000 people consider Penn Valley home . In recent years, Penn Valley has developed a new post office, fire station, performing arts pavilion, a small affordable sub-division, and a 42-unit affordable apartment complex.

23-B This is a completely inaccurate and at minimum a deceptive portrayal of this community. While Penn Valley is six miles west of Grass Valley with a small town feel and a 1621 population the rest of the description is deceptive or inaccurate. The vast majority of the 12,000 people who call Penn Valley their home reside in Lake Wildwood, a fully occupied 3000 lot development approximately two miles away from down town Penn Valley. This gated community has for over 30 years expressed its desire to separate itself for Penn Valley, going as far as to unsuccessfully request a separate zip code and Post Office to permit addressing itself as the Community of Lake Wildwood. Of the 12000 mentioned over 9000 reside within this development. This leaves the true residents of our village to slightly more than 3000. The village center where the Rezoning Program would introduce up to over **200 high**

23-B CONT'D

density, low-income housing units, possibly containing in excess of 1000 new residents, would dramatically alter the nature of our community. The only public service provided within our community is the Penn Fire Department. All other services such as Law Enforcement and other governmental programs are supported elsewhere in the county. The increase in population proposed would stress the village's ability to locally meet the needs of our residence. Nowhere in the EIR is there a mention of the effects on our locally funded Western Gateway Park. Increasing the immediate population by 40% would put great stress on this facility and what it provides. Our community prides itself on the recreational opportunities provided by our Park. We offer numerous festivals and concerts every year and provide other activities such as weddings, day use picnic facilities, fishing, a large Frizbee Golf Course and two children play equipment areas. Contained within the park bordering on one of the propose High Density Facilities, are three Baseball Parks used by residents from the age of 5 to 85. The Park also provides recreation for people from outside our village, supporting the needs of people from throughout Nevada and surrounding counties. Almost all of our residents take advantage and support or local recreation opportunities of the Western Gate Park. This local treasure would most likely be over burdened by the increase population caused the Rezoning Proposal.

23-C

23-D

In addition to other glaring omissions within the EIR there is no discussion of our Nevada County, Penn Valley Village Center Area Plan, adopted January 25, 2000. With the exception of being listed in a Reference List of Documents , pg 9-2, there is no reference to its description of our community and designation of the parcels effected by this program. These parcels are designated in the Village Plan as Commercial and Light industrial. This provides for future expansion of productive community businesses to employ current and future residents. The residential zoning described in the EIR to replace these commercial designations offer no future benefit to our community only further consumption of limited services. The Village Plan was created through the input of local businesses and residents to document and validate our future expectations for this community. The complete ignoring of its contents and provisions smacks of a forced downward implementation of a detrimental design proposed by individuals who do not have to live with its effects. Having lived in this community for more than 35 years and raised a family here, I, like most of my neighbors, have watched our children forced to leave our community because of a lack of opportunities. The Rezoning Plan with its replacement of commercial parcels with a nonproductive government supported citizenry, would eliminate the possibility of future economic growth and doom future families to the same dispersion.

2.4.5 Public Services and Utilities pg 2-8

23-E

On page 2-8 of the EIR the document notes the current Waste Water inadequacies of the Penn Valley Sewer system and states " As described in Section 4.13 (Public Services and Utilities), future development within the
proposed project sites would result in the following direct and cumulative significant and unavoidable impacts:

The Proposed Project could result in a determination by the wastewater treatment provider that it has inadequate capacity to provide for the project's projected demand in addition to the provider's existing commitments.
The County has established sewer capacity service requirements for development within its jurisdiction. Without proposed improvements to existing WWTPs there would not be sewer service available for the proposed project Sites 10 through 18 and the proposed project would

result in potentially significant impact."

Pg 4.13-5 Penn Valley Wastewater Treatment Plant

The Penn Valley Wastewater Treatment Plant (PV-WWTP) is located south of the community of Penn Valley. The Penn Valley collections system conveys septic tank effluent from individual septic tanks through a network of force mains to the PV-WWTP. The PVWWTF serves 347 active connections and was historically permitted monthly average dry weather flow limit of 89,700 gallons per day. The treatment facility consists of aerated lagoons, a storage reservoir, and 33 acres of pasture land for spray irrigation.
Due to deficiencies with the current PV-WWTP, including inadequate pond size and surface discharge area and discharge violations, the PV-WWTP is currently operating under a cease and desist order (CDO) issued by the Central Valley Regional Water Quality Control Board (CVRWQCB). The CDO limits monthly average dry weather inflow to 60,000 gallons per day until facility improvements are made or another means of sewer treatment is developed.
Upon the completion of a Facilities Improvement Design Report (FIDR) in December 2011, the construction of a pipeline from Penn Valley to the Lake Wildwood WWTP was determined to be the most cost-effective way to address the CDO. In April 2012, the Nevada County Sanitation District Board of Directors approved Resolution No. SD12-06 approving pursuit of a State Revolving Fund loan to construct a pipeline from Penn Valley to the Lake Wildwood WWTP. **However, as of the preparation of this EIR, the pipeline has not been constructed and there is not sufficient capacity at the Penn Valley Wastewater Treatment Plant to serve those project sites (Sites 10-13) within the Penn Valley Wastewater Treatment Plant service area.**

23-E CONT'D

These two citation from the EIR both point to the inadequacies of the Penn Valley Sewer and both refer to Mitigation Measure 4.13-2. The following is that measure

Mitigation Measure:

This mitigation measure applies to all sites:
4.13-2 Prior to approval of a Site Plan, grading plan, or any permit authorizing construction (or as part of the annexation request for Sites 1-9) for a property within the RH Combining District, the project developer shall to the satisfaction of the Director of the County Planning Department (or City of Grass Valley Planning Department for Sites 1-9):
Provide written documentation that adequate sewer capacity is available for the proposed development. The project developer may provide written documentation that the wastewater treatment plant has been upgraded to increase capacity or a report from a registered civil engineer demonstrating that adequate capacity is available. If adequate sewer capacity does not exist, the developer will pay for WWTP upgrades to account for the additional effluent. The developer may develop a reimbursement agreement, if needed, to recuperate fair-share costs associated with other proposed developments nearby.

Level of Significance After Mitigation: **Significant and Unavoidable. This impact remains significant because it is unknown what the capacity of the wastewater treatment facilities would be at the time of project construction. It is also unknown if completion of the required wastewater facility improvements would be feasible for a single project developer. Furthermore, the County does not have jurisdiction over the timing of when wastewater improvements would occur within the City of Grass Valley.**

23-E CONT'D

Mitigation measure 4.13.2 as stated is pure supposition and fiction since its solutions do not exist now nor are they ever likely to exist. The Lake Wildwood Association has made no recommendation for this proposal and no current or future cost estimates have been published. As stated above "the County does not have jurisdiction over the timing of wastewater improvements", and for the County to impose rezoning which would require such improvements, would be unrealistic and bordering on incompetence. This factor alone should eliminate the possibility of the implementation of the Rezoning Program for site 10 through 13.

4.10-7 THE PROPOSED PROJECT COULD EXPOSE PEOPLE OR STRUCTURES TO A SIGNIFICANT RISK OF LOSS, INJURY OR DEATH INVOLVING FLOODING, INCLUDING AS A RESULT OF THE FAILURE OF A LEVEE OR DAM.
Level of Significance Before Mitigation: Potentially Significant Impact.
Impact Analysis

23-F

This section of the EIR discusses the fact that Parcel 10 – 13 in Penn Valley are within a FLOOD PLAIN. The authors propose a solution to this problem in Mitigation Measure 4.10-1a on pg 4.10-20 of the EIR. The Measure proposes nothing in the way of protecting current surrounding residences, the proposed High Occupancy Structures or any future upstream residences which may be affected. The measure solely dictates that any development is withing the flood plain is designated a Environmentally Sensitive Area (ESA) and therefore must comply with rules for such areas. There is not concrete requirement for the protection of any structure or terrain now or in the future, other than the protection of ESAs. For the county to implement a plan without any true protective and clearly defined mitigation requirements is pure recklessness and would leave the county in jeopardy for future legal action in the event of flood losses. This possibility should eliminate Site 10-13 from consideration in this rezoning program.

2.6 AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED pg 2.14
2. A resident from the Broken Oak Court neighborhood in the Penn Valley area questioned whether more high density housing was needed or appropriate in that area. **Only ONE!!!**

23-G

As mentioned in the EIR under Controversy and Issues to be Resolved, only one letter was received questioning the need for High Density Housing in our community. There is a possible reason for what appears to be a lack of concern on the part our residents. As you stated, only those who lived within 500 feet of the propose rezoned parcels were informed my mail. This is **LUDECRIS**. The limited notification of a few people who boarder the proposed rezoned parcels, is effectively little or no notification. It makes one think that this program is trying to have a low or no profile in the effected communities, and thus avoid Controversy and Issues to be Resolved. To make matters worse, while only a few of our residents were notified, a clock was running on limited Comment Period which will expire in twelve days ending the time when dissatisfied citizens of Penn Valley could voice their concerns over this insufficient and incomplete EIR. I along with many who voiced their opinion on

23-G CONT'D | this matter, demand an extension to this Comment Period to provide us with the time to make and organize formal opposition.

5.1.2 CONCLUSION pg 5.2

23-H | The Conclusion arrived at in the EIR states the program would provide limited economic growth, specifically pointing to the City of Grass Valley. No mention is made of the economic impact on the small rural community of Penn Valley. As mentioned at the out set of this letter, the introduction of a 40% increase in population, dependent on government, from outside our local area, would be both an economic and social disaster, disrupting the fabric of an intimate community. The program would eliminate the possibility of future economic growth for our downtown area and foster a permanent dependent class by replacing the only Commercial and Light Industrial Zoning within our small neighborhood.

To showcase the compete lack of understand of the effects of this Rezoning Action, the Conclusion ends with a final statement. " . Finally, the obstacles to growth removed by the project would be necessary to accommodate the proposed housing opportunities. Nonetheless, no growth-related impacts beyond the environmental impacts discussed in Chapter 4 of this EIR are anticipated. "

This displays the utter ignorance and indifference of the creator of this plan as it effects Penn Valley.

In conclusion, I am completely and inalterably opposed the Rezoning Plan as it pertains to Penn Valley. This opinion is not limited to the reasons stated above, but is fostered by the notion that the actions suggested represent the uncaring and ham handed abuse of distant government, who is incapable of truly understanding the needs and future hopes of small communities such as Penn Valley.

I request that you reply to this letter and answer the various points that I have listed above. I thank you for your prompt consideration and response.

Thomas W. Moreno
18609 Biladeau Lane
Penn Valley, CA 95946

Letter 23 – Thomas Moreno

Response 23-A The County does not concur with this comment. Any future development associated with the proposed project would be developed at the expense of the future developers, including all building and mitigation fees. No tax dollars would be used for the development of the project. Please see Master Response #4.

Response 23-B The County does not concur with this comment. The selection of suitable housing sites was not related to the population size of the community, but on the suitability of that community to support a high density housing development. Please see Response 22-G. Public Services and Utilities are discussed in Section 4.13 of the Draft EIR. Please see Master Response #4 with regard to the developers' responsibilities to ensure adequate water and sewer infrastructure is in place prior to development. Please see Response 7-C regarding the mitigation measure for fire and Sheriff protection services.

Response 23-C The County does not concur with this comment. Western Gateway Park is discussed in Section 4.14 of the Draft EIR. Mitigation Measure 4.14-1 requires the developers of sites in the unincorporated area, including Sites 10-13 to pay County recreation fees to offset the increased use on County parks. Recreation fees are paid pursuant to AB1600. The fees are used to fund Recreational Capital Improvement projects that increase recreational opportunities. Below is a list of recreational improvement projects that have been funded in whole or in part by County recreation fees:

- Trail Improvements at Hirschman Pond Property
- Picnic Tables and Shade Structures at Mautino Park
- Oak Tree Community Park Renovation Project (rehabilitate ball fields, restroom, and add new picnic tables)
- Kahrs Activity Flooring at Miners Foundry
- Acquisition of new parklands (Sugarloaf Mountain)
- Performing Arts Lighting Project at Grass Valley Veterans Memorial Building
- Accessible Playground Surfacing Improvements at Pioneer Park
- Condon Park Community Building New Parking Lot

Response 23-D The County does not concur with this comment. Please see Response 9-B.

Response 23-E The majority of this comment is text from the Draft EIR. The County concurs that the project would result in significant and unavoidable impacts on existing waste water treatment facilities. The analysis on page 4.13-17 of the Draft EIR notes that currently sewer availability is limited for both Penn Valley and Lake Wildwood. The Draft EIR proposes a mitigation measure that the future developers are responsible for ensuring that adequate facilities are available. However, the EIR notes that potential impacts remain significant and unavoidable because of the unknowns of future sewer availability and the unknowns regarding the feasibility of a single developer being able to make the facility improvements. Please also see Master Response #4 regarding the developers' responsibilities codified in the County Land Use and Development Code.

Response 23-F The County does not concur with this comment. Mitigation Measure 4.1-1a states that structures on Sites 10 and 13 must avoid the floodplain ESA. However, should a structure such as a crossing or bridge be required for access to Site 13, then as stated in Mitigation Measure 4.10-1a, "Should development within the floodplain ESA be required, then the developer shall obtain a discretionary use permit for any development within the floodplain and a ministerial management plan for any development within the floodplain 100 foot

setback." The encroachment into the floodplain would require the developer obtain a Conditional Use Permit from the County. The use permit review by County staff would ensure that any development within the floodplain was designed to not impede or impair the flow of water within the floodplain.

Response 23-G The County does not concur with this comment. The County did receive letters from the public during the Notice of Preparation comment period, including letters from residents of Penn Valley. For both the Notice of Preparation and Notice of Availability of the Draft EIR, the County met the distribution requirements of the California Environmental Quality Act and the County's own internal polices for public notification. The Notice of Availability was published in the local newspaper, and notices were sent to adjacent property owners up to 500 feet, exceeding the County's normal 300-foot distribution. While the County has met and gone beyond its statutory noticing requirements, it has agreed to extending the noticing of future public comment periods and meetings to include other residents outside of the noticing requirements to ensure the public has an opportunity to participate in the public process. Additionally, the County held three public comment meetings, one in each of the proposed areas, during the public review period. The public comment on the Draft EIR was for 60 days which exceeds the standard 45-day review period required by CEQA and County Policy. The public review period ended as scheduled on November 12, 2013.

Response 23-H The County does not concur with this comment. Please see Master Responses #2, #3, #5, and #6. With regard to impacts related to growth inducement, the Draft EIR concludes that while the project itself may result in an increased population and could result in the extension of some public utilities, such as sewer pipelines, project as a whole would not indirectly result in substantial growth in other areas as a result of the project. For example, the project would not result in other properties to develop at densities higher than what it currently planned, because the RH Combining District only affects the proposed sites. Should another property owner wish to increase the density on their project site, a separate discretionary permit and review under CEQA would be required from the County of Nevada.

Letter 24

RECEIVED
NOV 07 2013
Nevada Co. Community Development

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM
ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: BRENT DICKINSON

Agency/Group/Organization: ROSEWOOD RD RESIDENT

Mailing Address: 23718 ROSEWOOD RD AUBURN CA 95602

Email Address: BRENT@TC-ASSIST.COM

Phone Number: (916) 416-4764 (CELL)

Comments:

- SEE ATTACHED -

Send To: **Tyler Barrington, Principal Planner**
Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
Telephone: (530) 470-2723
Email: tyler.barrington@co.nevada.ca.us

Lake of the Pines – sites 15 (APN 5727002) & 16 (APN 5727003)

My property is located on the western half of the southern border of identified site 16

Sites 15 & 16 page 3-34

24-A What is the building code regulations pertaining to construction beneath high tension power supply lines?

2.5.2 page 2-11: East Bennet Road Sites Alternative

24-B This proposed alternative single handedly covers nearly all of the objectives of the increased high density/low income housing needs for the county. All while keeping the increased population as close to needed amenities/infrastructure as possible. I understand that the EIR was written and constrained to only consider consenting property owners and that the identified owners of the properties in the Alternative 2 were not consenting.

2.5.4 page 2.12-2.13 Reduced Development Alternative

24-C You specify that Site 14 could be removed from the EIR due to the physical constraints of a mature blue oak woodland covering approximately 80% of the property, and also being a hillside slope requiring grading and manufactured slope which would be visible from SR49. I would contend that at a minimum Site 16 would also require grading and manufactured slope due to the fact that it is adjacent to my property with has a large section which is deemed as undevelopable due to slope characteristic s which carry over through my north boundary line and onto site 16. This manufactured slope condition would require removal of most of the mature forested area, and would be easily visible from SR49. Site 16 also has a large area of mature oaks (unsure of species).

24-D Sites 15 & 16 current land use designation is Industrial, proposed overlay zoning is Urban High Density with a proposed minimum density of 16 dwelling units per acre. (Table 3-2, page 3-35).

24-E Sites 15 & 16 currently zoned as IDR-SC-SP (maximum density of 15 dwelling units total for both sites), proposed change to R3-RH or PD-RH (minimum density of 16 dwelling units per acre). Existing zoning allows for 15 units total between sites 15 & 16, the new proposed change will now allow 369 units (80 for site 15, 289 for site 16 per Table 3-4, page 3.38). This is a 2360% increase in dwelling units which will be located in close proximity to and easily visible from my home.

24-F Per paragraphs for sites 15 & 16 (page 3-61), the entirety of both sites are assumed to be within the development footprint. I find this very difficult to believe, as a large portion of my lot (which borders the western end of the southern boundary of site 16) has been deemed as undevelopable due to slope conditions, which would at a minimum carry over partially to site 16.

Table 4.2.1

24-G

Goal 1.1Promote and encourage growth in *Community Regions* while limiting growth in *Rural Regions*. I fail to see how placing over 300 dwelling units in a rural area accomplishes this. While these sites do fall within what could be considered the Lake of the Pines Community Region, the exact sites are squarely within a Rural Region, bordering lots that are zoned Residential/Agricultural. This appears to be in direct conflict of limiting grown in a rural region. The Lake of the Pines Ranchos community is specifically deeded as an Equestrian community (with 22 miles of riding trails). Placing what amounts to urban development on both sides of this area effectively negates any rural hold it has.

Objective 1.1: Define and maintain a distinct boundary between *Rural* and *Community Regions*. The placement of these two sites (and sites 14, 17 and 18) do not define and maintain a distinct boundary between rural and community regions, in fact, it effectively blurs the boundary, altering the existing rural region into a more community region.

24-H

Pages 4.3-6 & 4.3-7 Visual Setting and Character
The view descriptions laid forth for sites 15 and 16, appear to imply that visually (specifically viewed from the south), forested land obscures the sites. This is not true. I can easily see a large portion of site 16 from my front porch without any extraordinary measures.

24-I

Page 4.8-7: Groundwater Conditions
Further development of site 16 could potentially disrupt my water source (well, located on the western end of my property, approximately 200' in elevation below my home). Disruption of my water source could potentially render my home unlivable, as insufficient water would be available. The development of site 16 would be in addition to the negative impact of the already approved development of the Higgins marketplace located in front of the storage facility on Woodbridge (directly west of sites 15 & 16), and to contain a grocer (presumably a Safeway or Raleys at this time) as an anchor tenant. Costs to rectify this, should it come to fruition, should not be borne by me the home owner, as the situation would not have been of my own creation.

24-J

Paragraph 4.10-2, Page 4.10-22
THE PROPOSED PROJECT WOULD NOT SUBSTANTIALLY DEPLETE GROUNDWATER SUPPLIES OR INTERFERE SUBSTANTIALLY WITH GROUNDWATER RECHARGE SUCH THAT THERE WOULD BE A NET DEFICIT IN AQUIFER VOLUME OR A LOWERING OF THE LOCAL GROUNDWATER TABLE LEVEL.

This may be true when taken as single development (specifically sites 15 & 16), however, due to location of my site, I will also be impacted by the development of the Higgins Marketplace. When taken together, the development of both sites 15/16 and Higgins Marketplace is likely to negatively impact the aquifer my well is sourced by(soul source of water for my home). NID does not service my home, and I am neither wiling nor financially capable of having NID service my address. This report does not take into account additional developments that have already been approved which will add to the impact in my immediate vicinity.

24-K

Page 4.13-5: Lake of the Pines Wastewater Treatment plant
According to the EIR, the waste treatment is insufficient in capacity to service the additional load which would be placed on it with the addition of the DU that will be added on sites 14-18. I do no t believe the

24-K CONT'D

report full takes into account the now building Cascade Crossings , approved Rincon del Rio, approved Higgins Marketplace and the existing Higgins shopping area anchored by CVS (due to the potential loss of the current small scale waste treatment currently facility located on site 16). See also table 4.13-1, page 4.13.17.

24-L

Traffic on Combie Rd. would be highly negatively impacted at both Higgins Rd and Rosewood Rd. The only alleviation would likely be a signal light located at Higgins Rd, in front of Cascade Crossing, and at Rosewood/Armstrong . The addition of this number of traffic lights would further negatively impact the flow of traffic in an area already in poor shape per your own study (LOS of F for Rosewood/Armstrong intersection of Combie)

Personal observations:

24-M

I have already verbalized this some of my concerns in the two meetings held thus far (public meeting on 10/10 and community meeting on 10/28). Too few people in the affected area were notified. When notifying surrounding residents, many of which live on parcels that fully encompass the 300-500 feet surrounding area for notification, the end result is very few residents are notified. I requested that any further notifications sent out should require that the entirety of the Rosewood Rd residents be notified, and due to the impact for the area, I would go as far as to strongly recommend that all residents within 1/2 to 3/4 mile of any site under consideration for a zoning overlay of this nature be notified also. In fairness, I believe that the other site locations for Penn Valley and Grass Valley also be expanded to fully encompass nearby residents in a like manner as the Lake of the Pines area.

24-N

I know the EIR is does not take into account the economic impact to the area, however I have deep concerns that property values will be negatively impacted, potentially to a very large degree. People looking to move into a rural area are not looking to move to a rural area to only end up being beside the population density proposed, and specifically on the adjacent parcel(s). Should my wife and I decide to sell our home to move, we would be faced with an even more difficult time attracting an appropriate buyer, and with the proximity of the high density housing, would likely be unable to obtain a fair value.

I did not move to a rural area to simply have the county (or state) force me to have neighbors in close proximity resembling a city neighborhood. I don't mind neighbors...I just don't want them on my proverbial doorstep.

24-O

High density, low income housing should be located much closer to the required amenities and infrastructure than could be reasonably provided in the Lake of the Pines area (closer to the city centers where the needed amenities/infrastructure). You specify that the location would provide close proximity to jobs (walking distance)...what jobs? There are very few entry level type jobs in the immediate area. You specify mass transit would be provided by the bus system that connects Lake of the Pines area to both Auburn and Grass Valley. Unless multiple routes were added, how would mass transit be able to contend with the additional 3000+ residents in the area? (this number is including Cascade Crossing and Rincon del Rio. Unless you are anticipating a negligible increase in ridership, which then begs the question, how many of these low income families are envisioned as actually working in the area?

24-P

During the Community meeting for the Lake of the Pines area, it was asked what the costs of applying the overlay zone are, and if these costs were going to be borne by the owners of the identified

24-P
CONT'D

properties. If I understand the response, the county would forgive the costs associated with the zone overlay. This is in effect a preferential gift (potential bribe) to the current owners of the targeted properties. With 18 sites having been targeted, this is a forgiveness of nearly $120,000 (number based on the response that a rezone request required a minimum $6,000 deposit to begin the consideration of a rezone – which is not guaranteed). Should one of the identified properties be purchased and the new owner did not want the new overlay zoning, he would then be required to pay the costs to begin the consideration of removal of the overlay zone. My understanding is that the request to remove the overlay would likely be denied though, with the new owner forfeiting the cost amount required to begin the overlay zone removal.

Brent Dickinson
23718 Rosewood Rd
Auburn, CA 95602

Letter 24 – Brent Dickinson

Response 24-A No private development is allowed within an easement for power lines. Please see Response 24-E below.

Response 24-B The East Bennett Road alternative was included as an alternative to address potential impacts associated with developing a large cluster of development along Brunswick Road within the Grass Valley SOI. The East Bennett Road Alternative was developed as an option to remove some of the proposed units on Brunswick Road and locate them on East Bennett Road. Please see Response 22-F.

Response 24-C The geotechnical report (Appendix G of the Draft EIR) prepared for the project identified Site 16 as having moderate slope of approximately 20 percent. The County's Land Use and Development Code (LUDC) Section L-II 4.3.13 defines steep slopes as those areas with a slope (gradient) of 30% or greater. Per the LUDC development in areas of steep slopes is restricted. Any future development on these sites would be subject to review and approval of a site plan review and grading plan by County staff.

With regard to visual impacts, Sites 15 and 16 do not have the same visibility from SR 49 and are located a greater distance from the roadway than Site 17. Additionally, the existing zoning for Sites 15 and 16 has Scenic Corridor (SC) and Site Performance (SP) Combining Districts which will remain. The SC combining district requires future development, "To protect and preserve the scenic resources of areas which are adjacent to highways and roads which have been identified as having high scenic quality and requiring protection for the benefit of residents and visitors."[18] This protection is implemented through the preparation of a Scenic Corridor Analysis that is prepared by the developed and reviewed and approved by County Staff.

Site 16 does have Blue Oak-Foothill Pine Woodland which differs from blue oak woodland (found on Site 14) by having a greater proportion of foothill pines intermixed with blue oak and interior live oak. Mitigation Measure 4.4-5 requires the developers of sites with oak trees to prepare an oak woodland management plan for the protection of sensitive oak woodlands onsite.

Response 24-D It should be noted that the General Plan Designation for Sites 15 and 16 is Planned Development: Urban High Density (15 units per acre). The zoning is IDR-SC-SP, see responses 24-C and 24-E.

Response 24-E The County does not concur with this comment. As noted in Response 24-D above, the existing general plan designation identified the properties as Urban High Density (15 units per acre). The current zoning designation is Interim Development Reserve – Scenic Corridor Combining District – Site Performance Combining District (IDR – SC – SP). As such, the existing land use designations reflect an intention to have a transitional land use between the commercial areas around Higgins Marketplace and the surrounding residential uses. The site is designated Planned Development: Urban High Density (PD-UHD) (15 DU). The UHD designation allows for 15 dwelling units per acre. Site 15 is 5-acres in size and under the UHD designation would allow for 75-units, as a result of the proposed project this density would be increased to 80-units. Similarly Site 16 is 18.12-acres in size and under the UHD designation would allow 271-units, as a result of the proposed project

[18] County of Nevada Land Use and Development Code, Section L-II 2.7.7

the density would be increased to 289-units. As discussed in Response 24-A, the power line easement that transverses the site is not a developable area.

To demonstrate how an easement or other physical or regulatory constraint can affect the aggregate (or net) density of a site, Figure 3-12 of the Final EIR has been revised to provide a conceptual building footprint and is located as Exhibit 1 to this comment letter. For purposes of responding to this comment, the existing power line easement has been delineated from the aerial photo and removed as developable area with regards to the density calculation. Additionally the setbacks for both sites have been identified (30-feet from interior yard and rear yards, 20-feet from front yard) to minimize the overall development footprint on the sites. While these setbacks do not affect the density calculations, they do further demonstrate how regulatory constraints affect the building envelope.

To calculate the new aggregate density, the easement and setback areas have been subtracted from the development footprint area. The developable area of Site 15 would change from 5 acres to 4.4 acres a difference of 0.6 acres. The developable area of Site 16 would change from 18.12 acres to 11.81 acres; a difference of 6.96 acres. The figure also shows a portion of Site 16 east of the power line easement and the eastern property line as a non-development area. Due to the restrictions of the power line easement and the setbacks, a triangular shaped area with a mature woodland, and no offsite access is all that remains in this portion of the site. Given these physical constraints it is assumed this area would not be developed.

The aggregate density for Site 15 would become 70 units (10 units fewer than proposed) and the aggregate density for Site 16 would become 189 units (100 units fewer than proposed) The two sites together would have approximately 200 fewer units than what is proposed under the conservative estimate of the project. This calculation does not take into account requirements for driveways, parking, water detention basins, etc., that could further reduce the number of units constructed. The resultant density would be less than what would be achievable under the current PD designation

Response 24-F Please see Responses 24-C and 24-E.

Response 24-G The County does not concur with this comment. Please see Response 24-E. There is an existing mix of development in the surrounding area. Site 14 has a current zoning designation of Office Professional. Across Combie Road from Site 17 is commercially zoned property. Site 18 is located within the Dark horse development, the Site 18 property was designated for high density and affordable housing.

Response 24-H The description of views onto Sites 15 and 16 on pages 4.3-4 and 4.3-5 describe existing offsite views onto the property. The description notes that exiting views include those of the existing woodlands.

Response 24-I Proposed development pursuant to the RH Combining District would be served by the public water system from the Nevada Irrigation District (NID) and would not use groundwater. The proposed units would be connected to the public sewer system and would not utilize septic systems. Surface water runoff will have to meet County requirements enforced through the review of a project specific hydrology report required in Mitigation Measure 4.10-1c. The report will verify expected pre- and post-project stormwater volumes from the proposed development, projected peak storage capacity of detention basins, and percolation characteristics of the soil. The developer will be required

to demonstrate that the surface water runoff controls could effectively treat the anticipated pollutants expected from the development. Development of the Higgins Marketplace would have to meet the same County requirements. As such, no impacts to the existing groundwater has been identified.

Response 24-J Your comment is noted. Please see Response 24-I above. Cumulative impacts, including those from Higgins Marketplace were discussed in Section 5.2 of the Draft EIR. Implementation of the proposed project would not require homes on Rosewood Road to connect to the NID system.

Response 24-K The County does not concur with this comment. Please see Master Response #4.

Response 24-L The County concurs that the existing level of service at the Rosewood/Combie Road intersection currently operates at LOS F during the peak hour. Developers on Sites 14 through 18 would contribute to traffic mitigation improvements that would improve the traffic operations at SR 49 and Combie Road and Combie Road at Higgins Road. The traffic improvements at this intersection include installing additional turn lanes at SR49/Combie Road and a traffic signal at Combie Road/Higgins Road. Improving the operations at these intersections would improve the flow of traffic along the Combie Road roadway segment because the traffic flow would be controlled which would improve operations the Rosewood/Armstrong/Combie Road intersection.

Response 24-M For both the Notice of Preparation and Notice of Availability of the Draft EIR, the County met the distribution requirements of the California Environmental Quality Act and the County's own internal polices for public notification. The Notice of Availability was published in the local newspaper, and notices were sent to adjacent property owners up to 500 feet, exceeding the County's normal 300-foot distribution. While the County has met and gone beyond its statutory noticing requirements, it has agreed to extend the noticing of future public comment periods and meetings to include other residents outside of the noticing requirements to ensure the public has an opportunity to participate in the public process. One example is the County has agreed to notice all residents whose property's access is off of Rosewood even though they are beyond distances that would normally be noticed. Similar criteria will be applied to other sites in Lake of the Pines, Penn Valley and the Grass Valley SOI areas.

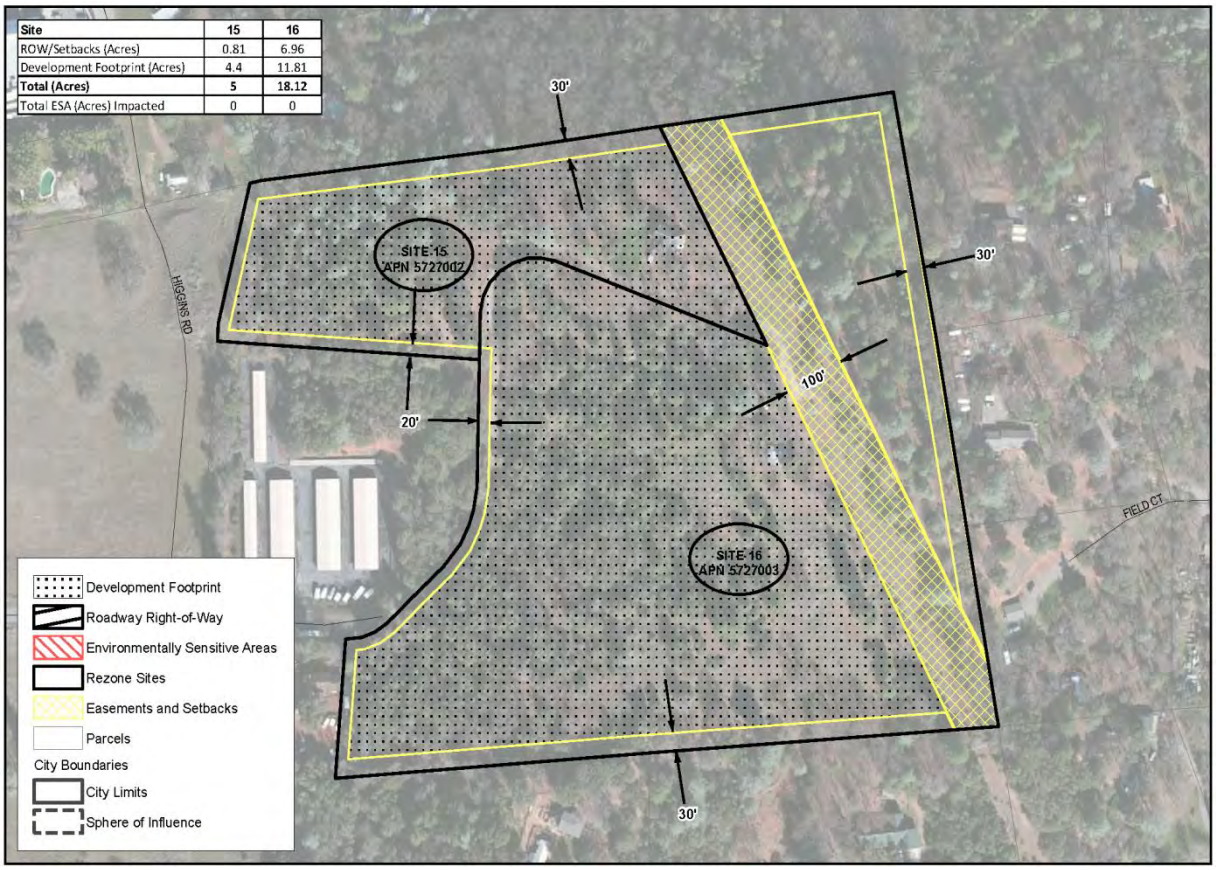
Additionally, the County held three public comment meetings, one in each of the proposed areas, during the public review period. The public comment on the Draft EIR was for 60 days which exceeds the standard 45-day review period required by CEQA and County Policy.

Response 24-N Please see Master Response #5.

Response 24-O Please see Master Response #2 and #7.

Response 24-P Please see Master Response #1. The property owners are not financially involved in the process and it is the Board of Supervisors will make the ultimate decision as to which sites are included in the RH Combining District.

Exhibit 1 – Revised Figure 3-12 Showing Power Line Easements and Setbacks.



Letter 25

Tyler Barrington

From: ds33452@hushmail.com
Sent: Monday, November 11, 2013 1:21 PM
To: Tyler Barrington
Subject: Regarding rezoning in Penn Valley

NEVADA COUNTY
RECEIVED
NOV 11 2013
PLANNING DEPARTMENT
CDA

Hello, Regarding rezoning in Penn Valley,

25-A I went to the Penn Valley meeting at the 7th Day Adventist Church meeting, and am disappointed to hear that it sounded like under the threat of not receiving money, some people in the local government are submitting to what may be called a 'state mandate' when it was very clear by show of hands of near if not all who showed up that they were against the intensive-housing projects from occurring in Penn Valley where there appears no need for them other than maybe by a few who are looking to benefit financially or are pro-urbanization in this rural, connected-to-the-land/nature-area.

Briefly as a reminder, labeled as a Nazi war criminal, Adolph Eichmann stated when asked along the lines of what made it so easy for him and his men to send so many people to their deaths, he replied it was their language, which he called 'amtssprache', or bureaucratic language; a language that denies personal choice and responsibility, versus owning that in every moment we are choosing to take a specific action. The language of 'should, must, have-to, ought, can't'. "Why'd you do it?" 'Superiors orders', 'It's the law', 'I'm only doing my job', etc. Doing things because of an order or under threat of not receiving funds does not serve people, it is simply an act of submission like a slave who has no choice in the first place, and if the people do actually have a choice, it is an act of giving up any choice to a few that deem 'what's best' for the masses.

25-B I'm guessing that the parameters of addressing the weaknesses along the lines of the Environmental Impact Report are much more narrow that what the average person would consider a detrimental effect on their surrounding social and physical environment. In fact, it may not address the human social environmental impact at all, even though this is equally as important an issue as if streams will become polluted and species die-off. The EIR may 'aim' to address issues such as sewage and drain capacity, potential toxin input, and impact on 'some' known local animal and plant species, but, does it look into social effects of unsustainable population influx, introduction of groups of people unfamiliar with the local region or culture in terms of needs for a quality of social community, cooperation, and trust; or does it address issues such as a human environmental carrying capacity for living in harmony with surrounding resources without degradation for many generations plus?

25-C Urbanization of valuable farmland of statewide importance: Did you know that much of Penn Valley is on 'Farmland of statewide importance' and a little as 'prime farmland'? High quality farmland is somewhat rare to come by in Nevada County, and according to the history of use of land in Grass Valley where it even has more 'Prime farmland', it has over time consistently been developed upon, covered in houses, buildings, concrete, and asphalt. Is this the aim, practice, and effect of the use of Environmental Impact Reports,

1

25-C CONT'D statements, and then the cost passed on to tax payers that were opposed to the development? And the cost for the process of 'mitigation' thereafter that was mentioned as a possible action course for when the opposed development later adversely affects the social and natural environment with sewage or toxin spills, increased traffic, and increased crime?

25-D Concern for the current sewage capacity not able to handle these future unwanted projects, requiring people to pay more out of their pockets for an 'upgrade' was brought up at the meeting. Some agreed that they were almost done paying for 'upgrading' the sewage system years ago, and the question was asked if now will they need to pay more to follow the will of this intensive housing 'State mandate'?

25-E Environmentally sensitive areas appeared in shaded in red on the maps during the meeting. It appeared to me that there was so much sensitive area I was confused on how to even put apartment complexes there without it adversely affecting the surrounding environment, especially as time passes. That sounds like an environmental impact I would not want to risk.

25-F The saying "Build it, and they will come" reminds me of people once enjoying their current connected-to-nature, rural settings, only to have an influx of more people that won't end up with enough personal space to meet their needs and support a nurturing environment for their ultimate enjoyment of life. This will most likely end up in the declining quality of life of the local residents and feeling more dissatisfied with time.

People love this area because of their connection with the land in a way that works with it, as opposed to colonizing it at the social and environmental expense for monetary gain.

With housing influx exceeding the lands' sustainable carrying capacity, culture changes away from working-with and dependence on local natural sustainable resources, to outside dependence for once local resources, and hand-outs. Sometimes this can occur quickly, and sometimes this is like the frog in the warming to boiling water where years or decades pass, sometimes without awareness.

Does this issue come down to money, or concerning quality of life, and meeting universal human needs? Sometimes, if not often, the former is under the guise of the latter.

Does this issue come down to outside dictation by people not connected to local region, and motivated by money?

25-G Following 'State mandates' and 'economic planning': the inevitable acceleration toward urbanization, and problems that go along with that. Does an Environmental Impact report report on these issues? And once it is 'reported', does the 'report' have any bearing on whether the project will proceed, or are 'planners', and some people involved in the government simply required to 'report' on it?

25-H Sometimes I wonder about the motivations behind a bigger picture. My expression here is intended to stimulate thought regarding ones' own actual connection to life, to stimulate personal thought, curiosity, and action toward independence, from what appears to be akin to a slave-like mentality and way of life, even if it is in tiny, everyday actions to boycott at first in your everyday life as best you know how; and third, to dissuade the few voting for the many (how did we get so far off track) from following the will of a few participating in 'state or federal governance' (it was set up that they work for the people, not the other way around) thinking they know what is best for others, even if it is delivered with economic threats to withdraw their teat.

You can reply to me at ds33452@hushmail.com, sincerely Eric S. of Penn Valley, California

2

Letter 25 – Eric S.

Response 25-A The County acknowledges this comment. The comment however is not at variance with the content of the EIR and therefore, no further response is required.

Response 25-B Public services and utilities, including sewer capacity are discussed in Section 4.13 of the Draft EIR. Biological resources, including impacts to wetlands and plant and animal species are discussed in Section 4.4 of the Draft EIR. Surface water runoff is discussed in Section 4.10 of the Draft EIR. Please see Master Response #5 regarding the potential social and economic issues. The County agrees with this comment that the EIR addresses the physical impacts of the environment and does not evaluate social or economic impacts. Please see Response 22-B regarding the County's efforts to address socio economic impacts in Penn Valley by identifying the Penn Valley area as a Disadvantaged Unincorporated Community.

Response 25-C None of the of the project sites are located on soils identified as Farmland of Statewide Importance or Prime Farmland. None of the project sites support any kind of agricultural activity. Most of the project sites are undeveloped and are not surrounded by existing development and non-agricultural uses. As such the project does not result in any conversion of Farmland of Statewide Importance or Prime Farmland. Approximately 6.5 acres of Site 13 is designated as "Farmlands of Local Importance (FLI)." The County Land Use and Development Code (LUDC) Section L-II 4.3.4 requires a management plan for non-agricultural projects on land with this designation. The purpose of the management plan is to encourage avoidance, which the project does through the placement of Environmentally Sensitive Areas over a portion of the site. However, the agricultural potential for the site is limited as the area designated as FLI is located adjacent to Highway 20 (including areas within the Caltrans Right of Way), and other existing developed uses. Further, the existing zoning designation on the site is PD (UMD 26ac OS 8ac) and not conducive to agricultural uses. For these reasons, potential impacts to FLI lands are less than significant.

The EIR does identify mitigation measures for those impacts that have been identified as potentially significant. The future developer of each of the sites will be responsible for the implementation, and any costs associated with the implementation, of the mitigation measures which are enforced by the County. The enforcement will occur as future developers submit grading plans, site plans, and building permits and must demonstrate that the applicable mitigation measures have been satisfied. The Draft EIR does include mitigation measures for sewer connections, traffic impacts, and water quality design features to minimize pollutants from flowing offsite with surface water. No potential impacts from toxin spills have been identified.

Response 25-D Please see Master Response #4.

Response 25-E The comment refers to the Environmentally Sensitive Areas (ESAs) identified for the project sites and shown in Figures 3-15 through 3-24 of the Draft EIR. The ESAs show the areas where future development is restricted in order to avoid and minimize impacts to sensitive resources. The enforcement will occur as future developers submit grading plans, site plans, and building permits and must demonstrate that the proposed development has avoided the ESAs. The Nevada County Land Use and Development Code does permit some encroachment into an ESA, if a Management Plan prepared consistent with Section L-II 4.3.3.C is approved by the County prior to Building Permit Issuance.

Response 25-F The County acknowledges this comment. However the comment is not at variance with the content of the EIR and therefore, no further response is required.

Response 25-G The Draft EIR evaluates land use compatibility and consistency with the relevant goals and policies of the General Plans for Nevada County and City of Grass Valley in Section 4.2 of the Draft EIR. The EIR is prepared as an informational and disclosure document to the public and to the decision makers. For this project, the ultimate decision making body is the Board of Supervisors. If the Board of Supervisors approves the project, the Mitigation Monitoring and Reporting Program (MMRP) is approved with the project. The MMRP become the document in which future development pursuant to the project must comply. Enforcement of the mitigation measures will occur as developers submit future project design plans (e.g., grading plans, site plans, building plans) for review and approval. The developer must demonstrate that the applicable mitigation measures have been satisfied prior to the developer receiving approved plans or permits.

Response 25-H The County acknowledges this comment. However the comment is not at variance with the content of the EIR and therefore, no further response is required.

Letter 26

November 7, 2013

RECEIVED
NOV 12 2013
Nevada County Community Development Agency

Tyler Barrington, Principal Planner
County of Nevada
Community Development Agency
Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

EIR FOR HOUSING ELEMENT REZONE IN PENN VALLEY

My name is Mark Frederick and I am retired from United States Department of Fish and Wildlife Services (USFWS) and United States Department of Agriculture (USDA) as a Wildlife Biologist and Disease technician working over 31 of service in Alameda, Butte, Los Angeles, Nevada, Riverside, San Bernardo, San Luis Obispo and Yuba Counties.

Penn Valley is not Alameda, Los Angeles, Butte or Yuba County; Yuba County has Linda, Olivehurst or Marysville. They have low-income areas within the county; crime rates are higher in those areas. There are several irrigation districts with ditches that lead water to Reclamation District 784 that maintains levee and pumps that pump water into Feather River.

26-A

I have gone visited the three (3) sites in Penn Valley, mostly looking at sites 10, 11 and 13. In Penn Valley we have a drainage problem in some areas, with decomposed granite under the surface of the soil, ranging from three (3) to 10 feet in some areas along with large boulders. Every year we get a very heavy rain that causes Squirrel Creek to rise over it banks. Last year it was on December 2, 2012. The mobile home park next to the Tack Room off Penn Valley Drive had a number of residents evacuated from their homes due to Squirrel Creek and Clear Creek going over its banks flooding a few homes. Water levels raised over 23 inches around two homes. In past years, the residences in that area have been evacuated on both sides of the creek. In Butte County I have seen higher water flows and flooding when they built the Chico Mall just east of Highway 99, and built new subdivisions just to the east of the Mall. Mosquito levels also increased in the late spring through the fall.

1

Comments on EIR Attachment

26-B

Page 3-61 EIR states site 13 assures two wetland crossings to be made for access, and that traffic assess will be made off of Highway 20?
Comments- Will the US Fish and Wildlife Service sign off on these crossings? (Beale AFB works with USFWS on their wetlands). Will the Army Corps of Engineers approve working so close to Penn Valley's major drainage for the area, and Caltrans approve another intersection so close to Penn Valley Drive and Pleasant Valley Drive?

26-C

Page 4.3-15 EIR refers to scenic vistas
Comments- Adverse effect if sound walls are constructed along Hwy 20? Has California Department of Fish and Wildlife been contacted about this Black Tail Deer Migration area?

26-D

Page 4.4 Replacement of oak trees on site?
I did not see anything on replacement of trees removed. When they are replaced, trees of two to four years old should be used not seedlings. There are nurseries that can supply them.

26-E

Page 4.4-27 Special-Status Wildlife
Comments- Missing are Beaver, River Otters, Muskrats, Mink, Bear and Mountain Lion.
I and other wildlife specialists and Nevada County Agriculture Biologists have seen the above species. The California quail population has dropped to very low levels since the early 90's, due to new growth in low elevation scrub and mixed chaparral habitats, Feral cats and the Red Fox in the East Bay, Freemont and Union City areas have predated on quail for years until the quail population was eliminated.

26-F

Page 4.4-19 I did not see anything that covers winter rains and flooding of property on Site 13.
Comments-
When looking at Squirrel Creek from Rough and Ready Road past the shell gas station to Western Gateway Park, I noticed many areas that will easily flood due to the bends in the creek. There are many low areas where when heavy rains like December 2, 2012 Squirrel Creek and Clear Creek crested its banks and the creek

2

26-F CONT'D

width was over 100 feet wide, going straight instead of following the normal creek bed. In the mobile home park 11 residences were evacuated with water levels over 23 inches according to the mobile home manager. Squirrel Creek is like Hutchinson Creek and Best Slough in Yuba County off Highway 65 south of McGowan Parkway. (You can check with Yuba County Water Agency who funded me for several years.) Both Penn Valley's Squirrel Creek and Yuba County's creek flood regularly and these areas are in the flood plane and the residence must pay for flood insurance. If any large subdivision were built in this area, the flooding would increase five or six times due to years of experience of watching this happen.

Due to all these circumstances, I cannot support this proposal for Penn Valley.

Sincerely,

Mark Frederick
10680 Devonshire Circle
Penn Valley, CA 95946
530-432-1739

cc: Hank Weston, Chairman of Nevada County Board of Supervisors
Doug Donesky, Nevada County District Planning Commissioner

3

Letter 26 – Mark Frederick

Response 26-A Section 4.10 of the Draft EIR evaluated potential hydrological impacts from Squirrel Creek on Sites 10 and 13. The 100-year floodplain was placed within an Environmentally Sensitive Area (ESA). Mitigation Measure 4.10-1a states that structures on Sites 10 and 13 must avoid the floodplain ESA. However, should a structure such as a crossing or bridge be required, then as stated in Mitigation Measure 4.10-1a, "Should development within the floodplain ESA be required, then the developer shall obtain a discretionary use permit for any development within the floodplain and a ministerial management plan for any development within the floodplain 100 foot setback." The use permit review by County staff would ensure that any development within the floodplain was designed to not impede or impair the flow of water within the floodplain.

Response 26-B Potential impacts to wetland are discussed in Section 4.4 of the Draft EIR. Mitigation Measure 4.4.3b requires the developer of Sites 10 and 13 to prepare a formal wetland delineation to determine the extent of the wetland area. The developer is also required to demonstrate that they have acquired the applicable permits from the US Army Corps of Engineers, the Regional Water Quality Control Board, and the California Department of Fish and Wildlife. Please see Response 2-B regarding Site 13 access onto Highway 20.

Response 26-C No sound walls are proposed on Site 13 along Highway 20. The California Department of Fish and Game was sent a copy of the Draft EIR and technical appendices during the public review period.

Response 26-D Oak trees and Oak woodlands are protected under the County's Tree Protection Ordinance. As such, avoidance of oak trees and oak woodland is the required mitigation through the establishment of Environmentally Sensitive Areas (ESAs). The ESAs require avoidance unless avoidance is infeasible. If avoiding oak trees or oak woodlands is not feasible then a management plan is required. Mitigation Measure 4.4-5 in Section 4.4 of the Draft EIR requires a management plan to be prepared if oak woodlands are impacted as a result of the proposed development. The Management Plan provides different options for oak woodland mitigation that range from onsite preservation (avoidance), enhancement of degraded oak woodlands, or paying in lieu fees into a County approved fund used to purchase and preserve comparable oak woodland communities in the region. Pursuant to Section L-II 4.3.15.C.3 of the County's Land Use and Development Code:

> A Management Plan shall be prepared by a certified arborist, registered forester, qualified biologist or botanist, or landscape architect. Said Plan shall evaluate the impact of the project on defined trees and groves and recommend project modifications that avoid or minimize impacts. Emphasis shall be placed on protecting groups of trees rather than individuals. Defined trees that must be removed shall be replaced on an inch for an inch replacement of the removed tree(s). The total of replacement trees shall be required to have a combined diameter of the tree(s) removed. The Plan shall provide for the long-term maintenance of the replacement trees.

Response 26-E The animals listed in the comment are not included in the list of special status species because of their low likelihood to occur on the project sites due to lack of suitable habitat or suitable foraging areas. The species listed in the comment were not identified in the California Natural Diversity Data Base as being special status species requiring protection. Sites are adjacent to existing development including roadways. None of the 18 projects

sites have been identified as a wildlife corridor area. Mitigation Measures 4.4-2b and 4.4-2c require the developer to prepare preconstruction plant and animal surveys before final development plans are approved.

Response 26-F Please see response 26-A.

Letter 27

18581 Jayhawk Drive
Penn Valley, CA 95946

November 6, 2013

Mr. Tyler Barrington, Principal Planner
County of Nevada
Community Development Agency
Planning Department
950 Maidu Avenue
Nevada City, CA 95959

RECEIVED
NOV 07 2013
Nevada County Community Development Agency

RE: DRAFT EIR HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION

Dear Mr. Barrington,

27-A It is our understanding that Nevada County is required by the State Department of Housing and Community Development to accommodate the future development of high-density housing and it is important for Nevada County to fulfill the requirement. In response to the state the County is proposing changes to the General Land Use and Zoning Designation for 18 selected properties to Urban Hi Density/hi density residential zoning and add the Regional Housing Need Combining District, including approximately 40% of the total need being located in Penn Valley.
While this may solve the state requirement, the direction abandons important elements of sound community planning and has significant potential to negatively impact Penn Valley on multiple levels.

27-B The importance of planning how each of Nevada County's communities grows and incorporates a housing and jobs balance cannot be overlooked. The Regional Housing Need Assessment presented by the Planning Department lists "Promoting an improved intraregional relationship between jobs and housing" as an important County objective. The proposed rezone would isolate a population that needs jobs without the costs associated with a long commute. At this time Penn Valley is able to offer very little job opportunities and not nearly enough to even marginally support the number of units/increased population in the Penn Valley Village Center. Thus the proposed rezone project will fail to provide the safety net to a population that needs both reduced housing expense and a job that is nearby.

27-C The County of Nevada bifurcated the Penn Valley area into two communities, the Penn Valley Village Center (south/west) and the Lake Wildwood side of Penn Valley (north/east) of HWY 20. The application of US Census data and SB244 criteria resulted in the Penn Valley Village Center being designated a "disadvantaged unincorporated legacy community (DUC). This designation verifies that the Village Center already has a disproportionately high share of households in lower income categories as compared to the countywide distribution of households in that category. Adding to this population is not consistent with Regional Housing Need Assessment objectives and places an additional burden on a community that is already struggling to grow economically. Businesses look at the local income levels as part of their analysis when determining where to locate. A surplus of low-income units will further reduce income levels thereby further inhibiting the area's ability to attract viable commerce and jobs.

27-D

Furthermore, the County will be challenged to accommodate the support services most often required by the low-income population, if that population is isolated in a rural area of the County. With an increase in high-density low-income units, more emergency, law enforcement, fire and other services will be required without a commensurate increase in the tax base. These services will either fall short of serving the community or will necessitate additional costs to the entire community in order to support increases generated by a population that is unable to help offset the additional expense. Will the County be able to adequately service this area given the reduction in revenues over the last few years and the State's propensity for realigning services back to the Counties?

We have studied the proposed rezone project and believe the issues raised at by the Penn Valley community are of valid concern. While the proposed project may satisfy the State requirement to accommodate the future development of high-density housing, it fails to incorporate sensible planning practices that will serve both current and future residents of Penn Valley, regardless of their income level.

Sincerely,

Jeff and Susan George

Jeff and Susan George

Letter 27 – Jeff and Susan George

Response 27-A Please see Master Response #1 regarding why the County is proposing the project. The County does not concur that the project includes approximately 40% of the total units in Penn Valley. Please see Response 10-D. The County does not concur that the project abandons sound community planning or results in significant impacts to Penn Valley. Please see Response 22-G regarding why sites in Penn Valley are appropriate for the proposed project.

Response 27-B Please see Master Response #2. The distance between Penn Valley and the City of Grass Valley is approximately 10 miles or less which is a commute that many current residents of Penn Valley and Lake Wildwood make on a daily basis. Please see Response 22-G regarding the services available in the Penn Valley area.

Response 27-C Please see Response 19-E.

Response 27-D The County does not concur with this comment. Please see Response 22-G. Please see Master Response #4 and Response 10-NN regarding the future developers' responsibilities to provide required infrastructure and to ensure adequate fire and sheriff services are available to accommodate the future development.

Letter 28

Date: November 11, 2013

NEVADA COUNTY
RECEIVED
NOV 11 2013
PLANNING DEPARTMENT
CDA

From: Kim Williamson
18403 Siesta Drive
Penn Valley, CA 95946

To: Tyler Barrington, Principal Planner
Nevada County Community Development Agency
950 Maidu Ave. Suite 170
Nevada City, CA 95949

Subject: **Public Comment Regarding the Environmental Impact Report (EIR) for the Housing Element Rezone Program Implementation**

Thank you, Tyler Barrington for the recent presentation regarding the Environmental Impact Report (EIR) for the Housing Element Rezone Program. I have grave concerns along with other the Penn Valley residents regarding the changes purposed in the EIR.

I have called Penn Valley home since 1970, growing up in Penn Valley going to school in our small Ready Springs School I have seen many changes over the years. The laid back safe and friendly community is rare. It is these wonderful qualities that brought my family here to Penn Valley and will be lost with the proposed zoning changes contained in the EIR.

While the EIR has already pointed out some of my concerns regarding the rezoning in the Penn Valley area (sites 9-12), I would like to further examine a few and to further explain what I feel are my and many of my fellow resident's sentiments regarding the changes contained in the EIR.

Public Services & Utilities:

Sewer:

28-A As mentioned in the EIR report Penn Valley's sewer treatment plant has already been flagged for deficiencies by the Water Quality Control Board who has issued a cease and desist order. Penn Valley Wastewater treatment facility has a plan in the works: however, I doubt there enough capacity to increase the level to develop sites (9-12). We have current residents with houses that were built in the early 60 whom are still on septic systems that desperately need to be on the sewer system. Their current septic systems are breaking down or deteriorating, thus, adding pullulates to the water runoff in the area that flows into our drinking water, lakes, rivers, and streams but yet we are worried about bringing new residents/apartments on board and forgetting the current residents. I would much rather see any increase in sewer capacity used to offer the existing residents not currently on the sewer system the option of being able to move off their older polluting septic systems; rather than being used on any new high density development.

28-A CONT'D

Police:

Another major concern that the community and myself have with the proposed changes is the lack of police force to cover our area of the county. Being that Penn Valley is unincorporated means that we much rely solely on the California Highway Patrol (CHP) and the Nevada County Sheriff's office to act as our town's police force. This service has suffered in recent years due to county and state budget constraints and cuts. The Penn Valley area has seen its call response time increase, as well as the number of officers assigned to patrol the Penn Valley area decline. High density housing complexes of any nature will put an increase stain on these services for the area; which as of right now and for the immediate future I believe cannot be accommodated. The Penn Valley area has already experienced a high density development project off of Broken Oak Court; which in its short time has already increased the amount services required for the area, and has had a negative impact on the community overall.

Fire:

Another potentially public service that could suffer is the Penn Valley Fire Protection District (PVFPD).The PVFPD like most of the other government services in the area have already had to find ways to trim their budgets as taxes and fee revenue has decreased. It is difficult to see how this vital public service will be able to handle a proposed 52% increase in its population size if these four sites (9-12) where to be developed as R-3 housing.

- With 327 units being built at an average of 2.58 residents per unit that equates to 843.66 new residents for the Penn Valley area; which represents a 52.06% increase in population (2.58 multiply 327 new units equals 844 new residents; 844 divided by 1,621 equals 0.5206, take .05206 multiply by 100 equals 52.06%).

Economic Factors:

Lack of Jobs:

The majority of the people in the area already have to commute up to Auburn, Grass Valley, or Nevada City areas to find work. Over the years we have had successful business such as: True Value hardware store, the Tack Room, and Blue Cow Deli restaurants. However, a vote to approve these rezoning changes for the Penn Valley area will be crippling the Penn Valley area of any future commercial development as you will be removing all of the available commercial zoning in the heart of Penn Valley's town center. Given that there aren't many currently available jobs in the area, and a vote in favor of these changes would be removing all our communities' ability to develop jobs in the future. We need businesses, jobs in Penn Valley not future commercial development being taken from us.

28-A CONT'D

Environmental:

Development of any size does have an impact to our local environment regardless of the amount of migrating factors deployed. Any increases in water runoff for the four sites (9-12) proposed for the Penn Valley area will contain new pollutants which will flow directly into Squirrel Creek. Squirrel Creek also runs through Western Gateway Park which is Penn Valley's only public park and sits immediately downstream from the proposed sites. What guarantees can be given to the community and business owners that if these sites are developed as R-3 housing with 16 units an acre that there would not be any negative impacts to the local environment and park downstream from the sites?

Public Safety:

Roadways:

We prefer our rural country roads, and our big two lane streets; over the larger three or more lane roadways. The only signal lights in town are on the highway. These four proposed sites would all need to feed off Penn Valley Drive, as already mentioned in the EIR that it is unlikely that CalTrans will allow access to site 12 from Hwy 20. Haven worked for Public works widening of this road would require the removal of our recently installed bike trail that runs from the intersection of Spencerville Road and Penn Valley Drive to Western Gateway Park. This is a great asset to our families and our community. The current EIR states that this road would not require widening, but does it take into account a 52% population increase? The newly installed bike trail crosses from one side of Penn Valley Drive to the other. If the roadway was to be widened what would happen to this new bike trail? Where would it be moved to given that it's presently located in the road easements of the properties along its route?

As mentioned above in this letter these zoning changes will remove all of our available commercial zoned land resulting in a negative economic factor on the area as a whole; as well as severely limiting any future economic development projects for the Penn Valley area. As was brought up in the community meeting held in October the idea that these sites might not be developed for many years into the future was and is a complete lie as was admitted at the meeting by county staff. Sites 9, 10, and 12 are already owned by an LLC with the intention of developing the sites immediately if the rezoning is approved. We implore you not to go through with these purposed zoning changes.

Thank you for your consideration to this important issue,

Kim Williamson

Letter 28 – Kim Williamson

Response 28-A The contents of this letter are the same as Letter 15. Please see the responses to Letter 15 regarding the comments raised in this letter.

Letter 29

RECEIVED

NOV 12 2013

Nevada County Community Development Agency

November 7, 2013

Nevada County Planning Dept.
950 Maidu Avenue
Nevada City, CA 95959

Re: Penn Valley Re-zoning plans

Dear Sirs,

29-A We are writing to express our opinion regarding the recent discussions of rezoning Penn Valley with more high density housing. As business and homeowners in this community we strongly oppose this proposed plan to develop low cost housing in Penn Valley. The original plan called for commercial, business retail and industrial issues for the lots in question in downtown Penn Valley. This community needs jobs and businesses, not more low income housing.

29-B We are concerned the proposed rezoning will not only eliminate the opportunities to create more jobs in this community, but further stress the public services in the area. The low income apartments on Broken Oak (which we also opposed) have already resulted in more crime and fire service calls. We do not have the Sheriff's or Fire Department's presence to handle more service calls.

29-C We also do not understand with the current discharge water issues how more high density housing can be built. There are already not enough EDU's available and these lots are in the "pink zone" and should not be on septic systems either. The system is already overwhelmed in it's current state and does not need to be taxed further.

29-D We are requesting that the Planning Department and the County Board of Supervisors take into account the concerns and opinions of the residents who will be directly affected by this decision. We are not a dumping ground for the county. If you must build these types of units, build them in the "city" where work and transportation is more available. We bought our home and business in this community because of it's lack of apartments and big city problems. It's a lovely rural area with large parcels of open land and that's how it should remain. Placing low income housing a rural setting, you are not accounting for a greener environment. Lack of services (grocery stores, drug stores, physicians, etc.) means more gas consumed in order for these residents to obtain services. There is no viable transportation system to get these people to the services they will require.

In conclusion, although we live in an unincorporated area of Nevada County, we are voters in this county and our objections and voices should be heard.

Sincerely,

Dale & Christine Meyer
18235 Lasso Loop
Penn Valley, CA 95946
(530)432-5977

Letter 29 – Dale and Christine Meyer

Response 29-A Please see Master Responses #3 and #6. It should be noted that the RH Combining District regulations allow property owners to decide what type of housing they will build on any site that is rezoned. Future development will be based on market conditions. The overlay zone was structured this way to provide the greatest amount of flexibility for creating a variety of housing types based on the need of the community at the time that the sites are actually developed.

Response 29-B The project does not propose to displace or remove any existing development that currently offers employment. Please see Master Response #2 and #3 regarding jobs related to the project and the potential retention of commercial zoning on Sites 10 and 11. Potential impacts to public services and utilities are evaluated in Section 4.13 of the Draft EIR. The project proposed mitigation measures to address potential impacts on fire and Sheriff services. Please see Response 10-NN.

Response 29-C Please see Master Response #4 regarding future developers' responsibility to ensure adequate sewer service is available at the project site prior to development. None of development proposes to use septic systems. All project sites would be connected to the public sewer system. Nevada County Sanitation District No. 1 has recently secured funds to complete improvements to the wastewater collection system in Penn Valley and construct a 4.3 mile pipeline to the Lake Wildwood Wastewater Treatment Plant. Upon the completion of the pipeline in late 2014, the new wastewater disposal system would be able to more efficiently accommodate the Standby EDU's allowing for appropriate build-out in the Penn Valley service area.

Response 29-D Please see response 22-G that describes the existing conditions that makes development with the RH Combining District a compatible use in Penn Valley. Please see Response #6 regarding low income housing.

Letter 30

Tyler Barrington, Principal Planner
Nevada County Planning Department, 950 Maidu Avenue, Suite 170 Nevada City, CA 95959
Telephone: (530) 470-2723 Email: tyler.barrington@co.nevada.ca.us

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Nevada County
Community Development

Please reconsider re-zoning sites 10, 11 and 13 in Penn Valley Center.

30-A If done correctly the addition of housing and residents to Penn Valley should improve the economy and vitality of the community. But if the wrong sites are developed it will cause long term harm to the community, its economy and the environment.

To Penn Valley, small things matter. A short sidewalk/bike trail did a great deal to enhance Penn Valley Drive and Penn Valley Center. Taking commercial land away from Penn Valley center could do a great deal to harm our very small commercial center and community. Projects must be done in Penn Valley in a way that will attract people and business to the area.

30-B It must be kept in mind that Penn Valley is already disadvantaged and does not have the retail and commercial appeal of Grass Valley and Nevada City. The proposed sites will further disadvantage Penn Valley. These sites do not serve the individuals moved here, the community as a whole or the intent of the requirement to provide affordable housing. It is bad for the environment to place high density housing in Penn Valley without supporting the local retail, services and employment opportunities.

Site 10 & 11 C2

30-C Sites 10 and 11 are next to and behind the Post Office in the heart of Penn Valley Center. This is the commercial land that needs to provide the business, services and jobs for the people you would like to move in. It is essential to our community. You cannot say that a site has potential for employment opportunities and retail when the commercial land is the very land you are re-zoning.

Site 13 IDR

30-D This site is highly visible from Route 20 and is the public face of Penn Valley. High density housing on this site will depress the appeal of Penn Valley to both commercial and future housing development. Grass Valley and Nevada City have established commercial and retail areas. Penn Valley is struggling to get its share of retail and employment opportunities. It is critical that this highly visible land is developed appropriately. The current plan will do more to scare away businesses and further reduce Penn Valley as a destination. Again it makes no sense to move people here and discourage retail and employment at the same time. For the sake of both the environment and the economy, the goal should be to encouraged a self-sufficient community with a balance of housing, retail, services and employment.

Thank you for your time.

Linda Marshall, Penn Valley, CA



Letter 30 – Linda Marshall

Response 30-A The County acknowledges and appreciates this comment. Please see Master Response #3.

Response 30-B The County does not concur with this comment. Please see Master Response #2, Master Response #3 and Response 22-G.

Response 30-C The County does not concur with this comment. Please see Master Response #3.

Response 30-D The County does not concur with this comment. Site 13 is not currently zoned for commercial uses, and the project would not displace any existing commercial uses. There is no evidence that high density housing would discourage retail uses in the Penn Valley area. The County concurs that self-sufficient communities with a balance of housing, retail, services, and employment are preferred. Please see Response 22-G.

Letter 31

Tyler Barrington

To: Brian Foss
Subject: RE: Penn Valley Rezoning

From: David Bartow [mailto:d.bartow@yahoo.com]
Sent: Tuesday, October 29, 2013 8:43 AM
To: bdofsupervisors
Subject: Penn Valley Rezoning

31-A I am writing you to express my concern regarding the proposal for rezoning downtown Penn Valley. I am a local contractor that bids on federal and state housing projects. A lot of the projects I work on are for low income housing through Nevada, Sutter Regional Housing Authority. I get to see the kinds of communities the low income housing create. This is not an area suitable for low income housing.

31-B If the low income housing is brought into Penn Valley it will not only lower the quality and safety of the local community but it will also prove to be an area that can not sustain the kind of jobs these people need. The community dose not have any sort of jobs that will accommodate families that need jobs and assistance in trying to find local work. Penn Valley has very little bus traffic and no taxi cabs to allow for transportation back and forth to jobs in the larger city. Paying a taxi cab from Grass valley or Yuba City is a large portion of a days pay to go round trip.

31-C If we allow the low income housing to move in to Penn Valley we provide a situation that people will be dependent on the government for life. The lack of jobs and affordable rentals or houses will make it so the low income families will be forced to stay in the houses and not have the chance to move up.

31-D The Penn Valley community is primarily a commuter, ranching and retirement community. The retired people have moved up from the surrounding cites to retire and have invested into the high cost of homes in order to feel safe and enjoy the local community with out living in the large city. The younger generations move to the area for safety and are willing to make the long commute off the hill for work. As for the ranching families they are primarily hard working families that enjoy the community and still have to commute to the city for work.

I vote no for rezoning down town Penn Valley
David Bartow
530-559-1184

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Letter 31 – David Bartow

Response 31-A The County does not concur with this comment. Please see Master Response #6 and Response 22-G.

Response 31-B The County does not concur with this comment. Please see Master Responses #2 and #6. The County does not concur that transportation opportunities are not available in Penn Valley. Nevada County administers a door-to-door paratransit service for persons with disabilities for trips within the Grass Valley/Nevada City area and nearby communities. The service is provided by Gold Country Telecare, a private non-profit organization, under a contract with the County of Nevada. All paratransit vehicles are equipped with wheelchair lifts and other accessibility features.

Gold Country Stage Route 6 has a bus stop at Penn Valley Drive and Spencerville Road (approximately 0.2 mile from the sites) and connects to the main depot in Grass Valley, which provides access to other destinations such as Sierra College and other businesses in Grass Valley and provides a connection to Route 5. Route 5 travels to Auburn Station which connects with Placer County Transit (which serves Auburn, Rocklin, Sierra College, Roseville Galleria and Sacramento Light Rail), Auburn Transit and Amtrak Thruway bus service as connecting schedules allow.

Response 31-C The County does not concur with this comment. Please see Master Response #6. There is no evidence that residents of high density housing would be dependent on government for life. Please see Master Response #2.

Response 31-D The County acknowledges and appreciates this comment. However, the comment is not at variance with the content of the EIR and further response is required.

Letter 32

Tyler Barrington

From: Doug and Shirley <moon.henry1@gmail.com>
Sent: Tuesday, October 29, 2013 8:43 PM
To: Tyler Barrington
Subject: EIR Public Review

Dear Mr. Barrington,
We attended the meeting in Penn Valley this evening and wanted to thank you for presenting the information as well as you did. We left at 7:15pm; long enough to obtain quite a lot of information.

32-A We would like to address the fact that we believe the whole EIR process is flawed.
Out of the 80 sites originally identified as suitable as these types of projects, the county should have selected the sites that were best suited to this high density type of development. That is, areas with the proper infrastructure, services, retail, transportation, Fire and Police; not RURAL horse country.

Thank you for your time and attention to this important matter.
Sincerely,
Douglas and Shirley Moon
11889 Kingbird Ct
Penn Valley, CA 95946
530-205-9554

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Letter 32 – Douglas and Shirley Moon

Response 32-A The County does not concur with this comment. The County does not concur that the EIR process is flawed. The EIR was prepared consistent with the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000 et seq.), and the *CEQA Guidelines* (California Code of Regulations [CCR] Title 14, Section 15000 et seq.). Please see Master Response #1 regarding the site selection process and Responses 10-NN and 22-G.

Letter 33

Tyler Barrington

From: Lindsay <missionaryhere@aol.com>
Sent: Tuesday, November 12, 2013 1:44 PM
To: Tyler Barrington
Subject: Rezoning Concerns

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To Mr. Barrington,

33-A Thank you for taking the time to read this email. As I'm sure you have heard and seen, I have also called and written a letter regarding the potential rezoning in Penn Valley. I want to reiterate again, as I have in these three messages as well as at the meeting, how much I am opposed to the rezoning. Seems like all of Penn Valley is. This is our home, and rezoning threatens so many of the qualities we love about Penn Valley: the low crime rate, the scenery, the small population, etc. We are not an urban area. We are a rural area, and we love that. High density urban housing does not belong here. Especially when one of the parcels surrounds the water treatment plant. No one gets a good deal on that! We don't want a huge increase in low income housing, and I doubt anyone wants to live in a smelly field.

33-B At least one parcel is on an "environmentally sensitive" area, but it seems as though that doesn't matter anymore. And the number of proposed housing units will stress our current resources: everything from sewers, roads, employment, law enforcement, schools, everything. We're already stretched in all these areas in Penn Valley. We can't handle this many more people.

33-C Please, remember there are families here wanting to raise their kids in a beautiful, safe town. Please, please consider what we've all been telling you. Please do not move forward on this housing. The only reason I've really heard to move forward on it is because the state says so, and they've designed this mandate for places like L.A. We are not L.A. We have a community, and we need to stand up for it.
Please read the letters, the emails, and listen to the calls.
Please listen to our people and our families.
We won't stop fighting this.

Thank you.

-- Lindsay Betz
P.O. Box 696
Penn Valley, CA, 95946

MissionaryHere@aol.com

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Letter 33 – Lindsay Betz

Response 33-A The County does not concur with this comment. Please see Master Response #6. The County does not concur the proposed project would adversely conflict with the low-crime rate, the scenery, or the small population.

Response 33-B The Environmentally Sensitive Areas (ESAs) are identified for the each of the project sites that have sensitive resources and are shown in Figures 3-15 through 3-24 of the Draft EIR. The ESAs indicate the areas within the project sites where future development is restricted in order to avoid and minimize impacts to sensitive resources. The enforcement will occur as future developers submit grading plans, site plans, and building permits and must demonstrate that the proposed development has avoided the ESAs.

Mitigation Measure 4.1-1a states that structures on Sites 10 and 13 must avoid the floodplain ESA. However, should a structure such as a crossing or bridge be required for access to Site 13, then as stated in Mitigation Measure 4.10-1a, "Should development within the floodplain ESA be required, then the developer shall obtain a discretionary use permit for any development within the floodplain and a ministerial management plan for any development within the floodplain 100 foot setback." The encroachment into the floodplain would require the developer obtain a Conditional Use Permit from the County.

Please see Master Response #4 and Response 10-NN regarding the future developers' responsibilities to provide required infrastructure and to ensure adequate fire and sheriff services are available to accommodate the future development.

Response 33-C The County does not concur with this comment. Please see Master Response #1 regarding the County's purpose for proposing on the project.

Letter 34

Tyler Barrington

From: Valorie Wilcock
Sent: Tuesday, November 12, 2013 8:05 AM
To: Steven DeCamp; Brian Foss; Tyler Barrington
Subject: FW: Penn Valley re-zoning

From: Tim Robinson [mailto:reicatshop@yahoo.com]
Sent: Sunday, November 10, 2013 6:18 PM
To: CommunityDevelopment
Subject: Penn Valley re-zoning

Hello Steve,

34-A I would like to express my concern about the lack of information being given to the community of Penn Valley regarding the high-density low-income housing projects being planned. I am a lifelong resident of Penn Valley. I cannot ignore what is about to happen. Please note my objection. I understand the state is requiring all to have a particular amount of low income housing. Penn Valley cannot be the main solution to this requirement.

I am not against those in poverty but I am against what this kind of housing brings. I used to be for the low income apartments until I have witnessed what it has done to this community. It is not all bad but there is enough bad that I don't want any more of it.

Tim Robinson
10760 Baker Downs Rd
Penn Valley, CA 95946
530-432-4234 h
530-265-5844 w
530-559-5633 c

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Letter 34 – Tim Robinson

Response 34-A The County does not concur with this comment. Please Response 10-D.

Letter 35

Tyler Barrington

From: Valorie Wilcock
Sent: Tuesday, November 12, 2013 8:07 AM
To: Tyler Barrington; Brian Foss; Steven DeCamp
Subject: FW: High Density Housing Proposals

-----Original Message-----
From: David Adams [mailto:ctrarcht@nccn.net]
Sent: Monday, November 11, 2013 8:17 PM
To: Tyler Barrington
Cc: Hank Weston; doug.donesky@co.nevada.ca.us; mike@ministoragepennvalley.com; CommunityDevelopment
Subject: HIgh Density Housing Proposals

Dear Tyler Barrington, County of Nevada Planning Department,

35-A I would like to protest the recent selection of thirty-some acres in Penn Valley for potential high-density housing development. First, not enough advance notice was given to concerned and adjacent residents before the community meeting last Tuesday night.

In addition, the increased density of population (over 2000 new, mainly low-income residents in such a small, rural town), increased automobile traffic (more than 1,000 trips daily), and need for new services (e.g., police and fire) could be devastating for such a small town and would greatly decrease the quality of life that we who live in Penn Valley value above all when we invested in our own properties here.

35-B I am further concerned about the loss of both potential commercial sites and heavily wooded land (with accompanying detrimental affects to existing wildlife and creek water quality).

35-C It seems clear that the kind of rezoning and development fostered at the state level for such changes is directed at much more populous urban areas and is obviously out of place in small, rural communities like Penn Valley. Please reconsider your plans.

Thank you for your consideration,

David and Janet Adams
14487 Burlington Parkway
Penn Valley, CA 95946

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Letter 35 – David and Janet Evans

Response 35-A The County does not concur with this comment. Please see Response 10-D regarding the number of units proposed in the Penn Valley Area. Please see Response 10-NN regarding fire and sewer service.

With regards to traffic, as shown in Tables 4.15-9 and 4.15-10 of the Draft EIR, the proposed project does not reduce the level of service at any of the intersections in Penn Valley below the threshold of minimum level of service. Table 4.15-1 provides an explanation of the different levels of service. More specifically, the level of service only changed for two intersections in Penn Valley. The intersection of SR 20/Penn Valley Road went from an existing LOS B to LOS C which is an acceptable level of service for Caltrans as noted on page 4.15-45 of the Draft EIR. The other intersection to have a change in Penn Valley is the intersection of Penn Valley Drive/Broken Oak Court. As an unsignalized intersection, this intersection would change for LOS A to LOS B. LOS B does not exceeds the County's minimum level of service threshold of LOS D. For these reasons, potential traffic impacts on intersections in Penn Valley are considered less than significant and no mitigation is required.

Response 35-B Please see Master Response #3. Potential impacts to wildlife are addressed in Section 4.4 of the Draft EIR. None of the 18 projects sites have been identified as a wildlife corridor area. Mitigation Measures 4.4-2b and 4.4-2c require the developer to prepare preconstruction plant and animal surveys before final development plans are approved. Please see Response 15 regarding water quality impacts.

Response 35-C Please see Response 22-G regarding the existing conditions that make the proposed housing units compatible with the surrounding Penn Valley Area.

Letter 36

Tyler Barrington

From: THORGRUN ODDEN <thorgrun@sbcglobal.net>
Sent: Tuesday, November 12, 2013 3:20 PM
To: Tyler Barrington
Cc: Hank Weston
Subject: RE-Zoning

Principle Planner,

I am one of the un-fortunate people to have received a letter stating that my residence will be impacted by the proposed re-zoning of land that is next to my home.

36-A I am a retired General Contractor and have extensive background in zoning and building situations from past experience. Saying this, I find that the re-zoning of a mostly rural land to R-3 zoning to be extreme. I have lived here in Penn Valley for seven years and have watched the lack of police and fire budgets as it impacts my safety. We have a real situation with petty crime and theft and frankly a poorly covered patrol area for Penn Valley. Most times there is no police coverage here at night. I have personally had petty theft, trespass and lately an attempt at stealing my vehicle, which cost me $1000.00 in repair bills.

36-B I have seen this before in Santa Cruz County, Ca. with re-zoning and under staffed police and fire and also ill prepared infrastructure, only to be laid at the tax payers later in the form of bonds for sewer and road assessments.

Frankly, I think it is time to say no to those that mandate from Sacramento as to just what we do in our own counties. If that means a fight with the State, so be it.

Sincerely,

Thorgrun Odden

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Letter 36 – Thorgrun Odden

Response 36-A Please see Responses 10-NN 22-F and 22-G and Master Response #5.

Response 36-B Please see Master Response #4 regarding the developers responsibilities for ensuring adequate water and sewer facilities are in place prior to construction. The project does not propose any form of bonds or sewer or road assessments. Please see Response 10-NN.

Letter 37

Tyler Barrington

From:	dgstreeter@aim.com
Sent:	Saturday, November 09, 2013 9:45 AM
To:	Tyler Barrington
Cc:	Hank Weston; Planning
Subject:	EIR Penn Valley Proposed Rezoning

Dear sir;
This message is in response to the EIR for the proposed Housing Rezoning in Penn Valley. I am strongly opposed to the proposal for the following reasons.

37-A 1. As pointed out by our PV CofC representative Ed James, The project sites proposed for rezoning to R-3 in Penn Valley are in direct conflict with what was proposed in the Penn Valley Focused Economic Development Study adopted by the County Board of Supervisors in 2000. The EIR completely ignored the Plan which results in a Significant Unavoidable Impact With No Effort to Mitigate. Penn Valley needs more jobs, and the proposed rezoning eliminates the opportunities to increase employment and bring in good paying jobs to the community.

37-B 2. Developing low cost housing at 16 units per acre will further stress public services such as schools, sheriff, fire and other critical services which were negatively affected during the past few years of recession.

37-C 3. The resultant increased population to the area will not be supported by local employment for the reasons of point 1 above, and will therefore not minimize the need to commute, which is, in itself, a serious environmental impact.

The proposal therefore does not foster economic growth as recommended in the EIR and is therefore opposed for the reasons given.

Sincerely,
David G. Streeter
20301 Middle Keystone Court
Penn Valley, CA 95946

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Letter 37 – David Streeter

Response 37-A The County does not concur with this comment. Please see Response 9-B and Master Response #3.

Response 37-B The County does not concur with this comment. Please see Responses 10-MM and 10-NN.

Response 37-C Please see Master Response #2.

Letter 38

Tyler Barrington

From: Jim Flaherty <jim@jchristopherco.net>
Sent: Friday, November 08, 2013 4:30 PM
To: Tyler Barrington
Subject: Zone change

Hi Tyler,
Please pull us out of the high density rezone program for our property located at APN 29–350–12.
38-A We are interested in a C-3 zoning for that property we would be looking at the adjacent property for your program if possible. Please contact me so we can confirm the correct potential parcel for the high density housing use that you're looking for if you wish. Thank you again and sorry for the miscommunication.
Sincerely,
Jim Flaherty
Ridgecrest

Sent from my iPhone

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Letter 38 – Jim Flaherty

Response 38-A The commenter is the property owner of Site 2 of the proposed project. The County has agreed to withdraw the property from the project. As a result of the late withdrawal, references to Site 2 and the analysis of the potential impacts of the rezoning/development of Site 2 are still included within the EIR. Site 2 will not however be included as one of the sites that will be considered for rezoning as a part of this project.

Letter 39

Tyler Barrington

From: tony moscini <moscini@att.net>
Sent: Friday, November 08, 2013 5:44 PM
To: Tyler Barrington
Subject: Re Zone Penn Valley

39-A This Message is in EXTREME PROTEST OF Rezoning Penn Valley. I have lived here for my entire 39 years. The apartments on Broken Oak have started to destroy Our great town. EIR (Environment) is the key word. I attended Ready Springs K-8. Now Ready Springs is an unsafe/unfit Environment for My two children to learn in. The money that The County will continue to lose as Are properties continue to decline will eventually become greater than the WELFARE MONEY Your trading Our Town for.
!7110 Ladino Ave. Too far away to be notified. Look @ a map and tell Me thats Too far Thanks Tony



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Letter 39 – Tony Moscini

Response 39-A Please see Master Responses #5 and #6. The Notice of Availability of the Draft EIR was published in the local newspaper, and notices were sent to adjacent property owners up to 500 feet, exceeding the County's normal 300-foot distribution. The County notes that the commenter's property is beyond the 500-foot noticing area. While the County has met and gone beyond its statutory noticing requirements, it has agreed to extend the noticing of future public comment periods and meetings to include other residents outside of the noticing requirements to ensure the public has an opportunity to participate in the public process.

Letter 40

Tyler Barrington

From:	Debra Duffer <debra@dldfarm.com>
Sent:	Thursday, November 07, 2013 9:23 PM
To:	Tyler Barrington
Cc:	Hank Weston
Subject:	Questions about draft EIR
Follow Up Flag:	Flag for follow up
Flag Status:	Flagged

Mr. Barrington,

Please accept the following comments to the Draft Environmental Impact Report for the County of Nevada Housing Element Rezone Program Implementation of September 2013.

First, thank you for holding the public meeting in Penn Valley on October 29, 2013.

40-A The potential results of the proposal of rezoning to allow for the implementation of high density housing on four sites in Penn Valley places an undue burden on a very small community that is very rural in character. The impact on the infrastructure and the increased burden on local fire, emergency response and law enforcement services would be significant. What is the economic impact on local services of adding high density housing? Have any studies been done to address that concern?

40-B There are few jobs in Penn Valley. How far would you expect residents of a high density housing project likely travel for work? That sounds like additional impact on the infrastructure.

40-C Using sites that are currently zoned commercial could potentially limit future expansion of Penn Valley's commercial center. Or cause any future commercial growth to select parcels that are not as close to the existing commercial center. What is the potential impact of that limitation to a small community?

40-D I understood you to say at the meeting that any mitigation required would go outside the county. If three of those four sites in Penn Valley require some mitigation why did you choose them? Why not choose sites that did not require mitigation? Especially since our county would not receive any benefit from said mitigation?

Thank you for the opportunity to present my comments.

Debra Duffer
14040 Parsons Drive
Penn Vally, CA 95946

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Letter 40 – Debra Duffer

Response 40-A Please see Response 10-NN and Master Responses #4 and #5.

Response 40-B Please see Master Response #2.

Response 40-C Please see Master Response #3. Future commercial growth would occur in areas that are zoned for commercial uses; which in Penn Valley, is the area around the village center.

Response 40-D The County does not concur with this comment. Mitigation for impacts associated with the project would stay within the County. One exception may be for oak woodland mitigation if credits were purchased in a mitigation bank located outside of the County. In those cases, the mitigation locations are based more on availability of mitigation banks within the same eco-region rather than within a political boundary. Most of the proposed sites are undeveloped and require some mitigation as a result of the development. Most development on any of the sites under the existing zoning would require mitigation given the biological resources located through the project area.

Letter 41

Tyler Barrington

From: Raymond Juels <rpjuels@sbcglobal.net>
Sent: Thursday, November 07, 2013 1:05 PM
To: Tyler Barrington
Subject: EIR PUBLIC REVIEW COMMENTS

Follow Up Flag: Flag for follow up
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Brian:

It is the purpose of this EIR Public Review Comments submittal to set forth our comments as follows:

41-A | (1) The proposed zoning changes for Penn Valley are flawed in that the public safety, health and welfare services are currently inadequate without the addition of the proposed higher density housing

41-B | (2) Penn Valley's pastoral character would forever be lost if such a proposal is implemented

41-C | (3) How will the new residents of the proposed high density housing development find employment in this city of very limited business places.?

41-D | (4) How will the additional Public services that would be required by the high density residents be funded?

41-E | ((5) A minimum of 16 units per acre as proposed would result in an overcrowding of Penn Valley's existing highways, streets, parking and would overwhelm our public services.....

Thank You for the opportunity to express our extreme concerns with this proposed zoning change.... We have many other concerns regarding the bad outcomes which would result from this unwelcomed and totally flawed proposal.....

Raymond P. Juels,
Susan E. Juels
18572 Hummingbird Drive
Penn Valley, CA 959
Cell: 530 575-0046

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Letter 41 – Raymond Juels

Response 41-A The County does not concur with this comment. No evidence that the public safety, health and welfare services are inadequate has been identified or that the proposed project would result in significant impacts. Please see Response 10-NN regarding mitigation to ensure adequate fire and sheriff service in the project areas.

Response 41-B The County does concur with this comment. Please see Response 10-EE.

Response 41-C Please see Master Response #2.

Response 41-D Please see Master Response #4 and Response 10-NN regarding the future developers' responsibilities to provide required infrastructure and to ensure adequate fire and sheriff services are available to accommodate the future development.

Response 41-E The County does not concur with this comment. Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. Future developers would be required to provide parking spaces in accordance with the County's Land Use and Development Code. This would be enforced through the County's site plan review process which would occur prior to construction. Please see Master Response #4 and Response 10-NN regarding the future developers' responsibilities to provide required infrastructure and to ensure adequate fire and sheriff services are available to accommodate the future development.

Letter 42

Tyler Barrington

From: Linda Fowler <linda4738@att.net>
Sent: Sunday, November 10, 2013 6:43 AM
To: Tyler Barrington
Cc: Planning; Hank Weston
Subject: rezoning Penn Valley

42-A I am a resident of Penn Valley. Our 2 lane roads are fine for th traffic on them now. Pour the number of cars that are potentially in the units proposed, (and these people will need transportation as grocery, Medical, jobs and entertainment of all sorts) are up or down highway 20. Penn Valley is rural, which means that we do not have Police, Medical and services close. Our sewer system is barely adequate. Our roads-(2 lane) are very narrow, no verge for walking, except the "bike" path, which is between Spenceville Road, and Highway 20 at Pleasant Valley Road.

42-B Nevada County is not the place for low income housing. There are no employment opportunities here-what do you do with all of the young people? They need to be in an area where there are companies that can employ them, and they need transportation to get to the opportunities. Doesn't it sound logical to give these people a real chance. We had a chance, do not doom them to being indebted to the State. Which, by the way can not afford any more people who cannot survive without some means of support.

Thank You, Linda Fowler
530-432-3492

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Letter 42 – Linda Fowler

Response 42-A The County does not concur with this comment. Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. No impacts to the existing bike path were identified. Please see Master Response #4 the future developers' responsibilities to ensure required sewer and water infrastructure are available to accommodate the future development. Please see Responses 22-F and 22-G.

Response 42-C The County does not concur with this comment. Please see Master Responses #2 and #6. Please see Response 22-G regarding the availability of services in the area.

Letter 43

Tyler Barrington

From: Jon Stewart <greatscot3@hotmail.com>
Sent: Sunday, November 10, 2013 3:20 PM
To: Tyler Barrington
Subject: Extremely concerned

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Dear Tyler

I am writing to you to plead with you to vote NO on rezoning Penn Valley for the purposes of building low income, high density housing.

I want to offer direct testament to what can happen to a community and even more than that a region, especially one like Penn Valley/Grass Valley/Nevada City.

Our family has owned a home in Penn Valley since 1987 and I owned a home on Bethel Island California which is adjacent to Oakley CA and Brentwood CA.

Oakley was a rural farming town known mostly for agriculture (almonds) and its proximity to the California Delta. Anecdotally, hardly anything bad or horrific ever happened in Oakley. The town used to be mostly quiet and friendly.

43-A

Oakley CA city council, in waves of 120 units, approved rezoning and section 8 housing appeared almost overnight. Also almost overnight, Oakley got slammed by a massive infusion of graffiti, vandalism, shootings, stabbings, armed robberies, rapes, property thefts, gang activity, drug dealing, garbage dumping and calls for police intervention at area schools. In my opinion, Oakley and the neighboring cities were destroyed and their property values certainly diminished.

One thing to remember, if a person thinks such a housing fiasco will not affect them because they are rural and perhaps outside city limits, the wealth of community destruction and criminal activity is far reaching. Perhaps if one has a siege mentality, lives in a fortified bunker and never ventures into town, they will be lightly affected. If a person enjoyed being a part of that community, after section 8 the community was gone forever.

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The percentage of police services provided to section 8 related calls in Oakley increased to over 80% and this statistic does not reflect all services required outside section 8 "communities" proper but for section 8 residents. These minimum numbers don't lie.

43-A CONT'D

If this housing development goes forward, the Penn Valley that people really love will disappear in the blink of an eye. For those of us that have already witnessed firsthand such community destruction and have fled from it, it is especially alarming. NIMBY? OF COURSE THIS IS! Unashamedly and absolutely!

Do we really want Oakland, Detroit or Los Angeles instead of Mayberry?

I am begging you, please don't destroy the whole Penn Valley region by voting yes for a few government bucks. It will be the very worst moral and financial decision you ever made.

PLEASE VOTE NO ON THIS REZONING.

Thank you and very very sincerely, Jon Stewart and Family (Penn Valley)

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Letter 43 – Jon Stewart

Response 43-A The County acknowledges this comment. However, the comment provides an editorial discussion regarding the author's opinion of past experiences and is not at variance with the content of the EIR, and therefore, no further response is required.

Letter 44

Tyler Barrington

From: Wittler, Paula <paula.wittler@zoetis.com>
Sent: Monday, November 11, 2013 3:29 PM
To: Tyler Barrington
Subject: Penn Valley Re-zoning

Dear Tyler Barrington,

44-A My email today is in regard to the possible/proposed re-zoning of Penn Valley for high-density housing. I realize the Environmental Impact Report takes many things in account....but I believe our Penn Valley community businesses were NOT considered and they should have been.

44-B I completely disagree with the re-zoning because our community is not equipped to handle and/or employ these prospective new residents. The re-zoning belongs in another community, not a rural community that does not have the transportation, the jobs, nor the infrastructure to handle the influx of people. As a Penn Valley resident, I want economic development NOT just new housing. Please consider this comment to NOT go forward with the project.

Thank you.

Paula Wittler
Equine Business Manager

P: (916)802-2300 F:(866)590-4323
paula.wittler@zoetis.com
Visit our Facebook page: facebook.com/eqstable

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Letter 44 – Paula Wittler

Response 44-A The County does not concur with this comment. Please see Master Response #3.

Response 44-B The County does not concur with this comment. Please see Responses 22-F and 22-G.

Letter 45

Tyler Barrington

From: David Adams <ctrarcht@nccn.net>
Sent: Monday, November 11, 2013 8:17 PM
To: Tyler Barrington
Cc: Hank Weston; doug.donesky@co.nevada.ca.us; mike@ministoragepennvalley.com; CommunityDevelopment
Subject: High Density Housing Proposals

Dear Tyler Barrington, County of Nevada Planning Department,

I would like to protest the recent selection of thirty-some acres in Penn Valley for potential high-density housing development. First, not enough advance notice was given to concerned and adjacent residents before the community meeting last Tuesday night.

45-A In addition, the increased density of population (over 2000 new, mainly low-income residents in such a small, rural town), increased automobile traffic (more than 1,000 trips daily), and need for new services (e.g., police and fire) could be devastating for such a small town and would greatly decrease the quality of life that we who live in Penn Valley value above all when we invested in our own properties here.

I am further concerned about the loss of both potential commercial sites and heavily wooded land (with accompanying detrimental affects to existing wildlife and creek water quality).

It seems clear that the kind of rezoning and development fostered at the state level for such changes is directed at much more populous urban areas and is obviously out of place in small, rural communities like Penn Valley. Please reconsider your plans.

Thank you for your consideration,

David and Janet Adams
14487 Burlington Parkway
Penn Valley, CA 95946

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Letter 45 – David and Janet Evans

Response 45-A This comment letter has the same text as Letter 35. Please see the Responses to Letter 35 in response to the comments provided in this letter.

Letter 46

Tyler Barrington

From: Sharon Loucks <sbloucks17@aol.com>
Sent: Monday, November 11, 2013 10:56 PM
To: sbloucks17@aol.com; Tyler Barrington; Planning; Janet Hayes
Subject: Re: Penn Valley

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Mr. Barrington:

I have several more questions:

46-A 1. What is the background regarding the Housing Element Rezone Programs ... and why is Nevada County "out of compliance" with state regulations?
2. How were the sites determined?

46-B 3. What is the current zoning for each of the sites?
4. Who owns each of the sites?

46-C 5. What plans do the owners have for the sites?

46-D 6. What is meant by extremely low income housing?

46-E 7. How is the level of outcome of Mitigation efforts determined?
8. What is the cost of Mitigation and who pays for it?

46-F 9. Would Nevada County be in violation of property owners' rights to approve building when there is a Significant and Unavoidable impact in Air Quality, Green House Gases, Waist Water, Water Supply, and Traffic?

Sharon Loucks

-----Original Message-----
From: Sharon Loucks <sbloucks17@aol.com>
To: tyler.barrington <tyler.barrington@co.nevada.ca.us>; planning <planning@co.nevada.ca.us>; janet.hayes <janet.hayes@co.nevada.ca.us>
Sent: Mon, Nov 11, 2013 11:19 am
Subject: Penn Valley

November 11, 2013

Principle Planner
Nevada County community Development Agency
950 Maidu Ave., Suite 170
Nevada City, CA 95959

Dear Mr. Tyler Barrington:

I must first recognize that I was unable to attend the Rezoning Meeting in Penn Valley last week. Along with my neighbors, I have a long list of questions and concerns. I understand that we have until Nov. 12 to comment on the proposed Rezoning in Penn Valley.

46-G The magnitude of this proposal is hard to conceive in Penn Valley. Penn Valley currently has a population of 1,621 residents. The zoning proposal would potentially include 16 low-income

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46-G CONT'D residences per acre on 60 acres. The current residences have an average 3 family members each. Doing the math, the population of Penn Valley would increase by 2,880 almost tripling the population in one zoning change. This would greatly increase the need for all services: water, power, police, public transpiration and fire (which is currently operated by volunteers). Also it would strain water, power, roads etc. while creating an unimaginable increase in traffic within a few miles.

46-H Penn Valley also has the highest poverty rate in Nevada County. Ready Springs School has a 74% Free and Reduced Lunch rate. This means that three out of four students live in poverty. The low income housing, by definition, would have 100% of its residence living in poverty. The inclusion of these homes would most likely increase the poverty rate to 90%. This quality would magnify the need for police, transposition and social services.

46-I Penn Valley currently has one elementary school and one charter school. Ready Springs Elementary School currently services 203 and Vantage Point Chart has 75 students. The new homes would potentially increase the elementary enrollment to over 350 students. While the school would receive Developer Fees, this drastic increase in students would change the family atmosphere of the campus, which is highly valued in the community. The planning that would be needed to double the number of teachers and staff while adding six to ten more classrooms, would be overwhelming.

Your next step should be to listen to community members and do everything you could to help them. As a public agent that is your job.

46-J Also I wonder why we only have a week to respond, what are the next steps and when is the next Planning Commission meeting?

Sincerely,

Sharon Loucks
Rough and Ready
sbloucks17@aol.com

Letter 46 – Sharon Loucks

Response 46-A Please see Master Response #1.

Response 46-B The current zoning for each of proposed sites is shown in Table 3-3 of the Draft EIR. The project sites are owned by individual property owners. Table 3-3 has been revised in the Final EIR to include corrections to the existing zoning designations to some of the project sites.

Response 46-C Please see Master Response #8. Individual site plans were not reviewed as a part of this project and future development will be dependent upon market conditions at the property owners discretion regarding future plans for each site.

Response 46-D The term extremely low income is used by the State Department of Housing and Community Development to define people or families whose income less than 30 percent of the median income level. The number varies by county and size of household. More information can be found at State Department of Housing and Community Development's website: http://www.hcd.ca.gov/hpd/hrc/rep/state/incNote.html.

Response 46-E The amount and type of mitigation will vary by site and be dependent on the ultimate design of the proposed projects. In all cases the future developers will be responsible for implementing and paying for any mitigation costs and related improvements. Enforcement of the mitigation will be the responsibility of the County and will occur prior to construction or building permits, depending on the nature of the mitigation.

Response 46-F The County would not be in violation of any owners rights by approving the project. The conclusions of the EIR are for informational and disclosure purposes to inform the public and decision makers (i.e., the Board of Supervisors) of the potential effects on the physical environment as a result of the project. The EIR does disclose that there are some significant and unavoidable impacts associated with the project. Significant and unavoidable impacts are permitted under California Environmental Quality Act if the decision making body (i.e., the Board of Supervisors) adopts statements of overriding considerations. These overriding considerations are used to determine that there are social and economic benefits associated with the project that would warrant approving a project even with the significant environmental impacts.

Response 46-G The County does not concur with this comment. The project proposes to rezone approximately 33 acres on four sites in the Penn Valley area. Please see Response 10-D. Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. Please see Master Response #4 and Response 10-NN regarding the future developers' responsibilities to provide required infrastructure and to ensure adequate fire and sheriff services are available to accommodate the future development. Please see Response 10-D regarding the proposed aggregate density calculations for the Penn Valley area.

Response 46-H The County does not concur with this comment. Please see Master Responses #5 and #6. It is likely there will be a need to provide a variety of housing types for all income segments of the population. This project would assist in providing higher density options that are limited not only in Penn Valley but throughout the unincorporated area. This new housing would likely serve an existing need in the community and accommodate future population growth.

Response 46-I Your comment is noted. Please see Response 10-H. There is no evidence that additional students at the elementary school would change the family atmosphere on campus.

Response 46-J The County provided a 60-day public review period for the EIR which exceeds the state minimum review period of 45-days. The Planning Commission hearing has not been set but is expected in the first quarter of 2014.

Letter 47

Tyler Barrington

From: Nadeane Diede <nadeane@gmail.com>
Sent: Monday, November 11, 2013 10:58 PM
To: Tyler Barrington
Cc: Hank Weston; Planning
Subject: EIR Presentation to Penn Valley Community.

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Mr. Barrington,

Thank you for your presentation of the EIR to our Penn Valley community on October, 29.

47-A As a resident of Penn Valley for about a year and a half, I have become interested in the future of Penn Valley. I have become quite concerned about the information in this EIR. This EIR proposes to eliminate prime retail and business parcels to accommodate low income housing. Once these parcels are rezoned to residential use, they are nearly impossible to regain for business use.

47-B Since moving here, I have heard numerous times on KNCO, reports of local officials lamenting the inability of this county to keep sales taxes local rather than going to adjacent counties. As I have gotten acquainted with the area, I have found that most local retail businesses are mainly "tourist shops" catering to discretionary spending rather meeting everyday needs. I'm not talking about adding Wal-mart or other big box stores. I'm talking about quality stores with a variety of goods which reflects the needs and tastes of its local community.

Every community has a need for some low-income housing, for those just beginning their careers, for seniors, and for people just down on their luck for a while. But this high-density housing plan is not a suitable plan.

Low-income housing of the density proposed here becomes a sort of "warehouse" for low-income people with an address easily identified and somewhat stigmatized as low-income by the local community. This was evidenced at the EIR meeting when reference was made to an existing multi-unit address already here in Penn Valley.

In researching past actions in regard to the growth of Penn Valley, I have found the following information:

47-C
- The project sites proposed for rezoning to R-3 (16 units per acre) in Penn Valley are in conflict with what was proposed in the Penn Valley Focused Economic Development Study adopted by the County Board of Supervisors in 2000. This Plan (termed the Village Plan) called for commercial, business, retail and industrial uses in the Penn Valley Village. The Board of Supervisors adopted this plan in order

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47-C CONT'D to provide guidance for future development of the Penn Valley Area. I could find nothing to indicate this plan has been updated or changed.

- 47-D The Board of Supervisors' site selection criteria for this EIR was also flawed, which resulted in **42%** of the County's State mandated housing being located in Penn Valley. This is a large county. No need to concentrate this mandate in one community.
- 47-E Developing low cost housing at 16 units per acre will further stress public services such as schools, sheriff, fire and other critical services which were negatively affected during the past few years of the Great Recession.
- 47-F Penn Valley needs more jobs. The proposed rezoning eliminates the opportunities to increase employment and bring in good paying jobs to the community.
- 47-G The Penn Valley area should be allowed to develop as recommended by the Village Plan, which states that "opportunities exist for business park, light manufacturing for firms providing components for high tech manufacturing, as well as office based businesses in software development and internet applications".

47-H The above points: the previously approved Village Plan, the need for more jobs, and quality of life for Penn Valley residents should take precedence over the development of any high density housing project for low-income housing in this rural setting, which, as currently proposed does not benefit any of our residents, not even the proposed low-income residents.

While the EIR presentation is concerned with environmental issues, the above stated points become a part of the fabric of the proposal when the flaws of each require costly mitigation and are overwhelmingly contained in this one small part of this large county. Please reconsider and eliminate this entire proposal with an eye to finding more suitable parcels not concentrated in our community.

Thank you for your consideration and concern.

Nadeane Diede
Oak Meadow Road

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Letter 47 – Nadeane Diede

Response 47-A Please see Master Response #3

Response 47-B Please see Master Response #6.

Response 47-C Please see Response 9-B.

Response 47-D Please see Response 10-D.

Response 47-E Please see Master Response #1, and Responses 9-B, and 22-F.

Response 47-F Please see Master Responses #2 and #3.

Response 47-G Please see Master Response #3 and Response 9-B.

Response 47-H Please see Responses 47-C through 47-G in response to the points raised in this comment.

Letter 48

Tyler Barrington

From: Rosemary <rgrosemary@aol.com>
Sent: Tuesday, November 12, 2013 5:16 PM
To: Tyler Barrington
Subject: Rezoning Penn Valley

I didn't stay for the meeting in Penn Valley although I was one of the first to arrive. "Over flow crowd" an understatement and I thought it safer to excuse myself and instead read about the meeting in the newspapers. Besides, we weren't assembled there to vote.

48-A First, I concede that Nevada County could use more housing. It's such a beautiful place to live but keep in mind the infrastructure of this small town and the traffic congestion already present on Penn Valley Drive and around the town center. Would be great to not turn town proper into another Grass Valley/Auburn Hwy. 49 and La Barr Meadows fiasco or have to tear out the bike/pedestrian trails and put in more traffic signals and a center turn lane to accommodate more automobiles.

48-B Will the State have money available to build new traffic lanes and post speed limit signs that make sense around the town's hub of business? Rezoning close to hwy 20 may work out better if it is inevitable. Hope not.

Rosemary aka Mama Rosa
rgrosemary@aol.com

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Letter 48 – Rosemary

Response 48-A The Draft EIR evaluates potential impacts on public services and utilities (including sewer and water service) and traffic in Section 4.13 and 4.15, respectively. Please see Master Response #4. The project does not propose to replace any bike or pedestrian paths or install any traffic signals in Penn Valley.

Response 48-B Any traffic improvements requires as a result of the project would be the responsibility of the future developers to pay for and construct, however none are proposed for Penn Valley.

Letter 49

Tyler Barrington

From: Al Witt <nctpwitt@gmail.com>
Sent: Tuesday, November 12, 2013 9:25 PM
To: Tyler Barrington
Cc: Planning; Hank Weston
Subject: Penn Valley "Project"

Dear Sir/Ma'am,

49-A I wish I could send you a properly formatted letter deserving of the gravity of the situation. I cannot, so I just wanted to at least give you my input as a Penn Valley citizen. Please do NOT allow this to happen. There are a multitude of reasons that I know my fellow citizens have voiced, so I won't take you time reading the same reiterated. I'll just leave it at this; our residents deserve to remain in the quiet, peaceful, and pleasant community they have enjoyed thus far. Please don't ruin it by allowing what we all know will deteriorate our beloved community!

Thank you for the work you do on our behalf.

Respectfully,
Alan Witt
Penn Valley

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Letter 49 – Al Witt

Response 49-A The County acknowledges and appreciates this comment. However, the comment is not at variance with the content of the EIR, and therefore, no further response is required.

Letter 50

Tyler Barrington

From: Heidi Rodriguez <horsewomanheidi@yahoo.com>
Sent: Tuesday, November 12, 2013 8:24 PM
To: Tyler Barrington
Subject: Rezoning of Penn Valley,Ca.

50-A I am responding to the E.I.R report for the rezoning of Penn Valley,Ca. I live on Penn Valley Drive past the Western Gateway Park. I feel that the town could not handle the amount of people who would move to the town with rezoning the property in Penn Valley. The park and Penn Valley Drive already have frequent activity including the people walking on the walkway from the Highway 20 intersection to the town of Penn Valley . This could become a safety issue for the walkers as well as the drivers Where would the open space environment be moved to? Thank you, for your consideration, Heidi Rodriguez 18799 Penn Valley Drive.

Letter 50 – Heidi Rodriguez

Response 50-A The project does not propose any direct access from the proposed Sites to Highway 20. The same bicycle and pedestrian safety requirements that currently along Highway 20 would remain in place with the development. None of the sites would require crossing Highway 20 to access to Western Gateway Park nor would the project negatively impact the exiting pedestrian and bicycle path along Penn Valley Drive. With the exception of Site 13 none of the proposed sites are currently designated for open space and all are currently zoned for residential or commercial development. Site 13 has and existing General Plan designation of PD (UMD 26ac. and OS 8ac). Although this designation applies over multiple properties (as Site 13 is approximately 20 acres), Site 13 does proposed approximately 8.9 acres of Environmentally Sensitive Area (ESA) which would preserve these areas an undeveloped area and will effectively serve as open space. The 8.9 acres of ESA would satisfy the required ratio of open space per the General Plan designation.

Sites 10-13 have ESAs designated over a portion of the site to protect sensitive biological and cultural resources. Sites 10 and 13 have areas identified ESAs around the Squirrel Creek floodplain and riparian habitats. These areas would not be developed and left in their natural state. There are some portions of the ESAs in which the development footprint is shown to encroach into the designated area. In some cases the encroachment may be necessary to obtain access to the site (such is the case for Sites 10 and 13; please see Response 26-A); or as is the case for Sites 10-12 existing wetland areas created by surface water runoff onto the site being changing once development occurs and stormwater management systems are installed onsite. In all cases, when an encroachment into an ESA is proposed a management plan is required. The requirement for management plans for projects within the RH Combining District is outlined in Section LII 2.7.11(B)(8) of the County's Land Use and Development Code (LUDC) which states the following:

> **Management Plan**. With all development, there is the potential for the encroachment into Sensitive Environmental Resources, defined in Section L-II 4.3: Resource Standards, to ensure a development will fit onto a site. This may be allowed if a Management Plan prepared consistent with Section L-II 4.3.3.C is approved by the County prior to Building Permit Issuance.

Letter 51

Tyler Barrington

From: Andrew Felli <afelli1@sbcglobal.net>
Sent: Tuesday, November 12, 2013 4:57 PM
To: Tyler Barrington
Subject: Penn valley housing Re zoning.

Mister Barrington,

As a residence of Penn Valley, I am concerned that inadequate consideration has been given to this matter.

51-A Regarding to the EIR, please reconsider the amount of traffic, sewerage and lack of parking in these areas. In addition, I think relevant to include an Economic impact Report as part of your study. I feel that the Penn Valley area can not afford to have this type of high density housing. The additional load on law enforcement, roads as well as negative impact on what businesses already here. In addition, the burden to upgrade existing services should not be laid upon current residences in form of tax nor bond.

Perhaps the more appropriate type of development would be less density, owner funded (condos). Something that will benefit all IN the community

Thank you for your time
Andrew Felli

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Letter 51 – Andrew Felli

Response 51-A Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. Future developers would be required to provide parking spaces in accordance with the County's Land Use and Development Code. This would be enforced through the County's site plan review process which would occur prior to construction. The County is creating an Implementation Guide for each of the proposed sites that identifies the required mitigation measures for each site pursuant to Sec. L-II 2.7.11.C.3 of the County Land Use and Development Code. Please see Master Response #4 and Response 10-NN regarding the future developers' responsibilities to provide required infrastructure and to ensure adequate fire and sheriff services are available to accommodate the future development. No tax or bond on existing residents is required or proposed. Please see Master Response #5 regarding economic impacts.

Letter 52

Tyler Barrington

From: David Pettis <powerplanting@gmail.com>
Sent: Tuesday, November 12, 2013 5:40 PM
To: Tyler Barrington
Subject: Re: Site Analysis Report

To Nevada County Planning Dept.

I own Site 1 in the Nevada County High Density Residential Rezone.

The Property is located on 11263 McCourtney Road. The two neighbors next to me both have grandfathered in commercial zoning. When my family purchased the property in the 1980's it was zoned M1.

52-A I entered the rezone with the hopes of getting a Commercial and High density Residential designation. I would use the High Density units to develop employee housing. I would like to have a ground level commercial and upstairs units for residential.

I have tried to lease out my property as office professional and in that neighborhood there was no interest. Brighton Greens has some office units available and there has been no need for offices in my area.

I would like to open a farmers market and coffee stand on the property. I would like to apply for a entertainment permit but I am not able to apply since the office zoning.

My property has been studied with office traffic in mind. With all the current traffic on McCourtney Road I don't see how a commercial designation would bring any additional traffic above and beyond the office zoning.

I don't want to do just a residential project. The neighborhood has had lot of recent changes. The California Highway Patrol is a new neighbor. I think the area could use more neighborhood commercial.

Thanks,

David Pettis

On Mon, Sep 24, 2012 at 9:02 AM, Tyler Barrington <Tyler.Barrington@co.nevada.ca.us> wrote:

Good Morning-

1

Hopefully by now you have received a copy of the Notice of Preparation (NOP) for the Environmental Impact Report (EIR) that will look at the potential environmental impacts of rezoning your property to higher density residential. I am writing to provide you with a link to the recently created County webpage dedicated to this project: http://www.mynevadacounty.com/nc/cda/planning/Pages/2009-2014-Housing-Element-Rezone-Program-Implementation.aspx.

On this page the County will provide periodic updates on the progress of the project. Additionally, I will upload any pertinent documents related to the project, such as the full NOP or just added is the "Site Analysis Report" prepared by the County's Consultant (RBF Consulting). Should you have any questions feel free to give me a call or if you have specific questions about the Site Analysis Report you may contact RBF's Project Manager, Alex Jewell at (916) 928-4809 or by email at AJEWELL@rbf.com.

Best Regards,

Tyler Barrington

Interim Principal Planner

Planning Department

County of Nevada

Community Development Agency

950 Maidu Ave, Suite 170 *office 530.470.2723 fax 530.265.9851*

Nevada City, CA 95959 *http://www.mynevadacounty.com/nc/cda/planning/Pages/Home.aspx*

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Letter 52 – David Pettis

Response 52-A The County acknowledges this comment. Please see Master Response #3. Rezoning Site 1 from Office Professional to a commercial designation is outside of the scope of the draft EIR and does not meet the intent of the project objectives. It is worth noting that there is the potential for retaining the Office Professional designation as a part of this project pursuant to LUDC Section L-II 2.7.11.D, but this would just allow continued use of the site for future office professional uses while increasing the allowed residential density from an existing 4-units per acre maximum to a minimum of 16-units per acre.

Letter 53

November 8, 2013

NEVADA COUNTY
RECEIVED
NOV 0 8 2013
PLANNING DEPARTMENT
CDA

Tyler Barrington, Principal Planner
Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

Email: tyler.barrington@co.nevada.ca.us

RE: Housing Element Rezone Implementation Program

Dear Mr. Barrington:

I am writing to share my concerns about the possible rezoning of four parcels in the Penn Valley area as identified in the Environmental Impact Report (EIR) for the Housing Element Rezone Program. Although I do not see a place for this program on any of the sites, I am more specifically concerned with the three parcels identified as numbers 10,11 and 13, which are in the Penn Valley Village Center.

53-A My first and most important point is that none of the sites in Penn Valley seem to fit the desired model and requirements as set forth in the EIR. Quite simply it appears that programs such as this are more suited and designed for larger cities, and towns where needed services are readily available. Not to mention the fact that jobs don't seem to be readily available anywhere, much less Penn Valley. Placing high-density housing in a rural hamlet such as Penn Valley simply makes no logical sense.

53-B My second concern regarding this proposal is the method and rules under which the properties were selected. With only the property owners who were in agreement with the zoning change being considered. Case in point, sites 10, 11 and 13 in Penn Valley are owned by out of area and state owners whose self interest share absolutely no interest with our community. A simple moneymaking proposition if you will. I know the owners of these properties were present at both the Planning Commission and Penn Valley community meetings regarding this issue. Neither of them spoke in favor, nor had a willingness to share their plans for the sites with the community, much less identify themselves. I believe they should be mandated to do so. I believe they should be required to answer public concerns just as you and your department must through the EIR. Their plans should be presented to the public and community prior to the zoning change. Allowing their projects to be "rubber-stamped", "by right" after the change is as backward and discriminatory a policy as there could be. To use the word "flawed" is an understatement. No other landowner in the county is allowed that right, why them???

53-C Another very serious concern of mine is the impact on the sensitive environment that runs directly through the three mentioned sites. Residing on a neighboring property, I can attest to the fact that during last years flooding rains in November and December, those properties with Squirrel Creek running through them are not a place to locate hundreds of housing units, let alone families. The danger alone should make one cringe. The impact on the environment, the creek, the wetlands, wildlife, and Western Gateway Park downstream, cannot be overlooked. There is no better evidence of reasons to not build high-density

53-C CONT'D | housing on these sites than to walk on them. I have, have any of the drafters of the EIR?

53-D | History has a documented footprint for success when it comes to planning and building cities, towns, villages and communities. If you build it, they will come. But what is "it". I believe "it" is businesses, jobs, and services. Changing currently zoned commercial properties to high-density housing eliminates the opportunity to follow that course. Dumping families in an area without those prerequisites is simply putting the "cart before the horse". And it is beyond shortsightedness; it defies logic, common sense, and history.

53-E | By now the concerns of the Penn Valley community, its residents, and its businesses are well documented; the process is full of flaws and not very well thought through. The notification process of only notifying neighbors within a 500-foot radius of the sites is absurd, ludicrous, and unacceptable. The unwillingness of the county to extend the public comment period past November 12th for this extremely sensitive issue is uncaring and disingenuous. The fact that other areas in east and north county were not even considered because of the selection policy flaws is unfair and disproportionate to shared county values. I don't believe the Penn Valley community is acting or reacting selfishly, emotionally, or irrationally about this issue. We are befuddled by a process and policy that imposes burdens on our community that are not well thought out and inequitable compared to the rest of our very large county.

53-F | It is obvious myself and others alike can go on and on about more and more elements of this plan that are disconcerting and flawed. I believe you will hear of all of them. I trust and hope that you will address them all in your answers in the EIR.

I urge you to reevaluate, revisit, and rewrite the policy and the EIR to better fulfill the needs of our communities and our county. There is an opportunity for the county to right a wrong. That seems appropriate to a community that only asks for fairness.

Lastly, I want to thank you for the work you have done, for attending our meetings, and facing the tough comments and questions. I know you find yourself in a very unenviable situation. You have my utmost respect.

Sincerely,

Michael Mastrodonato
17714 Penn Valley Drive
Penn Valley, CA 95946
(530) 777-8138

Email: mike@ministoragepennvalley.com

Cc: Hank Weston, Nevada County Board of Supervisors
Doug Donesky, District Four Nevada County Planning Commissioner
Penn Valley Area Chamber of Commerce

Letter 53 – Michael Mastrodonato

Response 53-A The County does not concur with this comment. Please see Response 22-G. Please see Master Response #2.

Response 53-B The County does not concur with this comment. Please see Response 22-F. The County does not concur that the proposed review process is backward and discriminatory. The provisions of the "by-right" development are provided in Sec. L-II 2.7.11.C of the Land Use Development Code and are the direct result of state legislature adopted in 2005 (AB 1233: Jones, which added Government Code Section 65584.09 to State Housing Element Law). LUDC Section L-II 2.7.11 "Regional Housing Need" Combining District also stipulates that future developers will be required to undergo a Design Review process and public hearing at the Planning Commission limited to design issues. However, no additionally discretionary permit is necessary for the density or use of the site.

Response 53-C The County does not concur with this comment. Please see Responses 26-A and 50-A.

Response 53-D The County does not concur with this comment. Please see Master Response #3.

Response 53-E The County does not concur with this comment. For both the Notice of Preparation and Notice of Availability of the Draft EIR, the County met the distribution requirements of the California Environmental Quality Act and the County's own internal polices for public notification. The Notice of Availability was published in the local newspaper, and notices were sent to adjacent property owners up to 500 feet, exceeding the County's normal 300-foot distribution. While the County has met and gone beyond its statutory noticing requirements, it has agreed to extending the noticing of future public comment periods and meetings to include other residents outside of the noticing requirements to ensure the public has an opportunity to participate in the public process. Additionally, the County held three public comment meetings, one in each of the proposed areas, in addition to the Planning Commission hearing during the public review period. The public comment on the Draft EIR was for 60 days which exceeds the standard 45-day review period required by CEQA and County Policy. The County Planning Commission considered the request to extend the public review period at the October 10, 2013 public hearing and elected not to extend the public comment period.

Response 53-F All of the comments submitted on the draft EIR have been responded to and included in the Final EIR.

Letter 54

NEVADA COUNTY
RECEIVED
NOV 12 2013
PLANNING DEPARTMENT
CDA

Tyler Barrington
County of Nevada Planning Department
950 Maidu Ave.
Nevada City, Ca 95959
Tyler.barrington@co.nevada.ca.us

I do not believe that Penn Valley is an appropriate place for a mass amount of low income housing and am opposed to the re zoning of commercial property for the following reasons:

54-A There are not enough jobs for the people who already live here and this area offers no hope for improvement in living standards for already low income people.

54-B There is insufficient police, fire, school, sewer and water, social services, medical resources to support any significant influx of people.

54-C There would be a huge environmental impact on wildlife. Development would include the destruction of our ancient California Oaks which make up the beautiful natural landscape of the area.

54-D There would be parking and traffic problems, noise and air pollution.

54-E Rezoning would deprive Penn Valley of future commercial development which could eventually revitalize the community and create more needed jobs for our current population.

54-F We understand the need for low income housing. We understand the need to receive federal and state funds. However, Penn Valley should not be singled out to bear the full impact of housing for the entire county. 10-15 homes in the neighborhood would be more appropriate.

Even though this letter may have reached you after your deadline, please consider that many of us did not know about these housing plans until recently. As a resident of Penn Valley, I feel all of our voices must be heard and acknowledged.

Sincerely,

LAWRENCE BROWN

18750 WILDFLOWER DR
PV CA

Hank.weston @co.Nevada.ca.us District supervisor
Doug.done sky@co.nevada.ca.us County planning
Mike@ministoragepennvalley.com President of the Penn Valley Chamber of Commerce
ComDevAgency@co.nevada.ca.us

Letter 54 – Lawrence Berkin

Response 54-A The County does not concur with this comment. Please see Master Response #2. It is likely there will be a need to provide a variety of housing types for all income segments of the population. This project would assist in providing higher density options that are limited not only in Penn Valley but throughout the unincorporated area. This new housing would likely serve an existing need in the community and accommodate future population growth.

Response 54-B The County does not concur with this comment. Please see Master Response #4 and Response 10-NN regarding the future developers' responsibilities to provide required infrastructure and to ensure adequate fire and sheriff services are available to accommodate the future development.

Response 54-C The County does not concur with this comment. Please see Response 26-D.

Response 54-D The County does not concur with this comment. Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area.

As shown in Tables 4.15-9 and 4.15-10 of the Draft EIR the proposed project does not reduce the level of service at any of the intersections in Penn Valley below the threshold of minimum level of service. Table 4.15-1 provides an explanation of the different levels of service. More specifically, the level of service only changed for two intersections in Penn Valley. The intersection of SR 20/Penn Valley Road went from an existing LOS B to LOS C which is an acceptable level of service for Caltrans as noted on page 4.15-45 of the Draft EIR. The other intersection to have a change in Penn Valley is the intersection of Penn Valley Drive/Broken Oak Court. As an unsignalized intersection, this intersection would change for LOS A to LOS B. LOS B exceeds the County's minimum level of service threshold of LOS D. For these reasons, potential traffic impacts on intersections in Penn Valley are considered less than significant and no mitigation is required.

Future developers would be required to provide parking spaces in accordance with the County's Land Use and Development Code. This would be enforced through the County's site plan review process which would occur prior to construction.

Air quality and Noise impacts are evaluated in Sections 4.5 and 4.11 of the Draft EIR, respectively. The County concurs that air quality impacts were identified in the Draft EIR. No long term noise impacts were identified in the analysis. Mitigation measures are proposed to reduce potential noise impacts related to construction through the use of best management practices that include muffled construction equipment, construction noise barriers, limiting construction hours to 7:00 am to 7:00 pm Monday through Saturday, and routing trucks and heavy equipment off of residential streets to maximum extent practicable. With the incorporation of these mitigation measures potential noise impacts are reduced to less than significant.

Response 54-E Please see Master Response #3.

Response 54-F Please see Responses 10-D and 10-V.

Letter 55

Matt & Kim

RECEIVED
NOV 12 2013
Nevada County Community Development Agency

Nevada County Planning Department
C/o Tyler Barrington, Principal Planner
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

November 5, 2013

Mr. Barrington,

Thank you for attending the community meeting held on October 29, 2013 at the Seventh Day Adventist Church in Penn Valley. My husband and his family have been residents of Penn Valley since the late 1970s and I moved here in 2004 following our marriage. We currently own 2 parcels in Penn Valley, a stones throw from the proposed rezoning project however too far from the 500 foot radius to be rewarded with a notice of the rezoning project.

We attended the October 29 meeting and found several faults with the proposal. As you might guess, I am opposed to the rezoning of the Penn Valley parcels for several reasons which I will outline below.

55-A The project sites being considered for rezoning are in direct conflict with the Penn Valley Focused Economic Development Study adopted by the County Board of Supervisors in 2000. The County Board of Supervisors adopted the most recent Element from the County Department of Housing and Community Development a full 10 years later, in direct contrast to previous agreements for site zoning. In addition these sites are in direct conflict with the strategic focus of the Regional Housing Authority of Sutter and Nevada Counties, to "work with others to create healthy communities that are safe, economically vibrant, pedestrian-friendly and environmentally sustainable." These parcels are designated in the Village Plan as Commercial and Light Industrial because they are located in the small commercial corridor of Penn Valley.

55-B These sites "were identified based on the relative lack of constraints and proximity to services" as it applies to current rezoning efforts. I have some concern about the overall quality of work performed by the consulting company if they were not able to discover the "Village Plan" and they don't consider the opposition of the project within county departments..

55-C Transitioning these parcels from Commercial and Light Industrial to R3 offers no future benefit to our community, only further consumption of limited resources and services. The Village Plan was created with the input of local businesses and residents to document and validate future economic growth for this community. According to Findthedata.org, 78.6% of employed people in Penn Valley commute to work, on average of 23.2 minutes. Clearly this data indicates a current lack of available jobs in Penn Valley and transitioning the zoning to R3 will not foster additional

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55-C CONT'D

employment, unless we are only to consider limited, short term economic growth gained by providing temporary construction jobs. The statement that the project "would remove obstacles to growth by expanding infrastructure to the project area" is absolutely false. The suggestion that infrastructure has to follow development is backwards and unsustainable.

55-D

Within the Notice of Preparation, there is regular mention of a minimum density of 16 unites per acre, while during the community meeting, the selling point was 16 unites per acre. At the October 29 meeting my husband asked what the maximum number of units per acre were allowable and you could not give a definitive answer, which leads me to believe that the density will be much higher than 16 units per acre, especially since the Notice of Preparation points out that potential density could increase or decrease depending on whether or not the county wants to use a higher density.

55-E

In pages 3-33 of the EIR, Penn Valley is described as "an unincorporated community, located in the western portion of Nevada County, six miles west of the City of Grass Valley. Penn Valley has a "small town" feel with a population of approximately 1,621 but approximately 12,000 people consider Penn Valley home. In recent years Penn Valley has developed a new post office, fire station, performing arts pavilion, a small affordable sub-division and a 42-unit affordable apartment complex."

This is at best a deceptive description of our community. While the location is accurate, the majority of the population lives in Lake Wildwood, a 3,000 lot exclusive gated community that strives to keep itself completely segregated from those outside the gates. As you may already know, entry requires authorization by inhabitants, therefore cannot be considered general facilities that the overall population can access. The Lake Wildwood community even went so far as to unsuccessfully request a separate zip code to define itself as separate from Penn Valley. Approximately 9,000 people reside within the gates of Lake Wildwood, leaving the true population of our village to roughly 3,000 people.

Since you cannot commit to a definitive number of units per parcel, we can only estimate based on your numbers that this rezoning project might add at a minimum an additional 1,000 new residents.

The proposed project will absolutely result in additional pressures on fire, law enforcement, libraries, hospitals and public schools. One time mitigation monies collected will not meet the ongoing needs for services such as fire and law enforcement, which are already underfunded and overburdened.

55-F

The Penn Valley Fire Department (PVFD) and Nevada County Sheriffs Office (NCSO) are currently understaffed as far as protecting this area and incoming mitigation fees may only be used for equipment and infrastructure needs of those departments, not for costs associated with staffing personnel. At this time, PVFD does not even meet state and national standards for staffing patterns. Adding an additional 25% to the population is simply not realistic where overtaxed emergency services are concerned.

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55-G I can only guess that the "performing arts pavilion" refers to Western Gateway Park in that there is a stage for events. Unfortunately the EIR does not address the strain that a marked population increase would put on our locally funded recreational facility. At this time Western Gateway Park is already underfunded and having to make cuts to maintenance and other offerings. The park is challenged in finding funds to support ongoing maintenance much less improvements. I did not see or hear of any mitigation plans to assist with future funding given the projects projected population increase.

55-H Section 2.4.5 and 4.13-5 addresses Public Services and the Penn Valley Wastewater Treatment Plant (PV-WWTP), which is a lovely thought, however the wastewater treatment facility is already near capacity and inadequate. The residents of Penn Valley that are connected to the sewer are paying roughly $1,000/yr and from what we were told at the community meeting on October 29, 2013, the funds have been secured through a State Revolving Fund loan to improve the wastewater treatment facility, however those monies are not in hand yet, so improvements to meet the needs of today are still pending. Needless to say, if we can't meet the needs of today, we certainly cannot promise to meet the needs of tomorrow, but you already know that as you stated, "the (solution to the CDO) pipeline has not been constructed and there is not sufficient capacity at the PV-WWTP to serve project sites 10-13 within the PV-WWTP service area." Without proposed improvements to existing WWTPs there would not be sewer service available for the proposed project "sites 10-18 and the proposed project would result in potentially significant impact." Clearly you are already aware that the significance after mitigation would be significant and unavoidable given the mitigation measures you yourself cited in 4.13-2.

55-I Parcels 10-13 are located within a FLOOD PLAIN. These may be words on paper, however take a drive down to our little village on a heavy rainfall day and see what happens. While we do not have dams to be concerned with, the local flood zones are no joke and standing water is the norm. The EIR does not provide for protecting current improvements, rather requires any future projects to comply with legal measures for developing within Environmentally Sensitive Areas.

Unavoidable Problems to consider:

55-J In these measures the EIR utilizes the same fees and taxes derived from the program construction and ongoing tax collections to mitigate these constraints. The same dollars are spent over and over again. In addition other mitigation measures are assumed to take place in the future where no existing firm plans for implementation exist and no funding source is assigned. (ie. Sewer systems, potable water supply, flood control etc.)

55-K According to the data listed in the Notice of Preparation, there are 126 suitable sites that are not being considered. I am forced to reiterate the entire project is in absolute contrast to the strategic plan of the Regional Housing Authority of Sutter and Nevada Counties whose objective is to "work with others to create healthy communities that are safe, economically vibrant, pedestrian-friendly and environmentally sustainable." Within Penn Valley public transportation is absolutely minimal, there is one sidewalk, inadequate sewer, inadequate emergency services. The hospital is a 15 minute drive, as are most medical services. Ready Springs School is at capacity and cannot

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55-L withstand an additional population infusion. And we have no monies to adjust any of these factors and one time mitigation fees from a construction project will not fix these problems.

55-M Clearly the attendance at the October 29 meeting indicates that the local community demands involvement in this project. Unfortunately we could only determine one homeowner at the meeting that actually received a notice regarding the rezoning project. I personally know a homeowner on the corner of Broken Oak and Penn Valley Drive that did NOT receive any notice of proposed rezoning. Furthermore, a broader net of notification (in excess of 500 feet from the parcels) should have been cast. I have to believe the consulting company felt like a 500 foot radius from the project sites was adequate otherwise I would be forced to believe the county was planning on slipping this project through with little to no input from community members. Given the turnout at the October 29 meeting and the passion of our local community, I request that the comment period should be extended beyond November 12th.

Thank you for your time and response.

Sincerely,

Matt & Kim Furtado

Matt and Kim Furtado

CC:
Doug Donesky – County Planning Commissioner for District 4
Hank Weston – Nevada County District 4 Supervisor
Penn Valley Chamber of Commerce

10842 Devonshire Circle, Penn Valley, CA 95946 ☎ 530.575.1500 or 530.318.5000

Letter 55 – Matt and Kim Furtado

Response 55-A The County does not concur with this comment. Please see Response 9-B.

Response 55-B The County does not concur with this comment. Please see Response 9-B. The County did not have any opposition to the project within County Departments.

Response 55-C The County does not concur with this comment. Please see Master Responses #2 and #3. Please see Master Response #4 regarding infrastructure. The analysis in the EIR states that if additional sewer capacity did become available, it could remove an obstacle that is currently limiting new development in the area because of the current lack of available capacity at the Penn Valley Waste Water Treatment Plant.

Response 55-D The County does not concur with this comment. Please see Master Response #8. The density requirements for the RH Combining District are provided in Section L-II 2.7.11.B.3 of the County's Land Use and Development Code (LUDC). The minimum density is noted because a project with less than 16 units per acres would not meet the requirements of the State Government Code Section 65584. However, the density calculation does take into account that some areas of the project sites may not be developable due to environmental constraints or other physical or regulatory restrictions. The text from the LUDC is as follows:

> 3. **Density**. The density for the development of multi-family housing shall be determined at the time the site is rezoned to add the Regional Housing Need (RH) Combining District. This density shall be based on the State mandated 16-units minimum per acre but will allow for a maximum of 20-units per acre on sites within a City's Sphere of Influence. The minimum required density may be determined by allocating the density to the total acreage of the site or by aggregating the developable area of a site, through the environmental review process, to remove areas considered to be environmentally sensitive pursuant to Section L-II 4.3 and all areas for driveways and roadways from the developable area, whichever is more suitable for the site. **The number of potential units will be determined by multiplying the developable acreage by 16.** Where such calculation results in a fractional number, the number of units shall be determined by rounding down to the nearest whole number. [Emphasis added]

As noted in the LUDC, the number of allowable units would be calculated by using 16 dwelling units per acre. There may be specific cases where a developer is eligible for a density bonus under the County's existing Density Bonus provisions set forth in Sections L-II 3.16 and 3.20 of the LUDC. Projects designed in accordance with the Density Bonus provisions are eligible for the applicable concessions and incentives outlined within Sections L-II 3.16 and 3.20 of the LUDC.

Therefore, without a density bonus provision, the minimum and maximum density would be 16 units per acre for those areas outside the City of Grass Valley Sphere of Influence. Areas inside the SOI have a maximum density of 20 units per acre. At this time it is not known which or how many developers would apply for a density bonus or what the project designs would entail. Without knowing that information it is not possible to tell what the maximum density would be at this time.

However given that the EIR assumed a maximum yield for each site that did not take into account any environmental (e.g., environmentally sensitive areas), regulatory (e.g., parking requirements, easements, or roadway dedications), or physical constraints (e.g., sloped areas, access points) of the properties, any future development on the sites is anticipated to be within the number of units utilized by the EIR. Should any of the sites exceed the number of units evaluated in the EIR, then additional environmental analyses may be required.

Response 55-E The County does not concur with this comment. The selection of suitable housing sites was not related to the population size of the community, but on the suitability of that community to support a high density housing development. Please see Response 22-G. Public Services and Utilities are discussed in Section 4.13 of the Draft EIR. Please see Master Response #4 with regard to the developers' responsibilities to ensure adequate water and sewer infrastructure is in place prior to development. Please see Response 10-NN regarding the mitigation measure for fire and Sheriff's protection services.

Response 55-F Please see Responses 7-C and 10-NN regarding the mitigation measure for fire and Sheriff protection services.

Response 55-G The County does not concur with this comment. Please see Response 23-C.

Response 55-H Please see Response 23-E.

Response 55-I The County does not concur with this comment. Please see Response 23-F.

Response 55-J The County does not concur with this comment. Please see Response 23-A.

Response 55-K The County does not concur with this comment. Please see Master Response #1 and Responses 22-G regarding how the project sites were selected and why the existing conditions in Penn Valley make it a logical choice for consideration of rezoning the four candidate sites identified. Please see response 10-MM regarding mitigation for school impacts, and Response 23-A regarding developer fees.

Response 55-M The County does not concur with this comment. For both the Notice of Preparation and Notice of Availability of the Draft EIR, the County met the distribution requirements of the California Environmental Quality Act and the County's own internal polices for public notification. The Notice of Availability was published in the local newspaper, and notices were sent to adjacent property owners up to 500 feet, exceeding the County's normal 300-foot distribution. While the County has met and gone beyond its statutory noticing requirements, it has agreed to extending the noticing of future public comment periods and meetings to include other residents outside of the noticing requirements to ensure the public has an opportunity to participate in the public process. Additionally, the County held three public comment meetings, one in each of the proposed areas, in addition to the Planning Commission hearing during the public review period. The public comment on the Draft EIR was for 60 days which exceeds the standard 45-day review period required by CEQA and County Policy. The public review period closed as scheduled on November 12, 2013. The County Planning Commission considered a request to extend the public review period at the October 10, 2013 hearing and elected not to extend it.

Letter 56

Diana

RECEIVED
NOV 12 2013
Nevada County Community
Development Agency

Nevada County Planning Department
C/o Tyler Barrington, Principal Planner
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

November 5, 2013

Mr. Barrington,

Thank you for attending the community meeting held on October 29, 2013 at the Seventh Day Adventist Church in Penn Valley. I have been a resident of Nevada County for 20 years. I currently own 3 parcels in Penn Valley, one of which is located on Broken Oak Court, however I did not receive a notice of the rezoning project.

I attended the October 29 meeting and found several faults with the proposal. I am opposed to the rezoning of the Penn Valley parcels for several reasons which I will outline below.

56-A The project sites being considered for rezoning are in direct conflict with the Penn Valley Focused Economic Development Study adopted by the County Board of Supervisors in 2000. The County Board of Supervisors adopted the most recent Element from the County Department of Housing and Community Development a full 10 years later, in direct contrast to previous agreements for site zoning. In addition these sites are in direct conflict with the strategic focus of the Regional Housing Authority of Sutter and Nevada Counties, to "work with others to create healthy communities that are safe, economically vibrant, pedestrian-friendly and environmentally sustainable." These parcels are designated in the Village Plan as Commercial and Light Industrial because they are located in the small commercial corridor of Penn Valley.

These sites "were identified based on the relative lack of constraints and proximity to services" as it applies to current rezoning efforts. I have some concern about the overall quality of work performed by the consulting company if they were not able to discover the "Village Plan" and they don't consider the opposition of the project within county departments..

Transitioning these parcels from Commercial and Light Industrial to R3 offers no future benefit to our community, only further consumption of limited resources and services. The Village Plan was created with the input of local businesses and residents to document and validate future economic growth for this community. According to Findthedata.org, 78.6% of employed people in Penn Valley commute to work, on average of 23.2 minutes. Clearly this data indicates a current lack of available jobs in Penn Valley and transitioning the zoning to R3 will not foster additional employment, unless we are only to consider limited, short term economic growth gained by providing temporary construction jobs. The statement that the project "would remove obstacles

P.O. Box 2023, Penn Valley, CA 95946 ☎ 530.432.3850 or 530.263.6284

56-A CONT'D

to growth by expanding infrastructure to the project area" is absolutely false. The suggestion that infrastructure has to follow development is backwards and unsustainable.

Within the Notice of Preparation, there is regular mention of a minimum density of 16 unites per acre, while during the community meeting, the selling point was 16 unites per acre. At the October 29 meeting a friend of mine asked what the maximum number of units per acre were allowable and you could not give a definitive answer, which leads me to believe that the density will be much higher than 16 units per acre, especially since the Notice of Preparation points out that potential density could increase or decrease depending on whether or not the county wants to use a higher density.

In pages 3-33 of the EIR, Penn Valley is described as "an unincorporated community, located in the western portion of Nevada County, six miles west of the City of Grass Valley. Penn Valley has a "small town" feel with a population of approximately 1,621 but approximately 12,000 people consider Penn Valley home. In recent years Penn Valley has developed a new post office, fire station, performing arts pavilion, a small affordable sub-division and a 42-unit affordable apartment complex."

This is at best a deceptive description of our community. While the location is accurate, the majority of the population lives in Lake Wildwood, a 3,000 lot exclusive gated community that strives to keep itself completely segregated from those outside the gates. As you may already know, entry requires authorization by inhabitants, therefore cannot be considered general facilities that the overall population can access. The Lake Wildwood community even went so far as to unsuccessfully request a separate zip code to define itself as separate from Penn Valley. Approximately 9,000 people reside within the gates of Lake Wildwood, leaving the true population of our village to roughly 3,000 people.

Since you cannot commit to a definitive number of units per parcel, we can only estimate based on your numbers that this rezoning project might add at a minimum an additional 1,000 new residents.

The proposed project will absolutely result in additional pressures on fire, law enforcement, libraries, hospitals and public schools. One time mitigation monies collected will not meet the ongoing needs for services such as fire and law enforcement, which are already underfunded and overburdened.

The Penn Valley Fire Department (PVFD) and Nevada County Sheriffs Office (NCSO) are currently understaffed as far as protecting this area and incoming mitigation fees may only be used for equipment and infrastructure needs of those departments, not for costs associated with staffing personnel. At this time, PVFD does not even meet state and national standards for staffing patterns. Adding an additional 25% to the population is simply not realistic where overtaxed emergency services are concerned.

P.O. Box 2023, Penn Valley, CA 95946 ☎ 530.432.3850 or 530.263.6284

I can only guess that the "performing arts pavilion" refers to Western Gateway Park in that there is a stage for events. Unfortunately the EIR does not address the strain that a marked population increase would put on our locally funded recreational facility. At this time Western Gateway Park is already underfunded and having to make cuts to maintenance and other offerings. The park is challenged in finding funds to support ongoing maintenance much less improvements. I did not see or hear of any mitigation plans to assist with future funding given the projects projected population increase.

56-A CONT'D

Section 2.4.5 and 4.13-5 addresses Public Services and the Penn Valley Wastewater Treatment Plant (PV-WWTP), which is a lovely thought, however the wastewater treatment facility is already near capacity and inadequate. The residents of Penn Valley that are connected to the sewer are paying roughly $1,000/yr and from what we were told at the community meeting on October 29, 2013, the funds have been secured through a State Revolving Fund loan to improve the wastewater treatment facility, however those monies are not in hand yet, so improvements to meet the needs of today are still pending. Needless to say, if we can't meet the needs of today, we certainly cannot promise to meet the needs of tomorrow, but you already know that as you stated, "the (solution to the CDO) pipeline has not been constructed and there is not sufficient capacity at the PV-WWTP to serve project sites 10-13 within the PV-WWTP service area." Without proposed improvements to existing WWTPs there would not be sewer service available for the proposed project "sites 10-18 and the proposed project would result in potentially significant impact." Clearly you are already aware that the significance after mitigation would be significant and unavoidable given the mitigation measures you yourself cited in 4.13-2.

Parcels 10-13 are located within a FLOOD PLAIN. These may be words on paper, however take a drive down to our little village on a heavy rainfall day and see what happens. While we do not have dams to be concerned with, the local flood zones are no joke and standing water is the norm. The EIR does not provide for protecting current improvements, rather requires any future projects to comply with legal measures for developing within Environmentally Sensitive Areas.

Unavoidable Problems to consider:

In these measures the EIR utilizes the same fees and taxes derived from the program construction and ongoing tax collections to mitigate these constraints. The same dollars are spent over and over again. In addition other mitigation measures are assumed to take place in the future where no existing firm plans for implementation exist and no funding source is assigned. (ie. Sewer systems, potable water supply, flood control etc.)

According to the data listed in the Notice of Preparation, there are 126 suitable sites that are not being considered. I am forced to reiterate the entire project is in absolute contrast to the strategic plan of the Regional Housing Authority of Sutter and Nevada Counties whose objective is to "work with others to create healthy communities that are safe, economically vibrant, pedestrian-friendly and environmentally sustainable." Within Penn Valley public transportation is absolutely minimal, there is one sidewalk, inadequate sewer, inadequate emergency services. The hospital is a 15 minute drive, as are most medical services. Ready Springs School is at capacity and cannot

P.O. Box 2023, Penn Valley, CA 95946 & 530.432.3850 or 530.265.6284

withstand an additional population infusion. And we have no monies to adjust any of these factors and one time mitigation fees from a construction project will not fix these problems.

56-A CONT'D

Clearly the attendance at the October 29 meeting indicates that the local community demands involvement in this project. Unfortunately we could only determine one homeowner at the meeting that actually received a notice regarding the rezoning project. I own the home on the corner of Broken Oak and Penn Valley Drive and I did NOT receive any notice of proposed rezoning. Furthermore, a broader net of notification (in excess of 500 feet from the parcels) should have been cast. I have to believe the consulting company felt like a 500 foot radius from the project sites was adequate otherwise I would be forced to believe the county was planning on slipping this project through with little to no input from community members. Given the turnout at the October 29 meeting and the passion of our local community, I request that the comment period should be extended beyond November 12th.

Thank you for your time and response.

Sincerely,

Diana Solomon

CC:
Doug Donesky – County Planning Commissioner for District 4
Hank Weston – Nevada County District 4 Supervisor
Penn Valley Chamber of Commerce

P.O. Box 2023, Penn Valley, CA 95946 ~ 530.432.3850 or 530.263.6284

Letter 56 – Diana Solomon

Response 56-A The text of this letter is the same as that in Letter 55. Please refer to Letter 55 for responses to comments in this letter.

Letter 57

AUBURN
LABORATORIES INC

RECEIVED
NOV 12 2013
Nevada County Community Development Agency

November 7, 2013

Nevada County Planning Dept.
950 Maidu Ave.
Nevada City, CA 95959

RE: Penn Valley Re-zoning plans

I am writing to express my opinion regarding the recent discussions of rezoning Penn Valley to high density housing.

57-A As a resident of this community, I am **firmly** against the proposed plans to develop low cost housing in this area. The original plan called for commercial, business retail and industrial uses for the Penn Valley downtown area, as proposed by a study adopted by the County Supervisors in 2000.

I am concerned the proposed rezoning will not only eliminate the opportunities to create more jobs in this community but will further stress the public services in the area. The

57-B low income apartments on Broken Oak Court have already resulted in nuisance and crimes that negatively impact the area and I do not want to have those issues increase.

I am requesting that the Planning Department and the County Board of Supervisors take into consideration the opinions and concerns of the residents and business owners of Penn Valley.
Please contact me if you have any questions at (530) 432-8517.

Sincerely,

Joy Van Noy
President
Auburn Laboratories
17487 Penn Valley Dr., Suite B100
Penn Valley, CA 95946

P.O. Box 147
Penn Valley, CA 95946
Tel. 530.432.8157
Fax. 530.432.8158

Letter 57 – Joy Van Noy

Response 57-A Please see Response 9-B and Master Responses #2 and #3.

Response 57-B Please see Master Response #5 and Response 10-NN.

Letter 58

RECEIVED
NOV 12 2013
Nevada County Community Development Agency

Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

November 12, 2013

To Whom It May Concern:

58-A This letter addresses the Housing Element Rezone Program of Nevada County. A program such as this that has been in the works since 2003 just now coming to the community's attention makes it seem like an end-run around the citizens and creates an air of mistrust in our government. We have had no time to meet or discuss this issue, nor to research and formulate solutions that would make this requirement palatable for all concerned.

That being said, there are several points of concern I would like addressed:

58-B 1. How is an environmentally sensitive area mitigated?

58-C 2. The services required for these sites are inadequate for the existing housing. Police, Medical and Fire are not mentioned.

58-D 3. What study was done to determine if any of these sites interfere with wildlife corridors?

58-E Finally, nobody asked me if I would like to re-zone my property. Why are only large parcels considered?

Thank you for your consideration.

Nancy Spurgeon

Nancy Spurgeon

PO Box 1292
Penn Valley, CA 95946

Letter 58 – Nancy Spurgen

Response 58-A The County does not agree that the project has been in process since 2003. The RH Combining District program and candidate sites (specifically those in Penn Valley) were identified as a part of the 2010 Housing Element process. All meetings for actions of the Housing Element update met all applicable noticing requirements (state and local) as did associated action such as subsequent RFPs, EIR consultant contracts, as well as EIR public meetings. Please see Master Response #1.

For both the Notice of Preparation and Notice of Availability of the Draft EIR, the County met the distribution requirements of the California Environmental Quality Act and the County's own internal polices for public notification. The Notice of Availability was published in the local newspaper, and notices were sent to adjacent property owners up to 500 feet, exceeding the County's normal 300-foot distribution. While the County has met and gone beyond its statutory noticing requirements, it has agreed to extending the noticing of future public comment periods and meetings to include other residents outside of the noticing requirements to ensure the public has an opportunity to participate in the public process. The County held three public comment meetings, one in each of the proposed areas, in addition to the County Planning Commission Hearing during the public review period. The public comment on the Draft EIR was for 60 days which exceeds the standard 45-day review period required by CEQA and County Policy. The public review period closed as planned on November 12, 2013. The County Planning Commission considered a request to extend the public review period at the October 10, 2013 hearing and elected not to extend it.

Response 58-B An environmentally sensitive area is mitigated by placing a building a restriction over the area that identified as environmentally sensitive. Disturbance or construction within that area is prohibited. In the event that some encroachment is required into an environmentally sensitive area, a Management Plan is required consistent with Section L-II 4.3.3.C of the County's Land Use Development Code and is reviewed and approved by the County prior to Building Permit Issuance.

Response 58-C Please see Response 10-NN.

Response 58-D A biological technical report was prepared for the project. Please see the discussion of wildlife corridors on page 4.4-40 of the EIR, which states, "While riparian corridors that occur on some of the sites provide important wildlife movement habitat, none of the 18 rezone sites support established migratory corridors or wildlife nursery sites. "While riparian corridors that occur on some of the sites provide important wildlife movement habitat, none of the 18 rezone sites support established migratory corridors or wildlife nursery sites."

Response 58-E The statement that only large parcels were considered is not accurate. One of the selection criteria established by the County in the identification of sites was to identify those sties of adequate size and shape to allow for the reasonable development of residential housing at the minimum densities 16-units minimum per acre but will allow for a maximum of 20-units per acre on sites within a City's Sphere of Influence.[19] The project considers a wide range of property sizes from 1.0-acre (Site 1) to 20.1-acres (Site 13). Based on County Assessor's Parcel records the commenter's Penn Valley properties are developed, outside

[19] County of Nevada Land Use and Development Code, Sec. L-II 2.7.11 Regional Housing Need Combining District (RH)

of the community region, on a private road, and outside of the sewer district (and not contiguous to the district so annexation would be difficult). Also not along or in the immediate vicinity of the Penn Valley Pipeline alignment that would allow reasonable connection to pipeline. All of these items are criteria used to identify sites.

Letter 59

RECEIVED
NOV 12 2013
Nevada County Community Development Agency

November 6, 2013

Nevada County Planning Dept.
950 Maidu Ave.
Nevada City, CA 95959

RE: Penn Valley Re-zoning plans

I am writing to express my opinion regarding the recent discussions of rezoning Penn Valley to high density housing.

59-A As a resident of this community, I am **highly** against the proposed plans to develop low cost housing in this area. The original plan called for commercial, business retail and industrial uses for the Penn Valley downtown area, as proposed by a study adopted by the County Supervisors in 2000.

59-B I am concerned the proposed rezoning will not only eliminate the opportunities to create more jobs in this community but will further stress the public services in the area. The low income apartments on Broken Oak Court have already resulted in nuisance and crimes that negatively impact the area and I do not want to have those issues increase.

I am requesting that the Planning Department and the County Board of Supervisors take into consideration the opinions and concerns of the residents and business owners of Penn Valley. Please contact me if you have any questions at (530) 432-1028.

Sincerely,

Karina Wahlman

Karina Wahlman
18221 Gray Oak Dr.
Penn Valley, CA 95946

Letter 59 – Karina Wahlman

Response 59-A Please see Master Response #3 and Response 57-A.

Response 59-B Please see Master Response #6 and Response 57-B.

Letter 60

November 8, 2013

RECEIVED
NOV 12 2013
Nevada County Community
Development Agency

Attn: Tyler Barrington, Principal Planner

Nevada County Community Development Agency

RE: Rezoning in Penn Valley for High Density Housing

Dear Mr. Barrington,

I am writing to express my strong objection to the county's plant to rezone 4 parcels in Penn Valley to accommodate "high density housing".

60-A | The proposed sites destroys opportunity for Penn Valley to grow commercially, preventing our residents' ability to support our own community economically. In addition, it will overwhelm our small

60-B | community with an enormous number of people who, by definition, are unemployed or underemployed. I live very close to Broken Oak where

60-C | section 8 housing was built and since it was built, there has been a increase in crime as well as a substantial increase in traffic on Penn Valley Drive. The Nevada County Sheriff's Department resources are stretched

60-D | and already do not have enough deputies to adequately patrol or, respond in a timely fashion, to this part of the county. The probability is that we will have no law enforcement assistance when needed after importing so many people, who likely have no respect for our small rural community.

60-E | The people your plan will import to our small community will have no place to work and will have to seek employment (if they work) outside our

60-E CONT'D

community. There is no easy access to public transportation so there will be more auto traffic and therefore, more air pollution as a result. There is no easy access to public services, also increasing the need for these many people to drive their vehicles, causing yet more pollution and hurting our environment. The fact that 42% of the county's state mandated

60-F

housing is being dumped in Penn Valley is an inexplicable burden on this small community, which cannot support that kind of influx of unemployed or underemployed people. In addition, the project sites proposed for

60-G

rezoning to R-3 (16 units per acre) in Penn Valley are in conflict with what was proposed in the Penn Valley Focused Economic Development Study adopted by the County Board of Supervisors in 2000.The Village Plan called for business, commercial and retail uses in Penn Valley and this rezoning proposition is in opposition to that plan, which was approved by the County Board of Supervisors in 2000.

I guarantee, for the sake of my family and my community, I will fight this proposed rezoning with every legal and ethical resource I have, and I will recruit every member of my small community that I can.

Sincerely,
Dianna Betz
Penn Valley resident

Letter 60 – Dianna Betz

Response 60-A The County does not concur with this comment. Please see Master Response #3.

Response 60-B The County does not concur with this comment. Please see Master Responses #2 and #5.

Response 60-C Please see Master Response #6.

Response 60-D Please see Response 10-NN.

Response 60-E The County does not concur with this comment. Please see Master Response #2 and Response 22-G.

Response 60-F The County does not concur with this comment. Please see Response 10-D.

Response 60-G The County does not concur with this comment. Please see Response 9-B and Master Response #3.

Letter 61

November 11, 2013

RECEIVED

NOV 12 2013

Nevada County Community Development Agency

To: Tyler Barrington
Doug Donesky
Community Development Agency

To Mr. Tyler Barrington et al:

I am a Penn Valley resident and homeowner for over 10 years. I am writing to let you know that the EIR report regarding the proposed re-zoning of Penn Valley has not been done correctly and should not be approved as is.

There are many flaws in the report, including possible illegalities. Some of the items which were not addressed appropriately in the report include but are not limited to:

61-A 1) The environmental hazards of construction were not addressed as to the health impact of the community. Specifically, the change in air quality and also run-off of the construction zones were not properly reported, thus making the EIR report invalid and subject to non-approval.

61-B 2) The percentage increase in population and impact to the community were not addressed at all, thus rendering the report unusable. The proposed re-zoning includes the addition of a MINIMUM of 536 units, and this increase in area population, including the underlying infrastructure, are left completely out of the report. Thus, this report is unusable.

61-C 3) Because the request for the comment period has not been extended, the EIR report has not been made public in a timely manner for review by the residents and merchants of the area. Too many items have not been scrutinized, and the manner in which the report is being railroaded through brings great suspicion to the citizens. It is very plausible that the report has been done illegally. Where in the report does the EIR address the fact that there are no proposed units to either Truckee or Nevada City, and where does it address the impact of so many low/extremely low residents being placed in a non-uniform manner across the county? The fact that the EIR does not address the impact of impoverished residents being relocated to areas which exclude both Truckee and Nevada City itself renders the EIR subject to investigation, not approval.

I urge the Members of the Planning Department to disapprove this EIR report, as it is too extremely flawed to be of use to the County.

Signed respectfully,

Susan Schlueter

Susan Schlueter, California State Board Licensed Professional Engineer & Land Surveyor

Letter 61 – Susan Schlueter

Response 61-A The County does not concur with this comment. Construction air quality impacts are discussed in Section 4.5-1 of the Draft EIR. Mitigation measures were identified which would reduce potential impacts to less than significant. Mitigation Measure 4.5-1a requires future project to employ construction best management practices which include among other things:

- All construction activities shall be subject to the requirements of the (Northern Sierra Air Quality Management District (NSAQMD's) Regulation 2, Rule 226 regarding dust control.
- Alternatives to open burning of vegetative material on the project site shall be used unless deemed infeasible by the NSAQMD. Suitable alternatives are chipping, mulching or conversion to biomass fuel.
- Contractors shall be responsible for ensuring that adequate dust control measures are implemented in a timely manner during all phases of project development and construction.
- All material excavated, stockpiled or graded shall be sufficiently watered, treated or covered to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or violation of an ambient air standard. Watering shall occur at least twice daily, with complete site coverage, preferably in the mid-morning and after work is completed each day.
- All areas (including unpaved roads) with vehicle traffic shall be watered or have a dust palliative applied as necessary for stabilization of dust emissions.
- All onsite vehicle traffic shall be limited to a speed of 15 mph on unpaved roads.
- All land clearing, grading, earth moving or excavation activities shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 miles per hour. Temporary traffic control shall be provided during all phases of the construction to improve traffic flow as deemed appropriate by the County and/or applicable local agencies.
- Construction activities shall be scheduled to direct construction traffic flow to off-peak hours as much as possible.

With regard to construction storm water control the project requires additional mitigation measures out lined in Mitigation Measure 4.10-1b which requires the developer to prepare a Water Quality Management Plan (pursuant to federal National Pollutant Discharge Elimination System (DPDES) and state water quality requirements) prior to the issuance of any site plan or grading permit with the following:

> Best Management Practices to protect water quality. In addition to the standard County requirement of minimizing grading during the winter months when rain is frequent, the contractor shall implement standard Best Management Practices during and after construction. These measures include, but are not limited to:

a) Construction in or near drainages shall only occur during the dry season.

b) Coordination with California Department of Fish and Wildlife (CDFW), U.S. Army Corps of Engineers, and Regional Water Quality Control Board to obtain all required permits and comply with all terms and conditions of the permits.

c) At no time shall heavy equipment operate in flowing water or saturated soils.

d) Prior to the start of work, install silt fencing, straw bales, sediment catch basins, straw or coir logs or rolls, or other sediment barriers to keep erodible soils and other pollutants from entering drainages. Retain existing ground cover to further reduce the potential impacts of the project on erosion along the steep bank. Before the first heavy rains and prior to removing the barriers, soil or other sediments or debris that accumulates behind the barriers shall be removed and transported away for disposal.

e) Disruption of soils and vegetation near Squirrel Creek (on Sites 10 and 13) shall be minimized to limit potential erosion and sedimentation; disturbed areas shall be graded to minimize surface erosion and siltation; bare soils shall be immediately stabilized and re-vegetated. Seeded areas shall be covered with broadcast straw or mulch. If straw is used for mulch or for erosion control, utilize only certified weed free straw to minimize the risk of introduction of noxious weeds, such as yellow star thistle.

f) The contractor shall exercise every reasonable precaution to protect nearby water bodies from pollution with fuels, oils, bitumen, calcium chloride and other harmful materials, Construction byproducts and pollutants such as oil, cement, and wash water shall be prevented from discharging into or near these resources and shall be collected and removed from the site. No slash or other natural debris shall be placed in or adjacent to water bodies. All construction debris and associated materials and litter shall be removed from the work site immediately upon completion.

g) Provide copies of these BMPs to the Contractors and their workers to assure compliance with mitigation measures during construction.

Response 61-B The County does not concur with this comment. Potential impacts on public services and utilities are discussed in Section 4.13 of the Draft EIR. Potential impacts were based on the number of units and the number of people from the future development that would require service. The analysis on page 4.13-17 of the Draft EIR notes that currently sewer availability is limited for both Penn Valley and Lake Wildwood. The Draft EIR proposes a mitigation measure that the future developers are responsible for ensuring that adequate facilities are available. However, the EIR notes that potential impacts remain significant and unavoidable because of the unknowns of future sewer availability and the unknowns regarding the feasibility of a single developer being able to make the facility improvements. Please also see Master Response #4 regarding the developers' responsibilities codified in the County Land Use and Development Code.

Population impacts were evaluated in Section 4.12 of the Draft EIR. The California Department of Finance reports that as of January 1, 2013, the unincorporated area of County of Nevada and City of Grass Valley have populations of 65,375 and 12,657, respectively[20]. As such, with the addition of the a approximately 2,468 additional residents in the unincorporated area of Nevada County, and approximately 2,960 residents in the City of Grass Valley, the proposed project would not exceed any General Plan Growth Projection in either jurisdiction. However, the proposed densities for the project sites within the City's Sphere of Influence area are higher than what is considered in the City's current General Plan. As such, the project would induce growth within the City upon annexation of the properties into the City of Grass Valley.

[20] http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/view.php

It should be noted that the number of projected new residents represents a conservative number as it is not expected that each lot would be able to achieve a maximum developable yield because of physical, environmental, or regulatory constraints that would limit the number of total units that could be developed. In a similar fashion, other approved projects in the County do not realize maximum density. As noted on page 5-18 of the EIR:

In addition, other approved projects in the County have not and do not always achieve maximum density due to site-specific conditions and Planning Commission decisions. Therefore, over time, the net changes in buildout capacity appear to be in equilibrium with increases offset by other project decreases. This equilibrium is very consistent with the policies and estimates outlined in the adopted County General Plan.

Response 61-C The County does not concur with this comment. Please see Master Response #1 regarding how the County selected the sites. Please see Response 22-F. Please see Master Responses #6 and #7.

Letter 62

Tyler Barrington

From: hnmlindberg@comcast.net <herb@lindberglce.com>
Sent: Saturday, November 09, 2013 2:07 PM
To: Tyler Barrington
Subject: Proposed Re-zoning in Penn Valley
Attachments: Don't re-zone Penn Valley.docx; Don't re-zone Penn Valley.pdf

Dear Mr. Barrington,

62-A Please consider my comments on the proposed re-zoning in Penn Valley for high-density housing rather than more sorely needed business land on which to create businesses to serve our community and provide more jobs. I've attached my comments as a Word document and am also sending a hard copy to you.

Sincerely,
Herb Lindberg
18388 Chaparral Drive
Penn Valley, CA 95946

Phone: 530-432-5096
email: herb@lindberglce.com
Website: http://www.lindberglce.com

NEVADA COUNTY
RECEIVED
NOV 0 9 2013
PLANNING DEPARTMENT
CDA

1

Herb Lindberg
18388 Chaparral Drive
Penn Valley, CA 95946
Phone: 530-432-5096

Tyler Barrington
Principal Planner Nevada County Community Development Agency
950 Maidu Ave, Suite 170 Phone: (530) 470 2723
Nevada City, CA 95959
cc: Hank Weston, Doug Donesky

Dear Mr. Barrington,

62-B The city of Penn Valley north of Hwy 20 is a small, modest-income community which already has suitable modest-income housing and acres of land available on the outskirts of town to build housing for people who would like to move here. The proposed re-zoning to allow use of prime in-town land for this purpose would have a serious negative impact on logical expansion of our business community to serve these new residents. *Please do not move forward with the proposed re-zoning for housing rather than needed business land.*

62-C Also, the project sites proposed for rezoning to R-3 (16 units per acre) in Penn Valley are in conflict with what was proposed in the Penn Valley Focused Economic Development Study adopted by the County Board of Supervisors in 2000, for the reasons stated above, among others.

62-D Development of low cost housing at 16 units per acre would further stress public services such as schools, sheriff, fire and other critical services which were negatively affected during the past few years of the Great Recession. Indeed, Penn Valley needs to provide jobs, not in-town

62-E housing, as its primary goal for the near future. The proposed rezoning eliminates opportunities to increase employment and bring in good paying jobs.

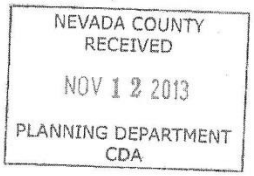
I agree with my friends and co-residents in Penn Valley that at the very least the development agency should:

62-F 1. Return the EIR to staff and consultants for revision to correct the major legal and policy flaws contained in the document.

62-G 2. Extend the public comment period (which ends November 12) for at least one month to fully allow for more public input.

Sincerely,

Herb Lindberg



Letter 62 – Herb Lindberg

Response 62-A Responses to the comments in the letter are provided below.

Response 62-B The County does not concur with this comment. Please see Master Response #3.

Response 62-C Please see Response 9-B and Master Response #5.

Response 62-D Please see Response 10-NN.

Response 62-E The County does not concur with this comment. Please see Master Response #3.

Response 62-F The County does not concur with this comment. Please see Response 10-A.

Response 62-G For both the Notice of Preparation and Notice of Availability of the Draft EIR, the County met the distribution requirements of the California Environmental Quality Act and the County's own internal polices for public notification. The Notice of Availability was published in the local newspaper, and notices were sent to adjacent property owners up to 500 feet, exceeding the County's normal 300-foot distribution. While the County has met and gone beyond its statutory noticing requirements, it has agreed to extending the noticing of future public comment periods and meetings to include other residents outside of the noticing requirements to ensure the public has an opportunity to participate in the public process. Additionally, the County held three public comment meetings, one in each of the proposed areas, during the public review period. The public comment on the Draft EIR was for 60 days which exceeds the standard 45-day review period required by CEQA and County Policy. The public review period ended as scheduled on November 12, 2013. The County Planning Commission considered a request to extend the public review period at the October 10, 2013 hearing and elected not to extend it.

Letter 63

RECEIVED

NOV 1 2013

Nevada County Community Development Agency

Gene Gilligan
PO 188
Penn Valley, CA. 95946
530-432-9542
November 31, 2013

Tyler Barrington, Principal Planner,
Nevada County Community Development Agency

Dear Mr. Barrington
Thank you for holding the meeting in Penn Valley, and allowing many from our community a chance to ask questions about the proposed rezoning in Penn Valley. I thought you did an admirable job.

I am a retired special education teacher. For a year, after I retired, I worked for PRIDE Industries as an Independent Living Services Instructor. I helped my clients get jobs, driver's licenses, shop for groceries, find an apartment, use public transportation, and other skills they needed to become more independent.

63-A

This helped me to realize that we live in a rural community, even Grass Valley (which is the nearest we have to a real city) does not even come close to the services of an Auburn or Sacramento. Most of my clients worked at work shelters or in the fast food industry. They walked to work or rode the bus. On weekends, their social life consisted mostly of going to the movies, out to eat, or some would visit friends.

I learned that their community is their life. Work, social, and entertaining. Even though I think Penn Valley is a nice place to live, I think someone who is disabled or low income would feel lost and alone in our quiet town. I think they need to be in a community that has reliable transportation. Also, theaters, and entertainment to promote social interaction.

63-B

I understand that the county is mandated by the State to provide low-income housing for a portion of our population, but I would look more closely into the needs of the people you want to help. Not be pushed by the State to meet a deadline, or to move to the whim of the owners/developers of certain properties.

Sincerely,

Gene Gilligan,
Sec, Penn Valley Area Chamber of Commerce

Letter 63 – Gene Gilligan

Response 63-A The County acknowledges and appreciates this comment. However the comment is not at variance with the content of the Draft EIR and therefore, no further response is required.

Response 63-B Please see Master Response #1 regarding why the County is undertaking the project.

Letter 64

RECEIVED
NOV 4 2013
Nevada County Community Development Agency

To:
NEVADA COUNTY PLANNING COMMISSION
950 Maidu Avenue
Nevada City, CA 95959

From:
KeithHolmes
12739 Roadrunner Dr.
Penn Valley CA 95945

Regarding: Proposed changes to the General Land Use and Zoning Designation for sites in Penn Valley to rezone candidate sites to Urban High Density/high density residential zoning.

Dear Sirs:

64-A I believe the infrastructure on Penn Valley is not sufficient to support the significant increase in population that the proposed changes would allow. The business base, the fire and police force, sewer system, water system and roads are barely adequate for the current population. I believe an increase in population density for the Penn Valley area would over burden this infrastructure. Additionally, I believe that it could drive down

64-B housing value in the area in this fragile housing market. I feel I would be tempted to leave the area to seek a more favorable community. I'm a law-abiding tax-paying citizen of this

64-C county. I urge you to leave the zoning density of Penn Valley as is and instead work on improving the Penn Valley infrastructure, especially the business base.

Sincerely,

Keith Holmes
Penn Valley Resident

Letter 64 – Keith Holmes

Response 64-A Please see Master Responses #3 and #4 and Response 10-NN.

Response 64-B Please see Master Response #5.

Response 64-C Please see Master Response #3.

Letter 65

County of Nevada, Planning Dept.

Tyler Barrington

950 Maidu avenue

Nevada City, CA 95959

October 30, 2013

RECEIVED

NOV 4 2013

Nevada County Community Development Agency

Dear Mr. Barrington,

Re: Proposed development In Penn Valley

65-A I am writing to express my concern about the plans to build low income housing in this area. We have very few jobs to offer in this community and would like to see more development for businesses, prior to development of multi unit housing. It will put a strain on our community. Most people here have to travel to Grass Valley or Nevada City to find work. It will be hard to imagine what our little shopping center will become, with unemployed young people hanging around the market and shops. I am also concerned about the ability of our

65-B police officers to be able to provide adequate security to our neighborhood with the addition of this multi unit complex.

Sincerely Angel L Rosario SR

Angel Rosario Sr.

17204 Ladino Ave.

Penn Valley, CA 95946

Letter 65 – Angel Rosario

Response 65-A Please see Master Responses #2 and #5.

Response 65-B Please see Response 10-NN.

Letter 66

Mr. George Theodore
21172 Bald Ridge Dr.
Penn Valley, CA 95946

October 31, 2013

RECEIVED
NOV 6 2013
Nevada County Community Development Agency

Nevada County Planning Dept
950 Maidu Avenue
Nevada City CA 95959

RE: Penn Valley Re-zoning plans

66-A I am writing to express my opinion regarding the recent discussions of rezoning Penn Valley to high density housing. I am the owner of the office building on the corner of Penn Valley Drive and Spenceville Rd, known as Peaceful Valley Plaza.
As a business owner and a resident of this community, I am highly against the proposed plans to develop low cost housing in this area. The original plan called for commercial, business retail and industrial uses for the Penn Valley downtown area, as proposed by a study adopted by the County Supervisors in 2000.

66-B I am concerned the proposed rezoning will not only eliminate the opportunities to create more jobs in this community but will further stress the public services in the area. The low income apartments on Broken Oak Court, have already resulted in nuisance and crimes that negatively impact the area and I do not want to have those issues increase.
I am requesting that the Planning Department and the County Board of Supervisors take into consideration the opinions and concerns of the residents and business owners of Penn Valley.
Please contact me if you have any questions at (530) 432-9646.

Sincerely,

George Theodore
21172 Bald Ridge Drive
Penn Valley CA 95946

Letter 66 – George Theodore

Response 66-A Please see Master Responses #3 and #6 and Response 9-B.

Response 66-B Please Master Responses #2 and #5.

Letter 67

2 November 2013

To:

NEVADA COUNTY PLANNING COMMISSION

950 Maidu Avenue

Nevada City, CA 95959

RECEIVED
NOV 07 2013
Nevada County Community Development Agency

From:

DAVID M. & TAEM S. HUNTER

13991 Sun Forest Drive

Penn Valley, CA 95946

Regarding: Proposed changes to the General Land Use and Zoning Designation for sites in Penn Valley to rezone candidate sites to Urban High Density/high density residential zoning.

67-A We are strongly OPPOSED to rezoning sites in Penn Valley for the above purpose. Most of us who moved here did so to get away from such conditions. There are plenty more down sides to this proposal than up. Penn Valley would only grow in population, not popularity. This type of "high density" will only serve to create a slum area and no doubt put a strain on our law enforcement system.

Penn Valley is a great area to live and should be allowed to grow at its own pace, no matter how slow that may be. Let us keep "Penntucky" as it is for now. We do not want to see it ruined.

DAVID M. HUNTER

Letter 67 – David Hunter

Response 67-A Please see Master Responses #5 and #6 and Response 10-NN.

Letter 68

Edward and Susan James
10644 Live Oak Lane
Penn Valley, CA 95946

November 5, 2013

RECEIVED
NOV 07 2013
Nevada County Community Development Agency

Tyler Barrington, Principal Planner
County of Nevada
Community Development Agency
Planning Department
950 Maidu Avenue
Nevada City, CA 95959

RE: DRAFT EIR HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION

Dear Mr. Barrington,

We have reviewed the EIR on the Housing Element Rezoning Implementation Plan. We also were in attendance for the County's presentation at the community meeting on October 29th. We have a number of concerns regarding the rezoning of the four Penn Valley sites.

68-A First of all, the EIR does not address the Penn Valley Focused Economic Development Study (Village Plan). This study clearly stated that business, commercial, retail and industrial uses were the appropriate and most beneficial uses for the Penn Valley area. It did not recommend placing high density housing for very low income earners in this area. The Village Plan indicated that creating job opportunities and new revenues were the best uses for the area.

68-B It is our understanding that this proposal is not compliant with SB 244, which states that adding more residential units (particularly low income units) to an area that has been identified as a "Disadvantaged Unincorporated Community" is inconsistent with the purpose of this State Legislation. Adding people instead of strengthening the tax base worsens the existing conditions.

68-C This proposal does not foster economic growth. Instead it worsens it by removing job opportunities and retail opportunities. A proposal for low cost, high density housing does not belong in a rural and pastoral area such as Penn Valley. Developing this type of housing further stresses public services, such as schools, sheriff, fire protection and other critical services. This proposal encourages sprawl, which the State has discouraged over the past several years.

68-D One of the selection criteria imposed by the Board of Supervisors has created unintended consequences which resulted in having to site 42% of the State's mandated low cost

68-D CONT'D

housing requirement within Penn Valley. We believe the law requires a more even distribution of these units throughout the County. There were at least two more qualified sites that were eliminated due to this Board policy. The East Bennett site and the Berriman Ranch site are better suited for this proposal because of their adjacency to critical services required by these housing developments. Circumstances can change over the years ,such as ownership turnover, and make both of these sites much more adequate and appropriate for future residents than the remote sites in Penn Valley.

68-E

For all the above reasons, we ask that the four Penn Valley sites be eliminated from further consideration, and be allowed to develop as foreseen in the adopted Village Plan.

Very truly yours,

Ed & Sue James

Edward R. and Susan E. James

Letter 68 – Edward and Susan James

Response 68-A The County does not concur with this comment. Please see Response 9-B.

Response 68-B The County does not concur with this comment. Please see Response 22-B

Response 68-C The County does not concur with this comment. Please see Master Responses #2 and #5 and Response 10-NN. The County does not concur that the project encourages sprawl. The County identified clustering sites on Brunswick Road in the GV SOI, Penn Valley , and Lake Of the Pines because these are unincorporated areas of the County that have a mix of developed and designated uses, and have existing infrastructure. The Penn Valley area meets the criteria, including having commercial cores with available public water and sewer, and being within a community region as identified by the County General Plan.

Response 68-D The County does not concur with this comment. Please see Response 10-D regarding percentages of sites, acreages and densities for each of the three areas that are being considered for rezoning. As noted in Response 68-C above, the proposed sites were clustered in areas where that were in proximity to existing infrastructure and services. To spread the development out over a wider and more dispersed area of the County would also spread out the impacts over a wider area and potentially in rural areas that don't have existing infrastructure. Locating all of the potential sites within a City Sphere of Influence (SOI), such as the East Bennett Road and Berriman Ranch Alternatives doesn't always benefit the needs of unincorporated population because those will eventually annex into the City of Grass Valley and unless mutually acceptable RHNA transfer agreements can be made, the availability of these sites are lost. Therefore, it is important that the County provide a balance sites both within and outside of City SOIs.

Response 68-E The County does not concur with this comment. Please see Response 9-B.

Letter 69

RECEIVED

NOV 07 2013

Nevada County Community Development Agency

November 7, 2013

C/O Tyler Barrington, Principal Planner
Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

To Whom I May Concern:

My wife and I are **OPPOSED** to the rezoning of several pieces of property here in Penn Valley from its current zoning status of commercial to that of R3.

69-A Developing low cost housing will have a tremendous negative impact on our local public safety (i.e. Sheriff Dept., Fire Dept.) Our Sanitation District's treatment plant can't handle present needs, and the impact of additional apartments on the proposed parcels will make it even worse. Dense housing does not belong here in our rural community.

69-B The Nevada County Board of Supervisors approved a plan several years ago that was supposed to allow Penn Valley to grow in the areas of commercial, business, retail, and industrial usage. My wife and I want Penn Valley to be developed in the areas that were recommended in our "Village Plan" so as to create more jobs.

Respectfully submitted,

Bruce C. Puphal
Carol A. Puphal

Bruce C. Puphal
Carol A. Puphal
12651 Ridgecrest Place
Penn Valley, Ca 95946-9100

Letter 69 – Bruce and Carol Puphal

Response 69-A The County does not concur with this comment. Please see Response 10-NN and Master Response #4.

Response 69-B The County does not concur with this comment. Please see Response 9-B and Master Response #3.

Letter 70

18431 Osceola Lane
P.O. Box 772
Penn Valley, California
November 5, 2013

RECEIVED
NOV 07 2013
Nevada County Community Development Agency

Nevada County Development Agency
950 Maidu Avenue Suite 170
Nevada City, California

Dear Sir:

As a property owner in Penn Valley, I want to be on record to state that I am in opposition to rezoning properties in Penn Valley for high density living. There are four properties up for rezoning and NONE of them should be rezoned for high density.

70-A Penn Valley is a rural area, and it should remain so. High density zoning does not fit in this rural community. This was tried before with the Broken Oak Apartments, and it is evident that apartment complex has no place in Penn Valley.

The county is looking to rezone four different properties, meaning there will be four apartment complexes larger than Broken Oak. The only word that fits for the current apartment complex is the first word—Broken. It is broken all right. Problems, problems, and more problems, and now you want to build more.

70-B 1. First of all you are looking to clear cut and pave over many acres of land in Penn Valley. One parcel alone is more than four acres. Multiply that by the four parcels, and you can see that many acres of land will be transformed from rural to urban blight.

70-C 2. Currently, there is not enough sewer capacity for Penn Valley, and yet you are considering adding an enormous amount of sewage to an already overly extended sewer system and increased run-off from the paved-over land. The developers would be responsible for the sewer to the apartments. It is incredulous to believe that the developers are going to build a totally new sewer plant to accommodate these apartment complexes. So it is obvious that the citizens of Penn Valley will be stuck with another sewer bond or tax.

70-D 3. Penn Valley Drive is a two-lane road and will not accommodate all the increased traffic that these apartment complexes will add to the traffic.

70-E 4. There is not enough coverage for law enforcement now for Penn Valley. To add four properties of 16 units per acre, and there are several acres to be rezoned. To expect law enforcement to be spread even thinner is an unbelievable act.

70-F 5. The Environmental Impact Report does not even address the Penn Valley Village Focused Economic Development Study passed by the Board of Supervisors in 2000, and in fact, the proposed rezoning goes against the findings of that study.

70-G 6. Most people in Penn Valley have a well for their water source. Apartment complexes can not rely on wells as their source of water. Again this would be the responsibility of the developers, but in reality the cost will be borne by the property owners in some form of tax or bond.

Any one of the reasons listed above should be enough to reject the rezoning to high density, but when you consider all of them, it is obvious that rezoning is a bad idea.

Sincerely,

Nancy Broz

Letter 70 – Nancy Broz

Response 70-A The County does not concur that high density housing does not fit Penn Valley. Please see Response 22-G. Please see Master Response #5.

Response 70-B The County does not concur with this comment. The project proposes 4 sites (Sites 10-13) within Penn Valley which represent approximately 22 percent of the 18 sites. As shown in Table 3-4 of the Draft EIR, the four sites consist of 33.52 acres, which make up approximately 22 percent of the total 148.99 acres included in the 18 sites. The County does not concur that the project will result in urban blight.

Response 70-C Please see Master Response #4. If the developer cannot demonstrate that adequate sewer and water facilities exist, then the developer must construct the required facilities or the project does not get implemented until such time as when the needed capacity is available. There is no proposal or requirement to have a public bond or tax to provide the facilities for the proposed project.

Response 70-D The County does not concur with this project. Potential traffic impacts are discussed in Section 4.15 of the EIR. No traffic impacts were identified in the Penn Valley area.

Response 70-E Please see Response 10-NN.

Response 70-F Please see Response 9-B.

Response 70-G Please see Response 70-C. Additionally, all development associated with this project will require connections to public water (NID or City of Grass Valley), therefore project cannot be reasonably foreseen to result in a negative impact to existing surrounding water wells.

Letter 71

18431 Osceola Lane
P.O. Box 772
Penn Valley, California
November 5, 2013

RECEIVED
NOV 07 2013
Nevada County Community Development Agency

Nevada County Development Agency
950 Maidu Avenue Suite 170
Nevada City, California

Dear Sir:

As a property owner in Penn Valley, I want to be on record to state that I am in opposition to rezoning properties in Penn Valley for high density living. There are four properties up for rezoning and NONE of them should be rezoned for high density.

Penn Valley is a rural area, and it should remain so. High density zoning does not fit in this rural community. This was tried before with the Broken Oak Apartments, and it is evident that apartment complex has no place in Penn Valley.

The county is looking to rezone four different properties, meaning there will be four apartment complexes larger than Broken Oak. The only word that fits for the current apartment complex is the first word—Broken. It is broken all right. Problems, problems, and more problems, and now you want to build more.

71-A

1. First of all you are looking to clear cut and pave over many acres of land in Penn Valley. One parcel alone is more than four acres. Multiply that by the four parcels, and you can see that many acres of land will be transformed from rural to urban blight.
2. Currently, there is not enough sewer capacity for Penn Valley, and yet you are considering adding an enormous amount of sewage to an already overly extended sewer system and increased run-off from the paved-over land. The developers would be responsible for the sewer to the apartments. It is incredulous to believe that the developers are going to build a totally new sewer plant to accommodate these apartment complexes. So it is obvious that the citizens of Penn Valley will be stuck with another sewer bond or tax.
3. Penn Valley Drive is a two-lane road and will not accommodate all the increased traffic that these apartment complexes will add to the traffic.
4. There is not enough coverage for law enforcement now for Penn Valley. To add four properties of 16 units per acre, and there are several acres to be rezoned. To expect law enforcement to be spread even thinner is an unbelievable act.
5. The Environmental Impact Report does not even address the Penn Valley Village Focused Economic Development Study passed by the Board of Supervisors in 2000, and in fact, the proposed rezoning goes against the findings of that study.
6. Most people in Penn Valley have a well for their water source. Apartment complexes can not rely on wells as their source of water. Again this would be the responsibility of the developers, but in reality the cost will be borne by the property owners in some form of tax or bond.

Any one of the reasons listed above should be enough to reject the rezoning to high density, but when you consider all of them, it is obvious that rezoning is a bad idea.

Sincerely,

Letter 71 – Y. Broz

Response 71-A The text of this letter is the same as that in Letter 70. Please refer to Letter 70 for responses to comments in this letter.

Letter 72

RECEIVED
NOV 08 2013
Nevada County Community Development Agency

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM
ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: RICHARD JUELS

Agency/Group/Organization:

Mailing Address: P.O. BOX 12, PENN VALLEY

Email Address: RJUELS432@GMAIL.COM

Phone Number: (530) 432-6612

Comments:

SEE ATTACHED

Send To: **Tyler Barrington, Principal Planner**
Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
Telephone: (530) 470-2723
Email: tyler.barrington@co.nevada.ca.us

To: Tyler Barrington, Principal Planner

From: Richard Juels

I feel that for the following reasons there should be no re-zoning of Penn Valley:

72-A The sewage system for Penn Valley and Lake Wildwood would not sustain the increase of population to the Penn Valley area. We had to pay for our sewage treatment plant and don't feel that just because the state wants us to build low income housing in Penn Valley that they should be able to use our sewage system.

72-B Where would the development get their water?

72-C With low income inhabitants there is an increase in crime and drugs, resulting in the need for more law enforcement to police Penn Valley.

72-D There would be additional expenses for the upkeep to Western Gateway Park for the population increase.

72-E Lower income housing in Penn Valley would result in lower property values.

72-F Our taxes would increase due to the additional funds it would cost to maintain the infrastructure for all this additional housing.

72-G Our roads cannot handle the increased traffic that this project would incur.

72-H Any money received from the state would not be enough to cover the cost of additional law enforcement personnel to cover the policing of the increased population. We have the lower income area of Broken Oak Court in Penn Valley and it has caused an increase of crime to our area. We don't need additional lower income housing in this area. Leave the village of Penn Valley the way it is.

DO NOT RE-ZONE PENN VALLEY!!!

Letter 72 – Richard Juels

Response 72-A Please see Master Response #4.

Response 72-B All of the proposed sites would receive water from the Nevada Irrigation District.

Response 72-C Please see Master Response #5 and Response 10-NN.

Response 72-D Western Gateway Park is discussed in Section 4.14 of the Draft EIR. Mitigation Measure 4.14-1 requires the developers of sites in the unincorporated area, including Sites 10-13 to pay County recreation fees to offset the increased use on County parks. See Response 23-C.

Response 72-E Please see Master Responses #5 and #6.

Response 72-F Please see Master Response #4. If the developer cannot demonstrate that adequate sewer and water facilities exist, then the developer must construct the required facilities or the project does not get implemented until such time as when the needed capacity is available. There is no proposal or requirement to have a public bond or tax to provide the facilities for the proposed project.

Response 72-G The County does not concur with this project. Potential traffic impacts are discussed in Section 4.15 of the EIR. No traffic impacts were identified in the Penn Valley area.

Response 72-H Please see Master Response #5 and Response 10-NN.

Letter 73

10160 Bar Hill Road
Penn Valley, CA 95946
432-8274

November 4, 2013

Mr. Tyler Barrington, Principal Planner
Nevada County Community Development Agency
950 Maidu Ave, Suite 170
Nevada City, CA 95959

RECEIVED
NOV 0 8 2013
Nevada County Community Development Agency

Re: Penn Valley Re-Zoning Issue

Dear Mr. Barrington:

73-A Unfortunately, I was unable to attend the public meeting on 10/29 in Penn Valley regarding re-zoning earmarked areas in the "village" area to develop low to very low income housing of 16 units per acre.

I was unable to attend because I only found out about the meeting (and these plans), the day before. Did I miss something? That evening after seeing the sign about the meeting near my house, I checked out on-line what this Penn Valley Re-Zoning might be and was absolutely shocked when I found out what this was about.

73-B Six and a half years ago I moved to Penn Valley from a now crowded Sonoma County. The first time I saw this quaint, peaceful and beautiful community I was hooked and bought my property, far from the madding crowd of urban developments. The thought of building 16 units per acre is something done is larger communities, such as Oakland, and where the impact of the related increased low- to very low income population, traffic, services, crime rate, etc. are already factored in.

73-C The wealth of plant and wildlife that I see thriving here right in my back yard on my 2 acres never ceases to amaze me; that so much can be happening in just a small area such as mine, so I know what sort of impact nearly 34 acres of housing units will have on these areas. Some of them are overlapping our local creeks, which would be devastating to the life thriving around and depending on them as well as a great loss to those of us who enjoy living near these undisturbed areas (which are partly a reason why we have settled here in the first place!). In some of the other earmarked areas, there are beautiful old growth native oaks as well as all the creatures and plants that thrive around them. Even if some of these plant and animal species aren't endangered, they have more of a right to be there than we do and we want to keep it that way.

73-D Then there is the increase in traffic, the pollution from said traffic as well as the congestion that will be created in what is now a very civilized and pleasant "down town" area with the little shops, services, etc. where you always can see a familiar face. It should remain as it is stated in the current "village plan" and which I believe, was approved back in 2000 by the County Board of Supervisors.

73-E The impact these units would have visually on picturesque Penn Valley as it is now would be devastating. Driving on hwy. 20 and passing the beautiful landscape between the Rough and Ready intersection to the Pleasant Valley Drive intersection, is an open invitation for those curious to venture into our town and spend some money

73-E CONT'D | at the local businesses. Visually, a set of these units built in the sections planned for them on hwy 20 will change the whole impression of what Penn Valley really is.

73-F | Needless to say, our property values will decrease by having housing of this sort imposed on us and I know that at the first inkling that re-zoning would happen, many of us will just leave.

73-G | I also can't help feeling incredibly suspicious of what developer is waiting in the wings and whose pockets are going to be nicely lined by this project. The deal seems rather shady, especially since Penn Valley residents were not alerted to this long before October 29th, as if something was being hidden. I question the legality of it all. Apart from that, Penn Valley needs, if anything, more commercial growth to create more jobs for those already living here and to provide services that one can only find right now by going into Grass Valley, etc.

73-H | Bottom line, Penn Valley is a rural community where "project housing" have no place for many reasons, some of which are mentioned above. I know there is a strong sentiment in the community against re-zoning this area, as that meeting on the 29th proved. The consequences of going ahead with these re-zoning plans for these low income units will cause many of the current residents, including me, to move elsewhere and that will have another devastating impact on Penn Valley.

I hope our voices are heard and respected and that these plans are tossed out or re-directed to a more appropriate setting.

Thank you.

Sincerely,

Sara Soldevila

cc: R. Douglas Donesky, District Planning Commissioner
Hank Weston, Board of Supervisors, District 4
Penn Valley Chamber of Commerce

Letter 73 – Sara Soldevila

Response 73-A For both the Notice of Preparation and Notice of Availability of the Draft EIR, the County met the distribution requirements of the California Environmental Quality Act and the County's own internal polices for public notification. The Notice of Availability was published in the local newspaper, and notices were sent to adjacent property owners up to 500 feet, exceeding the County's normal 300-foot distribution. While the County has met and gone beyond its statutory noticing requirements, it has agreed to extending the noticing of future public comment periods and meetings to include other residents outside of the noticing requirements to ensure the public has an opportunity to participate in the public process. The County held three public comment meetings, one in each of the proposed areas, in addition to the County Planning Commission Hearing during the public review period. The public comment on the Draft EIR was for 60 days which exceeds the standard 45-day review period required by CEQA and County Policy. The public review period closed as planned on November 12, 2013. The County Planning Commission considered a request to extend the public review period at the October 10, 2013 hearing and elected not to extend it.

Response 73-B Please see Master Responses #5 and #6. The statement that 16-units per acre is more appropriate for areas like Oakland is inaccurate as AB2348 (which establishes default densities for the various jurisdictions in CA) show Oakland's default density to be 30-units per acre (Government Code Section 65583.2)

Response 73-C Impacts on biological resources are discussed in Section 4.4 of the Draft EIR. Mitigation Measures to reduce potential impacts to less than significant have been incorporated into the project.

Response 73-D Please see Response 54-D. Potential traffic impacts are discussed in Section 4.15 of the EIR. No traffic impacts were identified in the Penn Valley area. Air quality impacts were discussed in Section 4.5 of the Draft EIR. Please see Response 9-B regarding the Penn Valley Village Focused Economic Development Study.

Response 73-E Visual Impacts are discussed in Section 4.32 of the Draft EIR. Additionally, the Regional Housing Need (RH) Combining District requires that development proposes undergo a Design Review process and public hearing at the Planning Commission limited to design issues only (LUDC Section L-II 2.7.11.C.5). This will ensure project design is consistent with surrounding area, western Nevada County Design Guidelines and the design criteria established by the Penn Valley Area Plan.

Response 73-F Please see Master Response #5.

Response 73-G Please see Responses 58-A, 72-A and Master Responses #2 and #3.

Response 73-H The County does not concur with this comment. Please see Master Responses #5 and #6.

Letter 74

11/08/13 02:09PM PENN VALLEY PONY EXPRESS 530 432-2092 p.01

November 6, 2013

Tyler Barrington,
Nevada County Planning Department

Dear Sir,

I attended the meeting on October 29th regarding the proposed plan to rezone four parcels in Penn Valley to high density low income properties. My wife and I strongly oppose this proposal.

74-A We already have low income housing in the Broken Oaks units and developing an additional 16 units per acre will further stress public services such as schools and the Penn Valley Fire Department.

74-B We moved here from the Sacramento Area 20 years ago, looking for a rural area in which to spend our retirement years. We found that area in Penn Valley, a place where we could have a few animals and a place where our Grandchildren could visit us and get away from the big city.

The proposal for dense low income housing just does not belong in Penn Valley.

Murray and Marilyn Arnold

Murray Arnold

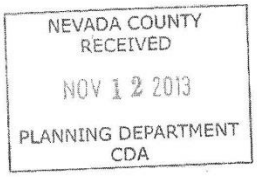
NEVADA COUNTY
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NOV 08 2013
COMMUNITY DEVELOPMENT
AGENCY

Letter 74 – Murray and Marilyn Arnold

Response 74-A Please see Responses 10-MM and 10-NN.

Response 74-B The County acknowledges and appreciates this comment. However, the comment is not at variance with the content of the EIR and therefore, no further response is required.

Letter 75



Carol Smith
11187 Canyon View Court
Penn Valley, CA 95946
(530) 432-6791
morgancanyon@digitalpath.net

Tyler Barrington
County of Nevada Planning Department
950 Maidu Avenue
Nevada City, CA 95959
Tyler.barrington@co.nevada.ca.us

RE: REZONING OF PARCELS IN PENN VALLEY TO HIGH DENSITY, LOW INCOME HOUSING

75-A Thank you for your presentation at the community meeting in Penn Valley Tuesday night. My first concern is the lack of notice given to the community of Penn Valley. The legal notice requiring that only those residents living within 500 feet of the affected properties was inadequate and grossly neglectful of the Penn Valley community as a whole. Instead of having 60 days to comment on your department's rezoning proposal we have less than 13 days, which is also inadequate. An extension of the comment period would be appreciated.

75-B I feel that the directive given to your planning group, that only those property owners who would support the rezoning created the issue facing Penn Valley. I realize that the county has state regulations to meet for financial gain, but feel that the burden of this regulation is being unfairly placed on the Penn Valley community. As proposed, approximately 42% of the required high density, low income housing requirement is being placed in the Penn Valley community. Penn Valley is a small community and doesn't have the infrastructure, the police & fire resources, or the financial resources to deal with those issues.

It was evident from the turnout last night that although Penn Valley is a small, rural community it is a community that is passionate about the quality of life here. In such an environment small changes make a big impact; the proposal

75-C presented at the meeting is not a small change. The total number of acres under consideration is 33.55. At 16 units per acre, that is 536.8 units. At 2 vehicles per unit, that is 1073 cars. We have few roads, and they are all 2-lanes only. The noise, congestion, and air pollution of over 1000 cars being dumped onto Highway 20 through Penn Valley on a daily basis would be devastating. At 4 individuals per unit we would have over 2000 new residents with no way to support this influx. We already have three areas of high density, low income housing in and around Penn Valley Village shopping area (Ranch Road, Broken Oak and Daffodil Court).

Another issue I did not hear addressed at the meeting is what are these "low to extremely low income" residents going to do once they get here? There are no jobs in this small community and rezoning existing commercial property into high density,

75-D low to extremely low-income property limits potential commercial development needed for economical growth in the future. We are primarlily an agriculture based community and want to stay that way. If there is to be development bring in more business so that the people that already live here have a place to work locally.

The prospect that some unnamed developer would be responsible to fund the "improvements" required to support a development that we don't want in the first place is of little

75-E comfort. It is my understanding that if the EIR passes the developer would have no further requirements to meet.

In short, Penn Valley is simply not an appropriate venue for a high-density housing development.

Respectfully,

Carol Smith

Cc: Penn Valley Chamber of Commerce
Supervisor Hank Weston
Steve De Camp, Agency Director, Community Development Agency
Brian Foss, Planning Director, Community Development Agency

Letter 75 – Carol Smith

Response 75-A For both the Notice of Preparation and Notice of Availability of the Draft EIR, the County met the distribution requirements of the California Environmental Quality Act and the County's own internal polices for public notification. The Notice of Availability was published in the local newspaper, and notices were sent to adjacent property owners up to 500 feet, exceeding the County's normal 300-foot distribution. While the County has met and gone beyond its statutory noticing requirements, it has agreed to extending the noticing of future public comment periods and meetings to include other residents outside of the noticing requirements to ensure the public has an opportunity to participate in the public process. The County held three public comment meetings, one in each of the proposed areas, in addition to the County Planning Commission Hearing during the public review period. The public comment on the Draft EIR was for 60 days which exceeds the standard 45-day review period required by CEQA and County Policy. The public review period closed as planned on November 12, 2013. The County Planning Commission considered a request to extend the public review period at the October 10, 2013 hearing and elected not to extend it.

Response 75-B Please see Responses 22-G and 10-D, and 10-NN.

Response 75-C Potential traffic impacts are discussed in Section 4.15 of the EIR. No traffic impacts were identified in the Penn Valley area.

Response 75-D Please see Master Responses #2, #3, and #5.

Response 75-E Please see Master Response #4. The Regional Housing Need Combining District requires the following: "Development proposes shall undergo a Design Review process and public hearing at the Planning Commission limited to design issues only. No discretionary permit is necessary for the density or use of the site." (LUDC Section L-II 2.7.11.C.5). This will ensure project design is consistent with surrounding area, western Nevada County Design Guidelines and the design criteria established by the Penn Valley Area Plan. Additionally, the RH Combining District has a requirement to create a "Regional Housing Need Implementation Plan" per the County's Land Use and Development Code (LUDC) Sec. L-II 2.7.11.C.3. The Regional Housing Need Implementation Plan will include the site specific development standards and CEQA mitigation measures for all development of multi-family housing on a Regional Housing Need (RH) site. The purpose of the Implementation Plan is to ensure that all future development within the RH Combining District is constructed in compliance with the specific development standards and mitigation measures approved for the RH Combining District and that the conditions of approval and mitigation measures for each site are easily identifiable at the time when construction is proposed.

Letter 76



Tyler Barrington
County of Nevada Planning Department
950 Maidu Ave.
Nevada City, Ca 95959
Tyler.barrington@co.nevada.ca.us

I do not believe that Penn Valley is an appropriate place for a mass amount of low income housing and am opposed to the re zoning of commercial property for the following reasons:

76-A There are not enough jobs for the people who already live here and this area offers no hope for improvement in living standards for already low income people.

76-B There is insufficient police, fire, school, sewer and water, social services, medical resources to support any significant influx of people.

76-C There would be a huge environmental impact on wildlife. Development would include the destruction of our ancient California Oaks which make up the beautiful natural landscape of the area.

76-D There would be parking and traffic problems, noise and air pollution.

76-E Rezoning would deprive Penn Valley of future commercial development which could eventually revitalize the community and create more needed jobs for our current population.

76-F We understand the need for low income housing. We understand the need to receive federal and state funds. However, Penn Valley should not be singled out to bear the full impact of housing for the entire county. 10-15 homes in the neighborhood would be more appropriate.

76-G Even though this letter may have reached you after your deadline, please consider that many of us did not know about these housing plans until recently. As a resident of Penn Valley, I feel all of our voices must be heard and acknowledged.

Sincerely,

Barbara Kosikoff
17935 Narrow Way
Penn Valley

Hank.weston @co.Nevada.ca.us District supervisor
Doug.done sky@co.nevada.ca.us County planning
Mike@ministoragepennvalley.com President of the Penn Valley Chamber of Commerce
ComDevAgency@co.nevada.ca.us

Letter 76 – Barbara Novikiff

Response 76-A Please see Master Responses #2 and #6

Response 76-B Please see Master Response #4 and Response 10-NN.

Response 76-C Potential biological resources impacts are discussed in Section 4.15 of the Draft EIR. Mitigation Measures 4.4-2b and 4.4-2c require the developer to prepare preconstruction plant and animal surveys before final development plans are approved. Mitigation Measure 4.4-5 requires future developers to prepare an oak woodland management plan for the protection of sensitive oak woodlands onsite. Landmark oak trees (greater than 36" diameter at breast height (dbh) and groves (canopy closure of 33% or greater) are considered Environmentally Sensitive Areas (ESAs). As an ESA avoidance and preservation of the trees is the first priority. If avoidance is not feasible then, a management plan is required. Please see Response 26-D regarding oak management plans.

Response 76-D Please see Response 54-D. Potential traffic impacts are discussed in Section 4.15 of the EIR. No traffic impacts were identified in the Penn Valley area. Air quality impacts were discussed in Section 4.5 of the Draft EIR. Noise impacts were evaluated in Section 4.11 of the Draft EIR. No traffic noise or long term operation noise impacts were identified.

Response 76-E Please see Master Response #3.

Response 76-F Please see Master Response #6 and Response 10-D. The proposed sites were clustered in areas where that were in proximity to existing infrastructure and services. To spread the development out over a wider and more dispersed area of the County would also spread out the impacts over a wider area and potentially in rural areas that don't have existing infrastructure.

Response 76-G The comment was received prior to the deadline and is included in the Final EIR.

Letter 77

Tyler Barrington
County of Nevada Planning Department
950 Maidu Ave.
Nevada City, Ca 95959
Tyler.barrington@co.nevada.ca.us

I do not believe that Penn Valley is an appropriate place for a mass amount of low income housing and am opposed to the re zoning of commercial property for the following reasons:

There are not enough jobs for the people who already live here and this area offers no hope for improvement in living standards for already low income people.

There is insufficient police, fire, school, sewer and water, social services, medical resources to support any significant influx of people.

77-A There would be a huge environmental impact on wildlife. Development would include the destruction of our ancient California Oaks which make up the beautiful natural landscape of the area.

There would be parking and traffic problems, noise and air pollution.

Rezoning would deprive Penn Valley of future commercial development which could eventually revitalize the community and create more needed jobs for our current population.

We understand the need for low income housing. We understand the need to receive federal and state funds. However, Penn Valley should not be singled out to bear the full impact of housing for the entire county. 10-15 homes in the neighborhood would be more appropriate.

Even though this letter may have reached you after your deadline, please consider that many of us did not know about these housing plans until recently. As a resident of Penn Valley, I feel all of our voices must be heard and acknowledged.

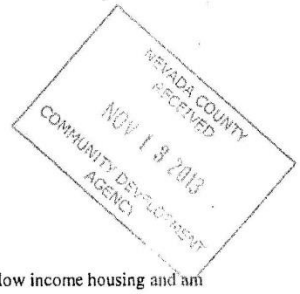
Sincerely,

Hank.weston @co.Nevada.ca.us District supervisor
Doug.done sky@co.nevada.ca.us County planning
Mike@ministoragepennvalley.com President of the Penn Valley Chamber of Commerce
ComDevAgency@co.nevada.ca.us

Letter 77 – Moses Novikiff

Response 77-A The comments in this letter are exactly the same as the comments in Letter 75. Therefore, please refer to letter 75 for responses to the comments in this letter.

Letter 78



Tyler Barrington
County of Nevada Planning Department
950 Maidu Ave.
Nevada City, Ca 95959
Tyler.barrington@co.nevada.ca.us

I do not believe that Penn Valley is an appropriate place for a mass amount of low income housing and am opposed to the re zoning of commercial property for the following reasons:

78-A

There are not enough jobs for the people who already live here and this area offers no hope for improvement in living standards for already low income people.

There is insufficient police, fire, school, sewer and water, social services, medical resources to support any significant influx of people.

There would be a huge environmental impact on wildlife. Development would include the destruction of our ancient California Oaks which make up the beautiful natural landscape of the area.

There would be parking and traffic problems, noise and air pollution.

Rezoning would deprive Penn Valley of future commercial development which could eventually revitalize the community and create more needed jobs for our current population.

We understand the need for low income housing. We understand the need to receive federal and state funds. However, Penn Valley should not be singled out to bear the full impact of housing for the entire county. 10-15 homes in the neighborhood would be more appropriate.

Even though this letter may have reached you after your deadline, please consider that many of us did not know about these housing plans until recently. As a resident of Penn Valley, I feel all of our voices must be heard and acknowledged.

Sincerely,

Christine Clifton Leslie

Hank.weston @co.Nevada.ca.us District supervisor
Doug.done sky@co.nevada.ca.us County planning
Mike@ministoragepennvalley.com President of the Penn Valley Chamber of Commerce
ComDevAgency@co.nevada.ca.us

Letter 78 – Christine Lisee

Response 78-A The comments in this letter are exactly the same as the comments in Letter 75. Therefore, please refer to letter 75 for responses to the comments in this letter.

Letter 79

Tyler Barrington, Principal Planner
Nevada County Planning Department, 950 Maidu Avenue, Suite 170 Nevada City, CA 95959
Telephone: (530) 470-2723 Email: tyler.barrington@co.nevada.ca.us

Please reconsider re-zoning sites 10, 11 and 13 in Penn Valley Center.

If done correctly the addition of housing and residents to Penn Valley should improve the economy and vitality of the community. But if the wrong sites are developed it will cause long term harm to the community, its economy and the environment. 79-A

To Penn Valley, small things matter. A short sidewalk/bike trail did a great deal to enhance Penn Valley Drive and Penn Valley Center. Taking commercial land away from Penn Valley center could do a great deal to harm our very small commercial center and community. Projects must be done in Penn Valley in a way that will attract people and business to the area.

It must be kept in mind that Penn Valley is already disadvantaged and does not have the retail and commercial appeal of Grass Valley and Nevada City. The proposed sites will further disadvantage Penn Valley. These sites do not serve the individuals moved here, the community as a whole or the intent of the requirement to provide affordable housing. It is bad for the environment to place high density housing in Penn Valley without supporting the local retail, services and employment opportunities. 79-B

Site 10 & 11 C2

Sites 10 and 11 are next to and behind the Post Office in the heart of Penn Valley Center. This is the commercial land that needs to provide the business, services and jobs for the people you would like to move in. It is essential to our community. You cannot say that a site has potential for employment opportunities and retail when the commercial land is the very land you are re-zoning. 79-C

Site 13 IDR

This site is highly visible from Route 20 and is the public face of Penn Valley. High density housing on this site will depress the appeal of Penn Valley to both commercial and future housing development. Grass Valley and Nevada City have established commercial and retail areas. Penn Valley is struggling to get its share of retail and employment opportunities. It is critical that this highly visible land is developed appropriately. The current plan will do more to scare away businesses and further reduce Penn Valley as a destination. Again it makes no sense to move people here and discourage retail and employment at the same time. For the sake of both the environment and the economy, the goal should be to encouraged a self-sufficient community with a balance of housing, retail, services and employment. 79-D

Thank you for your time.

Linda Marshall, Penn Valley, CA

Letter 79 – Linda Marshall

Response 79-A The County does not concur with this comment. Please see Master Response #3.

Response 79-B The County does not concur with this comment. Please see Response 19-E.

Response 79-C The County does not concur with this comment. Please see Master Response #3.

Response 79-D The County does not concur with this comment. Site 13 is not zoned as a commercial property and development of the site would not remove retail opportunities. Please see Master Response #3 regarding the provision to allow retail use to be incorporated into the project on Sites 10 and 11. The existing General Plan land use designation on Site 13, is Urban Medium Density (UMD) at 6-units per acre. Site 13 is designated PD "Planned Development" with UMD (26 ac.) and Open Space (8ac.) reflecting this designation applies to a larger set of properties, as Site 13 is approximately 20 acres. As such, this site is already slated for higher density residential than rural residential, although not as high of a density as the R3 designation.

Future project submittals will be required to undergo a Design Review process and public hearing at the Planning Commission to ensure that the project is consistent with the Penn Valley Village Center Design Guidelines. As noted on page 4.3-10 of the Draft EIR, the purpose of the Penn Valley Village Center Area Plan is to develop design guidelines that provide consistent design review criteria that encourages development that is compatible with the rural character of the Penn Valley Village Center; to identify public facilities and services that will serve new development; to identify and encourage natural resources; to advocate the development of paths and trails; and, to sustain the rural environment and encourage patronage of village center business.

As noted in Master Response #3, the RH Combining District language in the LUDC permits the incorporation of commercial use into the project to allow for a balance of housing, retail, and employment.

Letter 80

November 8, 2013

NEVADA COUNTY
RECEIVED
NOV 12 2013
PLANNING DEPARTMENT
CDA

Tyler Barrington
Principal Planner
Nevada County
Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

tyler.barrington@co.nevada.ca.us

Dear Mr. Barrington:

I want to thank you for the opportunity you gave the residents of Penn Valley to hear about and speak about the rezoning plan at last weeks meeting at the church on Oct. 29th.

80-A I would like to voice my opinion on the rezone program proposed for the Penn Valley area. In my opinion this proposed zoning change does not benefit Penn Valley in any way, shape, or form. To place high density housing on properties designated for businesses is the first glaring problem with this plan. Without the opportunity to build businesses and add jobs where will all the residents of these housing units work? It seems to me that putting people in an area and hoping jobs will follow is backwards logic.

80-B It also bothers me that of all the properties selected for rezoning in Nevada County, there are none in the Nevada City or Truckee areas. This seems very unfair as to how the program is distributed throughout the county.

80-C The strain and impact on our schools, water, sewer, fire and Sheriff's departments in troubled financial times only worsens the impact. Who will pay for the additional service required? The areas chosen for rezoning in Penn Valley are also on very environmentally special places. There is the creek, wildlife and many old heritage Oak trees running right through the middle of them. Filling these properties with hundreds of apartment buildings just does not fit with the rural character of Penn Valley and will destroy those lands as well as the neighboring properties.

80-D I have spoken with hundreds of neighbors and people throughout Penn Valley and have not heard from one person who is in favor of this rezoning. I am afraid that the only people in favor of this are the people who own the properties who stand to benefit financially from this program.

There is something very wrong with how this entire process has unfolded. I strongly suggest that you reevaluate the program and come up with a more fair and balanced approach to finding more suitable places for high density housing in Nevada County... if there are such places.

Thank you,

Pamela Bivens

17714 Penn Valley Drive

cc
Hank Weston
R. Douglas Donesky

Letter 80 – Pamela Bivens

Response 80-A The County does not concur with this comment. Please see Master Response #3.

Response 80-B The County does not concur with this comment. Please see Master Response #1. It is worth noting that originally there was a site in the Nevada City Sphere of Influence that was identified in Appendix C of the 2009-2014 Housing Element. Prior to commencing the drafting of the project's Environmental Impact Report, the property owner elected to withdraw from consideration and subsequently the site was removed from consideration.

Response 80-C The County does not concur with this comment. Any future development associated with the proposed project would be developed at the expense of the future developers, including all building and mitigation fees. No tax dollars would be used for the development of the project. Please see Master Response #4. Please see Response 10-NN regarding the mitigation measure for fire and Sheriff's protection services.

Please see Response 26-A regarding protection of the Squirrel Creek floodplain. Mitigation Measures for Oak woodlands are included in the project. Please see Response 26-D regarding protecting oak trees and oak woodlands. None of the 18 projects sites have been identified as a wildlife corridor area. Mitigation Measures 4.4-2b and 4.4-2c in the Draft EIR require the developer to prepare preconstruction plant and animal surveys before final development plans are approved. Please see Response 50-A regarding the protection of sensitive resources through Environmentally Sensitive Areas (ESAs), and how a management plan is applied when encroachment into the EDAs is required. Please see Response 79-D regarding the design review process for future development in Penn Valley.

Response 80-D Please see Master Response #1 and Response 22-F regarding the site selection process.

Letter 81

Brian & Renee McGrath
20090 John Born Road
Penn Valley, CA 95946
530-432-9601
brmcgrath@att.net

DOG ROCK RANCH

November 9, 2013

NEVADA COUNTY
RECEIVED
NOV 12 2013
PLANNING DEPARTMENT
CDA

Tyler Barrington
County of Nevada Planning Department
950 Maidu Ave
Nevada City, CA 95959

Subject: Penn Valley Rezoning

Dear Mr. Barrington,

We respectfully offer the following input regarding potential re-zoning for part of Penn Valley Village. Since we were out of state for the month of October, we just became aware of this issue after returning home. After reading the article in the local paper, we were very surprised as this was the first we'd heard anything about the potential re-zoning. As 22 year residents, we are very concerned about the proposed change and the effect it would have on the community of Penn Valley.

The potential re-zoning as proposed will:

81-A | • Limit or prevent commercial development in the Village Area of Penn Valley which would provide badly needed good paying jobs for residents of the community.

81-B | • Overtax the areas two lane roads resulting in traffic congestion, added noise and air pollution.

81-C | • Leave many of the low income residents stranded since some may not own vehicles and mass transit in Nevada County is very limited.

81-D | • High density low income housing will place an undue burden on the Nevada County Sherriff's Dept. and other public service agencies.

81-E | • Negatively impact the Squirrel Creek watershed.

81-F | In conclusion, we request that the EIR be returned for correction and the public comment period be extended a minimum of one month to allow for more input from the community.

Sincerely,

Brian and Renee McGrath

Letter 81 – Brian and Renee McGrath

Response 81-A The County does not concur with this comment. Please see Master Response #3.

Response 81-B Please see Response 54-D. The County does not concur with this comment. Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. Air quality and Noise impacts are evaluated in Sections 4.5 and 4.11, respectively. The County concurs that air quality impacts would occur as identified in the Draft EIR. Mitigation measures reduced potential noise impacts to less than significant.

Response 81-C The County does not concur with this comment. Please see Response 22-G regarding the availability of services including some transit options in Penn Valley.

Response 81-D The County does not concur with this comment. Please see Response 10-NN.

Response 81-E The County does not concur with this comment. Please see Response 26-A. Additionally, the developers will be required to comply with County water quality requirements to demonstrate that the project has met the Regional Water Quality Control Board design requirements for surface water quality.

Response 81-F For both the Notice of Preparation and Notice of Availability of the Draft EIR, the County met the distribution requirements of the California Environmental Quality Act and the County's own internal polices for public notification. The Notice of Availability was published in the local newspaper, and notices were sent to adjacent property owners up to 500 feet, exceeding the County's normal 300-foot distribution. While the County has met and gone beyond its statutory noticing requirements, it has agreed to extending the noticing of future public comment periods and meetings to include other residents outside of the noticing requirements to ensure the public has an opportunity to participate in the public process. The County held three public comment meetings, one in each of the proposed areas, in addition to the County Planning Commission Hearing during the public review period. The public comment on the Draft EIR was for 60 days which exceeds the standard 45-day review period required by CEQA and County Policy. The public review period closed as planned on November 12, 2013. The County Planning Commission considered a request to extend the public review period at the October 10, 2013 hearing and elected not to extend it.

Letter 82

November 11, 2013

Tyler Barrington, Principal Planner

Nevada County Community Development Agency

950 Maidu Ave., Suite 170

Nevada City, CA 95959

Dear Mr. Barrington

82-A This letter is to let you know I am not in favor of the Penn Valley RESONING issue to R-3 (16 units per acre). This plan to built "low to extremely low income" residents would devastate our community. There are no jobs here in Penn Valley for these residents. Our schools can't take on added students. This is very poor

82-B planning. It's very obvious no one has checked out the devastation in the overcrowding of our schools. Penn Valley doesn't have the infrastructure, the

82-C police and fire resources, or the financial resources to deal with some of these issues.

82-D I feel in Penn Valley, we need to keep our Commercial Zones to expand our town. This would help generate more shopping and employment for our community.

Thank you for your presentation at the community meeting in Penn Valley on Tuesday, October 29th.

Laura Argento

Cc: Doug Donesky, County Planning Commissioner for District 4

Hank Weston, Nevada County District 4 Supervisor

Penn Valley Area Chamber of Commerce

NEVADA COUNTY
RECEIVED
NOV 11 2013
PLANNING DEPARTMENT
CDA

Letter 82 – Laura Argento

Response 82-A The County does not concur with this comment. Please see Master Responses #2 and #6.

Response 82-B Please see Response 10-MM regarding impacts to schools.

Response 82-C The County does not concur with this comment. Any future development associated with the proposed project would be developed at the expense of the future developers, including all building and mitigation fees. No tax dollars would be used for the development of the project. Please see Master Response #4. Please see Response 10-NN regarding the mitigation measure for fire and Sheriff's protection services.

Response 82-D The County does not concur with this comment. Please see Master Response #3.

Letter 83

RECEIVED

NOV 12 2013

Nevada County Community Development Agency

Nevada County Planning Commission
950 Maidu Ave
Nevada City 95959

Dear Sirs,

I would like to introduce myself and my wife, James and Sheila Becker from Penn Valley. I am a licensed Contractor and have built many homes right here in our little area, I have always worked closely with the county for many years. My wife has worked for Durham as a Bus Driver for many years and also a instructor for new people to drive the school buses, Safety for the children to get to school.

83-A

We built a new home On Spenceville Rd here in Penn Valley. We love our area and know many wonderful people we are proud to call our friends.

Our small town has survived this last five years. Work was and is still scarce. With the price of gasoline as it is we have to travel miles to get our materials we need. We are happy to see True Value move in to help us out with this problem. We have the people living here, what we need is more business and retail on our commercial Property that is remaining.

83-B We don't have a good core for the amount of homes proposed to be built here. Narrow streets, sewer problems, police force is limited, Water, will there be enough. What do we do, please think about that.

83-C Did you forget we already have low cost housing it's called Broken Oak Court,That is indeed a sad situation.

83-D We are only two people, I think about 90% of my neighbors will be at your meetings to share their thoughts and fears on changing the zoning here in Penn Valley.

Thank you for listening, Please, we have a lot to lose..

Yours Truly

James and Sheila Becker
Spenceville Rd
P.V. CA 95946

Letter 83 – James and Sheila Becker

Response 83-A The County acknowledges and appreciates this comment. However the comment is not at variance with the content with the Draft EIR, and therefore, no further response is required.

Response 83-B Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. Please see Response 54-D. Please see Master Response #4 with regard to the developers' responsibilities to ensure adequate water and sewer infrastructure is in place prior to development.

Water supply was addressed in Section 4.13 of the Draft EIR. Pursuant to SB 610, a Water Supply Assessment (WSA) was prepared for the proposed project and is included as Appendix J of the Draft EIR. The WSA was prepared based on information contained in the 2010 Urban Water Management Plan (UWMP) adopted by the Nevada Irrigation District (NID) in June 2011. The WSA assessment concludes that although the UWMP calculates a deficit in water supply sources in during single and multiple dry years, NID has drought contingency measures and the rights to receive water from Bear River and South Yuba River which are expected to make up for the deficit. Additionally, the UWMP has high density, affordable housing projects in the 2012 UWMP. As such, NID determines that the proposed project is included in the 2010 UWMP and, therefore, sufficient water supplies are available to meet the estimated demands for all of the project sites. The WSA concludes that the project has a less than significant impact on water supply.

Please see Response 10-NN regarding the mitigation measure for fire and Sheriff's protection services.

Response 83-C The existing development at Broken Oak Court is not related to the proposed project. Please see Master Response #6.

Letter 84

RECEIVED
NOV 12 2013
Nevada County Community Development Agency

Tyler Barrington
County of Nevada Planning Department
950 Maidu Ave.
Nevada City, CA 95959

Mr. Barrington,

84-A I do not live within 500 feet of the affected area and did not become aware of the true issues surrounding rezoning until I read the TWI news on Sunday, 11/10/13. On having become aware of the issue I need to express my own personal concerns. I have created this letter very quickly, knowing full well that this will not arrive before the cut-off date of Nov. 12th.

I would first ask that the comment period be extended to allow all who would be affected to voice their concerns.

84-B I live on Spenceville Rd, close to the Indian Springs Rd. stop sign. Spenceville Rd., which is only 2 lanes, is already a very busy thoroughfare for such a rural setting. People use this road to reach the Nevada County Transfer Station, and as an alternate route to Auburn and Grass Valley. Having only been a resident of Penn Valley for 8+ years I can attest to the increasing traffic that has occurred just in that short time. With the proposed 536.6 additional housing units and the population per unit possibilities, the potential traffic will have serious impact on Spenceville Rd. and the surrounding areas.

84-C The parcels that are being proposed for dense housing are in an area pre-designated as commercial. With out the possibility of commercial development where are these hundreds of people going to find work? I am not against low income housing, I believe that housing needs to become more affordable to the working class. The American Dream has become only a dream for a greater portion of our population. But stuffing a great number of poorly employed on non-employed people into a small area in a rural setting, significantly distant from potential jobs seems ludicrous. You may be fulfilling a State law for High Density zones but justifying the placement of the these zones surely requires more thought.

84-D Another affect that needs fore thought is the infrastructure (or lack thereof) of the Penn Valley area. Schools, fire and police services will be pushed to the limit. The impact on the environment cannot be overstated either. Cutting old California Oaks to build high-density housing would alter eco-system significantly and in many ways.

Thank you for your careful consideration regarding the rezoning in Penn Valley.

Sincerely,
Shannon Arena

Letter 84 – Shannon Arena

Response 84-A For both the Notice of Preparation and Notice of Availability of the Draft EIR, the County met the distribution requirements of the California Environmental Quality Act and the County's own internal polices for public notification. The Notice of Availability was published in the local newspaper, and notices were sent to adjacent property owners up to 500 feet, exceeding the County's normal 300-foot distribution. While the County has met and gone beyond its statutory noticing requirements, it has agreed to extend the noticing of future public comment periods and meetings to include other residents outside of the noticing requirements to ensure the public has an opportunity to participate in the public process. The County held three public comment meetings, one in each of the proposed areas, in addition to the County Planning Commission Hearing during the public review period. The public comment on the Draft EIR was for 60 days which exceeds the standard 45-day review period required by CEQA and County Policy. The public review period closed as planned on November 12, 2013. The County Planning Commission considered a request to extend the public review period at the October 10, 2013 hearing and elected not to extend it.

Response 84-B Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. Please see Response 54-D. Please see Master Response #8 regarding the aggregate density of the site.

Response 84-C The County does not concur with this comment. Please see Master Responses #2, #3, and #6. Please also see Response 22-G regarding the services available in the Penn Valley area that could support high density housing.

Response 84-D Please see Response 10-MM regarding impacts to schools. Please see Response 10-NN regarding the mitigation measure for fire and Sheriff's protection services. Please see Response 26-D regarding impacts on oak woodlands. Biological resources were evaluated in Section 4.4 of the EIR. Mitigation measures are proposed to reduce potential impacts to less than significant. Please see Response 50-A regarding protection of Environmentally Sensitive Areas.

Letter 85

November 9, 2013

RECEIVED
NOV 12 2013
Nevada County Community Development Agency

Tyler Barrington, Principal Planner
Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

Mr. Barrington:

I would like to respond to the proposed rezoning and environmental impact to Penn Valley as covered in our recent community meeting...

85-A My family moved to Penn Valley over 15 years ago because of its beautiful country atmosphere, lush oak trees and wild life. Now the community is faced with a huge population explosion which would totally change the look and feel of our little community unless you honor our Village Plan which was adopted by the County Board of Supervisors in 2000. Bulging low income housing would put a strain on all existing systems (water, sewer, fire, law enforcement, schools) and create an incredible increase in traffic congestion along Penn Valley Drive, not to mention the additional parking problem.

85-B The new proposal would also eliminate much needed economic growth in the area. I have personally been frustrated at the lack of business space available which is forcing me to locate my business in Grass Valley when I would much rather stay local.

85-C Young people are moving away because there aren't enough quality job opportunities. My son is in college and is worried that he will not be able to find work here when he graduates as a mechanical engineer. Penn Valley already has a large senior population and many low income families. How are we going to have balanced economic growth if we don't have adequate business stimulus to attract young families who are upwardly mobile?

85-D Last but not least, I am a huge nature lover and that is a major reason we moved here in the first place. Losing more wildlife habitat and those beautiful oak trees does not set well with me. Trying to plant some puny trees elsewhere is ridiculous, and where are the animals supposed to go?

85-E As mentioned in the proposal, there are other county sites that might be considered and areas that would be more suitable to this type of expansion. Please look at these carefully before making your final decision.

Thank you.
Jeri Stone
Jeri Stone
18031 Penn Valley Drive
Penn Valley

cc: Penn Valley Chamber of Commerce
Supervisor Hank Weston
Commissioner Doug Denoskey

Letter 85 – Jeri Stone

Response 85-A The County does concur with this comment. Please see Response 10-MM regarding impacts to schools. Please see Response 10-NN regarding the mitigation measure for fire and Sheriff's protection services. Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. Future developers would be required to provide parking spaces in accordance with the County's Land Use and Development Code. This would be enforced through the County's site plan review process which would occur prior to construction.

Additionally, the RH Combining District has a requirement to create a "Regional Housing Need Implementation Plan" per the County's Land Use and Development Code (LUDC) Sec. L-II 2.7.11.C.3. The Regional Housing Need Implementation Plan will include the site specific development standards and CEQA mitigation measures for all development of multi-family housing on a Regional Housing Need (RH) site. The purpose of the Implementation Plan is to ensure that all future development within the RH Combining District is constructed in compliance with the specific development standards and mitigation measures approved for the RH Combining District and that the conditions of approval and mitigation measures for each site are easily identifiable at the time when construction is proposed.

Please see Master Response #6.

Response 85-B The County does not concur with this comment. Please see Mater Response #3.

Response 85-C Please see Master Responses #2. The proposed project would assist in providing a variety of housing types for all income segments of the population and by density alone would be inherently more affordable to existing and future residents of the County.

Response 85-D Please see Response 26-D regarding oaks trees. None of the 18 projects sites have been identified as a wildlife corridor area. Mitigation Measures 4.4-2b and 4.4-2c require the developer to prepare preconstruction plant and animal surveys before final development plans are approved. The mitigation measures outline specific actions or performance standards that must be applied if special status plant or animals species are found prior to construction. The actions include avoidance, establishing buffer areas, onsite biological monitors during grading activities, and coordination with the Federal and State Wildlife Agencies. Some species such as the Foothill yellow-legged frog or western pond turtle have specific management approaches that must be taken by a qualified biologist if observed onsite.

Response 85-E Please see Responses 22-F and 22-G.

Letter 86

RECEIVED
NOV 12 2013
Nevada County Community Development Agency

November 10, 2013

Mr. Tyler Barrington
Principal Planner
Nevada County Community Development Agency
950 Maidu Ave., Ste 170
Nevada City, CA 95959

Dear Mr. Barrington:

I am writing in reaction to the public meeting held on Tuesday, October 29, 2013 at the Seventh-Day Adventist Church in Penn Valley, to discuss the County's proposed 'High-Density Housing' zoning for four parcels of about 60 acres in the center of Penn Valley's commercial area.

86-A First, High Density Zoning belongs in an area that has all of the needed services for such a community addition: Emergency, Hospital, Medical, Dental, Shopping and Recreation, name a few. Penn Valley is essentially rural, with the village center being quite small and containing very few of the needed services. The Sierra Nevada Hospital is 10 miles away; Penn Valley does not have a local Police Department, nor even a major Sheriff's station; the Fire District is already stretched too thin; the Park District already lacks sufficient operating budget,and the shopping possibilities within Penn Valley are minimal at best. High Density Housing simply doesn't pass the common sense test for Penn Valley.

86-B Because of those facts, above, It would be a disservice to eventual residents of such a high-density residential area, inviting urban blight into a rural setting. Inadequate policing and emergency services would be an invitation to increased crime, placing major increased demand for civic services on an area that is unincorporated and lacking the ability to respond with increased service capability.

86-C The streets and hgihways in and around this part of the County are not structured to support the level of increased traffic that would result from this density, and the lack of local job opportunities would of necessity result in a high percentage of commuter traffic; a negative consequence.

86-D Furthermore, long term planning envisioned in. the Penn Valley Focused Economic Development Study adopted by the Nevada County Board of Supervisors in the year 2000 did not allow for such high density residential housing, recognizing that the community most needed local jobs, through commercial and industrial development.

86-E Please listen to your citizens and return this EIR back to the Planning Commission for further study, and please as well, lengthen the amount of time for the citizens of Penn Valley to comment and respond. The best time to deal with a mistake is to prevent it from happening in the first place!

Sincerely,

Daniel E. Halloran

Daniel E. Halloran
17581 Chaparral Drive
Penn Valley, CA 95946

CC: Hank Weston, R. Douglas Donesky, Janet Hayes, The Wildwood Independent, The Union

Letter 86 – Daniel Halloran

Response 86-A The County does concur with this comment. Please see Responses 22-F and 22-G regarding the rationale of why Penn Valley is good fit for high density housing. Please see Response 10-MM regarding impacts to schools. Please see Response 10-NN regarding the mitigation measure for fire and Sheriff's protection services. Impacts to parks are discussed in Section 4.14 of the Draft EIR. Mitigation Measure 4.14-1 requires the developers of sites in the unincorporated area, including Sites 10-13 in Penn Valley to pay County recreation fees to offset the increased use on County parks.

Response 86-B The County does not concur with this comment. Impacts to police and fire services are evaluated in Section 4.13 of the draft EIR. Please see Response 10-NN regarding mitigation measures for police and fire services. Please see Mater Response #5.

Response 86-C The County does not concur with this comment. Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. Please see Response 54-D. Master Response #2.

Response 86-D The County does not concur with this comment. Please see Response 9-B.

Response 86-E For both the Notice of Preparation and Notice of Availability of the Draft EIR, the County met the distribution requirements of the California Environmental Quality Act and the County's own internal polices for public notification. The Notice of Availability was published in the local newspaper, and notices were sent to adjacent property owners up to 500 feet, exceeding the County's normal 300-foot distribution. While the County has met and gone beyond its statutory noticing requirements, it has agreed to extend the noticing of future public comment periods and meetings to include other residents outside of the noticing requirements to ensure the public has an opportunity to participate in the public process. The County held three public comment meetings, one in each of the proposed areas, in addition to the County Planning Commission Hearing during the public review period. The public comment on the Draft EIR was for 60 days which exceeds the standard 45-day review period required by CEQA and County Policy. The public review period closed as planned on November 12, 2013. The County Planning Commission considered a request to extend the public review period at the October 10, 2013 hearing and elected not to extend it.

Letter 87

Tom Cross

NEVADA COUNTY RECEIVED
NOV 13 2013
COMMUNITY DEVELOPMENT AGENCY

From: Dan Halloran [danhalloran39@gmail.com]
Sent: Sunday, November 10, 2013 12:55 PM
To: Our Friends
Subject: Proposed Penn Valley Zoning change

FYI, there is a plan to add high density housing (16 units per acre) to about 60 acres in Penn Valley, and there was a hearing with the County at the Seventh Day Adventist Church on October 29. The comment period ends November 12, so we have added our voice to try and return this proposal to the Planning Department to find another place. Here is what I wrote. If you are not interested, simply delete. Full details can be found in the Blog section of the Penn Valley Chamber of Commerce website: www.pennvalleycoc.org/blog/

Dan

11/12/13

Mr. Barrington,
I know Dan and respect his judgment. Please give this request your consideration.
Thanks,
Tom Cross
Lake Wildwood
Board of Directors

November 10, 2013

Mr. Tyler Barrington

Principal Planner

Nevada County Community Development Agency

950 Maidu Ave., Ste 170

Nevada City, CA 95959

Dear Mr. Barrington:

I am writing in reaction to the public meeting held on Tuesday, October 29, 2013 at the Seventh-Day Adventist Church in Penn Valley, to discuss the County's proposed 'High-Density Housing' zoning for four parcels of about 60 acres in the center of Penn Valley's commercial area.

87-A **First, High Density Zoning belongs in an area that has all of the needed services for such a community addition: Emergency, Hospital, Medical, Dental, Shopping and Recreation, name a few. Penn Valley is essentially rural, with the village center being quite small and containing very few of the needed services. The Sierra Nevada Hospital is 10 miles away; Penn Valley does not have a local Police Department, nor even a major Sheriff's station; the Fire District is already stretched too thin; the Park District already lacks sufficient operating budget,and the shopping possibilities within Penn Valley are minimal at best. High Density Housing simply doesn't pass the common sense test for Penn Valley.**

Because of those facts, above, It would be a disservice to eventual residents of such a high-density residential area, inviting urban blight into a rural setting. Inadequate policing and emergency services would be an invitation to increased crime, placing major increased demand for civic services on an area that is unincorporated and lacking the ability to respond with increased service capability. The streets

1

87-A CONT'D

and highways in and around this part of the County are not structured to support the level of increased traffic that would result from this density, and the lack of local job opportunities would of necessity result in a high percentage of commuter traffic; a negative consequence.

Furthermore, long term planning envisioned in. the Penn Valley Focused Economic Development Study adopted by the Nevada County Board of Supervisors in the year 2000 did not allow for such high density residential housing, recognizing that the community most needed local jobs, through commercial and industrial development.

Please listen to your citizens and return this EIR back to the Planning Commission for further study, and please as well, lengthen the amount of time for the citizens of Penn Valley to comment and respond. The best time to deal with a mistake is to prevent it from happening in the first place!

Sincerely,

Dan Halloran

Copies were sent to the Union, TWI, Supervisor Hank Weston and Planning Commissioner R. Douglas Donesky.

--

Dan Halloran
tel: (530) 432-2889
cel: (530) 913-0705

2

Letter 87 – Tom Cross

Response 87-A The text of this letter is the same as Letter 86. For a response to the comments in this letter please see the responses prepared for Letter 86.

Letter 88

17622 Chaparral Dr.
Penn Valley, CA 95946
November 10, 2013

Nevada County Community Development Agency
950 Maidu Ave.
Nevada City, CA 95959

NEVADA COUNTY
RECEIVED
NOV 13 2013
COMMUNITY DEVELOPMENT
AGENCY

Attention: Principal Planner Tyler Barrington

Subject: Proposed High Density Housing for Penn Valley

Dear Mr. Barrington:

88-A **I am strongly opposed to the idea of developing a high density housing development in Penn Valley for the following reasons:**
1 This is a rural community and it would change the character of our community.

88-B **2. It makes no sense to develop such a facility where supporting services necessary for the elderly people people who would be attracted to it do not exist; such as shopping. Hospital emergency facilities, and local police protection.**

Please consider the appeal of Penn Valley citizens and return this EIR to the Planning Commission for further study.

Sincerely,

Bruce N. Pusheck

Bruce N. Pusheck

Letter 88 – Bruce Pusheck

Response 88-A The County does not concur with this comment. Section 4.2 of the Draft EIR evaluated the proposed project's consistency with the existing goals and policies of the Nevada County General Plan, including the Land Use Element and no potential impacts were identified.

Additionally, future project submittals will be required to undergo a Design Review process and public hearing at the Planning Commission to ensure that the project is consistent with the Penn Valley Village Center Design Guidelines. As noted on page 4.3-10 of the Draft EIR, the purpose of the Penn Valley Village Center Area Plan Design Guidelines is to develop design guidelines that provide consistent design review criteria that encourages development that is compatible with the rural character of the Penn Valley Village Center; to identify public facilities and services that will serve new development; to identify and encourage natural resources; to advocate the development of paths and trails; and, to sustain the rural environment and encourage patronage of village center business.

Please also see Response 22-G.

Response 88-B The County does not concur with this comment. Please see Response 22-G.

Letter 89

November /9/2013



Mr. Tyler Barrington
Principal Planner
Nevada County Development Agency

Dear Mr. Barrington,

89-A My name is Ron Jermyn I live at 17150 Ladino Ave Penn Valley and have been a resident for seven and a half years. I am writing you today to register my strong opposition to the Proposed Zoning Changes in Penn Valley.
From a strictly environmental stand point the rezoning to R3 and subsequent development of any of the proposed sites clearly would have a strong detrimental effect. The calculations of these effects move past the construction of the project. Penn Valley maintains an excellent balance of population within the Valley and the Village. What will be the result of artificial placing of a large apartment complex and injection of a non working or non productive population to occupy the property? It will create a devastating stress on the environment and community. The implications to the environment and the stress which will be encored are as follows:

1) An impact on the natural environment to sustain the wild life population.
2) A negative impact on the water shed.
3) Increased air pollution.
4) Increased liter and garbage discarded in the environment.
5) Increased stress on the natural water table.
6) Devastation of the natural landscape of any and all sites proposed.

Inclosing I would like to thank you, for your careful consideration of this very important matter.

Sincerely,

Ron Jermyn

Letter 89 – Ron Jermyn

Response 89-A The County does not concur with this comment. Biological impacts are discussed in Section 4.4 of the Draft EIR. None of the 18 projects sites have been identified as a wildlife corridor area. Mitigation Measures 4.4-2b and 4.4-2c require the developer to prepare preconstruction plant and animal surveys before final development plans are approved. The mitigation measures outline specific actions or performance standards that must be applied if special status plant or animals species are found prior to construction. The actions include avoidance, establishing buffer areas, onsite biological monitors during grading activities, and coordination with the Federal and State Wildlife Agencies. Some species such as the Foothill yellow-legged frog or western pond turtle have specific management approaches that must be taken by a qualified biologist if observed onsite.

Regarding water quality the developers of the project sites will be required to comply with County water quality requirements to demonstrate that the project has met the Regional Water Quality Control Board design requirements for surface water quality. Please see Responses 15-H and 61-A regarding water quality requirements.

Air quality impacts are evaluated in Sections 4.5 of the Draft EIR. The County concurs that air quality impacts would occur as identified in the EIR. The EIR analysis assumes a worst case scenario in that all of the units would be built at the same time. Although it is not anticipated to happen, the EIR analysis provides this analysis as a conservative approach. As a result, the proposed project exceeds the Northern Sierra Air Quality Management District's thresholds for reactive organic compounds (ROG) and nitrous oxides (NO_x). These impacts are considered significant and unavoidable. The EIR does disclose that there are significant and unavoidable impacts associated with the project. Significant and unavoidable impacts are permitted under California Environmental Quality Act if the decision making body (i.e., the Board of Supervisors) adopts statements of overriding considerations. These overriding considerations are used to determine that there are social and economic benefits associated with the project that would warrant approving a project even with the significant environmental impacts.

There is no evidence that the project would result in increased liter and garbage discarded into the environment. Future development would have to be consistent with County regulations (and City regulations for areas within the Sphere of Influence that annex into the City) regarding landscaping, including trash enclosure areas and water quality features to detain surface water onsite consist with County (or City) and Regional Water Quality Control Board regulations.

The project does not propose to use groundwater wells for any of the proposed lots. Each of the lots would be required to connect to the public water system maintained by the Nevada Irrigation District. Please see Response 83-B and Master Response #4. As such, no potential impacts to the water table have been identified.

The County does not concur that the project would result in devastation of the natural landscape. The project has identified Environmental Sensitive Areas (ESAs) where known sensitive biological and cultural or historical resources are known to exist. The ESAs show the areas where future development is restricted in order to avoid and minimize impacts to sensitive resources. The ESAs require avoidance unless avoidance is infeasible. The enforcement will occur as future developers submit grading plans, site plans, and building permits and must demonstrate that the proposed development has avoided the ESAs. The Nevada County Land Use and Development Code does permit some encroachment into an

ESA, if a Management Plan prepared consistent with Section L-II 4.3.3.C is approved by the County prior to Building Permit Issuance. Mitigation Measure 4.4-5 in Section 4.4 of the Draft EIR requires a management plan to be prepared if oak woodlands are impacted as a result of the proposed development. The Management Plan provides different options for oak woodland mitigation that range from onsite preservation (avoidance), enhancement of degraded oak woodlands, or paying in lieu fees into a County approved fund used to purchase and preserve comparable oak woodland communities in the region. Please see Response 26-D.

Letter 90

November 10, 2013

NEVADA COUNTY
RECEIVED
NOV 13
COMMUNITY DEVELOPMENT
AGENCY

Mr. Tyler Barrington

Nevada County Planning Agency

950 Maidu Avenue, Suite 170

Nevada City, CA 95959

Gentlemen:

90-A There's been quite a ruckus developing over the idea of rezoning certain Penn Valley properties to a high density status. Everyone that I've spoken with in the last few days has been very vehement against the rezoning initiative. In fact, one of my friends has set up a card table this weekend at the local market to take signatures for a petition. After seeing such an uproar, I urge the Planning Commission to reconsider the whole idea.

You are abundantly aware of many of the arguments against high density zoning. I won't go through them, but I do want to make a point about the possible consequence of the high density classification. It will make inexpensive property more attractive to developers to build because their costs will be lower. It encourages builder investment to do something that normally they would not consider. It would be an unintended result that I am sure the County doesn't expect.

Most of us moved to Penn Valley to enjoy the pristine rural sights we see everywhere and everyday. Let's not destroy it.

Cordially,

James Moss

James Moss. PV Homeowner

cc: Hank Weston, Supervisor, Doug Donesky, Planning Dept, Mike Dobbins, Editor TWI-News

Letter 90 – James Moss

Response 90-A The County acknowledges and appreciates this comment. However, comment is not at variance with the content of the EIR and no further comment is required. This letter will be will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Letter 91

ROBERT W. WINTERS
19525 KNEEBONE LN
PENN VALLEY, CA 95946-9723

(530)432-9876

NEVADA COUNTY
RECEIVED
NOV 13 2013
COMMUNITY DEVELOPMENT
AGENCY

November 11, 2013

Tyler Barrington, Principal Planner
Nevada County Community Development Agency
Suite 170
950 Maidu Ave.
Nevada City, CA 95959

Dear Mr. Barrington:

91-A I am writing to object, in the strongest terms, to the proposed rezoning of the properties in Penn Valley to high density housing.

The proposed properties have already been designated for business development by the Board of Supervisors.

91-B Penn Valley already has quite a number of single family houses that rent for amounts that qualify as low income rents. Have you documented this in the EIR?

91-C Does the EIR document the 3 cesspools located on or adjacent to the 20 acre property? Has it been determined that there is no health hazard from those cesspools?

91-D The selection of properties based on the landowner willingness to rezone gives an unfair advantage to these developers when they will be allowed "by right" to develop with no further review than to obtain a building permit.

91-E The property owners involved probably do not live in Penn Valley and do not care a whit about this community.

If you do this rezoning you are bowing down to the bullies in Sacramento who threaten to withhold funds allocated for Nevada County. You will be condoning blackmail for a social engineering move by Big Brother. That would be morally wrong.

Please reconsider your plan.

Sincerely,

Robert Winters

Robert Winters

Cc: Hank Weston, Supervisor
Cc: Doug Donesky
Cc: Mike Mastrodonato

Letter 91 – Robert Winters

Response 91-A The County acknowledges this comment. Please see Master Response #3.

Response 91-B Please see Master Responses #1. The purpose of the EIR is to evaluate the physical impacts on the environment and to disclose what those impacts and potential mitigation measures to the public and to the County's decision makers. The EIR does evaluate or address economic issues such as the existing rental housing conditions in a particular area. Please see Master Response #5.

Response 91-C The existing percolation ponds for the Creekside Village mobile home park are noted in the project setting for Site 13 on page 3-34 of the Draft EIR. The percolation ponds are not on any of the proposed project sites and are not related to the proposed project. The Creekside Village mobile home park is responsible for meeting and local and state water discharge requirements.

Response 91-D The County does not concur with this comment. Please see Master Response #1, Response 22-F and 22-G regarding the County's site selection process. Future project submittals will be required to undergo a Design Review process and public hearing at the Planning Commission to ensure that the project is consistent with the Penn Valley Village Center Design Guidelines. As noted on page 4.3-10 of the Draft EIR, the purpose of the Penn Valley Village Center Area Plan Design Guidelines is to develop design guidelines that provide consistent design review criteria that encourages development that is compatible with the rural character of the Penn Valley Village Center; to identify public facilities and services that will serve new development; to identify and encourage natural resources; to advocate the development of paths and trails; and, to sustain the rural environment and encourage patronage of village center business.

Additionally, the RH Combining District has a requirement to create a "Regional Housing Need Implementation Plan" per the County's Land Use and Development Code (LUDC) Sec. L-II 2.7.11.C.3. The Regional Housing Need Implementation Plan will include the site specific development standards and CEQA mitigation measures for all development of multi-family housing on a Regional Housing Need (RH) site. The purpose of the Implementation Plan is to ensure that all future development within the RH Combining District is constructed in compliance with the specific development standards and mitigation measures approved for the RH Combining District and that the conditions of approval and mitigation measures for each site are easily identifiable at the time when construction is proposed.

Response 91-E The County acknowledges and appreciates this comment. However, comment is not at variance with the content of the EIR and no further response is required. This comment will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Letter 92

Tyler Barrington

From: Daniel Buchholz <daniel.buchholz@att.net>
Sent: Tuesday, October 08, 2013 10:07 PM
To: Tyler Barrington
Subject: Housing element rezone program No. 2009072070

Dear Mr. Barrington,
I'm writing to you in response to a public notice that I received by mail from the C.D.A..
I just wanted to voice my concerns with the Housing Element Rezone Program No. 2009072070.
I currently own a home in one of the subject areas. I reside at 10323 Broken Oak Court. My
concern is making a busy area much busier. There is already one low income
92-A apartment complex
at the end of Broken Oak Court. The impact of this one is more trouble than you could ever
know. The constant traffic, speeding and noise on this tiny private street is ridiculous and with
the possible addition of more low income housing not only here on Broken Oak Court but the
other project areas that would be just across Penn Valley Drive from my house is, I'm afraid,
more than the area can support. Not to mention the wear and tear on the streets. It appears
that Penn Valley seems to be subject to a bigger quantity of this housing than any other area
within the county. The old saying " Not in my backyard " seems to hold true here. We'll just
sneak this into Penn Valley. I feel that these type of projects are needed but should be shared
by all areas of Nevada County. I realize that there is a lot of wide open property here in Penn
Valley, but feel that all should share the impact of a low income
92-B projects. Spread them out.
Broken Oak Court can't handle another project. Personally, I feel that my street could use a
traffic break. The apartment complex that now resides at the end of Broken Oak Court needs a
separate entrance and exit. That would be extremely welcome.
Mr. Barrington, I hope you will take my thoughts in consideration. I feel the impact of this
rezoning will destroy the area. This is a pretty and peaceful area for now. Just hate to see
it flushed with too many residents of rental properties. You know what I mean? Thank you for
your time.

NEVADA COUNTY
RECEIVED
OCT 0 9 2013
PLANNING DEPARTMENT
CDA

Dan Buchholz
10323 Broken

Oak Ct.

Penn Valley,

Ca. 95946

1

Letter 92 – Daniel Buchholz

Response 92-A The County does not concur with this comment. Please see Response 10-D and 10-V regarding the percentage of the units (approximately 20%) in Penn Valley relative to the areas within the proposed project. Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. Air quality and Noise impacts are evaluated in Sections 4.5 and 4.11, respectively. Please see Response 54-D. Please see Master Response #6 regarding the proposed high density housing units.

Response 92-B Please see Master Responses #1 and Responses 22-F and 22-G regarding the County site selection process and the rationale for selecting site in the Penn Valley area. Please see Response 10-V regarding the number of units in Penn Valley relative to the other areas within the project. The existing development on Broken Oak Court is not related to the proposed project and changes to that development cannot be implemented with this project.

Letter 93

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM
ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: Kathryne J. Niesen

Agency/Group/Organization: Property owner of 250 acre family
Mailing Address: 16735 Rough &Ready Hwy. Rough and Ready,95975

Email Address: kjniesen@ gv.net

Phone Number: 432-1617

Comments:

October 31, 2013

93-A

I am in opposition to the re-zoning of Penn Valley properties.

16 units per acre, are you kidding me?

I own 250 acres and I can only have one house and one granny house!
Are you kidding me?

93-B

Exactly who do you plan on living in all of these dwelling?
Tax payers?

Who will be paying for all of this?
Tax payers?

Thanks but no thanks!

Kathryne J. Niesen

Letter 93 – Kathryne Niesen

Response 93-A Please see Master Response #1 regarding why the County is proposing the project and why 16-units minimum per acre is required. Different zoning classifications including rural and residential zones have different restrictions regarding the number of separate housing units on one legal parcel.

The County agrees that you are restricted to one single family dwelling and one second unit on a single legal property under the County's Code. It is worth noting however, that your property does have the potential to be subdivided based on your zoning and overall property size. The property that is associated with your mailing address (16735 Rough and Ready Highway) is shown as being 106-acres AG-10 (General Agriculture-10-acre density limitation). Under existing zoning regulations, the allowed density for this property would be 10-units. If the remaining approximately 150-acres of your 250-acres had the same zoning (AG-10) that would provide additional density for 15 more units (25 total units). In addition, County Code allows the construction second dwelling units as an allowed or by-right use (subject to building permit issuance and zoning compliance) in all zoning districts that allow single family development as an allowed use and therefore an additional 25 second units could be constructed if you were successful in subdividing your 250-acres into the maximum density allowed under AG-10 zoning.

Response 93-B It is likely there will be a need to provide a variety of housing types for all income segments of the population. This project would assist in providing higher density options that are limited not only in Penn Valley but throughout the unincorporated area. This new housing would likely serve an existing need in the community and accommodate future population growth.

All development and related improvements including any required mitigation will be paid for by the developers. No tax dollars or proposed for the development and no additional taxes or municipal bond financing is proposed or required for the project.

Letter 94

Tyler Barrington

From:	deanna batson <ddbatson1962@att.net>
Sent:	Thursday, October 31, 2013 7:07 PM
To:	Tyler Barrington
Cc:	hankweston@co.nevada.ca.us
Subject:	Penn Valley Project

We attended your meeting Tuesday evening and are opposed to the development because of many factors, including:

94-A 1. No jobs for occupants.

94-B 2. No public transportation for occupants

94-C 3. There are already a significant number of poor people included in the trailer park.

94-D 4. The current sewer system is inadequate for additional housing and significant costs will be passed on to the tax payers.

94-E 5. The current police (sheriff) and fire departments are not staffed for additional occupants.

94-F 6. The addition of low to low low income people will effect the value of the existing properties in the area and will result in fewer tax payers to absorb the additional costs involved.

94-G 7. Size of housing will require more parking than is currently planned.

94-H 8. Roads in that area are inadequate for proper fire and police accessibility.

94-I 9. Our current property tax payments will be increased as a result of the items above. Not to mention the costs involved with human services for low low income occupants.

94-J 10. Since retiring here twenty years ago on a fixed income, the continuous rise of the cost of living and tax increases due to the normal rise in population is already a burden on retirees (which is the preponderance of current residents). A increase in non-contributory residents, added to the current tax burden would be prohibitive.

1

Donald and Deanna Batson
18641 Hummingbird Drive
Penn Valley

2

Letter 94 – Donald and Deanna Batson

Response 94-A Please see Master Response #2.

Response 94-B The County does not concur with this statement. All of the project areas have access to some public transportation. With regard to Penn Valley public transportation please see Response 10-II.

Response 94-C This comment is not a CEQA related issue and no further response is required.

Response 94-D The County concurs that additional sewer capacity would be required for the project. Impacts on sewer facilities were discussed in Section 4.13-3 of the Draft EIR. Please see Master Response #4. No costs associated with the proposed project would be passed on to the taxpayers.

Response 94-E The County does not concur with this comment. Please see the responses to Letter 7 and Response 10-NN.

Response 94-F The County does not concur with this comment. Please see Master Response #6. The owners of the property would be required to pay property tax and residents of the proposed units would pay the same taxes on income and goods and services as other residents in the area.

Response 94-G The County does not concur with this comment. Future developers would be required to provide parking spaces in accordance with the County's Land Use and Development Code. This would be enforced through the County's site plan review process which would occur prior to construction.

Additionally, the RH Combining District has a requirement to create a "Regional Housing Need Implementation Plan" per the County's Land Use and Development Code (LUDC) Sec. L-II 2.7.11.C.3. The Regional Housing Need Implementation Plan will include the site specific development standards and CEQA mitigation measures for all development of multi-family housing on a Regional Housing Need (RH) site. The purpose of the Implementation Plan is to ensure that all future development within the RH Combining District is constructed in compliance with the specific development standards and mitigation measures approved for the RH Combining District and that the conditions of approval and mitigation measures for each site are easily identifiable at the time when construction is proposed.

Response 94-H The County does not concur with this comment. Any new driveways or access ways on the proposed sites would be required to meet County and fire district design standards. Additionally, The County's Land Use and Development Code LUDC Section L-II 2.7.11.C.8. for the RH Combining District requires the following:

> If a property does not have direct access to a County maintained roadway, it shall be the responsibility of the land owner or developer to provide written documentation as to their legal right to utilize and improve the road(s) that provide ingress and egress to the site, including secondary access if required, and that the road(s) meet the County minimum standards to serve the development proposed. The land owner or developer shall also be responsible for providing an offer of dedication of the road(s) for acceptance into the County maintained road system, if required by the Department of Public Works. If roads are determined to be inadequate, in width, size, surfacing,

> capacity, safety or some other standard, it shall be the responsibility of the land owner or developer to bring the road up to the minimum standard required by the Department of Public Works prior to issuance of a certificate of final occupancy.

These standards would be enforced during County and Fire District review of the site plans prior to building permits. Please see Response 94-G above regarding the Implementation Plan. Failure to comply with the standards would result in the developer not receiving building permits.

Response 94-I The County does not concur with this comment. There is no evidence that the proposed project would result in higher property taxes or costs in human services. No tax dollars or proposed for the development and no additional taxes or municipal bond financing is proposed or required for the project. Please see Master Responses #3 and #5.

Response 94-J The County does not concur that the project would contribute to a rise in taxes or in non-tax paying residents. Please see Response 94-I and Master Response #6.

Letter 95

Tyler Barrington

From: Armon <aforse@sbcglobal.net>
Sent: Thursday, October 31, 2013 9:27 PM
To: Tyler Barrington; Ed Scofield; Nate Beason; Terry Lamphier; Hank Weston; Richard Anderson
Subject: Housing Element Rezone Program Implementation

Sir,

95-A I would vigorously like to protest the Penn Valley portion of the Housing element of the EIR. It is seriously flawed. The need for commercial development far outweighs the need for low income housing. If we could get more commercial development, we could employ more people. Thereby when people are working, they can afford to buy or rent . If you don't earn a place to live, then there is no pride in your community. I have live here for 37 years, and believe the current general plan was well conceived and should be allowed to be developed.

Hope you allow the will of the people to be your utmost concern in determining the outcome of this decision.

Armon Forse

1

Letter 95 – Armon Forse

Response 95-A The County does not concur with this comment. Please see Response 10-A. Please see Master Response #3. Please see Master Response #1 regarding why the County is proposing the project.

Letter 96

Barbara Price

From: Donna Landi
Sent: Thursday, October 31, 2013 10:18 AM
To: All BOS Board Members; Brian Foss; Alison Barratt-Green
Cc: Barbara Price
Subject: FW: Rezoning and General Plan Change

Letter on Housing Element Rezone in Penn Valley

Donna Landi
Clerk of the Board
950 Maidu Avenue, Suite 200
Nevada City, CA 95959
Office: 530.265.1480 Fax: 530.265.9836
Website: http://www.mynevadacounty.com/nc/bos/cob

The Clerk of the Board's office will be closed Monday, November 25, 2013, thru Friday, November 29, 2013, and Monday, Dec. 23, 2013, thru Friday, December 27, 2013, in observance of the November and December holidays and previously-announced furlough days for County employees.

From: Joyce Hammer [mailto:joycelgh@mac.com]
Sent: Thursday, October 31, 2013 10:10 AM
To: bdofsupervisors
Subject: Rezoning and General Plan Change

Gentlemen.

96-A As I am sure you are aware, the Town Hall Meeting in Penn Valley on October 29, 2013, was very well attended. In fact, you could say that the Seventh-day Adventist Church hall was packed with Penn Valley residents who were extremely upset by the zoning changes being proposed by the Nevada County Planning Department. While we do realize that affordable housing is important for people with low income, the residents of Penn Valley on the whole do NOT believe Penn Valley is the appropriate venue for this project. And the proposal of changing commercial zoning is extremely troubling.

96-B There are many reasons that a zoning change is inappropriate for our town. However, the two main and most important issues are the strong desire of the community to maintain its small town rural setting and to improve the opportunity to shop and work at small businesses right here in Penn Valley. In addition, we feel that Penn

96-C Valley is inappropriate for low income families because of the distance they would have to commute should they be able to find jobs and because medical facilities are not easily accessible. As I'm sure you realize, rural areas offer few amenities for those on low incomes.

96-D The Environmental Impact Review did not take into account the impact of rezoning on Penn Valley's Village Plan. Nor did it consider that Fire and Police Department fees will not be supported by low income residents, meaning higher taxes for current residents. Eventually the rezoning will result in higher income residents leaving the area and many residents currently paying taxes to support the county will no longer be contributing to maintain its vitality.

96-E Rezoning Penn Valley's commercial zoning is detrimental to Penn Valley's ongoing development, its residents and its future. This decision to rezone the proposed areas in Penn Valley should not be finalized until an economic impact analysis has been completed.

Thank you for your consideration of this issue.
Joyce Hammer

Letter 96 – Joyce Hammer

Response 96-A The County acknowledges this comment. Please see master Responses #3 and #6.

Response 96-B Please see Master Response #3. With regard to maintaining the feel of the existing community, future project submittals will be required to undergo a Design Review process and public hearing at the Planning Commission to ensure that the project is consistent with the Penn Valley Village Center Design Guidelines. As noted on page 4.3-10 of the Draft EIR, the purpose of the Penn Valley Village Center Area Plan Design Guidelines is to develop design guidelines that provide consistent design review criteria that encourages development that is compatible with the rural character of the Penn Valley Village Center; to identify public facilities and services that will serve new development; to identify and encourage natural resources; to advocate the development of paths and trails; and, to sustain the rural environment and encourage patronage of village center business.

Response 96-C The County does not concur with this comment. Please see Master Response #6 and Response 22-G.

Response 96-D The County does not concur with this comment. Please see Response 9-B regarding the Penn Valley Village Plan. Please see Master Response #3. Please see Response 10-NN regarding mitigation for fire and sheriff services. The project does not propose any new taxed, increased taxes, or municipal financing for the proposed project. All construction related costs, including any required infrastructure costs will be the responsibility of the developer.

Response 96-E The County does not concur with this comment. Please see Master Responses #3 and #5.

Letter 97

Cc: bdofsupervisors; planningdepartment@co.nevada.ca.us
Subject: Rezoning/ Low Income Housing/ Penn Valley

Matthew and Maryellen Beauchamp
10450 McLand Court
Penn Valley, CA 95946

October 31, 2013
Nevada County Planning Commission
950 Maidu Avenue, Ste. 170
Nevada City, CA 95959

Re: **Public Comment**
Housing Element Rezone Program Implementation Project
Principal Planner: Tyler Barrington
Penn Valley Area

To the Planning Commission:

97-A The proposal to change the general land use and zoning designation for Penn Valley's downtown from commercial zoning to urban high density zoning is ill advised. Rezoning to allow for the building of multiple low income housing units will have an extremely negative impact on both the citizens of Penn Valley and the surrounding environment.

Penn Valley is a pastoral agrarian community. The lifestyle is rural and the town's citizens like it that way. Penn Valley's residents raise horses, cattle and other livestock. We support our local rodeo, "Cowboy Christmas" and other community events. Mandating the building of multiple urban projects in the center of Penn Valley will damage, disrupt or destroy the culture that has always existed here.

97-B I attended the October 29, 2013, standing room only, Planning Commission informational meeting. At the meeting the Planning Commission's presenters advised those in attendance of all the potential ill effects that the proposed rezoning and

2

97-B CONT'D

future development would have on our community. Not once during the entire two hour meeting, did the presenters state a single specific benefit that rezoning would have for Penn Valley. We were informed that because of the proposed rezoning the citizens of Penn Valley could expect high density housing built in already zoned, and needed, commercial areas, insufficient parking for the high density housing units, polluted air quality that would need to be mitigated, road construction to widen roads and other negative impacts.

While mentioning the above environmental problems, the meeting presenters either glossed over, or completely ignored the following:

97-C

1. The impact that the persons who would occupy the high density housing would have on traffic, property values and public services including law enforcement resources? The meeting presenters completely ignored the real probability of more crime in Penn Valley as a result of massed urban housing. As you know, Penn Valley is an area that has almost no law enforcement presence.

97-D

2. Where would these new residents come from? Are the low income housing units going to be ear marked for local people or transplants from another area?

97-E

3. How many new residents would descend on Penn Valley? We were told at the meeting that we would receive approximately 40 percent of the 1200 high density units planned for Nevada County. If we are talking about roughly 480 units and add to that number 4 persons living in each unit, that becomes 1,920 new urban residents for rural Penn Valley? Really?

3

97-F

4. Where would these new residents work? There is no real employment readily available in Penn Valley. Unless you own a local business, or work for yourself, there is extremely limited opportunities for employment. Shouldn't those limited local jobs go to persons who already live here and who have committed themselves to being a part of the community for reasons other than being able to get cheap housing?

97-G

We have three incorporated cities in Nevada County. Nevada City, Grass Valley and Truckee. It makes much more sense to rezone and incorporate clusters of high density housing in the above cities. The above mentioned cities all have existing police services and infrastructure that can more readily absorb the impact of the type of developments proposed. At the informational meeting only Grass Valley was mentioned as a possible site for proposed high density rezoning. Shouldn't all the communities in Nevada County shoulder a share of the responsibility for low income housing?

97-H

Speaking as someone who lives in, owns property in and has raised his children in Penn Valley, it is my strong belief that rezoning parts of Penn Valley to allow high density, low income housing is wrong headed and will only bring a lower quality of life for those of us that live here. I urge you not to make Penn Valley the dumping ground for this unwanted state mandate. Urban zoning has no place in Penn Valley – period. I ask you on behalf of myself, my wife, my family and friends to reject this extremely flawed plan and leave the commercial zoning and

4

97-H CONT'D | other zoning in Penn Valley as it currently exists.
Sincerely,

Matthew R. Beauchamp

cc Planning Department
Board of Supervisors

5

Letter 97 – Matthew Beauchamp

Response 97-A Your comment is noted. The four sites proposed in Penn Valley are within the Penn Valley Village center area. All the proposed sites are currently undeveloped and adjacent to existing development. None of the surrounding properties support any agricultural operations. Two of the sites are currently zoned for commercial uses of which the project would permit in mixed use development. Please see Master Response #3. As such, the proposed project would not alter the existing agricultural community or have a substantial adverse impact on the existing character of the community.

Response 97-B The County does not concur with this comment. Please see Master Response #3. Future developers would be required to provide parking spaces in accordance with the County's Land Use and Development Code. This would be enforced through the County's site plan review process which would occur prior to construction. Please see Response 94-G regarding the Implementation Plan. Air quality impacts are evaluated in Sections 4.5. The County concurs that air quality impacts were identified in the Draft EIR and mitigation is required, and that some air quality impacts were identified as significant and unavoidable. Please see Response 54-D.

Response 97-C Please see Response 97-B above regarding traffic. Please see Response 54-D. Please see Master Response #5 regarding property values and Response 10-NN regarding law enforcement services.

Response 97-D Please see Master Response #6.

Response 97-E Exactly how many new residents is unknown at this time because the actual number of units is not known. The EIR assumed that 535 units (20 percent of the overall project total) would be built in Penn Valley if each site achieved its maximum buildout at 16 dwelling units per acre. According to the 2010 Census the average household size in Penn Valley is 2.57 people.[21] However, that calculation does not take in account that Environmentally Sensitive Areas, or physical or regulatory constraints that may reduce the actual yield for number of units.

Response 97-F Please see Master Response #2.

Response 97-G The County does not concur with this comment. Please see Responses 22-F and 22-G.

Response 97-H The County acknowledges and appreciates this comment. It should be noted that overall the Penn Valley Village Center is approximately 200-acres in area and approximately 46-acres of that area has an existing R2 (Urban Medium Density) or R3 (Urban High Density) zoning designation. The proposed project would increase the density of approximately 25 acres of that existing R2 zone to R3. Please see Master Response #3 and #6.

[21] http://www.dof.ca.gov/research/demographic/state_census_data_center/census_2010/

Letter 98

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM
ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: REIFEL, GARELD

Agency/Group/Organization:

Mailing Address: 14802 DOGWOOD CT PENN VALLEY CA

Email Address:

Phone Number: 530 432-0771

Comments:

98-A I AM AFRAID THAT POTENTIAL RESIDENTS WILL NOT HAVE SERVICES OR NEED TRANSPORTATION OUT OF PV. TO FILL THEIR NEEDS.

THIS HOUSING COMPLEX COULD BE PLACED IN ANOTHER AREA.
I AM AGAINST HOUSING OF THIS TYPE IN PENN VALLEY.

Send To: Tyler Barrington, Principal Planner
Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
Telephone: (530) 470-2723
Email: tyler.barrington@co.nevada.ca.us

Letter 98 – Gerald Reifel

Response 98-A The County acknowledges and appreciates this comment. Please see Master Response #1 regarding why the County is proposing the project. Please also see Responses 22-F and 22-G regarding the rationale for selecting Penn Valley for the RH Combining District and the existing services available in the community. Please see Response 97-H.

Letter 99

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM
ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: DENNIS & LINDA KEELS

Agency/Group/Organization:

Mailing Address: 17613 CHAPARRAL DRIVE

Email Address:

Phone Number: 530-432-3613

Comments:

99-A I DO NOT THINK THE INFASTRUCTURE OF PENN VALLEY WILL HANDLE THE AMOUNT OF PERSONS INTENDENDED TO BE IN THIS LOW INCOME PROJECT. THE TRAFFIC AND EMPLOYMENT WILL NOT ASLO HANDLE THIS PROJECT

Send To: Tyler Barrington, Principal Planner
Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
Telephone: (530) 470-2723
Email: tyler.barrington@co.nevada.ca.us

Letter 99 – Dennis and Linda Keels

Response 99-A The County concurs that additional infrastructure improvements will be needed for the proposed sites in Penn Valley. Please see Master Responses #2, #4 and #6 and Response 10-NN. Potential traffic impacts were evaluated in Section 4.15 of the Draft EIR and no traffic impacts were identified in Penn Valley. Please see Response 54-D.

Letter 100

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM
ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: Roland D. Kendall

Agency/Group/Organization:

Mailing Address: 18056 Hummingbird

Email Address: Penn Valley, CA 95946

Phone Number: 432-4458

100-A Comments: Not in favor.

Send To: Tyler Barrington, Principal Planner
Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
Telephone: (530) 470-2723
Email: tyler.barrington@co.nevada.ca.us

Letter 100 – L. Kendall

Response 100-A The County acknowledges and appreciates this comment. However, the comment is not at variance with the content of the EIR and no further response is required. This letter will be will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Letter 101

To:
NEVADA COUNTY PLANNING COMMISSION
950 Maidu Avenue
Nevada City, CA 95959

From: SHIRLYN Vogel
19193 Chaparral Dr.
Penn Valley, CA 95946

Regarding: Proposed changes to the General Land Use and Zoning Designation for sites in Penn Valley to rezone candidate sites to Urban High Density/high density residential zoning.

Dear Sirs:

101-A I AM opposed TO THE low income housing development prosed in Penn Valley, Penn Valley does not have the infrastructure to support THIS size growth. We currently pay $900.00 a year toward THE sewage treatment facility WHICH is apparently unable to Accomdiate current useage.

Sincerely,
Shirlyn Vogel

Letter 101 – Shirlyn Vogel

Response 101-A The County concurs that additional infrastructure improvements will be needed for the proposed sites in Penn Valley. Please see Master Response #4. All of the construction costs including infrastructure costs associated with the proposed project would be the responsibility of the developer. No taxes, assessments on existing residents, or municipal financing is proposed for development of any of the project sites.

Letter 102

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM
ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: J. Patricia Kendall

Agency/Group/Organization: —

Mailing Address: 18056 Hummingbird Dr

Email Address: Penn Valley, Ca 95946

Phone Number: 432-4458

Comments:

102-A Opposed - Will cause too many problems to our area.

Send To: **Tyler Barrington, Principal Planner**
Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
Telephone: (530) 470-2723
Email: tyler.barrington@co.nevada.ca.us

Letter 102 – Patricia Kendall

Response 102-A The County acknowledges and appreciates this comment. However, comment is not at variance with the content of the EIR and no further response is required. This letter will be will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Letter 103

11-2-13

Tyler Barrington, Principal Planner
Nevada County Community Development Agency
950 Maidu Ave. Suite 170
Nevada City, Ca. 95959

I am writing to object to proposed rezoning of Penn Valley to accommodate a low-cost public housing project for the following reasons:

103-A 1. The strain on our area schools to increase class size or provide more classroom space has not been financially evaluated.

103-B 2. There is no convenient transportation systems in the affected areas.

103-C 3. No systematic adult public education programs exist. Thus housing project inhabitants can not look to increasing their educational and job prospects.

103-D 4. Finally, there is not a vibrant job market in this area – no incentive present to entice this population to advance their prospects

All of the above bespeak this location a poor choice. Ideally a project such as this should be placed in a area (ex: Sacramento that provides adequate public schools

103-E

-2-

103-E CONT'D

for the children, good transportation, reinforced adult Education Project and topped off with a vibrant job market. The idea is to provide advancement for this population. Penn Valley and the surrounding area do not come close to qualifying in any of these areas.

Jean Leggett
18460 Lake Forest Dr
Penn Valley, Ca. 95946

Copies: Doug Donesby
Herb Weston

RECEIVED
NOV 7 2013
NEVADA COUNTY
BOARD SUPERVISORS
cc: BOS
Planning
L. Cnsl.

Letter 103 – Fran Wyatt

Response 103-A The County does not concur with this comment. Please see Response 10-MM.

Response 103-B The County does not concur with this comment. Please see Response 10-II.

Response 103-C The locations for local adult education facilities would be the same for any of the residents in the Penn Valley Area.

Response 103-D Please see Master Response #2.

Response 103-E The County does not concur with this comment. Please see Response 22-F and 22-G regarding the rationale for the proposing sites in the Penn Valley Area.

Letter 104

RECEIVED
NOV 07 2013
Nevada County Community Development Agency

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM
ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: Gladys Hartnes

Agency/Group/Organization:

Mailing Address: P O Box 64 P.V CA. 95946

Email Address: CleanSoberBertie ATT.Net

Phone Number: 650-743-7987-530-432-9950

Comments: My 1st Concern - Not being Notified of the Proposed Project.
Thank goodness for the Diverse word of mouth That went out - Days/1 week before Oct 16, 2013 meetings.
The E.I.R. Needs to be Returned & Completly Re-Evaluated - this project for dense Housing does Not Belong in PV with its Rural 2 lane Rds - Many many flaws in this EIR Report
You need to Extend the Nov. 12, 2013 deadline one more month to allow us the People of P.V to Receive more ~~of~~ Public Input.

104-A

Send To: **Tyler Barrington, Principal Planner**
Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
Telephone: (530) 470-2723
Email: tyler.barrington@co.nevada.ca.us

Letter 104 – Gladys Hartines

Response 104-A The County does not concur that there are many flaws in the EIR. Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. Please see Responses 54-D and 22-G.

For both the Notice of Preparation and Notice of Availability of the Draft EIR, the County met the distribution requirements of the California Environmental Quality Act and the County's own internal polices for public notification. The Notice of Availability was published in the local newspaper, and notices were sent to adjacent property owners up to 500 feet, exceeding the County's normal 300-foot distribution. While the County has met and gone beyond its statutory noticing requirements, it has agreed to extend the noticing of future public comment periods and meetings to include other residents outside of the noticing requirements to ensure the public has an opportunity to participate in the public process. The County held three public comment meetings, one in each of the proposed areas, in addition to the County Planning Commission Hearing during the public review period. The public comment on the Draft EIR was for 60 days which exceeds the standard 45-day review period required by CEQA and County Policy. The public review period closed as planned on November 12, 2013. The County Planning Commission considered a request to extend the public review period at the October 10, 2013 hearing and elected not to extend it.

Letter 105

RECEIVED
NOV 07 2013
Nevada County Community Development Agency

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM
ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: Maureen K Lafond

Agency/Group/Organization: Babies & Mo - Infant/toddler care

Mailing Address: 10699 "A" Spenceville Rd PV 95946

Email Address: mosbabies@att.net

Phone Number: 477479

Comments:

105-A Please reconsider these rezoning plans for PV. We are small with limited resources as it is. Water, transportation, traffic (which is already extremely dangerous) are all to be compromised if all these parcels become homes to low income families. We need more commerce not people looking for

Send To: **Tyler Barrington, Principal Planner**
Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
Telephone: (530) 470-2723
Email: tyler.barrington@co.nevada.ca.us

105-A CONT'D

and using our limited resources as is.

Thank you for you consideration. I know this cant be an easy situation.

Sincerely Mo Ha-ford

Letter 105 – Marueen Lafond

Response 105-A The draft EIR evaluated potential impacts on public services and utilities (including public water service) in Section 4.15 and mitigation measures were identified. Please see Master Response #4. Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. Please see Response 54-D. Please see Master Response #6 regarding low income housing and Master Response #3 regarding retaining the commercial land use designation for the two Penn Valley properties with an existing commercial designation.

Letter 106

1 8 3

Re: Lake of Pines

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM
ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: Andrew & Linda Barter

Agency/Group/Organization:

Mailing Address: 10601 Riata Way (off Rosewood Rd) Auburn

Email Address: grimhaven@att.net

Phone Number: 530-268-2639

106-A **Comments:** This project will burden Combie Rd more than it is already: Cascade Crossings is adding 82 homes an additional 32 homes are projected for the NW intersection of Combie Rd/Magnolia/Hacienda and now you're trying to add additional high density housing along Combie Rd, and Woodridge with an exit onto Combie off of Higgins: What are you thinking? As it is now for us to access Combie off. of Rosewood is next to impossible before and after school and LOP →

Send To: **Tyler Barrington, Principal Planner**
Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
Telephone: (530) 470-2723
Email: tyler.barrington@co.nevada.ca.us

(6)

106-A CONT'D Commuters around 4:30-5-6P. This traffic is backed up halfway between Combie/Magnolia towards Rosemond Rd.

106-B Your new proposal of High density/ low income is alarming to us as our property value most likely will deflate. These types of projects have brought blight to other areas where they've been built, not to mention flooding an already overburdened economy in our area. Our schools

106-C are already at capacity: Will there be any assistance to the taxpayers to add additional teachers and/or buildings or rooms to accommodate the overflow.

106-D What about law enforcement? There will have to be more hired because the per capita is over maxed.

106-E Is the wastewater treatment plant able to service ALL new proposed housing?

106-F Additionally, to notify only 2 or 3 immediate residents in our neighborhood is unconscionable. It may be allowable within metropolitan areas where lot sizes are 50', 60' or 100' But in a rural area where acreage is involved all citizens comprised within a one mile radius should have been notified. Your rules need to be revised regarding rural notification. Therefore we

106-F CONT'D

question the legality of this proposal due to lack of citizen notification. Will you forge on with the proposed development, Yes; are we concerned citizens: ABSOLUTELY.

106-G

Our request of you is to be considerate of our local citizens & environment. Please reduce your numbers of units greatly.

Respectfully submitted,
Andrew & Linda Barter

cc: Grass Valley Chamber of Commerce

Letter 106 – Andrew and Linda Barter

Response 106-A The County concurs that the existing level of service at the Rosewood/Combie Road intersection currently operates at LOS F during the peak hour. Developers on Sites 14 through 18 would contribute to traffic mitigation improvements that would improve the traffic operations at SR 49 and Combie Road and Combie Road at Higgins Road. The traffic improvements at this intersection include installing additional turn lanes at SR49/Combie Road and a traffic signal at Combie Road/Higgins Road. Improving the operations at these intersections would improve the flow of traffic along the Combie Road roadway segment because the traffic flow would be controlled which would improve operations the Rosewood/Armstrong/Combie Road intersection.

Response 106-B Please see Master Responses #5 and #6.

Response 106-C Please see Response 10-MM

Response 106-D The following discussion is provided on page 4.13-15 of the Draft EIR: future developments would bring additional annual revenue in the form of increased local property taxes and sales taxes that would help offset the increased demand for police services by funding increases in police personnel, training and equipment. Furthermore, the project developer would be required to pay development impact fees which are intended to provide the means which allow the local police and sheriff to maintain the current level of service. As such, impacts are considered to be less than significant. Implementation of Mitigation Measure 4.13-1c, which would require the project to provide documentation noting adequate response times, would reduce impacts to less than significant.

Additionally, Mitigation Measure 4.13-1(c) has been revised to include the following statement: "The formation of an assessment district may be required to provide adequate public safety services." The formation of an assessment district, on the proposed units, may be used to provide additional funds to the district to allow the District meet the required response times to serve future projects.

Response 106-E Please see Master Response #4.

Response 106-F The Notice of Availability for the EIR and community meetings and Planning Commission hearing was published in the local newspaper, and notices were sent to adjacent property owners up to 500 feet, exceeding the County's normal 300-foot distribution. While the County has met and gone beyond its statutory noticing requirements, it has agreed to extending the noticing of future public comment periods and meetings to include other residents outside of the noticing requirements to ensure the public has an opportunity to participate in the public process. One example is the County has agreed to notice all residents whose property's access is off of Rosewood even though they are beyond distances that would normally be noticed. Similar criteria will be applied to other sites in LOP, PV and GV SOI.

Response 106-G The County acknowledges and appreciates this comment. This comment will be will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Letter 107

RECEIVED
OCT 31 2013
Nevada County Community Development Agency

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM
ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: Maxine & Cecil Lewelling

Agency/Group/Organization:

Mailing Address: P.O. Box 855 Penn Valley, Ca 95946

Email Address:

Phone Number: 530-432-0663

107-A

Comments: We are 84 and 86 years old.
Please do not allow rezoneing to be done in Penn Valley. We moved to Nevada County in 1958, worked for Hansen Brothers 25 years, and raised our family here. We built our house in Penn Valley 1979. Planned to live the rest of our lives here, but if taxes, fire fees, Dialyses, and etc. keep going up we may be forced to leave our family and live elsewhere. We love it here, Our Church, our neighbors, friends, small town, and living close to our children for family fun and help when we need it.
So Please do not rezone and change our lives.
Maxine & Cecil Lewelling

Thanks for the meeting to explain the rezoneing.

Send To: **Tyler Barrington, Principal Planner**
Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
Telephone: (530) 470-2723
Email: tyler.barrington@co.nevada.ca.us

Letter 107 – Maxine and Cecil Lewelling

Response 107-A The County acknowledges and appreciates this comment. This letter will be will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Letter 108

RECEIVED

OCT 31 2013

Nevada County Community Development Agency

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM
ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: Douglas and Shirley Moon

Agency/Group/Organization:

Mailing Address: 11889- King bird Ct. Penn Valley 95946

Email Address:

Phone Number: 530-205-9554

Comments:

108-A These proposed projects and sites are seriously flawed. This is a rural area of Nevada County without adequate infrastructure (sewer, roads, police & fire protection) to support high density housing. In addition there is not adequate services (shopping, medical, pharmacy, etc.) to support high density population. High density housing projects should be located close to the services, transportation, and infrastructure designed to support such projects, not in rural horse country. What type of public transportation is being proposed to support low-income households, who can not afford a private vehicle? What type of emergency, ambulance, police and fire services are being increased to serve this new population?

108-B The proposal to rezone the only retail, commercial and light industrial area central to Penn Valley will have a severe impact on future development of the business community and those jobs in our community —

These proposed sites are a very, very bad idea & will be fought.

Send To: **Tyler Barrington, Principal Planner**
Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
Telephone: (530) 470-2723
Email: tyler.barrington@co.nevada.ca.us

Letter 108 – Douglas and Shirley Moon

Response 108-A The County does not concur that the proposed project and sites are seriously flawed. Please see Master Response #1, and Responses 10-H, 22-F, and 22-G regarding the rationale for selecting sites in the Penn Valley area. The draft EIR evaluated potential impacts on public services and utilities (including public water service) in Section 4.15 and mitigation measures were identified. Please see Master Response #4. Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. Please see Response 54-D. Please see Response 10-II regarding public transportation. Please see Response 10-NN regarding potential impacts on fire and sheriff services. It is anticipated that the Penn Valley Fire Protection District would provide some EMT services as part of their normal emergency response. Other ambulance services would be provided by existing ambulance services such as Nevada County Ambulance Service.

Response 108-B The County does not concur with this comment. Please see Master Response #3.

Letter 109

RECEIVED

NOV 12 2013

Nevada County Community Development Agency

TO: Tyler Barrington
Principal Planner Nevada County
Community Development Agency
950 Maidu Ave, Suite 170
Nevada City, CA

cc: Hank Weston
Doug Donesky

109-A We are writing this letter in response to the possible high density rezoning of 60 acres of Penn Valley. I and my husband are opponents of rezoning of this magnitude and our feelings and opinions could not be more upsetting. We having resided in a area of Solano County in the past [redacted] are newly retired and several years ago bought [redacted] a much smaller home in this quaint town of Penn Valley.

We relocated here to get away from the disappearing open land, traffic congestion and most important the growing crime rate due to population growth. Both of us have retired from public safety and know first hand the results of what high density housing can bring to once peaceful communities.

109-B High density rezoning and their developments should be constructed in cities where there are readily available jobs, adequate water supply (not discussed at Nov 4 meeting) adequate number of law enforcement. This rezoning of low income persons will depreciate & take away this peaceful natural beauty with tranquil lifestyle small town atmosphere" which stated in a popular local magazine, We as a community will have nothing to boast & take pride in that will draw retirees & families. Many of us who were drawn to this area to get away from the craziness of populated areas will be forced to move away if high density low income housing is allowed. Please hear our concerned voices!

Sincerely,
Teresa Helmen
Robert Cornwell

Letter 109 – Trisha Helmen and Robert Cornwell

Response 109-A Your comment is noted. However, the comment is not at variance with the content of the EIR and no further response is required. For clarification, your comment indicates that 60-acres are being considered from rezoning in Penn Valley. This number is inaccurate as the four parcels that are being considered for rezoning in the Penn Valley area total only 33.52-acres collectively. This letter will be will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Response 109-B Please see Responses 10-H, 22-F, and 22-G regarding the rationale for selecting sites in the Penn Valley area.

Letter 110

RECEIVED

NOV 12 2013

Nevada County Community Development Agency

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM
ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: DONALD L. RINGEN

Agency/Group/Organization:

Mailing Address: 11455 Penn View Lane

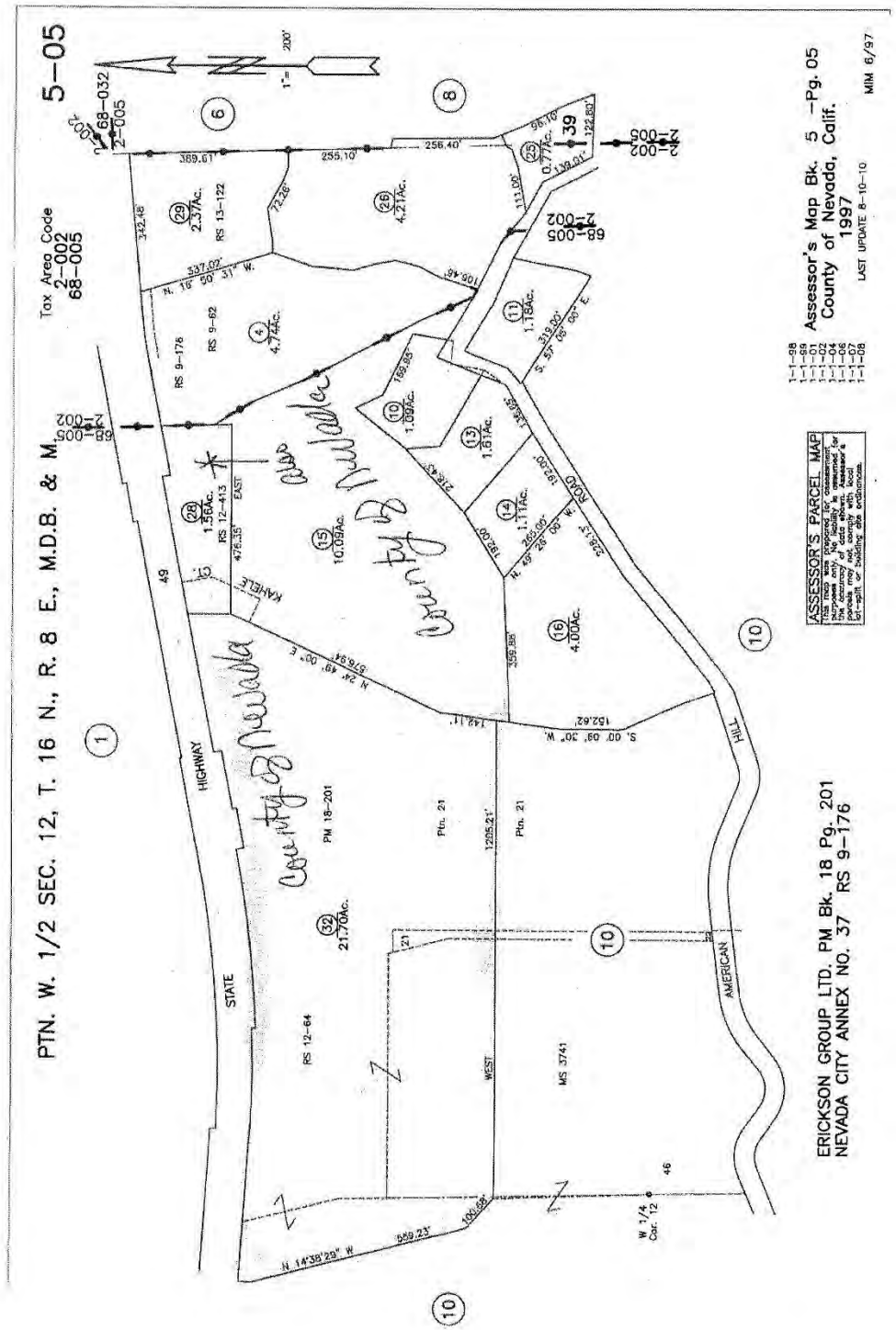
Email Address: Penn Valley, CA 95946

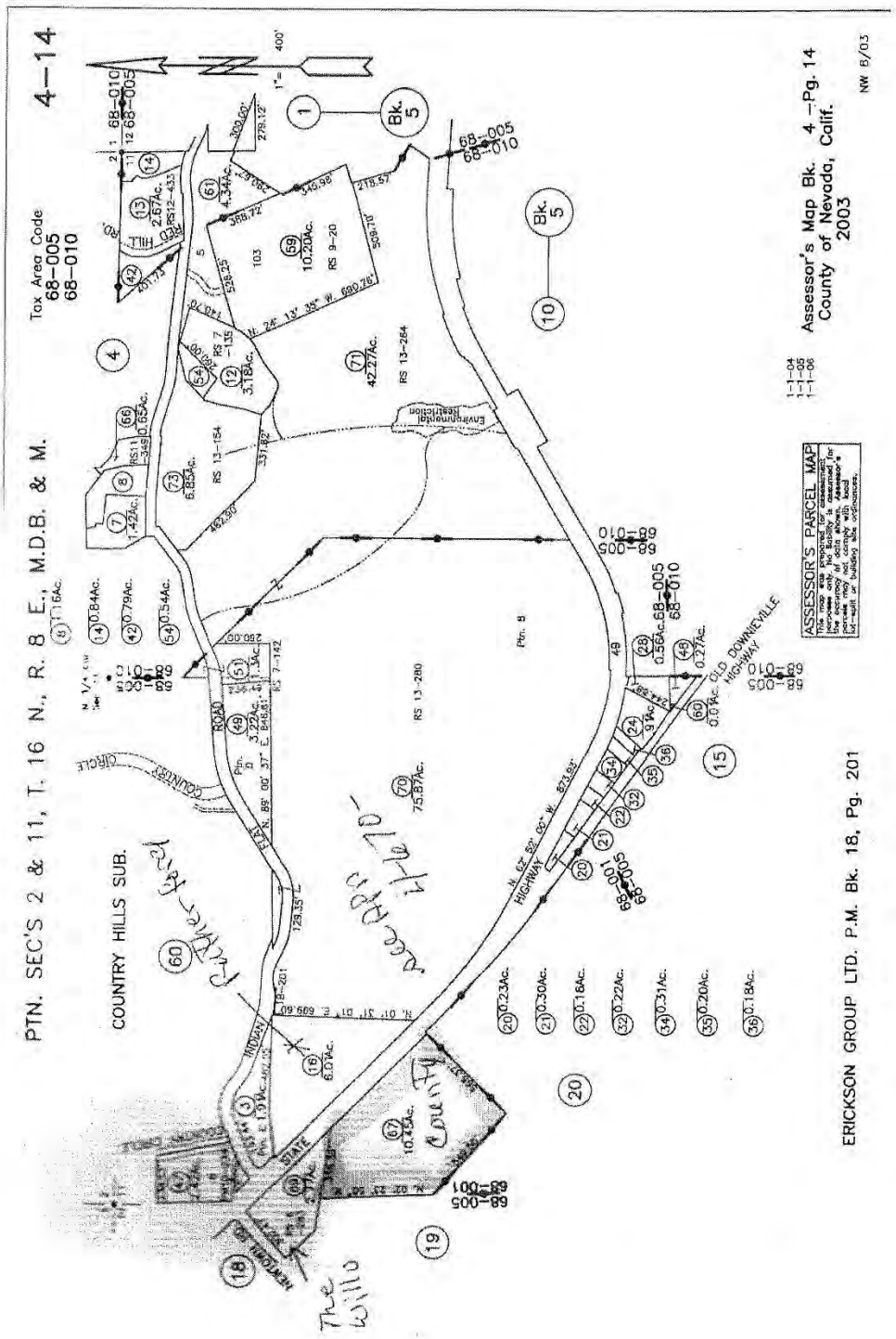
Phone Number: 530 432-8002

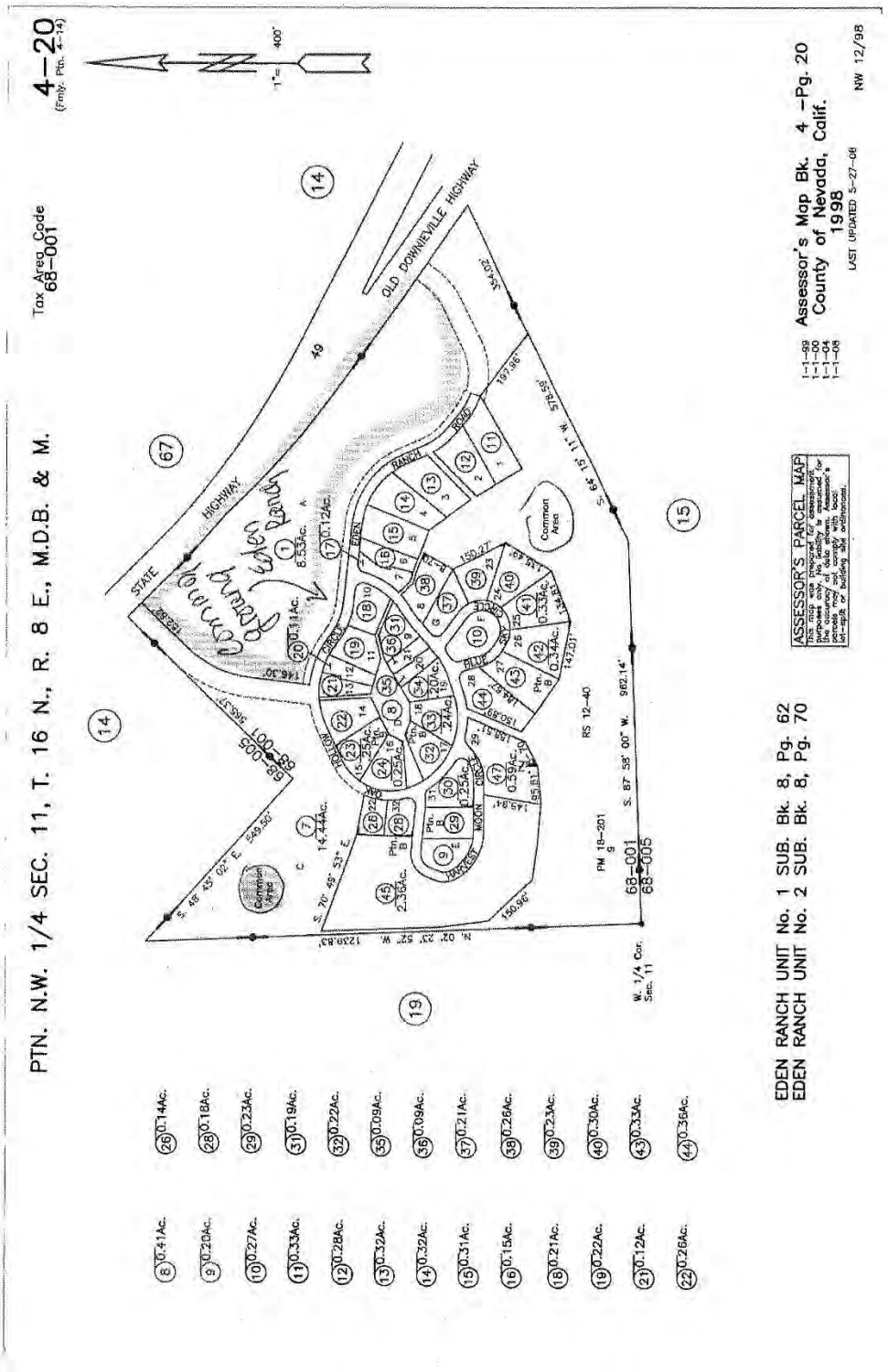
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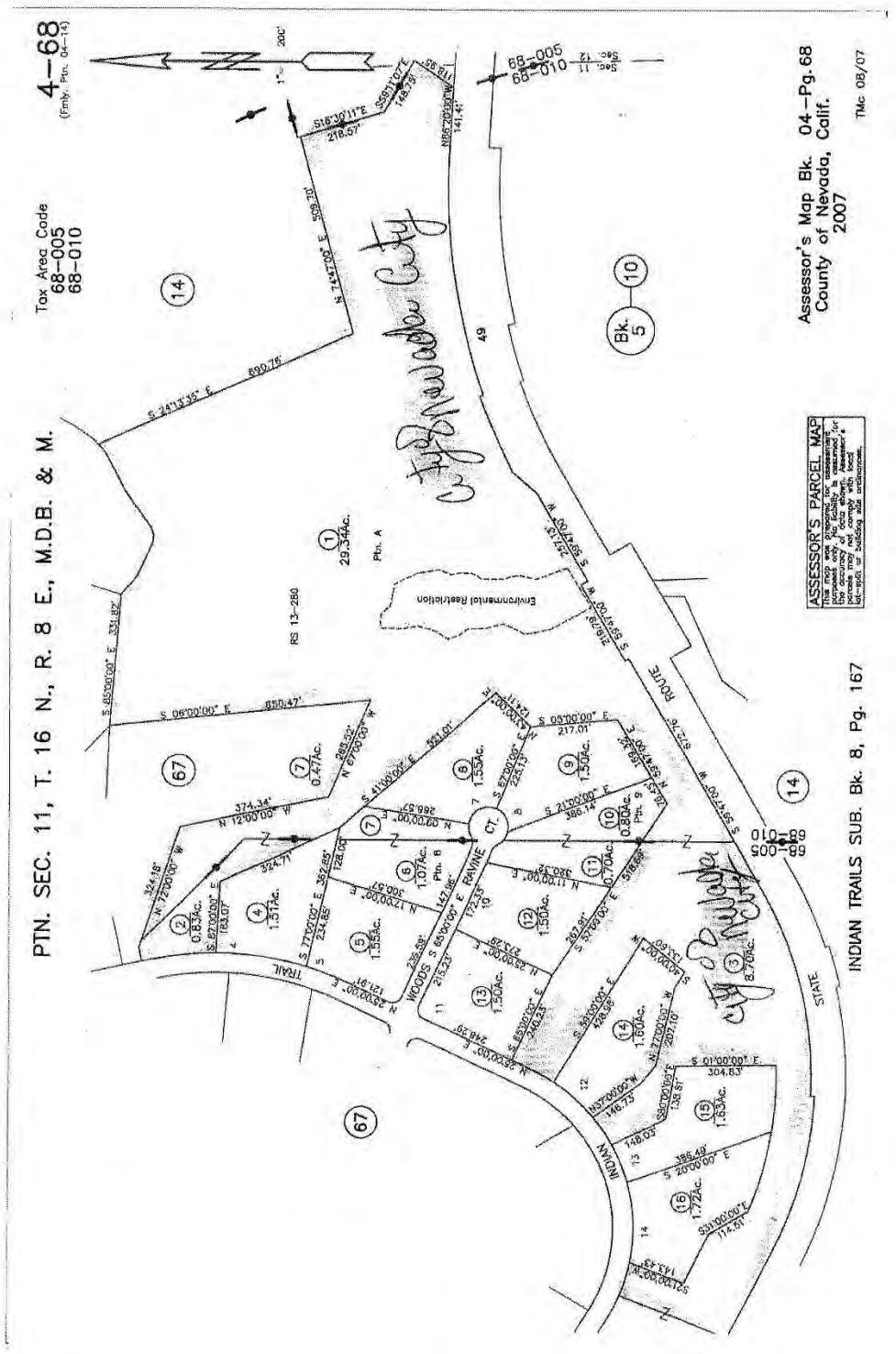
110-A The attached 7 parcels are owned by nevada city & Grass Valley. They could be rezoned to be used for the low income housing. This would then not take annexed property zoning away from Penn Valley. Nevada County or Grass Valley would be paid for the property, income. Not property on tax roll more income.

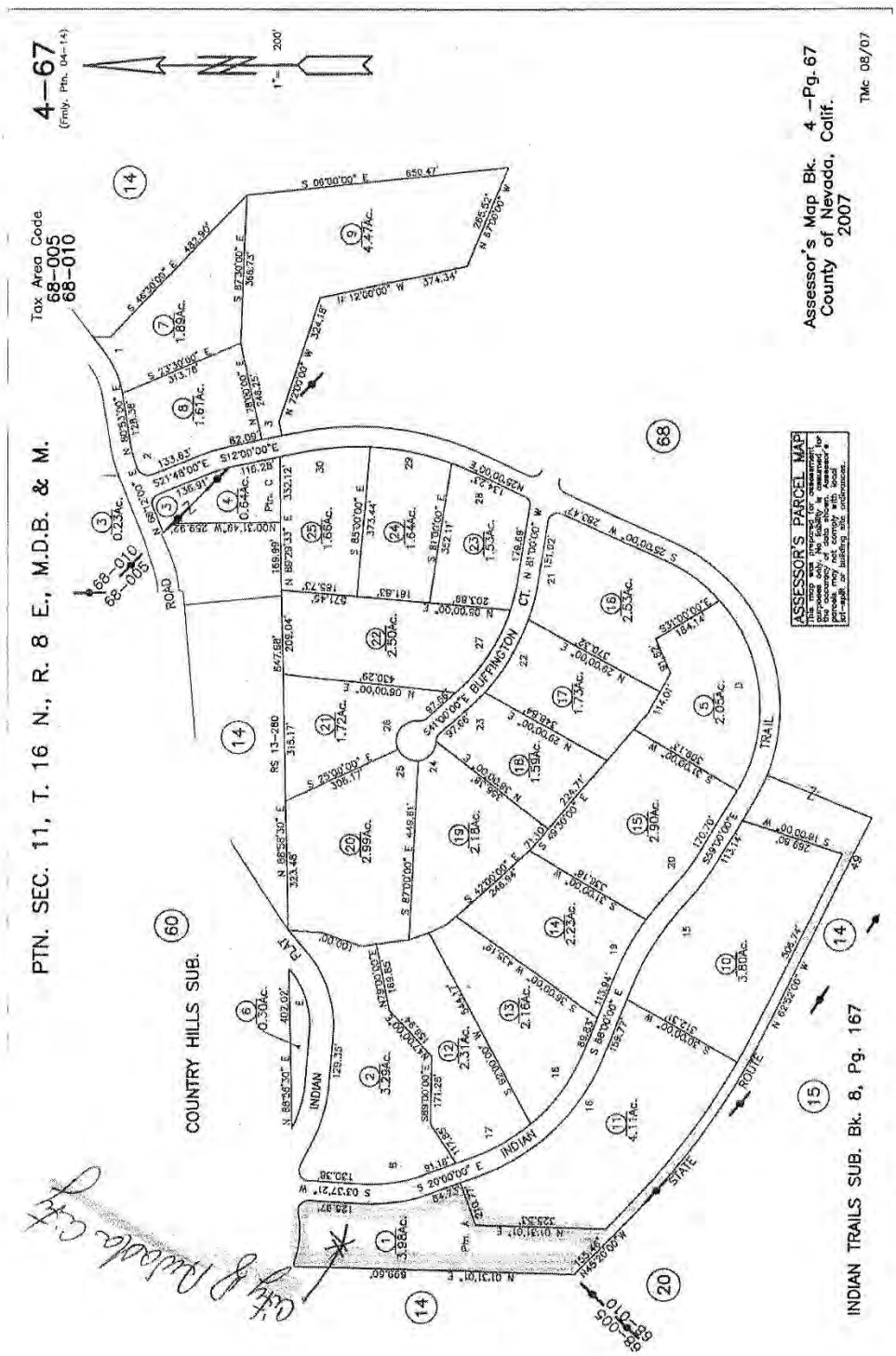
Send To: **Tyler Barrington, Principal Planner**
Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
Telephone: (530) 470-2723
Email: tyler.barrington@co.nevada.ca.us

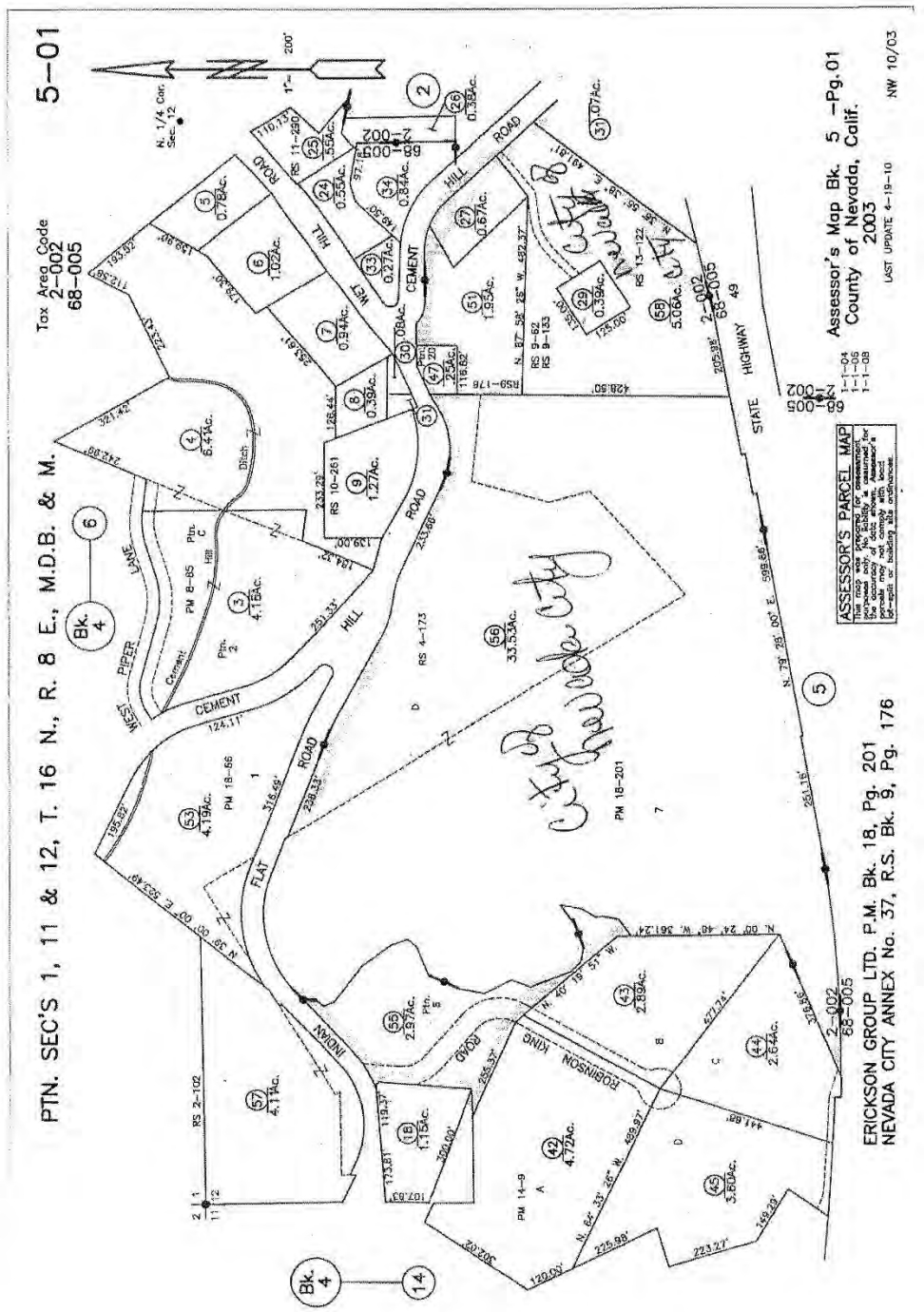

5-05
PTN. W. 1/2 SEC. 12, T. 16 N., R. 8 E., M.D.B. & M.
Tax Area Code
2-002
68-005
Assessor's Map Bk. 5 —Pg. 05
County of Nevada, Calif.
1997
LAST UPDATE 8-10-10
MIM 6/97
ASSESSOR'S PARCEL MAP
ERICKSON GROUP LTD. PM Bk. 18 Pg. 201
NEVADA CITY ANNEX NO. 37 RS 9-176
HIGHWAY
STATE
HILL
AMERICAN
KAHLE
ROAD
WEST
EAST
PM 18-201
RS 12-64
RS 9-62
RS 9-176
RS 13-122
RS 12-413
MS 3741
Ptn. 21
N. 14°38'29" W.
559.23'
S. 00° 09' 30" W.
152.62'
N. 24° 49' 00" E.
576.94'
N. 49° 26' 00" W.
260.00'
S. 57° 08' 00" E.
310.00'
N. 18° 50' 31" W.
337.02'
W 1/4 Cor. 12

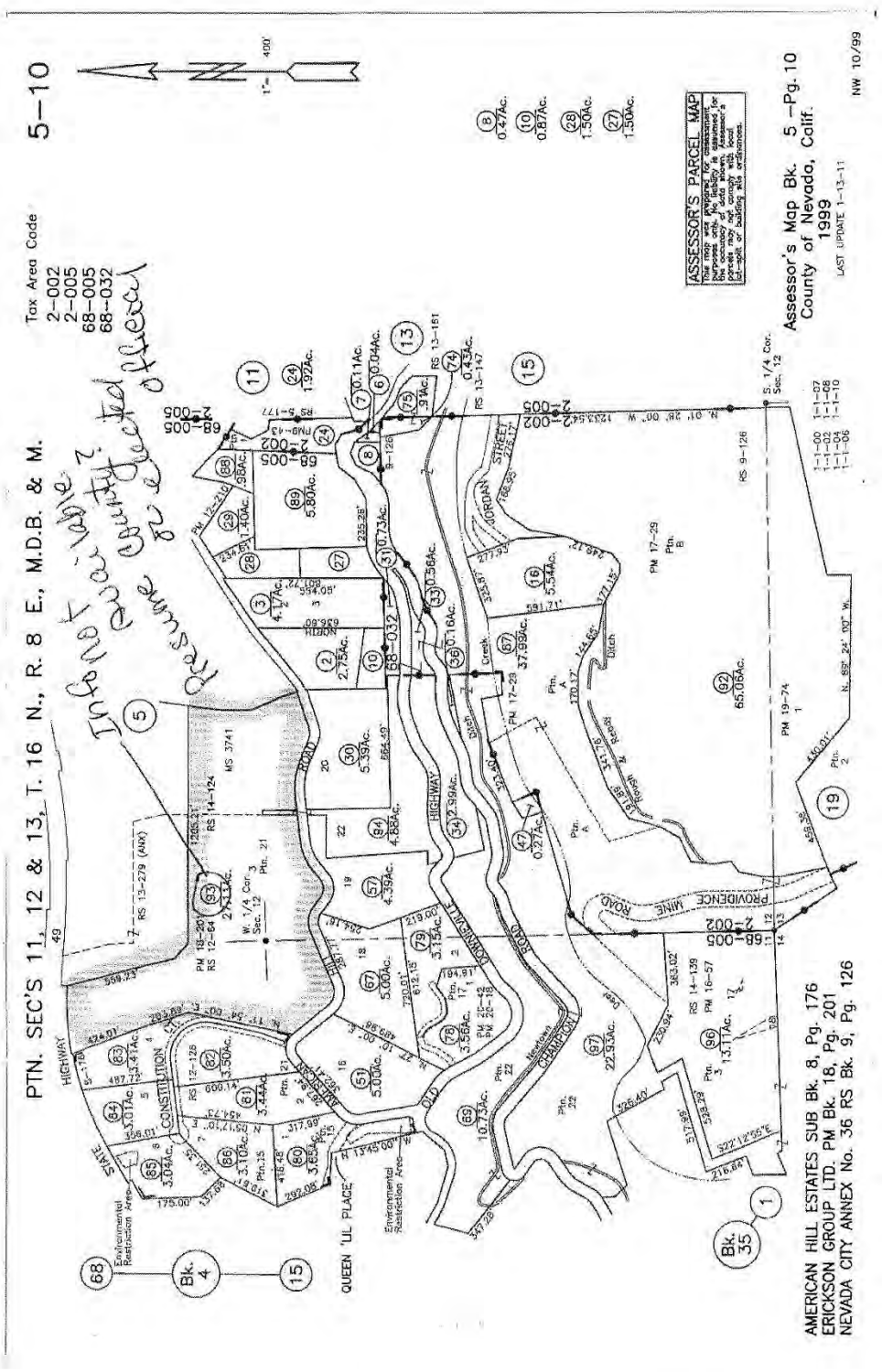

4-14
PTN. SEC'S 2 & 11, T. 16 N., R. 8 E., M.D.B. & M.
COUNTRY HILLS SUB.
Tax Area Code
68-005
68-010
Assessor's Map Bk. 4 -Pg. 14
County of Nevada, Calif.
2003
ERICKSON GROUP LTD. P.M. Bk. 18, Pg. 201
ASSESSOR'S PARCEL MAP
OLD DOWNIEVILLE HIGHWAY
COUNTRY HILLS CIRCLE
Bk. 5
Environmental Restriction
RS 13-264
RS 13-280
RS 13-154
RS 7-142
RS 9-20
RS 12-43
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4-20
(Frmly. Ptn. 4-14)
1" = 400'
Tax Area Code
68-001
PTN. N.W. 1/4 SEC. 11, T. 16 N., R. 8 E., M.D.B. & M.
Assessor's Map Bk. 4 -Pg. 20
County of Nevada, Calif.
1998
LAST UPDATED 5-27-08
NW 12/98
ASSESSOR'S PARCEL MAP
EDEN RANCH UNIT No. 1 SUB. Bk. 8, Pg. 62
EDEN RANCH UNIT No. 2 SUB. Bk. 8, Pg. 70
OLD DOWNIEVILLE HIGHWAY
STATE HIGHWAY 49
EDEN RANCH ROAD
RANCH CIRCLE
EDEN
RIDGE
RANCH
DRIVE
PLACE
COURT
MOON
Common Area
RS 12-40
PM 18-201
68-001
68-005
W. 1/4 Cor. Sec. 11
S. 87° 58' 00" W. 962.14'
N. 02° 27' 52" W. 1230.83'
S. 70° 49' 53" E.
S. 48° 45' 02" E. 545.50'
S. 64° 19' 11" W. 579.58'
S. 54° 02'
197.98'
150.27'
150.89'
146.30'
147.07'
155.81'
145.98'
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14.44Ac.
0.11Ac.
0.12Ac.
0.25Ac.
0.24Ac.
0.20Ac.
0.59Ac.
0.33Ac.
0.34Ac.
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0.26Ac.


4-68
(Fmly. Pcls. 04-14)
Tax Area Code
68-005
68-010
Assessor's Map Bk. 04-Pg. 68
County of Nevada, Calif.
2007
TMc 08/07
PTN. SEC. 11, T. 16 N., R. 8 E., M.D.B. & M.
INDIAN TRAILS SUB. Bk. 8, Pg. 167
ASSESSOR'S PARCEL MAP
Environmental Restriction
RAVINE
WOODS
TRAIL
INDIAN
STATE
ROUTE
Ct.
Bk. 5
RS 13-280


4-67
(Fmly. Pts. 04-14)
1" = 200'
Tax Area Code
68-005
68-010
Assessor's Map Bk. 4 —Pg. 67
County of Nevada, Calif.
2007
TMc 08/07
PTN. SEC. 11, T. 16 N., R. 8 E., M.D.B. & M.
COUNTRY HILLS SUB.
INDIAN TRAILS SUB. Bk. 8, Pg. 167
ASSESSOR'S PARCEL MAP
CT.
TRAIL
ROUTE
STATE
INDIAN
ROAD
PLAT


5-01
PTN. SEC'S 1, 11 & 12, T. 16 N., R. 8 E., M.D.B. & M.
Tax Area Code 2-002 68-005
Assessor's Map Bk. 5 -Pg.01
County of Nevada, Calif.
2003
NW 10/03
LAST UPDATE 4-19-10
ASSESSOR'S PARCEL MAP
ERICKSON GROUP LTD. P.M. Bk. 18, Pg. 201
NEVADA CITY ANNEX No. 37, R.S. Bk. 9, Pg. 176
HILL
ROAD
CEMENT
FLAT
INDIAN
ROBINSON KING
HIGHWAY 49
STATE
PIPER
LANE
WEST
PM 18-66
PM 18-201
PM 14-9
PM 8-85
RS 10-261
RS 4-173
RS 9-62
RS 9-133
RS 13-122
RS 2-102
RS 11-290


5-10
Tax Area Code
2-002
2-005
68-005
68-032
ASSESSOR'S PARCEL MAP
Assessor's Map Bk. 5 —Pg. 10
County of Nevada, Calif.
1999
LAST UPDATE 1-13-11
NW 10/99
PTN. SEC'S 11, 12 & 13, T. 16 N., R. 8 E., M.D.B. & M.
AMERICAN HILL ESTATES SUB Bk. 8, Pg. 176
ERICKSON GROUP LTD. PM Bk. 18, Pg. 201
NEVADA CITY ANNEX No. 36 RS Bk. 9, Pg. 126
HIGHWAY 49
CONSTITUTION STATE
QUEEN 'LIL PLACE
PROVIDENCE MINE ROAD
OLD TOWNSEND
HIGHWAY
JORDAN STREET
CHAMPION
Environmental Restriction Area
Bk. 4
Bk. 35
Ditch
Creek

Letter 110 – Donald Ringen

Response 110-A Please see Responses to Letter 12 which provided these same parcels as suggested alternative site locations. Additionally see Master Response #3 regarding the potential for rezoning commercially zoned property by this project.

Letter 111

COUNTY OF NEVADA CALIFORNIA

NEVADA COUNTY
RECEIVED
NOV 12 2013
PLANNING DEPARTMENT
CDA

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM
ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: JULIE COX

Agency/Group/Organization: —

Mailing Address: P.O. BOX 1142, PENN VALLEY, CA. 95946

Email Address:

Phone Number: (530) 432.29.55

Comments:

111-A The EIR did not take into account that trees will be felled when roads are widened. How many trees, especially on Penn Valley Drive, would be removed?

Thank you.

Sincerely,
Julie Cox.

Send To: Tyler Barrington, Principal Planner
Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
Telephone: (530) 470-2723
Email: tyler.barrington@co.nevada.ca.us



HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM
ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: JULIE COX

Agency/Group/Organization: —

Mailing Address: P.O. Box 1142

Email Address:

Phone Number: 432.29.55

Comments:

111-B

Sewer and water problems already exist. How will the additional population with their need for sewer & water infrastructure impact Penn Valley?

Send To **Tyler Barrington, Principal Planner**
Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
Telephone: (530) 470-2723
Email: tyler.barrington@co.nevada.ca.us

COUNTY OF NEVADA CALIFORNIA

NEVADA COUNTY
RECEIVED
NOV 12 2013
PLANNING DEPARTMENT
CDA

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM
ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: JULIE COX

Agency/Group/Organization: —

Mailing Address: P.O. Box 1142, PENN VALLEY, CA. 95946

Email Address:

Phone Number (530) 432.2955

Comments:

111-C The EIR did not address the drainage of the proposed building sites.
Where will the run-off be?

Thank you.
Sincerely,
Julie Cox

Send To: Tyler Barrington, Principal Planner
Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
Telephone: (530) 470-2723
Email: tyler.barrington@co.nevada.ca.us

Letter 111 – Julie Cox

Response 111-A Biological resources were evaluated in Section 4.4 of the Draft EIR. A biological survey was completed for each site and the different habitat on each site and included in the EIR analysis on Chapter 4. For areas that have sensitive biological habitats such as wetlands, landmark oak trees (greater than 36" in diameter measured breast height) and landmark oak groves (oak woodlands with a canopy closure of 33% or greater) or other sensitive plant types, no building zones called Environmentally Sensitive Areas were designated to avoid and minimize potential impacts. Because, no development is planned on the sites at this time, it is not known how many trees would be removed on any of the sites. The Nevada County Tree Preservation and Protection Ordinance is discussed on page 4.4-35 of the Draft EIR. This ordinance requires projects to minimize impacts to trees and maximize the long term preservation of trees in their natural setting. The ordinance calls for avoidance of impacts to Landmark Trees and Landmark Groves. Please see Response 26-D which describes the requirements of a management plan that is required for any project with impacts on trees protected by the ordinance.

Response 111-B Please see Master Response #4

Response 111-C The County does not concur with this comment. Surface water drainage was evaluated in Section 4.10 of the Draft EIR. Mitigation Measure 4.10-1c requires the developers to submit a hydrology report that evaluates the pre- and post-construction surface water runoff and confirm that adequate conveyance facilities exist for the project. All future development, as a result of this project, will be subject to Federal, State and local standards, policies and regulations related to discharge of storm water run-off including Nevada County General Plan Policy 3.19A, which requires the following:

> For all discretionary development, increases in stormwater runoff due to new development, which could result in flood damage to downstream residences, commercial, industrial, active natural resource management uses (i.e., farming, ranching, mining, timber harvesting, etc.), public facilities, roads, bridges, and utilities shall not be permitted. Required retention/detention facilities, where necessary, shall be designed such that the water surface returns to its base elevation within 24 hours after the applicable storm event. The sizing of such facilities, when needed, shall be based upon the protection of downstream facilities.

Letter112

RECEIVED
NOV 12 2013
Nevada County Community Development Agency

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM
ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: DANA ETTLIN - OAKTREE NURSERY

Agency/Group/Organization:

Mailing Address: POB 295 PENN VALLEY CA.

Email Address:

Phone Number: 432-8996

Comments: I AM TOTALLY OPPOSED TO THE RE-ZONING EFFORT BY YOUR OFFICE. I HAVE BEEN HERE 35 YEARS AND HAVE SEEN WHAT THE APARTMENTS BY R.S. SCHOOL HAVE AFFECTED OUR DOWNTOWN. I DO ANTICIPATE THE WHOLE COMMUNITY IS IN AGREEMENT, AS YOU NOTICED AT A RECENT MEETING!! GO TO THE WILDWOOD SIDE OF 20!!!

112-A

Send To: **Tyler Barrington, Principal Planner**
Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
Telephone: (530) 470-2723
Email: tyler.barrington@co.nevada.ca.us

Letter 112 – Dana Ettlin

Response 112-A The County acknowledges and appreciates this comment. However, comment is not at variance with the content of the EIR and no further response is required. This letter will be will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Letter 113



RECEIVED
NOV 12 2013
Nevada County Community Development Agency

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM
ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: ELIZABETH HAYMAN

Agency/Group/Organization:

Mailing Address: 10167 VALLEY OAK CT. PENN VALLEY, CA. 95946

Email Address: RONBETSEY@YAHOO.COM

Phone Number: 530-432-4877

Comments: Penn Valley is a suburban community not ready to house or service low cost housing. It should remain a small community. If we wanted city life, we would move to a city!

113-A

Send To: **Tyler Barrington, Principal Planner**
Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
Telephone: (530) 470-2723
Email: tyler.barrington@co.nevada.ca.us

Letter 113 – Elizabeth Hayman

Response 113-A The County acknowledges and appreciates this comment. However, comment is not at variance with the content of the EIR and no further response is required. This letter will be will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Letter 114

RECEIVED
NOV 12 2013
Nevada County Community Development Agency

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM
ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: JIM & ARLENE O'CONNOR

Agency/Group/Organization:

Mailing Address: 12048 LAKE WILLOW RD DR, PENN VALLEY CA 95946

Email Address: OCONNOR752001@YAHOO

Phone Number: 530-432-1535

Comments:

114-A PENN VALLEY IS A STRUGGLING COMMUNITY. POLICE & FIRE ARE SHORT STAFFED, MOST OF US CANNOT AFFORD ANY MORE TAXES OR FEE'S – PLEASE RETHINK THIS PLAN –

Send To: **Tyler Barrington, Principal Planner**
Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
Telephone: (530) 470-2723
Email: tyler.barrington@co.nevada.ca.us

Letter 114 – Jim and Arlene O'Connor

Response 114-A Please see Response 10-NN regarding mitigation measures for fire and sheriff service for the proposed project. The project does not require or propose any new or additional taxes or any municipal financing for the project.

Letter 115

RECEIVED
NOV 12 2013
Nevada County Community Development Agency

Attn: Tyler Barrington, Principal Planner 11/8/13
Nevada County Community Development Agency

RE: Penn valley re-zoning.

My name is Lindsay Betz, and I am a [illegible] year resident of Penn Valley. The news of the possible re-zoning was an unpleasant and even disturbing surprise, and I would like to emphasize my opposition to it. Here are some of my MANY reasons:

115-A
- I have not met or heard a single person who supports this idea.

115-B
- This plan is for an "urban" area. Clearly the state hasn't noticed that this is not an urban area. We are rural. Densely packing so many people into such a small region will have numerous consequences, such as traffic congestion and visual eyesores. Not to mention the buildings would be on "environmentally sensitive" land.

115-C
- Another consequence would be the stress put on local schools because of the sudden influx of students. Already, local schools complain of large class sizes and stretched funding.

115-D
- Still another consequence would be the spike in crime. Statistically, crime rates rise in densely-populated areas because they are (what is known in the criminal justice nerd as) "target-rich environments." Statistics also suggest that crime rises with poverty rates. It would then stand to reason that our crime rate will go up. As it is, local law enforcement agencies have had to let go many of their officers and cannot afford to hire any more. Penn valley is the jurisdiction of the Nevada County Sheriff's Department, which only has a small, insufficient number of sworn deputies as it is. Their jurisdiction includes all the non-city areas between Penn valley & up

115-D CONT'D

Past North San Juan — an area that includes bears (or sections of their jurisdiction) all over our geographically large county. I had to call 911 last year when there was a woman screaming in my yard, and it took about twenty minutes for the poor deputy to arrive and do a quick search because he had to leave a high-speed chase to look in on us then return to it. When our past office was vandilized, it took repeated calls for deputies to drive by — even when the suspected vandals were hanging out in the field behind it. Your proposal to rezone these properties for dense, impoverished populations will endanger our citizens.

- These parcels are quite close to western Gateway Park, one is also close to Ready Springs School. With an escalation in crime, our town's children will not be able to travel on foot as safely as they do now.

115-E

- One parcel surrounds the Sewage Treatment plant. Commuters complain about the smell just driving by it. Who is going to want to live right beside it? It's already difficult to sell homes in this economy. Why expect someone to live in that stench? That parcel in particular will benefit NO ONE. Speaking of sewage, our system is already taxed. Local wells have dried up this summer with the drought. Our current citizens are already challenged with these basic needs not being met, and we plan to add <u>at least</u> hundreds more?

115-F

- Two parcels are currently commercially zoned. To rezone these for urban housing developments means preventing employment opportunities and adding hundreds more people who will need jobs. Our entire population will suffer.

115-G

- Property values tend to drop around low-income housing units. This will also damage our local

115-G CONT'D

economy and hurt our citizens many of whom are already struggling in this economy.

- Our area is beautiful, rural, and scenic. This rezoning will ruin that. And for what? Because State bureaucrats who don't live here (and perhaps never seen our county) say they think we should? They do not have our best interest in mind. But our local government should, I sure hope you do, because all this rezoning will do is cause damage and pain. Our entire town will be upset if this moves forward, judging by the Penn Valley meeting and the community response so far.

115-H

- The lack of local jobs and the increase in populations would increase the probability of unemployment, and drive those who are employed to commute. This will stress our local routes and the cost of gas will further harm our residents.

115-I

- This Plan has nothing to offer anyone involved. Look at all these reasons. Listen to how upset our people are. If you have any concern for this section of the county, listen. Why approve of this plan? State grants? Would it be worth all this damage? Let us become a self-reliant County. If we can rise up & speak out against this Plan, let us also take care of our own county. Let us decide whether or not we need those grants. When I heard them mentioned at our town meeting the mention was met with several resounding "who cares?!" The people have spoken, and they say "NO."

Please PLEASE listen.

115-J

- Lindsay Betz ~ 530 - 432 - 9982
P.O. Box 646
Penn Valley CA
95946

Letter 115 – Lindsay Betz

Response 115-A The County acknowledges and appreciates this comment. However, comment is not at variance with the content of the EIR and no further response is required. This letter will be will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Response 115-B The County does not concur with this comment. Please see Responses 22-F and 22-G regarding the rationale for selecting the Penn Valley area for project sites. Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. Please see Response 54-D.

Regarding visual impacts, future project submittals will be required to undergo a Design Review process and public hearing at the Planning Commission to ensure that the project is consistent with the Penn Valley Village Center Design Guidelines. As noted on page 4.3-10 of the Draft EIR, the purpose of the Penn Valley Village Center Area Plan Design Guidelines is to develop design guidelines that provide consistent design review criteria that encourages development that is compatible with the rural character of the Penn Valley Village Center; to identify public facilities and services that will serve new development; to identify and encourage natural resources; to advocate the development of paths and trails; and, to sustain the rural environment and encourage patronage of village center business.

The areas designated Environmentally Sensitive Areas (ESAs) are those areas designated as no-development areas intended to avoid and minimize impacts to sensitive habitats. Please see page 3-39 of the Draft EIR for a discussion of the ESAs.

Response 115-C Please see Response 10-MM regarding impacts to schools.

Response 115-D Please see Master Response #5. Please see Response 10-NN regarding impacts for public safety services.

Response 115-E The percolation pond adjacent to Site 13 is part of the Creekside Village mobile home park and is not a part of the proposed project. The Creekside Village mobile home park is responsible for meeting the County and state regulations for water treatment systems. Please see Master Response #4 regarding the mitigation measures for water and sewer service for the proposed projects.

Response 115-F Please see Master Response #3.

Response 115-G Please see Master Responses #2 and #5.

Response 115-H The County acknowledges and appreciates this comment. However, comment is not at variance with the content of the EIR and no further response is required. This letter will be will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Response 115-I There is no evidence that the proposed project will result in an increase in unemployment. Please see Master Response #3.

Response 115-J The County acknowledges and appreciates this comment. However, comment is not at variance with the content of the EIR and no further response is required. This letter will

be will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Letter 116

RECEIVED

NOV 4 2013

Nevada County Community Development Agency

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM
ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: Tommie Munroe

Agency/Group/Organization:

Mailing Address: 10927 Spenceville

Email Address: Tommiegirl195946@att.net

Phone Number: 530 432 9237

Comments:

116-A I was at meeting. I can't imagine Apts in Penn Valley area. It is a burden on all. Fire men, Sheriff. Low Income dont pay tax. We are overtaxed now with Sewer fees

No No No

Stop this

Tommie Munroe

Send To: **Tyler Barrington, Principal Planner**
Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
Telephone: (530) 470-2723
Email: tyler.barrington@co.nevada.ca.us

Letter 116 – Tommie Munroe

Response 116-A Please see Response 10-NN regarding mitigation measures discussed in the Draft EIR regarding fire and sheriff services. The project does not require or propose any new or additional taxes or any municipal financing for the project. Please see Master Response #6.

Letter 117

RECEIVED
NOV 6 2013
Nevada County Community Development Agency

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM
ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: Concetta Gibilisco

Agency/Group/Organization:

Mailing Address: 10699 Spenceville Rd

Email Address: TinaGJon@ATT.NET

Phone Number: 530-432-2583

Comments:

See Attached

(Re-Zone BAD IDEA?!)

Send To: **Tyler Barrington, Principal Planner**
Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
Telephone: (530) 470-2723
Email: tyler.barrington@co.nevada.ca.us

To : county supervisor
Regarding: N County Building Proposal Re-Zoning for High Density Housing in Penn Valley

11-6-13
To whom it may concern; Hank Weston/Tyler Berrington

117-A **As a Penn Valley property owner I am opposed to re-zoning or building High Density Housing in this area. We already have one and it has not proved itself well. Adding more homes will only deplete what little resources we now have.**

117-B **During the 10/29/13 meeting a lot of environmental issues were brought up; drain on our economy, higher crime and less safety, traffic and one that is a very big concern to me is our water table. We are on well water and many areas are experiencing lack of water to the point that their wells are dry.**

117-C **Why not ALLOW me to have more than 2 structures on my property? I can rent out to low income families and seniors who really need the help and don't abuse it.**

My vote is; Absolutely NOT.

C. Gibilisco
Spenceville Rd,
Penn Valley, Ca

C Gibilisco

Letter 117 – Concetta Gibilisco

Response 117-A The County acknowledges and appreciates this comment. However, comment is not at variance with the content of the EIR and no further response is required. This letter will be will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Response 117-B Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. Please see Response 54-D. Please see Response 10-NN regarding mitigation measures discussed in the Draft EIR regarding fire and sheriff services. Please see Master Responses #4 and #5. All of the proposed sites will be required to connect to the public water system of the Nevada Irrigation District. No groundwater wells are proposed for any of the sites.

Response 117-C Your comment is noted comment. However, this comment is not at variance with the content of the EIR and no further response is required. This letter will be will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Letter 118

1.

RECEIVED
NOV 6 2013
Nevada County Community Development Agency

Terry Stephens, Architect

~~45770 Verba Santa drive~~
~~Palm Desert, Calif. 92260~~
~~tel: 760-773-3534~~
E-mail: TR7638@aol.com

10438 LAZY VALLEY RD.
PENN VALLEY, CA. 95946
530-432-9179

TO: NEVADA COUNTY OFFICES
950 MAIDU AVE.
NEVADA CITY, CA. 95959
ATTN: PLANNING DEPT.

RE: PROPOSED REZONING OF 3 PARCELS IN DOWNTOWN PENN VALLEY, FOR R-3 ZONING. LOW TO NO INCOME RESIDENTIAL - PROPOSED @ 15 (or) 16 D.U. PER ACRE.

118-A I ATTENDED the PUBLIC MEETING LAST WEEK AT THE 7th DAY ADVENTIST CHURCH HERE IN PENN VALLEY, AND WAS IMPRESSED with the TURN-OUT OF PENN VALLEY RESIDENTS OPPOSED TO this CONSIDERED RE-ZONING OF the 3 PARCELS STUDIES BY the N.C. PLANNING DEPT.

I AM OPPOSED TO RE-ZONING THESE PARCELS FOR THE PURPOSES OF PROVIDING HIGH DENSITY RESIDENTIAL HOUSING IN OUR TOWNSHIP. (IF THE STATE MANDATES SUCH HOUSING BE PROVIDED ON A COUNTY BY COUNTY BASIS, LET SITES other THAN these BE CONSIDERED.

118-B This is A AGRICULTURAL, RANCHING, AND RETIREMENT COMMUNITY. A VISUAL BLIGHT would FALL upon OUR

3.

118-F Please respect our rights to remain as we are, or help guide our community towards something which might create jobs, not overhead + Blight for Penn Valley.

Most Sincerely – Terry Stephens Architect (retired) 6-12-53

Letter 118 – Terry Stephens

Response 118-A The County acknowledges and appreciates this comment. However, comment is not at variance with the content of the EIR and no further response is required. This letter will be will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration. See Master Response #1 regarding the purpose of the project and how sites were selected.

Response 118-B Future project submittals will be required to undergo a Design Review process and public hearing at the Planning Commission to ensure that the project is consistent with the Penn Valley Village Center Design Guidelines. As noted on page 4.3-10 of the Draft EIR, the purpose of the Penn Valley Village Center Area Plan Design Guidelines is to develop design guidelines that provide consistent design review criteria that encourages development that is compatible with the rural character of the Penn Valley Village Center; to identify public facilities and services that will serve new development; to identify and encourage natural resources; to advocate the development of paths and trails; and, to sustain the rural environment and encourage patronage of village center business.

Response 118-C Please see Master Response #6 and Response 10-NN regarding mitigation measures for public safety services.

Response 118-D Public services and utilities are discussed in Section 4.13 of the Draft EIR. Please see Master Response #4 regarding mitigation measures for water and sewer service for the project sites.

Response 118-E Please see Master Response #3 regarding the proposed zoning that would permit commercial use within the project parcels that are currently have a commercial zoning classification in Penn Valley.

Response 118-F The County acknowledges your comment. However, your comment is not at variance with the content of the EIR and no further response is required. This letter will be will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Letter 119

RECEIVED
NOV 07 2013
Nevada County Community Development Agency

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM
ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: Judy Gliebe

Agency/Group/Organization:

Mailing Address: 23001 Briar Lane

Email Address: judyglieb@ncn.net

Phone Number: 530 368-1423

Comments: I am opposed to any high density development in this area. Apartments do not belong in the country along side horses, cows, chickens and country living. We live in the country so we can have animals, peace and quiet and clean air. I have asthma and live here for the clean air. If you approve any of these apartment structures it will greatly change the air quality for me and could cost me $50 each month for medication to breath. Apartments really belong in cities where people have jobs, stores and transportation to support them.

119-A

Send To: **Tyler Barrington, Principal Planner**
Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
Telephone: (530) 470-2723
Email: tyler.barrington@co.nevada.ca.us

Letter 119 – Judy Gliebe

Response 119-A Potential Air quality impacts are evaluated in Sections 4.5. The County concurs that air quality impacts were identified in the Draft EIR. The analysis in the EIR was based on an aggregate total of all 18 sites built out at the maximum number of 2,675 units. Additionally the units are spread out over three distinct areas. There is no evidence that development of one or all of the sites would change the localized air quality to unhealthful levels. Please see Master Response #2. Please see Response 22-G with regard to a discussion of the existing development in the center of Penn Valley area that make the proposed locations more than a isolated rural area.

Letter 120

RECEIVED
NOV 6 2013
Nevada County Community Development Agency

5 Nov/ 2013

Corey Stephens
10438 Lazy Valley Rd.
Penn Valley, Ca. 95946

to: Planning Dept / Nevada County

120-A Regarding: Rezoning of 3 parcels in Downtown Penn Valley, to R-3 zoning, to provide housing for Low to No income families. Density proposed = 15/16 Dwelling units per acre. My husband and I attended the public meeting, where Documents (parcel maps) showed the three subject sites, selected for re-zoning. I am assuming that each site is 10 to 15 acres, so 30 x 15 = 450 Dwelling units/ plus or minus. At 1000 $ per Dwelling unit - That equals 450,000 $ of construction, plus at 1½ cars per unit, (includes guest spaces) = 675 cars, plus or minus - Well - we dont want this in Penn Valley. We don't want a ghetto placed right in

120-B the middle of our starving little towns, plus the crime & neglect common to low income,

120-B CONT'D

Subsidized housing. The common appearance, the cross traffic on our two lane street, the garbage, sewage requirements, water & police & Fire protection would break our backs. We are a Rural, single family community, for the most part. Keep this type of unwanted development away from our town & put it elsewhere. We don't want it.

120-C

We pay plenty of taxes for water, sewer, Fire protection & do not want others riding for free on our coat-tails. This whole proposal is a waste of salary for the NC planning dept. To do studies & presume that the local community (Penn Valley) will roll over and play dead. We refuse to accept this proposal.

120-D

We need more businesses in our downtown that create jobs & produce income in tax dollars. Not a bunch of free-loaders. Sincerely,

Corey Stephens

Letter 120 – Concy Stephens

Response 120-A The project proposes rezoning on 4 properties in the Penn Valley area totaling 33.52 acres. The total maximum number of units in the Penn Valley area is 535 units. The total number is a conservative number and does not take into account any environmental or regulatory requirements that could reduce the overall number of dwelling units. The amount of total building square feet of the project is unknown at this time. The project only proposes a rezone to R3-RH (for Sites 12 and 13) and C2-RH (for Sites 10 and 11) and does not include any development or construction plans at this time. The amount of traffic generated by a specific project is not based on number of cars per unit, but rather the number of daily trips that a specific land use type would be expected to generate; in this specific case, the land use is multi-family housing. The following excerpt if from page 4.15-18 of the Draft EIR which explains the methodology for calculating project trip generation:

> In accordance with the Nevada County policies and the City of Grass Valley *Policy Adopting Traffic Impact Study Methodology and Evaluation Criteria for Critical Intersections*, traffic counts were performed during the PM peak hour (4:00 PM to 6:00 PM) at the twenty eight study intersections in the vicinity of the project area on November 8, 2012. The PM peak hour is defined by the highest hour for overall traffic volumes or the worst-case traffic conditions during the day. This is reflective of typical travel patterns throughout Nevada County and due to the low number of retail-related trips that take place during the AM peak hour. In addition, the project trip generation rate is highest during the PM peak hour.
>
> The trip generation per dwelling unit for the proposed project land use of multi-family housing (ITE Land Use # 230 Condominiums / Townhouse) is highest during the PM peak hour, at 0.44 trips during the AM peak hour, 0.52 trips per during the PM peak hour, and 0.47 trips during the weekend peak hour.

As shown in Tables 4.15-9 and 4.15-10 of the Draft EIR the proposed project does not reduce the level of service at any of the intersections in Penn Valley below the threshold of minimum level of service. Table 4.15-1 provides an explanation of the different levels of service. More specifically, the level of service only changed for two intersections in Penn Valley. The intersection of SR 20/Penn Valley Road went from an existing LOS B to LOS C which is an acceptable level of service for Caltrans as noted on page 4.15-45 of the Draft EIR. The other intersection to have a change in Penn Valley is the intersection of Penn Valley Drive/Broken Oak Court. As an unsignalized intersection, this intersection would change for LOS A to LOS B. LOS B does not exceeds the County's minimum level of service threshold of LOS D. For these reasons, potential traffic impacts on intersections in Penn Valley are considered less than significant and no mitigation is required.

Response 120-B Your comment is noted. Please see Master Response #6 regarding low income housing and Master Response #4 regarding the developers' responsibilities water and sewer requirements. Please see Response 10-NN regarding mitigation measure for fire and police protection. Please see Response 120-A above regarding traffic impacts. Please see Master Response #1 regarding the purpose of the project and how sites were selected and Response

22-G and 22-F regarding the appropriateness of Penn Valley to accommodate a portion of the potential units associated with this project.

Response 120-C Your comment is noted. Please see Master Response #4 regarding water and sewer requirements of the future developers. None of the construction, including water and sewer improvements, would be paid for with tax dollars, or through property assessments of existing residents, or through municipal financing.

Response 120-D Please see Master Response #3.

Letter 121

RECEIVED
NOV 07 2013
Nevada County Community Development Agency

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM
ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: JULIE SPICER TOSTE

Agency/Group/Organization: Homeowner

Mailing Address: 10325 CANYON DR PENN VALLEY CA 95946

Email Address: ——

Phone Number: 530 432-5561

Comments:

121-A I'm truly worried about the additional population of 3500 people to Penn Valley. The sewage, the water consumption and the traffic would be devastating to this small town. Also the devastation to existing property values would be awful. Also, I'm not trying to be a snob, but I also worry about low-income people creating more crime, meth, etc. Please reconsider your thoughts about this. The people that are already here would be greatly affected by these new apts.

121-B

Thank you,
Julie Toste

Send To: **Tyler Barrington, Principal Planner**
Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
Telephone: (530) 470-2723
Email: tyler.barrington@co.nevada.ca.us

Letter 121 – Julia Spicer Toste

Response 121-A Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. Please see Response 54-D. According to the 2010 Census the average household size in Penn Valley is 2.57 people.[22] At 535 potential units that equates to approximately 1,374 people. Please see Master Response #8 regarding conservative approach to the proposed density calculation and aggregate densities. Please see Master Response #4 regarding mitigation measures for water and sewer connections.

Response 121-B Please see Master Responses #5 and #6.

[22] http://www.dof.ca.gov/research/demographic/state_census_data_center/census_2010/

Letter 122

RECEIVED
NOV 12 2013
Nevada County Community Development Agency

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM
ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: Joyce Osterude

Agency/Group/Organization: Penn Valley Fence Supply / Empire Fence Co / P.V.C.O.C. / P.V. Lions / P.V. Community Foundation

Mailing Address: Bus: 17493 Penn Valley Dr P.V. CA 95946 HOME: 19252 Indian Spring Rd. P.V.

Email Address: josterude@gmail.com

Phone Number: 530 432-1955

Comments: See attached list

122-A
- our business on P.V. Dr. has been broken into/robbed 4 times since the "affordable units" were built on Broken oak. After 18 yrs. in business here I have begun to feel unsafe when alone. We have installed iron bars on windows/doors and purchased security cameras

122-B
- Properties in the Village center area has been identified as commercial/retail opportunities and the P.V. Business community would be better served if the zoning remains as is.

Send To: **Tyler Barrington, Principal Planner**
Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
Telephone: (530) 470-2723
Email: tyler.barrington@co.nevada.ca.us

Joyce Osterude
530 432-1955

122-C -The project sites proposed for rezoning to R-3 (16 units per acre) in Penn Valley are in conflict with what was proposed in the Penn Valley Focused Economic Development Study adopted by the County Board of Supervisors in 2000.

-This Plan (termed the Village Plan) called for commercial, business, retail and industrial uses in the Penn Valley Village. The Board of Supervisors adopted this plan in order to provide guidance for future development of the Penn Valley Area.

-The EIR completely ignored the Village Plan which results in a Significant Unavoidable Impact With No Effort to Mitigate. The result is a legally flawed EIR.

122-D - Penn Valley needs more jobs. The proposed rezoning eliminates the opportunities to increase employment and bring in good paying jobs to the community.

122-E -Developing low cost housing at 16 units per acre will further stress public services such as schools, sheriff, fire and other critical services which were negatively affected during the past few years of the Great Recession.

122-F -The proposal for dense housing does not belong in a rural and pastoral area such as Penn Valley.

122-G -The proposed sites are not close to public services and other amenities required for this type of housing. Further these sites do not minimize the need to commute. This is a serious environmental impact.

122-H -The Board of Supervisors' site selection criteria was also flawed, which resulted in 42% of the County's State mandated housing being located in Penn Valley.

122-I - The proposal does not foster economic growth as recommended in the EIR.

122-J -The Penn Valley area should be allowed to develop as recommended by the Village Plan, which states that "opportunities exist for business park, light manufacturing for firms providing components for high tech manufacturing, as well as office based businesses in software development and internet applications".

Recommendations

122-K 1. Return the EIR to staff and consultants for revision to correct the major legal and policy flaws contained in the document.

Letter 122 – Joyce Osterude

Response 122-A Your comment is noted. Please see Master Responses #5 and #6.

Response 122-B Please see Master Response #3.Please note: The following comments are summarized points from the Penn Valley Chamber of Commerce Letters. As such, the response to these comments will refer back to the Chamber's letters where they were previously addressed.

Response 122-C Please see Response 10-A.

Response 122-D Please see Response 10-B and Master Response #3.

Response 122-E Please see Responses 10-MM and 10-NN.

Response 122-F Please see Responses 22-F and 22-G regarding the rationale for selecting sites in the Penn Valley area.

Response 122-G Please see Responses 10-H and 22-G.

Response 122-H Please see Responses 10-D, 10-H and 10-V.

Response 122-I Please see Responses 10-OO.

Response 122-J Please see Response 9-B.

Response 122-K Please see Response 10-A.

Letter 123

RECEIVED
NOV 12 2013
Nevada County Community Development Agency

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM
ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: Louie Osterude

Agency/Group/Organization: Empire Fence / Penn Valley Fence Supply, P.V. Lions P.V. Community Foundation, PVC.oc.
Mailing Address: 17493 Penn Valley Dr. P.V. Ca 95946

Email Address:

Phone Number: 432 1955

Comments: See Attached List

123-A Penn Valley Does not need any more Problems like we Have with Broken Oaks. With all the services that you need for R-3 Zoning Truckee & Nevada City Have everything in Place to Support R-3 Zone not Penn Valley.

123-B The Property in P.V. needs to stay Commerical as Per the Village Plan adopted by the Board of Supervisors in 2000

Louie Osterude

Send To: **Tyler Barrington, Principal Planner**
Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
Telephone: (530) 470-2723
Email: tyler.barrington@co.nevada.ca.us

123-C -The project sites proposed for rezoning to R-3 (16 units per acre) in Penn Valley are in conflict with what was proposed in the Penn Valley Focused Economic Development Study adopted by the County Board of Supervisors in 2000.

-This Plan (termed the Village Plan) called for commercial, business, retail and industrial uses in the Penn Valley Village. The Board of Supervisors adopted this plan in order to provide guidance for future development of the Penn Valley Area.

-The EIR completely ignored the Village Plan which results in a Significant Unavoidable Impact With No Effort to Mitigate. The result is a legally flawed EIR.

123-D - Penn Valley needs more jobs. The proposed rezoning eliminates the opportunities to increase employment and bring in good paying jobs to the community.

123-E -Developing low cost housing at 16 units per acre will further stress public services such as schools, sheriff, fire and other critical services which were negatively affected during the past few years of the Great Recession.

123-F -The proposal for dense housing does not belong in a rural and pastoral area such as Penn Valley.

123-G -The proposed sites are not close to public services and other amenities required for this type of housing. Further, these sites do not minimize the need to commute. This is a serious environmental impact.

123-H -The Board of Supervisors' site selection criteria was also flawed, which resulted in 42% of the County's State mandated housing being located in Penn Valley.

123-I - The proposal does not foster economic growth as recommended in the EIR.

123-J -The Penn Valley area should be allowed to develop as recommended by the Village Plan, which states that "opportunities exist for business park, light manufacturing for firms providing components for high tech manufacturing, as well as office based businesses in software development and internet applications".

123-K Recommendations

1. Return the EIR to staff and consultants for revision to correct the major legal and policy flaws contained in the document.

Letter 123 – Louie Osterude

Response 123-A The County does not concur with this comment. Please see Responses 22-F and 22-G.

Response 123-B Please see Master Response #3.

Please note: The following comments are summarized points from the Penn Valley Chamber of Commerce Letters. As such, the response to these comments will refer back to the Chamber's letters where they were previously addressed.

Response 123-C Please see Response 10-A.

Response 123-D Please see Response 10-B and Master Response #3.

Response 123-E Please see Responses 10-MM and 10-NN.

Response 123-F Please see Responses 22-F and 22-G regarding the rationale for selecting sites in the Penn Valley area.

Response 123-G Please see Responses 10-H and 22-G.

Response 123-H Please see Responses 10-D, 10-H and 10-V.

Response 123-I Please see Responses 10-OO.

Response 123-J Please see Response 9-B.

Response 123-K Please see Response 10-A.

Letter 124

17582 Chaparral Drive
Penn Valley CA 95946
Nov. 9 2013

RECEIVED
NOV 12 2013
Nevada County Community Development Agency

Mr. Tyler Barrington
Principal Planner
N.C. Community Planning Dept
950 Maidu Ave., Suite 170
Nevada City CA 95959

Dear Mr. Barrington:

In reply to the meeting, Tuesday, Oct 29, 2013 here in Penn Valley discussing the proposal to put high density housing on 60 acres, I am against it for the following reasons:

124-A

1. Penn Valley does not have the necessary services to care for this type of housing.
We have no local hospital. We have to go to Grass Valley, Nevada City, Auburn, Marysville for this service. Yes, This would tax our small Fire dept's ambulance.
We do not have a local police dept. not even a major Sheriff's dept. The increase of that many people would put a strain on what we already have.

124-B

2. Putting high density housing would not be fair to the people in them. No job opportunities here, no further education opportunities. All this would mean more travel on an already crowded Hwy 20 our main artery to these services And the cost of automobile & gas at a time when our country is running out of gas & money!

124-C

To do this to this community when it can't afford to financially support this, and to put people in these high densitag homes at at such a disadvantage would be cruel, especially when our county, and country is in a very difficult time. Please re-think this project. Thank you.

Sincerely
Mary Sullivan

Letter 124 – Mary Fracloron

Response 124-A The project proposes to rezone 33.52 acres on four properties in the Penn Valley area not 60 acres as stated in the comment. Please see response 10-NN regarding the mitigation for impacts on public safety services. Future residents of Penn Valley would be the same distance from medical facilities as the existing residents. It is anticipated that the Penn Valley Fire Protection District would provide some EMT services as part of their normal emergency response. Other ambulance services would be provided by existing ambulance services such as Nevada County Ambulance Service.

Response 124-B Please see Master Response #2. Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. Please see Response 54-D.

Response 124-C The County acknowledges and appreciates this comment. However, comment is not at variance with the content of the EIR and no further response is required. This letter will be will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Letter 125

NEVADA COUNTY
RECEIVED
NOV 13 2013
COMMUNITY DEVELOPMENT AGENCY

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM
ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: Lynne Perry

Agency/Group/Organization:

Mailing Address: 10873 Willow brook Lane

Email Address: perryshaus@comcast.net

Phone Number: 530-432-8273

Comments: I have no problem with low income housing and realize everyone needs a place to live. I do, though have a problem when high density housing is squeezed into a community and literally changes or even ruins the areas where they are placed. I feel it is very important that all infrastructure can handle what is planned for Penn Valley. Please take all into consideration when rezoning if in fact that is done.

125-A

Send To: **Tyler Barrington, Principal Planner**
Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
Telephone: (530) 470-2723
Email: tyler.barrington@co.nevada.ca.us

Letter 125 – Lynne Perry

Response 125-A Your comment is noted. Future development that would occur as a result of this rezoning project would have to ensure that their development would not overburden existing infrastructure and therefore the developers would be responsible for constructing and paying for any infrastructure improvements that would be required for the project. Please see Master Response #4.

Letter 126

To:
NEVADA COUNTY PLANNING COMMISSION
950 Maidu Avenue
Nevada City, CA 95959



From:
DANIEL MARTIN

Regarding: Proposed changes to the General Land Use and Zoning Designation for sites in Penn Valley to rezone candidate sites to Urban High Density/high density residential zoning.

Dear Sirs:

126-A I am 61 years old and spent most of my Life in PENN VALLEY
Please don't Rezone

Letter 126 – Daniel Martin

Response 126-A The County acknowledges and appreciates this comment. However, comment is not at variance with the content of the EIR and no further response is required. This letter will be will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Letter 127



Nov 11, '13

Attention: Tyler Barrington
Principal Planner
Nevada County Community Development Agency
950 Maidu Ave Suite 170
Nevada City, CA 95959

127-A My husband & I say do not rezone Penn Valley for low income housing.

- It is not near services ie, Hospital, Police, High school

127-B - It is not near job opportunities.

127-C - It increases the fees for current property owners.

127-D - It is totally unfair to current propertyowners who have not been able to put a rental on their property.

The State takes our tax money then withholds it if we dont agree to distroy

Letter 127 – Unknown

Response 127-A Please see Responses 22-F and 22-G regarding the rationale for selecting sites in the Penn Valley area and Master Response #1 regarding the purpose of the project and how the candidate sites were originally selected.

Response 127-B Please see Master Response #2.

Response 127-C The developers for the proposed sites would be responsible for all of the improvements and any utility upgrades that would be required. The project does not require or propose any new or additional taxes or any municipal financing for the project. Please see Master Response #4.

Response 127-D The County acknowledges and appreciates this comment. However, comment is not at variance with the content of the EIR and no further response is required. This letter will be will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Letter 128

pg 1

RECEIVED
NOV 8 2013
NEVADA COUNTY
BOARD SUPERVISORS

NOVEMBER 2013

TO :NEVADA COUNTY BOARD OF SUPERVISORS
FROM : PENN VALLEY CONSTITUENTS
RE : **PENN VALLEY REZONING PROPOSAL**

WE THE UNDERSIGNED OPPOSE THE COUNTY'S PROPOSED REZONING OF FOUR (4) PARCELS OF LAND IN PENN VALLEY TO HIGH DENSITY HOUSING.

COMMERCIAL PROPERTY IF DEVELOPED WOULD BRING JOBS AND MONEY INTO PENN VALLEY.

AFFORDABLE HOUSING FOR PERSONS AND FAMILIES IN LOW INCOME CATEGORY WOULD ONLY PUT FURTHER BURDEN ON OUR SERVICES FOR WATER, SEWER, POLICE AND FIRE DEPARTMENTS.

128-A

11385 Cottontail Way, PV
11385 Cottontail Way. PV.
1954 Linda Ave MV.
Mall 11119 Ringtail Rd PV
SOHN 15674 SADDLEBACK CT, PV
Laticia Soto 10972 mountaineer trl GV.
10972 mountaineer trl GV
Benjamin Rascia Nevada Woods Apt- 5. GV.
11119 Ringtail Rd, PV
10660 Devonshire Cir. PV
10660 Devonshire Cir PV
10920 Woodchuck Ct., PV

RECEIVED

NOV 8 2013

NEVADA COUNTY
BOARD SUPERVISORS

NOVEMBER 2013

TO :NEVADA COUNTY BOARD OF SUPERVISORS
FROM : PENN VALLEY CONSTITUENTS
RE : PENN VALLEY REZONING PROPOSAL

WE THE UNDERSIGNED OPPOSE THE COUNTY'S PROPOSED REZONING OF FOUR (4) PARCELS OF LAND IN PENN VALLEY TO HIGH DENSITY HOUSING.

COMMERCIAL PROPERTY IF DEVELOPED WOULD BRING JOBS AND MONEY INTO PENN VALLEY.

AFFORDABLE HOUSING FOR PERSONS AND FAMILIES IN LOW INCOME CATEGORY WOULD ONLY PUT FURTHER BURDEN ON OUR SERVICES FOR WATER, SEWER, POLICE AND FIRE DEPARTMENTS.

128-A
CONT'D

10955 Woodchuck Ct PV

10955 Woodchuck Ct PV

17716 Penn Valley Dr. PV

10409 Mcland Ct P.O.

10409 Mcland Ct PV

10120 Commercial Dr Penn Valley

20925 Poker Flat Rd. Penn

10257 Horton St. Penn Valley, CA 95946

10257 Horton St. Penn Valley CA 95946

RECEIVED

NOV 8 2013

NEVADA COUNTY
BOARD SUPERVISORS

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128-A
CONT'D

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Linda Blink
William Chris Gaffney
Robert Frey
Russell Pearson
Marie L. Pearson
Brenda L. Bolin
Claudia Carr
BEVERLY WILSON
Keith Emmerton
Artie B. Bolin, 10257 Horton St.
ARTIE B. BOLIN Penn Valley, Ca. 95946
DALE A BOLIN
Jennifer Ehl 2
Farabee

10288 Chances R Rd Penn Valley
10288 Chances R Rd Penn Valley
18713 Kearney Ct. Smartsville
17905 Penn Valley Dr. P.V.
P.O.BOX 1573 Penn Valley CA
Saddleback Ct. P.V.
10431 Goodenough ct. Penn Valley
10431 GOODENOUGH Ct PENN VALLEY
18804 Penn Valley Dr Penn Valley
10257 Horton St. Penn Valley 95946
10282 Del Penn Valley
18002 Penn Valley Dr. P.V. CA 95946

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128-A
CONT'D

AFFORDABLE HOUSING FOR PERSONS AND FAMILIES IN LOW INCOME CATEGORY WOULD ONLY PUT FURTHER BURDEN ON OUR SERVICES FOR WATER, SEWER, POLICE AND FIRE DEPARTMENTS.

Nicholson 21710 Darcey Ln Smartsville Ca 95977
21710 Darcey Ln Smartsville Ca 95977
18235 Lasso Loop Penn Valley 95946
15674 Pt. PV 95946
10330 Daffodil Lane PV 95946
18694 Meadowlark Ct PV 95946
18694 Meadowlark PV 95946
Marty Crossman
22515 Bridgeview Bigpark Ca 95977
18043 Lake Forest Dr PV 95946
12888 Spenceville Rd. PV. 95946

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128-A CONT'D

AFFORDABLE HOUSING FOR PERSONS AND FAMILIES IN LOW INCOME CATEGORY WOULD ONLY PUT FURTHER BURDEN ON OUR SERVICES FOR WATER, SEWER, POLICE AND FIRE DEPARTMENTS.

Gina Marie Moen
10590 Crowshest Lane
Penn Valley CA 95946

Krystie Moen
10590 Crowshest Lane
Penn Valley, CA 95946

Thomas P Hess — 10111 Harvest Ln Rough + Ready, CA

Marlys Bigley — #10465 Paradise Dr. Rough + Ready, CA. 95975

128-A
CONT'D

RECEIVED
NOV 7 2013
NEVADA COUNTY
BOARD SUPERVISORS
cc: BOS, Planning, C. Cnsl.

NOVEMBER 6, 2013

BOARD OF SUPERVISORS
950 MAIDU
NEVADA CITY, CA. 95949

ENCLOSED PLEASE FIND PETITIONS REGARDING THE PROPOSED REZONING FOR PENN VALLEY.

I WOULD APPRECIATE THAT TYLER BARRINGTON BE ADVISED OF THESE PETITIONS.

IT CERTAINLY WOULD BE BENEFICIAL IF THIS MATTER WOULD BE EXTENDED FOR 1 MONTH.

THANK YOU FOR YOUR COOPERATION REGARDING THIS VERY IMPORTANT MATTER.

VERY TRULY YOURS

MIKE & FRANCINE STURM
18001 PENN VALLEY DR.
PENN VALLEY, CA. 95946

PHONE 530 432-0293
EMAIL – francinesturm@comcast.net

(1)

RECEIVED

NOV 7 2013

NEVADA COUNTY
BOARD SUPERVISORS

NOVEMBER 2013

TO :NEVADA COUNTY BOARD OF SUPERVISORS
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128-A
CONT'D

Travis Sturm 18001 Penn Valley Dr P.V. 432-0293
Evelyn Wood 10945 Willowbrook Dr Penn Valley 615-4111
10341 Quincy Lane Penn Valley, Ca 95946
10875 Spenceville R.D. Penn Valley, Ca 95946
10380 Horton ST. Penn Valley Ca. 95946
Tom Ryan 14135 Copperdale Dr Penn Valley Ca 95946
10844 Spenceville RD P.V. 95946
Penn Valley 95946
P. Marich 19119 John Born Rd Penn Valley, Ca 95946
10142 Crescenzi Dr
LARRY MARTIN 18525 Penn Valley Dr. Penn Valley 95946
Becca Malech 13363 Thistle Loop, Penn Valley, Ca 95946
19415 Martinsburg Ln. Penn Valley Ca 95946
19001 Chickadee Ct Penn Valley 95946
Pilot Peak Ln — Penn Valley 95946
10680 Devonshire Cir. Penn 95946

128-A
CONT'D

Janet Bivens 17572 Woodlake Rd. Grass Valley
10844 Spenceville Rd, Penn Valley,
10654 WILLOWBROOK LN PENN VALLEY, CA
10761 Baker Downs P.V. CA
17770 Chaparral Dr., PV CA
10493 Valley Dr RR CA 95975
Belinda Eckman P.O. Box 1087 P.V. 95946
Belinda Eckman
Denise Youngman PO BOX 586 PV. 095946
10493
Scott Gutierrez 17387 Penn Valley Drive. PV.
BOB WINTERS 19525 KNEESONE CT 95946
Barbara Knollick 18178 Hummingbird Drive PV
KATHRYN FERREIRA-LUNNY 15420 NORTH SPRING RD PV
ROBT. J LUCESTER 11632 SPENCEVILLE RD PV CA
MARIE A. WITT 11632 SPENCEVILLE RD PV CA
JOHN FAUSET 19319 DONOVAN RD PV CA
ROBERT BLACKBURN 20066 WILDWOOD WEST
BRUCE C. RUPHAT 12651 RIDGE WEST LN PV
19135 Chaparral Ct PV.
11982 ELDORADO DR. PV.
William M. Neville 12105 Warwing Ct PV.
Richard J. Nolle 13256 Thistle Loop, PV

(2)

RECEIVED

NOV 7 2013

NEVADA COUNTY
BOARD SUPERVISORS
cc: BOS, Planning, C. Cnsl.

NOVEMBER 2013

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AFFORDABLE HOUSING FOR PERSONS AND FAMILIES IN LOW INCOME CATEGORY WOULD ONLY PUT FURTHER BURDEN ON OUR SERVICES FOR WATER, SEWER, POLICE AND FIRE DEPARTMENTS.

Ciara Fuller P.O. Box 443 Penn Valley CA 95946
Betty Moyles 18555 Wildflower DR PV
Michael Denis 10356 Loyalton Rd. PV
Teresa Dinucci PO Box 2684 G.V.
PO Box 444 P.V.
Norma DeMartini 13931 Oak Meadow Rd, PV 95946
Scott Gramstil 19441 Sundance Ct PV. 95946
Ron Moen PO Box 1085 P.V.
PO 2185, P.V. 95946
Hal Kuhns PO 883 PV 95946
15784 PV Drive 95946
Gerald & Carolyn Winters 16477 Osceola Cabs 95946
Edward Sayre 10697 Willow Ln. Penn Valley, 95946

128-A
CONT'D

Joanna VanDyke - 10456 Willowbrook ln, PV 798-0214
Louie Osterude - 17493 Penn Valley Dr. 432-1955
Jeanne Abuto 559-8620
Don Bancroft 263-2464 1923 Branding Iron
Nicole Murphy 432-9688 13789 Mica Ct. PV
Robert Sleeman 432-9432 11533 Blacklock Rd
Janet Smith 277-3279 P.O. Box 2076
210-9458 10487 Brokenoak
Kirkman
Theresa Miller 432-1136 17922 Lasso Loop
253-6083 18076 Foxtail Dr
Cody Kucera 575-2645 19543 Explorer dr P.V. CA 95946

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NEVADA COUNTY
BOARD SUPERVISORS

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128-A
CONT'D

13285 Sugarbush Ct; PV 95946
17296 Clone Rd PV 95946
13405 Spenceville Rd. 95946
13125 Spenceville Rd 95946
B GRAHAM
19526 WILDWOOD WEST DR P.V. 95946
19526 Wildwood W. Dr P.V 95946
13145 Penn Pass Ct P.V. 95946
12728 Roadrunner Dr PV 95946
11939 Black Rd Brownsville 95977
12572 Wallaby Rd PV 95949

Letter 128 – Petition from Mike and Francine Strum

Response 128-A This petition will be will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Letter 129

CITIZENS AGAINST RUNAWAY REZONING IN PENN VALLEY

Penn Valley is a poor placement area for high-density housing for the following reasons:

- **No jobs in Penn Valley**
- **No transportation to where jobs might be available**
- **Removes needed business zoning**
- **Sewage and water problems exist**
- **Added pollution to existing air problems**
- **Environmental strains on wildlife**
- **Impact on fire, police and public safety**
- **Who is the developer and will they have the obligation to legally perform**

PLEASE SIGN BELOW IF YOU WANT TO PROTEST THE REZONING:

129-A CONT'D

NAME	ADDRESS
[illegible]	11077 Spenceville Rd Penn Valley, CA
Vanessa Travis	11297 Sierra Circle PV. CA
Nelson Schmaltz	14425 Chinkapin Dr, GV
Michelle Walters	944 Amber Lp GV CA
Sallie Rose Smith	19678 Echo Blue Rd, P.V. 95946
Elsie Durgin	10570 Red Ln, Big Oak Valley, 95977
Eleanor Patton	P.O. Box 464 Cedar Ridge 95924

129-A
CONT'D

NAME	ADDRESS
Lisa Langford	18827 Lakestone Ct PV 95946
Bonnie Lualler	11638 Linnet Ct PV 95946
Katherine Cavanaugh	19683 Valley Vista Way PV 95946
Thomas Ingersoll	10933 Woodchuck PV 95946
JULIE COX	8085 Towhee Ct. PV 95946
Jim Tallarico	13847 Ginger Loop, P.V, 95946
Joyanne K Congdon	19179 Swallow PV 95946
B.L.L.	349 Nile St. Nevada City, CA 95959
[illegible]	19758 ECHO BLUE DR, PENN VALLEY, 95946
Susan Allandee	19758 Echo Blue Dr, P.V. 95946
Kyra Myers	11735 Wildwood Ranch P.V. 95946
Barbara Ann Wells	18918 Dove Roost P.V. 95946
Josie Camp	21033 Wildwood Way 95946
Vickey Stahl	~~19757~~ 19757 Roadrunner Dr. 95946
Judith S. Packham	10311 Chaparral R'Rd. Penn Valley CA 95946
Katherine M Lewis	12879 Roadrunner Dr, Penn Valley 95946
Barbara Campbell	18145 Jaybird Dr. PV 95946
Taberne Lewis	19749 Wildflower P.V. 95946
Catherine Rader	18069 Fair Oaks R. PV 95946
James Barker	18560 Wildflower Dr PV 95946
Carol Battles	19422 Chaparral Circle Penn Valley 95946
Jan Sherman	18736 Hummingbird P.V. 95946

129-A
CONT'D

NAMES	ADDRESS
Piper, Paul	13534 Forest Park Circle ~~P.O. Box 518~~ PV.
Piper, Susan	13534 Forest Park Circle. PV
Benevento, Denise	14139 PeppERwood Dr. P.V.
Barbara, Byrne	19989 Echo Blue, P.V.
Dermit, William	13736 Good Country Dr. PV
Patrick Martin	14491 Lake Wildwood Dr. P.V.
Kevin Cameron	14659 Nutmeg Ct. P.V.
Jenna Woolford	19192 Willow Valley Dr. P.V.
Patricia L. Minch	10943 Northcote Place, Nevada City
Sally H. Knutson	11487 Deer Park Dr. Nevada City Ca.
Clover P. Jacobs	13125 Avian Pl. Nevada City Ca
Norma Q. Rochlen	13885 Lake Wildwood Dr. Penn Valley, Ca.
Orla F. Wesley	10760 Willowbrook Dr. PV. 95946
Steve Jeffery	14053 Jasmine Loop, PV 95946

CITIZENS AGAINST RUNAWAY REZONING IN PENN VALLEY

Penn Valley is a poor placement area for high-density housing for the following reasons:

- No jobs in Penn Valley
- No transportation to where jobs might be available
- Removes needed business zoning
- Sewage and water problems exist – Floods
- Added pollution to existing air problems
- Environmental strains on wildlife
- Impact on fire, police and public safety
- Who is the developer and will they have the obligation to legally perform

PLEASE SIGN BELOW IF YOU WANT TO PROTEST THE REZONING:

129-A CONT'D

NAME	ADDRESS
SUSAN CARR	14386 KNOB CONE - PV - CA 95946
Jill Claypoole	13625 A Spenceville Rd PV CA 95946
~~Scottie~~ Lewis	13625 Spenceville Rd P.V. CA 95946
Marian Murphy	11897 Rowan ct. PV 95746
Patricia Trask	18682 Indian Springs Rd.
Kristine Turner	19249 W. Ridge Dr. PV. 95946
Christine Hughes	19745 Chaparral Cir 95946
Dorothy McLennan	14351 Wilshire Ln G.V. also LW VL lot

129-A CONT'D

NAME	ADDRESS
Ann Leslie Bloom	20626 Hillsborough West Dr 95946
Margaret Wilkins	18996 Dexter Dr PV 95946
Ida Locke Reese	203 Robinson St. PO Box 396 Penn Valley, Ca 95946
Dorothy Sainsbury	18306 Indian Springs Rd, PV, Cal 95946
Lisa Fox	10346 Big Dog Rd Penn Valley 95946
Shari Daly	18861 Cozy Grove Ct 95946
Patricia Jongsma	12949 Thistle Loop, Penn Valley Ca 95946
Lyle Thorstad	10240 R&R Rd. R&R CA 95975
Cyndy	13675 R+R Hwy 95975
Barbara J Ferreira	18281 Majestic View 95947
Nancy Dorfner	11749 Waldo, Penn Valley
Alvin	PO BX 311 R+R 95975
Thomas R Chesta	17832 Padino Dr PV
Francesca Fanning	18089 Hummingbird Dr PV
Frank "	" "
Barbara Krellich	18198 Hummingbird Dr PV
Thomas Krellich	" " "
Mario Ferreira	18281 Majestic View PV
[illegible]	19371 Donovan Rd PV.
[illegible]	17586 Penn Valley DR.
Lucia Davidson	
Patricia Frase	18814 Old Point Ct
ARLENE O'CONNOR	12048 LAKEWILD DR, PENN VALLEY
JIM O'CONNOR	" " " Ct.

129-A CONT'D

NAME	ADDRESS
Sharon M Hanna	17845 Kenmore Ln Pville 95946
Sonya Kimball	14158 Pilot Peak Cane P.V. 95946
Marie Bushnell-Nash	13397 Spenceville Rd. P.V. 95946
David and Jackie Dawson	11252 CANYON VIEW CT. PV. 95946
Emily Hays	18549 Sisil Ln. PV 95946
Barbara J Brown	12988 Spenceville Rd P.V. 95946
Holley Jo Logan	21485 Banks Rd Big Oak Vly 95977
[illegible]	[illegible]
Judy Kysor	18030 Valley Dr. Rough & Ready CA 95975
[illegible]	[illegible]
[illegible]	[illegible]
Lucy Stellin	19972 Jayhawk Dr PV
[illegible]	19952 Jayhawk Dr
Duane Carter	15318 Indian Springs Rd.
Dani Fulton	" " " "
Terry Accuppo	14046 Laguna Ln. Grass Valley 95949
Steve Hanton	11310 Chanterelle Snc 95977
JOHN NIGHTINGALE	15650 PENDA R+R 95945
M Flores	14098 SUNFOREST LANE PV 95946
Janet Watson	13828 LAKE Dr., PV, 95946
Maureen Raford	Spenceville Rd 95946
Cynthia D Olivier	11050 Random Ct. 95977

	NAME	ADDRESS
129-A CONT'D	S Meadows	19527 Penn Valley Dr. P.V. 95946
	Jon Meadows	19527 Penn Valley Dr. P.V. 95946
	Nora Pearson	15591 Brandt Ln. Rough & Ready 95975
	Hazel H	1504 Horton P.V. 95946
	Anni Vinet	17207 Landing Ave Penn Valley 95946
	Dina Costas	13 Cassie Ann Lane, Penn Valley 95946
	Megan Mahuta	11 Cassie Ann Lane Penn Valley 95946
	Carol Mella	13108 MARINA DR, BIG OAK VALLEY, CA 95977
	Josh Irie	13032 THISTLE LOOP PENN VALLEY CA 95946
	Debbie Smith	19051 Swallow Wy Penn Vly Ca.
	Patricia Troxel	18904 Penn Vly Dr. Penn Valley Ca
	MARY ENGQUIST	10926 SHADOW HILL P.V. CA
	JESSICA SAVAGE	18390 OAK FLAT LN. PV CA 95946
	Anna Beaty	14389 Indian Spring Rd 95946
	Darlene Winkle	16910 Indian Springs Rd. 95946
	David Winkle	" " " "
	STEPHANIE JOHNSON	126 MAINHART DR GV. 95945
	Leigha Smith	#PO BOX 426 Ruth NV. 89813
	Michelle Tang	19219 Sisson Ct. PV 95945
	Carla Boone	17150 Ladino Ave., Penn Valley 95946
	Tonya Maya	14605 Clover Ridge Ln 95946
	Erin Maya	" "

129-A CONT'D

NAME	ADDRESS
Donna Miller	19178 Indian Springs P.V. 95946
Grace McFall	13949 Hemlock Dr. P.V.
Merryanne Robinson	18638 Siesta Dr. P.V. 95944
Ruth Rasmussen	18387 Easy St P.V 95946

Letter 129 – Petition from Citizens Against Runway Zoning in Penn Valley

Response 129-A This petition will be will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Letter 130

NEVADA COUNTY PLANNING COMMISSION
NEVADA COUNTY, CALIFORNIA

MINUTES of the meeting of October 10, 2013, 1:30 PM, Board Chambers, Eric Rood Administration Center, 950 Maidu Avenue, Nevada City, California

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MEMBERS PRESENT: Chair Poulter, Commissioners Duncan, Smith, Donesky and Jensen.

ABSENT MEMBERS: Commissioner Duncan arrived at 1:34 p.m.

STAFF PRESENT: Planning Director, Brian Foss; Principal Planner, Tyler Barrington; Senior Planner, Kimberly Hunter; Deputy County Counsel, Scott McLeran

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TABLE OF CONTENTS:

PUBLIC HEARINGS:

1. **U13-002; EIS13-002, MI13-016** Use Permit application by ***John Mayo***
2. **EIR12-002** Housing Element Rezone

STANDING ORDERS: Salute to the Flag - Roll Call - Corrections to Agenda.

CALL MEETING TO ORDER: The meeting was called to order at 1:30 P.M. Roll Call was taken.

CHANGES TO AGENDA: No changes.

PUBLIC COMMENT: Members of the public shall be allowed to address the Planning Commission on items not appearing on the agenda which are of interest to the public and are within the subject matter jurisdiction of the Planning Commission, provided that no action shall be taken unless otherwise authorized by Subdivision (6) of Section 54954.2 of the Government Code. **None.**

COMMISSION BUSINESS:

None

CONSENT ITEMS:

None

PUBLIC HEARING(S):

U13-002; EIS13-002, MI13-016 Use Permit application by ***John Mayo*** for an Equine and Canine rehabilitation facility and veterinary clinic as well as a commercial stable operation within an existing structure and including up to four classes per month and four special events per year. A Petition for Exception from Road Standards has been submitted requesting that Kneebone Ct be improved only to driveway standards. **LOCATION**: 19600 Kneebone Ct **APN(s):** 01-780-57 **RECOMMENDED ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration **PLANNER:** Amy Kesler-Wolfson, Assistant Planner

Amy Kesler-Wolfson, Assistant Planner presented the staff report.

Assistant Planner Amy Kesler-Wolfson presented the staff report. She noted that the project had previously been heard at the regular Planning Commission meeting held on July 25, 2013. She reviewed the project revisions requested by the applicant. Planner Wolfson projected the site plan on the overhead screen and noted there had been no changes to the site plan. She provided a review of revised conditions A.7, B.1, B.3, and the revised analysis. Planner Kesler-Wolfson reviewed staff's recommendation to adopt Mitigated Negative Declaration EIS13-002, and recommend approval of Petition for Exception to Roadway Standards MI13-016, and Use Permit 13-002 as amended.

Commissioner Smith asked for clarification regarding the 1,000-gallon tank requirement for each facility.

Planner Kesler-Wolfson explained that a 12-hour well yield test was required. The well yield test must perform at 9 gallons per minute. If it doesn't perform at that level the applicant would be required to provide a 1,000-gallon water storage tank for each facility served by the well. That would include the primary residence on the adjacent property, the equine/canine facility and the employee residence on the subject property. .

Commissioner Smith asked if that was an Environmental Health Department requirement.

Planner Barrington explained that this portion of the property is served by the well located on the adjacent property that also serves the residence and that was why the residence was included.

Planner Barrington introduced Randall Yun, Environmental Health Program Manager to address the water storage requirements.

Randall Yun explained that the requirements are standard for every home that is on a well. If the minimum yield is not met then storage capacity is required.

Commissioner Smith asked if there currently was no tank at that location because the house was built before the requirement.

Mr. Yun said the water requirements date back to the early 1990s.

Commissioner Smith referenced the staff report and noted that the original well at the time the house was built was 10-gallons per minute.

Mr. Yun said that was correct and it was for one structure. The well yield requirement is now increased to three structures. Every structure on the property is required to have a minimum of one gallon per minute. If the well yield is between 1-3 gallons per minute it means a 1,000-

gallon storage tank is required; if the yield is 3-gallons per minute or above storage tanks are not required.

Commissioner Smith asked if the yield test came in at 8-gallons per minute would it be possible for the veterinary clinic and Ag housing to share a storage tank.

Mr. Yun said they could drill a separate well on that parcel and not have to do a shared water supply with the neighboring parcel.

Commissioner Smith asked if it was possible for the veterinary clinic and the Ag housing to share a storage tank because the tanks are expensive.

Chair Poulter felt the Environmental Health requirement was favorable to the applicant.

Mr. Yun confirmed that when the well yield is less than 1-3 gallons per minute then it is required that each structure have their own water storage capacity.

Commissioner Donesky asked if it was an option for the applicant to use one 3,000 gallon centrally located storage tank.

Mr. Yun said absolutely as long as the minimum 1,000-gallons are met.

Chair Poulter asked Mr. Mayo if he had any comments regarding the water storage discussion.

Andy Cassano, representative for Mr. Mayo asked the Commission to drop this condition because he felt it had been based on faulty information. The well that serves the facility in the Use Permit was originally tested at 60-70 gallons per minute. The log at 10-gallons per minute is not the correct well. There is another well on the residential property that has a 10-gallon per minute well. The well serving the Use Permit area is on the adjoining parcel and it is addressed in the staff report that the well is located on a different piece of property. Mr. Cassano noted that thousands of feet of irrigation are served by that one well. He said there are not three facilities, there is only one facility an equestrian center with a caretakers cottage. The well yield is much higher than has been reported on which the condition was based. The well has been serving the project for years and there have been no water problems. Mr. Cassano said a 4-hour test is required per ordinance not a 12-hour test. Mr. Cassano reiterated his request that the condition be removed.

Commissioner Donesky asked if Mr. Cassano had a yield report on the 60+ gallons per minute well.

Mr. Cassano said there was an original well log report.

Chair Poulter said a current well log would be required.

Mr. Cassano voiced his concern regarding the cost of a yield test to prove something that has been working for a number of years.

Chair Poulter agreed that a 12-hour test seemed excessive and wasteful.

Commissioner Donesky asked if the 60+ gallon a minute well served both the house and the Veterinary/Equestrian site.

Mr. Cassano said it is serving the equestrian center and irrigation of the property but not the main house. The 10-gallon per minute well serves the primary residence.

Mr. Cassano asked that the Commission approve the applicant's requested changes.

Chair Poulter opened the public comment period at 1:48 p.m. there being no comments she closed the public comment period at 1:48 p.m.

Chair Poulter asked staff for clarification regarding the origin of the well yield conditions.

Planner Kesler-Wolfson said the revised project was routed to various departments including Environmental Health. Environmental Health provided the condition including the 12-hour well yield test.

Chair Poulter asked Program Manager Randall Yun if the statements provided by Mr. Cassano regarding the wells and facilities at the application site changed the approval conditions proposed by Environmental Health.

Mr. Yun said yes; receipt of the correct information regarding which well serves what facility would make a difference.

Commissioner Smith requested clarification regarding the number of people that could ride at one time and/or if the riders were counted separately from other customers.

Planner Kesler-Wolfson said the proposal by the applicant was intended to include 5 customers at any time to be accommodated by both the veterinary facility and the horse stable facility based on the four employees that would be present to accommodate them.

Mr. Cassano said the riders would be in addition to the 5 customers there to get service from the onsite staff.

Commissioner Smith said the word "customer" confused her because she didn't feel people there to ride were customers. Riders tend to own the horses so they are renters. She said if the riding people are not counted with the veterinary clinic customers that number would be fine.

Planner Kesler-Wolfson said she didn't believe it was clearly distinguished in the proposal by the applicant but did not feel there was an issue with having additional riders on site.

Commissioner Donesky asked if it would be appropriate to work on the language for clarification.

Commissioner Duncan agreed that some of the language wasn't adequate to support a functioning commercial boarding stable. Commissioner Duncan felt the focus was possibly to narrow. She noted that this project represents economic development in Nevada County and she didn't want this to be a template that limits their successful operation. The language needs to be clear and not so limiting to the applicant or future applicants.

Planner Barrington referenced hand written page 9 of the staff report and noted the project description (A.1.) that states up to 4 classes per month, offering riding or animal care education by one instructor for up to 12 students.

Commissioner Duncan expressed her concern that condition A.1. was too restrictive. Some stables may have 4-5 classes per day. She didn't feel the restriction would help them to succeed.

Planner Barrington explained the estimates had come from the applicant.

Commissioner Duncan suggested the class limitation be deleted.

Planner Barrington said that would change the project description requiring re-circulation of the environmental document.

Commissioner Duncan did not want to delay the application.

Commissioner Smith noted that the description states "classes" not lessons and lessons tend to be more private.

Commissioner Donesky suggested adding a sentence to A.1. stating "private lessons" are not included in the definition of classes.

Planner Kesler-Wolfson referenced page 2 of the staff report and noted that under classes and clinics, riding instruction is included as part of that definition. The intention is to include riding instruction as part of the classes and clinics.

Commissioner Smith said there was reference to horseshoeing classes, a horse care class; and a clinic with a guest speaker, which is not the same as a lesson. Individual, private, or semi-private lessons are the lifeblood of the trainer at the stable. She requested that lesson be excluded from the classes of horseshoeing and horse care.

Director Foss said the clarification that lessons, private lessons, or group lessons are not to be counted towards the overall 4 classes per month would not change any findings of the CEQA document or conditions of approval.

Commissioner Donesky referenced clarification regarding the wells and water issues and asked for suggestions for clarification without causing approval delays.

Mr. Cassano suggested deletion of Condition B.1.

Planner Barrington said staff would defer to Environmental Health and added that it sounded like there was a 60-gallon per minute well serving the commercial site so meeting this condition wouldn't be an issue. If the residence is on a separate well the provision of extra storage should be removed.

Commissioner Donesky agreed that the storage requirement could be removed from the residence.

Mr. Yun said current documentation of that well yield would eliminate the need for the condition.

Commissioner Donesky said given that this well is in operation would it be acceptable to open sprinkler heads totally and let it run for four hours instead of paying for an expensive well test.

Mr. Cassano noted that the condition had been written on the basis of 3 facilities but the well is serving only one facility. He said he had never heard of a 12-hour test requirement.

Commissioner Donesky asked Mr. Yun for clarification regarding a 4-hour test vs 12-hour test.

Mr. Yun said the requirement for a well that supplies water to the public could require a 3-hour to 72-hour yield test. He didn't write this condition and could only assume that EH staff had made a determination based on limited use of three facilities to reduce a 72-hour well yield test to a 12-hour test.

Commissioner Donesky asked for clarification regarding the calculations for commercial operations.

Mr. Yun said there is a different set of requirements for commercial. If the well is a high yield well and they can do a 4-hour test and show its producing 50 gallons per minute that would be more than adequate.

Commissioner Donesky asked if a 4-hour test at 12-gallons per minute would be acceptable for the equine/veterinary and caretakers cottage.

Mr. Yun said he would accept that minimum.

Mr. Cassano said it was difficult to accept any test requirement when the well had served the property for so many years. He agreed that a 4-hour test was better than a 12-hour test.

Commissioner Poulter asked Mr. Yun if he would have required that condition if he had known there were already two existing wells on the property.

Mr. Yun explained that EH would have asked for a current well yield report because it would have been viewed as a new use for the well that would serve the two facilities.

Commissioner Poulter asked Planner Kesler-Wolfson if the condition could be revised today to reflect the requirement changes.

After a brief discussion between Chair Poulter and Mr. Yun, Planner Kesler-Wolfson read the following revised Environmental Health condition B.1.into the record: Prior to building permit release, the applicant shall perform a 4-hour well yield test on the shared project well located on APN: 01-178-58 to determine if the well yield meets minimum requirements for each of the two facilities, the employee residence and the equine / canine facility that the well would serve. If the well yield is less than 6-gallons per minute then a water storage tank will be required at each facility. The minimum storage tank size is 1,000 gallons. Alternatively, the applicant may choose to drill a new Class II well on the parcel that serves the employee residence and the equine / canine facility.

Commissioner Smith asked for clarification on the definition of facilities stating that the residence was not a facility.

Planner Barrington explained that in this case facility means (in EH terms) the caretakers cottage/employee quarters and the equine/veterinary barn-riding arena.

Commissioner Smith noted that the veterinary use is considered to be agricultural support and felt both uses were agricultural support.

Planner Barrington advised that potable water would be needed at the caretaker's cottage and the equine/canine facility.

Commissioner Donesky felt it was fortunate that in this case there is sufficient water. He complimented Mr. Yun for working with the Commission based on someone else's work.

Commissioner Duncan said in follow up to Commissioner Smith's statement about the definition of facilities, she viewed the caretaker's cottage as a support operation to the equine/canine facility. She felt it punitive to classify this as two facilities.

Planner Barrington said it is a support facility, it is residential, and requires potable water.

Commissioner Duncan asked if the condition had been required by Environmental Health.

Planner Barrington said it was assumed the third facility (the existing residence) was served by the same well. It could be treated as one facility and it would still have the same requirements.

Commissioner Duncan said her concern was the investment to support them as separate facilities.

Commissioner Donesky said the residence could only be occupied by an employee and if the veterinary office closed, the residence could not be occupied under the proposed Conditional Use Permit. If the commercial side closed and they were allowed to put a renter in the home then it sounds separate enough to be two facilities.

Planner Barrington said that option is available with the appropriate permits to be lived in on a permanent basis and not as a part of the overall commercial use.

Planner Kesler-Wolfson advised that Environmental Health condition B.8. requires that a restrictive covenant be filed with the County Recorder essentially stating that it must be part of the equine/canine facility.

Planner Kesler-Wolfson read the revised language for Condition A.1. as follows: this Use Permit approval (U13-002) authorizes a canine and equine facility including the following uses: daily operations for a commercial stable accommodating up to 12 horses and a veterinary facility with four staff members accommodating up to five customers at a time, up to 4 classes per month offering riding or animal care education by one instructor for up to 12 students not including private and group lessons, and up to four special events per year. Special events may include up to 120 guests with their pets and may include vendors and caters and are limited to Saturdays and Sundays. Hours of operation for the various uses are as follows in the table.

Mr. Cassano felt the verbiage may be construed to mean that there cannot be private and group lessons. He suggested a change to no limit on private and group lessons.

Planner Kesler-Wolfson changed the condition to read "unlimited" private and group lessons.

Commissioner Donesky noted the reference to 5 customers should not include boarders or veterinary customers.

Commissioner Duncan felt boarders were a different category and should not be included.

Commissioner Donesky asked for a five-minute break to work on revised language for condition A.1.

Planner Kesler-Wolfson read the following revised language into the record: This Use Permit approval (U13-002) authorizes a canine and equine facility including the following uses: a) daily operations for a commercial stable accommodating up to 12 horses and the people who own, ride and use them including unlimited private and group lessons; b) a veterinary facility with four staff members accommodating up to five customers at a time; c) up to 4 classes per month offering riding or animal care education by one instructor for up to twelve students; and d) up to four special events per year. Special events may include up to 120-guests with their pets and may include vendors and caterers and are limited to Saturdays or Sundays. Hours of operation for the various uses are as follows:

Motion by Commissioner Donesky, **Second** by Commissioner Jensen that the Planning Commission after reviewing and considering the proposed Mitigated Negative Declaration (EIS13-002) adopt the proposed Mitigated Negative Declaration pursuant to Section 15074 of the California Environmental Quality Act Guidelines, making the following findings A through C

Motion carried on a roll call vote 5/0

Motion by Commissioner Donesky, **Second** by Commissioner Jensen to approve the Petition for Exception to Roadway Standards (MI13-016), making the following findings pursuant to Section L-XVII 3.12 and L-IV 2.6 of the Nevada County Land Use and Development Code: A through F

Motion carried on a roll call vote 5/0

Motion by Commissioner Donesky, **Second** by Commissioner Jensen to approve the proposed Use Permit (U13-002) subject to the attached Conditions of Approval shown in Attachment 1, as modified at the public hearing, making the following findings pursuant to Sections L-II 5.6.G and L-II 5.5.2.C of the Nevada County Land Use and Development Code A through L.

Motion carried on a roll call vote 5/0

Chair Poulter announced the 10- day appeal period

EIR12-002 Public hearing to accept comments on the adequacy of the Draft Environmental Impact Report for that project known as ***Housing Element Rezone Program Implementation*** project. The project proposes changing the General Land Use and Zoning Designation for 18 selected properties to Urban High Density/high density residential zoning (UHD/R3) and adding the Regional Housing Need (RH) Combing District (LUDC Sec. L-II 2.7.11) to accommodate the future development of high density housing, as mandated by the State Department of Housing and Community Development. Grass Valley SOI: Site 1: 07-380-17; Site 2: 29-350-12; Site 3: 35-412-15; Site 4: 35-412-17; Site 5: 35-412-18; Site 6: 35-412-19; Site 7: 35-412-21; Site 8: 35-550-15 & 35-412-20; and Site 9: 35-412-16. Penn Valley Area: Site 10: 51-120-06; Site 11: 51-150-29; Site 12: 51-151-62; Site 13: 51-370-02. Lake of the Pines Area: Site 14: 57-141-29; Site 15: 57-270-02; Site 16: 57-270-03; Site 17: 57-270-06; and Site 18: 11-181-03. No project action will be taken at this hearing.
PLANNER: Tyler Barrington, Principal Planner

Principal Planner Tyler Barrington explained that the public hearing was being held to take public comment on the Draft Environmental Impact Report for the Rezone program that was part of the 2009-2014 Housing Element. He said the County had identified 18 candidate sites for review. These sites were presented to the Planning Commission with the adoption of the Housing Element in 2010. He introduced Alex Jewell, Project Manager for RBF Consulting that prepared the Draft Environmental Impact Report (EIR) and would provide the presentation on the Draft EIR.

Alex Jewell said his firm was hired by the County to prepare the EIR for the Housing Element Rezone program. He said the purpose of this hearing was to provide information to the Commission and to the public on the project, answer any questions regarding the project, and take comments from the public on the Draft EIR. Mr. Jewell said the public review period for the EIR was September 12, 2013 through November 12, 2013. The County elected to have a 60-

day review period instead of the normal 45-day review period to allow extra time for comments. Mr. Jewell provided a brief background of the project that included the adoption of the Housing Element in 2010 that included as part of that process the identification of a deficiency in R-3 zoning within the County. Mr. Jewell said in order to meet State law requirements the County needs to add additional areas zoned to allow a minimum 16 dwelling units per acre to afford a range of housing opportunities within the County. The properties that are zoned R-3 would be required to allow development by right. The deficiency identified was 1,270 housing units under the R-3 zone. The County created the RH Overlay District which was approved in September 2011. Mr. Jewell said a site analysis report was prepared before the EIR process was started. The thirty-nine sites that were originally identified as having the best potential for this program were narrowed down to 18 sites. The site analysis report looked at 34 different criteria to determine if the 18 sites selected could provide enough units to satisfy the 1,270-unit deficiency. The process was completed and it was determined that the 18 sites could support the minimum number of units. As part of the EIR process seven project objectives were identified. Those objectives are an important component of the EIR because they frame how the Commission will evaluate the sites and ultimately the selected sites support your primary objectives for the project. The sites would need to be rezoned, be large enough to get the feasible number of units on the site, make development on the site feasible, with proximity to community services, commercial areas, and public transportation. An important component required by the Board of Supervisors was that the property owners consent to being part of this program and not include property owners that were not consenting. Mr. Jewell identified the locations of the 18 sites chosen.

A regional map was projected on the overhead screen that identified the Grass Valley, Penn Valley, and Lake of the Pines area sites. The property owner of the San Juan site did not want to participate in the program. He said these sites would be allowed by right to build. With a building permit, they could build within the building envelope designated for each site and this EIR would cover all environmental impacts associated with the development. For an example, he projected a site on the overhead screen that identified the building envelope, the environmentally sensitive areas on the site, as well as the mitigation measures. As part of the EIR process, a number of technical studies, biological resources, cultural resources, geotechnical constraints, traffic impact analysis, air quality, greenhouse gas and noise studies were prepared. Most of the environmental impacts were mitigated to less than significant. There also were significant impacts and unavoidable impacts. The projects that are within the city sphere of influence do have a conflict with city density plans. Mitigation measures were identified and worked out with the City of Grass Valley. If those policy agreements do come into effect the County does not have any jurisdiction over the agreements. Public services are a similar situation including sewer. The County has identified contributions that could be made but the County does not have control over when the improvements would be made. The population would be increased over what the city has in their General Plan and the only feasible mitigation would be for the City to change its General Plan, but the County cannot force the City to do this. It is more of an implementing mechanism vs impacts so severe they couldn't be mitigated. A conservative approach from a CEQA perspective is to provide the County with the most defensible EIR possible. Mr. Jewell said the 60-day public review period had begun and would continue through mid-November. Once all the comments are submitted from the public, staff would respond to those comments and prepare the Final EIR. That Final EIR would return to the Commission for comments and a recommendation before going to the Board of Supervisors for a decision. Mr. Jewell said staff would take verbal and written comments at this hearing. He said there were comment forms located next to the dais and they were welcome to submit their comments today. He said there was also a sign-up sheet to be notified of upcoming meetings.

He said there would be future opportunities for the public to comment at upcoming Planning Commission and/or Board of Supervisors hearings. There are three upcoming community meetings to provide more information to the public on the project in each of the areas where the proposed units are located; Grass Valley, October 24; Lake of the Pines, October 28; and Penn Valley, October 29. He said contact information was included on the comment forms located next to the dais.

Commissioner Jensen noted that the word "project" was used a lot in the description of today's proceedings. He asked if the 18 parcels identified would all be rezoned at the conclusion of this project.

Planner Barrington said the intent of the EIR is to look at the 18 different sites and determine whether they are feasible. At the end of the day staff hoped to come up with a recommendation to the Planning Commission on which of those 18 sites are the best sites for rezone. He said technically not all 18 sites have to be rezoned. The County is currently looking at 150 total acres to meet the required number of units (1,270). The unit requirement could be met with approximately 64 to 85 acres however from a planning perspective staff would like to see a little more than the 85 acres if possible.

Commissioner Jensen asked if the adjacent property owners (within 300 ft.) had been notified.

Planner Barrington said staff went beyond the 300 ft. notification requirement and notified everyone within 500 ft. of the Notice of Availability, for the meeting today, and staff would send a subsequent notices for the upcoming community meetings.

Commissioner Jensen asked if all 18 sites needed to pay a traffic mitigation fees for the traffic the project would add to the Idaho Maryland Road (traffic circulation 2-9).

Planner Barrington said the intent is that each mitigation measure assigned to a site that is ultimately rezoned site would have to pay for mitigating their local and regional impacts. If the site were on Brunswick, they would pay their fair share to mitigate the impacts to Idaho Maryland and Brunswick. If the Lake of the Pines site gets rezoned then they would have to pay their fair share for their localized impacts as well as the regional fee. The regional fee applies to all of the, County the local fee applies to the local roads. Sites that are located on Brunswick would not be paying mitigation for impacts in Lake of the Pines.

Commissioner Jensen felt the word "project" should not be used. The site number should be used to identify the parcel such as site number XYZ would affect Idaho Maryland Road therefore they would pay a fee.

Commissioner Duncan said to clarify what we are doing today the "1200+ number" that staff noted is provided by the State Housing and Community Development. The task the County has in order to have the Housing Element approved is that the County has to make a specific number of sites available so that number could be accomplished. But it does not mean that number would be accomplished within a certain time period.

Planner Barrington said the County's charge is to identify suitable sites that have appropriate zoning that could meet those unit counts. It does not mandate that the County build these units or that the units are built. It is the private developer that would dictate when the sites would be developed.

Commissioner Duncan said the stick held over the County's head is that if we don't have a Housing Element the County runs the risk of being sued or the withholding of grant funds the County needs for activities they wish to accomplish. She felt it was an important distinction to

make, it does not mean there are developers waiting in the wings to pick up on these sites. It is an attempt by the County in good faith to meet the goals set by the State in order to reap the benefits.

Planner Barrington said that Commissioner Duncan was correct.

Commissioner Smith said the State is requiring 1,275 units and felt a total of 3,000 units could be created from those parcels.

Planner Barrington said as Mr. Jewell mentioned the County is trying to take a conservative approach so staff looked at 18 sites with the maximum build-out. The analysis is based on the worst-case scenario. In order for the County to meet its Housing Element requirement, adequate zoning is required for 1,270 units. That is the baseline, however staff does anticipate that if some of the sites in the Grass Valley sphere of influence are annexed those sites are no longer suitable and available so we would like to error on the side of caution and provide the County with a buffer so that five years from now we are not going back through this process.

Commissioner Smith said she seemed to recall that once those sites are annexed into Grass Valley the sites no longer count towards the County's Regional Housing.

Planner Barrington said Commissioner Smith was correct they no longer count toward the County. The City and the County would have to come to a reasonable mutually acceptable agreement to transfer the units; similar to the process that went forward with Loma Rica Ranch annexation.

Commissioner Smith asked if any comments were received from the City of Grass Valley when staff proposed to go forward with this project.

Planner Barrington said yes, they are incorporated in the Notice of Preparation. The City of Grass Valley did provide us with comments which are included in the EIR.

Mr. Jewell said they are included in appendix A (located on the CD) as part of the Notice of Preparation. Those are the written comments that were received from Grass Valley.

Commissioner Smith said going forward with this Draft EIR there are a lot of significant and unavoidable impacts that would require Statements of Overriding Consideration. Commissioner Smith voiced her concern that the Commission would be adopting 10 Statements of Overriding Consideration and there are a lot of significant and unavoidable impacts. She asked if it was correct that these sites were going to be developed by right, and all mitigation measures, traffic mitigation, wastewater mitigation, and all the environmental review would be taken care by this EIR. She asked if it was correct that whoever wants to come in and develop those sites would only be required to come in for a building permit.

Planner Barrington said that in general Commissioner Smith was correct. During the rezone process it is our intent to create an implementation guide that outlines each site and details the development criteria that needs to be met prior to development occurring. Once those criteria are met, once mitigation measures are in place, they could come in and get a building permit. There is a caveat in the RH Overlay District that does allow for Design Review before the Commission ensuring that the buildings meet the Western Nevada County Design Guidelines. The State requirement is that if the County has an unmet need, which has been identified, when we rezone sites that 16 units minimum per acre must be allowed to develop without further discretionary action (no Use Permit). Basically, a Use Permit is being allowed for each of these sites without knowing exactly what the project is at that time. Staff is doing their best to anticipate the maximum build out for each site and the appropriate mitigation for each of those projects.

Commissioner Smith said you know in advance that the ones in the sphere of influence of Grass Valley are not going to count towards our Regional Housing need.

Planner Barrington said that goes back to a mutually acceptable agreement with the City of Grass Valley. Our General Plan does direct growth such as this high-density growth towards the Community Regions.

Commissioner Smith noted that it also requires that the Nevada County General Plan Land Use will reflect the City/Towns General Plan Land Use mapping in some instances the County may provide for less intensive land use due to infrastructure incompatibility. She felt that developing at a density higher than what Grass Valley has proposed is inconsistent with our General Plan.

Planner Barrington said hence the unavoidable impact in that area.

Commissioner Smith said staff had done an excellent job on the EIR however; she had great concerns regarding the impacts of the project. She asked if there was any way the sites within the sphere of influence could be avoided.

Planner Barrington said that was within the purview of the Commission to make a recommendation to the Board by identifying the most suitable sites.

Commissioner Duncan noted that not all of these sites might be approved some may be deleted.

Commissioner Smith asked if they would be deleted from the EIR.

Commissioner Duncan said they would be deleted from the proposed rezones.

Commissioner Smith said there is nothing to tell us if any of the parcels are really inappropriate. She said she realizes the corner staff is in but she was surprised to see so many significant and unavoidable impacts and noted all the properties that are located off of Town Talk. That would be an enormous number of cars driving down that street and then of course it's within the Grass Valley sphere of influence. Commissioner Smith suggested something be worked out so the developer would actually have to pay for all of the street improvements.

Chair Poulter stated her concern that the focus was straying towards individual projects instead of the Draft EIR.

Commissioner Donesky said some of the folks in the community are remembering the 1995 General Plan that had a lot of emphasis placed on a population cap in the County. He asked if staff was doing any kind of updated analysis as to whether changes should be made to stay within the 1995 General Plan population cap or whether exceeding that number by 3,000 units or 1,200 units would be a significant environmental impact.

Mr. Jewell said as part of the EIR analysis staff did look at the 1995 General Plan gross projections for Nevada County, added those units into that number, and found that it did not exceed the population projection of the General Plan.

Commissioner Donesky said the projections were on a graph (high, medium, and low) and there was also a cap. He asked if the cap had been looked at as well as the projections and the trajectory.

Planner Barrington said there was a discussion in the EIR but they would also take another look at the numbers.

Chair Poulter opened the public comment period at 3:05 p.m.

Ed James said he is part of the Penn Valley Chamber of Commerce Board of Directors. As such the comments he was making were basically representing the Chamber of Commerce. He said they are very concerned about what is being proposed. They have reviewed some of the material; they have not reviewed the EIR. He said the EIR is lengthy and expensive. They need additional time to thoroughly review the document and come up with what they think is a more viable approach than what is being proposed here. Mr. James said they are asking for and have asked for a continuance by letter to the Planning Director (probably the wrong action). He said what they are really asking for is an extended study period. They would like to see the study period extended 3-4 weeks beyond what is being called for now. Mr. James said they don't have staff or paid staff to review this, this is all being done by volunteers. One of their major concerns is that they don't believe a study that was prepared and adopted by the Board of Supervisors (BOS) on what the economic growth ought to be for Penn Valley was not considered in this document. This study (an agreement with ERC at that time and the Board of Supervisors) utilized a consultant and a study was paid for by (he believed) CDBG funds that basically came up with a more economic approach as to what ought to happen in the Village Center area of Penn Valley. When the study was completed, it was approved and adopted. We have an approved adopted policy right now, ahead of what is being proposed here (that the Board of Supervisors approved) which basically lays out what the Board of Supervisors thinks is the best thing to happen. It was not a shallow study it was a very extensive study. It looked at retail market analysis, demographic analysis, economic goals and objectives, and there's an action plan. There was a spot study that looked at the strengths, weaknesses, the opportunities, threats to the area, a very extensive study that basically stated what this area needs and the very parcels you have identified in this EIR should be commercial, retail, and business. That is what makes sense in the Village Center not high-density low cost housing. He was glad to hear from some of the Commissioners that economic development is an important objective for them. It's an important objective for Penn Valley and the Chamber of Commerce. He said that in other words the BOS at that time set a direction for the Village Center in Penn Valley, what the BOS wanted to see occurring in Penn Valley. Once you rezone these parcels those opportunities are lost they just go up in the ozone and disappear. No one is going to come back and try to go through this process again. If you rezone those sites to housing great opportunities for retail businesses, Business Park, or whatever are gone. It is the opinion of the Chamber of Commerce at this point that the EIR is flawed because it does not address what was adopted back in that time frame. This looks to him (he has been through this before in another city) like a numbers game. Let's go find vacant property that we can rezone to R-3 or R-4 whatever you are looking for and we can make the numbers. This is more than a numbers game and yes, there may be mitigating factors but the overall factor that cannot be mitigated is once you zone this property inappropriately all the appropriate opportunities are lost. R-3 low cost housing in their mind is not appropriate in a very rural area. R-3 high-density low cost housing should be near population centers or transportation hubs. These folks that are low cost housing, living with families and kids need transportation they need a lot of services not available to them out in Penn Valley. He said they have a number of other concerns that he would not go into today because they need more time to put their thoughts and strategy together. Mr. James said he hoped the Commission would take these comments into consideration as they continue through the process. He hoped they would grant the Chamber of Commerce a 30-day extension and hoped they would take very seriously what this study (The Penn Valley Village Focus Economic Development Study) planned. The plan should hold true from now until the economy picks up and they have opportunities come before them. The County needs economic development, Penn Valley needs it, and he thinks what is being proposed here is anti-economic development.

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Frederick Morrill said he is part of the Lake of the Pines proposal. He asked if proposed site 17 (the environmentally sensitive area) could be put up on the overhead screen.

Mr. Jewell said he did not have site #17 but he did have the Lake of the Pines graphic.

Mr. Morrill said that would be fine. He just wanted to mention that he did submit written objections about a week ago. Mr. Morrill said he hoped he wasn't repeating himself but was not sure everyone had read his comments. Proposed site #17 is a very small acreage (2.36 acres) and he lives immediately adjacent (south) of that property. He has lived there for about 4 ½ years and he is not a biologist or an environmentalist but from his own layperson perspective, it is a very environmentally sensitive area. Mr. Morrill said the County is proposing to build on a site where a creek runs through the middle of the property, a pretty good size creek that floods every spring, and it supports a lot of wildlife that he has observed over the years. Some of the wildlife he has observed are raptors laying eggs and hatching their young every spring, owls (all year long it seems to be a residence for them), wild turkeys, ducks, geese, hummingbirds to name a few. It is teeming with wildlife. It is a highly wooded area so thick it's almost impossible to walk through. There are quite a few old oak trees, fallen oak trees that's where the owls live. A lot of the oak trees have numbers on them; he isn't sure what it means maybe something in the environmental department. All the oak trees have been tagged and numbered. He said he was concerned about the impact on wildlife and the biological effects. He said there is some housing development immediately northwest of this area, a huge housing project going up right now (40-50 homes). He thinks this area already has a pretty good impact on building and population. He didn't think it was feasible to build approximately 37 units on this one little piece of land. Plus if you look at the land, something like 80% of that land has been marked as an environmentally sensitive area. The only area they are proposing to build on is the western and southern edges of this property. Unfortunately the southern edges of this property where they are planning on building densely (dense housing) is about 80 feet from his bedroom window. He said he hoped he was not being selfish everyone has a right to housing regardless of their income or their status but when he bought this property 4 years ago it was zoned as a single housing area. If he knew it was going to be something like this he would never have purchased this house. All of the sudden now someone is proposing to build low to very low income housing about 80 ft. from his bedroom window, from his porch, from his living room window. He didn't think if the Commission were in his situation, they would be happy. Mr. Morrill said he is not happy with the situation, wanted to voice his opinion, and wanted his opinion to be heard. He said his main concerns are the biological impacts and he did not expect such a thing to happen where he lives. Mr. Morrill noted that Chair Poulter had mentioned a win-win situation for everyone earlier and he felt this was a win situation for the builder and the people proposing this but not a win-win situation for him. He knows as a private citizen he has only so much voice, so much power, he pays his taxes on time, and thinks he does a pretty good job of it, and hoped that when the County comes to making this decision some of the things he has said would be taken into consideration.

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Brent Dickinson said he was a neighbor of Mr. Morrill. He said lot 16 is immediately adjacent to his property off the southwest corner. Mr. Dickinson said he believed lot 16 already has a sewage treatment facility that may need to be relocated because it would negatively impact the ability to treat the sewage and wastewater of that area. It is his understanding that the sewage system is already stressed. Mr. Dickinson said he drives by the other facility that is on Riata and he sees and hears the one on lot 16 from his house. He said most of you don't live next to one of these. He is just another private citizen voicing his displeasure. Most of us move out to these rural areas to not have 30, 40, 50, 60 people within arms-reach of our side windows. Mr. Dickinson said he grew up in Auburn and has lived on 10 acres most of his life and he knows what it's like not to have a house that's 2-ft away. He doesn't want a house or 30 houses 2 feet away (an exaggeration he knows) but that's how it feels. He does not like it one bit. Another concern is where the access would be located for these properties. The Higgins Market Place sounds like it has been approved to move forward, a shopping retail area just down the hill from his property. Now he is being hemmed in on two sides and that's where his well is located. He

130-N

130-O

is looking at a way to get water again. NID does not come within a half mile of his house. He asked if he would have to get rid of his well and have water trucked in because of all the development around his house. Mr. Dickinson said he didn't feel any of the Commissioners would accept that as a good solution. He felt they would look at this negatively also. Mr. Dickinson said he understands this is preliminary but felt he should say something now and voice his displeasure. 130-P

Linda Haldane said she owns Haldane computers and owns the commercial property immediately to the west of site #1. She asked how many units were being proposed for approval on site #1.

Planner Barrington said he believed site #1 was approximately one acre so the EIR is looking at around 16 units.

Ms. Haldane said both of those properties were zoned commercial before they were rezoned in 1995. Her building was built in the late 1980's as a commercial building and then it was down zoned along with the adjacent property to Office Professional. She said her building is totally inappropriate for Office Professional and it has been extremely hard for her to get a tenant for the other part of her building. She recently acquired another tenant that was grandfathered in by the prior use of that building. He already told her that if this rezone were approved he would give her notice because that type of housing tends to go downhill very quickly. The ultra-high density and very low income tends to lose value and cause a lot of problems. Ms. Haldane said she was very sad to see that type of thing considered for approval across from our fairgrounds and certainly next door to her business. She saw it as a threat. One of the reasons for the down zoning in the previous General Plan was for traffic impacts. Ms. Haldane felt 16 units would cause more traffic impacts than the Office Professional as it's currently zoned or for Commercial as previously zoned. Ms. Haldane said she wanted to go on record as being opposed to the rezone because of traffic and safety issues. She has to leave her business at night often after dark and having what she sees as undesirable neighbors makes it very uncomfortable for her. 130-Q 130-R

Bob Winters said this is all new to him but he noticed in the presentation that the Planners made, the bullet points stated increased high density housing opportunities and there would be many residents in Penn Valley that do not want more high density housing including the sheriff. 130-S

Mike Mastronado said he is a member of the Penn Valley Chamber of Commerce and Manager of the Penn Valley Mini Storage which is located adjacent to the Penn Valley properties (sites 10 and 11 and the back of parcel 13). He said there was an indication in one of the studies that went above and beyond the 16 units per acre requirement and mentioned something about higher density bonuses. He asked for clarification regarding the bonuses. It sounded to him like there would be bonuses available to developers if they increased that density. 130-T

Planner Barrington said he didn't know the particular section referenced by Mr. Mastronado. The zoning code does provide for density bonuses when certain provisions are met in terms of housing development. Provision of low and affordable housing, housing for senior citizens, also the sphere of influence does allow for up to 20 units per acre. Currently outside of the sphere of influence 15 units per acre and we are looking at 16 minimum.

Mr. Mastronado said the density could be higher than 16.

Planner Barrington said the requirement for the County is to look at allowing a minimum 16 units per acre. There are code provisions to allow for bonus density (approximately 25%) depending on what type of development is proposed.

Chair Poulter said the proposal is still unknown.

Frederick Morrill said site #17 is only 2.36 acres most of it has been crossed off and the area they're proposing to build on as he mentioned before is directly to the west and directly to the south of the property. What the County is proposing to build on is less than an acre and they are proposing to build approximately 37 units on less than an acre. He said if 1-4 people live in those units that would be close to 200-250 people living on less than a one-acre plot. 130-U

Planner Barrington said Mr. Morrill was correct regarding the approximate acreage of the site the buildable area identified is approximately an acre. Part of the rezone process and part of the RH Overlay requires the County to come up with an aggregate density that is allowed on the site meaning that the environmentally sensitive areas and the areas that are public right-of-ways would be subtracted in order to determine an appropriate holding capacity for each of the sites. The EIR does look at the worst-case scenario of what the maximum units would be. So there is a little overstatement of how many units can actually be built on each of these sites. That would be determined as the County moves forward with potential rezoning.

Chair Poulter asked Planner Barrington if Mr. Morrill had read something that referenced the number 37.

Planner Barrington said yes.

Mr. Morrill said he believes anyone has the right to build on their own property and he expected a house, or maybe two houses but 37 units on a one-acre plot 80 feet from him was something he could not foresee.

Chair Poulter closed the public comment period.

Commissioner Donesky said it was interesting that before the public hearing we heard about sites in the sphere of influence and at the public hearing we mostly heard about sites that were outside the sphere of influence and he felt the sphere of influence sites need to be considered if the County is going to meet State law. The County obviously needs to talk to Grass Valley very seriously to make sure that if they annex those sites they take responsibility for those units that go along with those sites. Looking seriously at those sites in the first instance is the start of that process.

Commissioner Duncan confirmed that in designating the higher density units it was not high density affordable or low income its just high-density units.

Planner Barrington said the State mandate is for high density not affordable.

Commissioner Duncan said it is conceivable due to demographics (an aging population) that some of these could be senior projects not necessarily affordable. For some of those residents that are living next to affordable projects that have not been great neighbors she hears their pain but it does not necessarily mean that all these sites are slated for affordable development. She knows in District 2, looking at site #16 that was part of the Higgins Place project and was looked at as high density. She asked if it was currently designated as high density.

Planner Barrington said it has a Planned Development designation with a set number of units assigned so that in some point and time it has potential to develop with a high density.

Commissioner Duncan noted that it was also contingent upon services being available to that site because right now the septic system that is in place is only for the existing businesses.

Planner Barrington added that all the sites are contingent upon services being in place; development would require sewer and public water.

Commissioner Duncan said the Cascade Crossing had been designated higher density but was given up for single family and could have alleviated some of the pain being felt now in trying to come up with appropriate sites. To the extent possible, these are the best candidates. Staff is not necessarily wild about them all as potential sites.

Planner Barrington said that was correct and they also had been tasked with finding willing property owners. Spreading out the sites significantly was reduced because some of those property owners decided they weren't interested in high-density housing.

Chair Poulter said the outstanding comment for her was the Penn Valley folks wanting to extend the review period. She said the review period had already been doubled.

Planner Barrington said it is already two weeks longer than the typical CEQA review period. There is still another 33 days before the public comment period is over.

Commissioner Donesky said he understood there were other deadlines and we want to move this expeditiously. He asked if there were deadlines where another 14 days would trip a problem for us as a County.

Planner Barrington said the primary deadline is the that Housing Element is due to the State in June 2014. If the County does not execute the State mandated program, we run the risk of not being certified. That is why we are trying to move this along. He noted that this process did begin in November of 2011 when we first entered into a contract with the consultant. It has been a lengthy process from staff's standpoint and we would like to keep the CEQA time frames as they are however if the Commission feels that another two weeks is warranted then staff could deal with that.

Chair Poulter said she did not feel it was warranted.

Commissioner Duncan said she felt the question is would another two weeks bump up against the submission deadline. Would this impact that date so you could not meet those target dates.

Planner Barrington said potentially yes.

Commissioner Smith said you have identified more sites than are necessary, you are doing a parcel specific review for by-right building at which point and by whom will a decision be made that perhaps some of these parcels or options are inappropriate.

Planner Barrington said obviously staff would take public comment and review each of the sites. It is the hope of staff to come up with an appropriate recommendation for the Planning Commission prior to rezoning the most suitable sites. There is also a section in the EIR that looks at different alternatives, a reduced number of sites, so it would be the intention of staff to bring adequate numbers of acreage to the Planning Commission as a recommendation and the Planning Commission could weigh staff's recommendation and provide the BOS with sites the Commission feels is the most appropriate.

Commissioner Smith said as part of the EIR review process or part of the rezoning.

Planner Barrington said as part of the rezoning and as part of the certification of the EIR.

Commissioner Smith confirmed that the Commission could state that the environmentally superior alternative is whatever and that would cross off some of these parcels.

Planner Barrington said that was definitely the purview of the Commission.

Chair Poulter asked if this concluded this part of the process or was a motion required.

Planner Barrington said we have taken public comments and made notes.

Commissioner Jensen asked if it was necessary to leave public comment open.

Planner Barrington said future meetings would be re-noticed so the public comment could be closed.

Director Foss said the only action would be to direct staff to respond to the comments received today.

Motion by Commissioner Donesky and **Second** by Commissioner Jensen to direct staff to respond to the comments received.
Motion carried on a roll call vote 5/0

1. **Discussion of upcoming Planning Commission meetings**
   - Evening public meeting to discuss the Land Use Element changes (Tentative date October 22, 2013 at the Miners Foundry)
   - October 24, 2013 Planning Commission meeting – Draft Land Use Element changes
   - November 14, 2013 (Camp Augusta Tentative Date)
   - Cancellation of November 07, 2013 Special Meeting

2. **Announcements (Informational Items Only)**
   Commission and staff members may make brief announcements or report on activities. Commission members may also provide a reference to staff or other resources for factual information, request staff to report back to the Commission at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

Motion by Commissioner Duncan, **Second** by Commissioner Jensen to adjourn.
Motion carried on a voice vote 5/0.

There being no further business to come before the Commission, the meeting was adjourned at 3:42 p.m. to the next meeting to be held on November 14, 2013, in the Board of Supervisors Chambers, 950 Maidu Avenue, Nevada City.

Passed and adopted this XXX day of XXX, 2013.

_____

Brian Foss, Ex-Officio Secretary

930
931
932
933

Letter 130 – Planning Commission Hearing, October 10, 2013

Response 130-A: The County Planning Commission considered the request to extend the public review period and decided that the public review period would close as scheduled on November 12, 2013. The public comment on the Draft EIR was for 60 days which exceeds the standard 45-day review period required by CEQA and County Policy.

Response 130-B: Please see Response 9-B regarding the Penn Valley Village Focused Economic Development Study.

Response 130-C Please see Response 9-B and Master Response #3.

Response 130-D Please see Master Response #3.

Response 130-E Please see Master Responses #1 and #3. Please see response 10-A and 10-H.

Response 130-F Please see Master Response #6. Please see Responses 22-F and 22-G and Response 10-II.

Response 130-G Please see Responses 130-A and 130-B.

Response 130-H Mr. Morrill's letter is included as Letter 21.

Response 130-I Please see Response 21-A.

Response 130-J Please see Response 21-A.

Response 130-K Mitigation Measure 4.4-5 requires the developer of Site 17 to prepare an oak woodland management plan for the protection of sensitive oak woodlands onsite. Please see Response 26-D.

Response 130-L The County concurs that approximately 75% of the site has been identified as Environmentally Sensitive Area. Please see Master Response #8 regarding the number of units on the site. With regards to development on the site, the Regional Housing Need (RH) Combining District requires the following: "Development proposes shall undergo a Design Review process and public hearing at the Planning Commission limited to design issues only. No discretionary permit is necessary for the density or use of the site." (LUDC Section L-II 2.7.11.C.5). This will ensure project design is consistent with surrounding area, western Nevada County Design Guidelines and the design criteria established by the Higgins Corner Area Plan. Furthermore, the existing zoning for Site 17 has Scenic Corridor (SC) and Site Performance (SP) Combining Districts which will remain. The SC combining district requires future development, "To protect and preserve the scenic resources of areas which are adjacent to highways and roads which have been identified as having high scenic quality and requiring protection for the benefit of residents and visitors."[23] This protection is implemented through the preparation of a Scenic Corridor Analysis that is prepared by the developed and reviewed and approved by County Staff. The SP combining district provides "for refinements in the site development standards and/or the permitted uses in the base zone district with which the SP District regulations are combined."[24] As such, site development standards for the site would be adjusted on the

[23] County of Nevada Land Use and Development Code, Section L-II 2.7.7
[24] County of Nevada Land Use and Development Code, Section L-II 2.7.8

site to account for physical constraints such as Ragsdale Creek and sensitive habitats above and beyond the development restrictions created by the ESA designations.

Response 130-M Please see Master Response #6.

Response 130-N The County concurs that any existing sewage treatment facilities would have to be removed from Site 16 prior to development. Please see Master Response #4 regarding a future developers obligation to ensure adequate sewer infrastructure and capacity is available or to provide adequate sewer facilities prior to development.

Response 130-O Please see Response 24-I.

Response 130-P Please see Response 24-I. All development that would occur as a result of the proposed project would have to be served by public water and therefore would not draw from ground water supplies. Additionally, implementation of the proposed project would not require homes on Rosewood Road to connect to the NID system.

Response 130-Q Please see Master Response #6.

Response 130-R The County does not concur that the project would result in increased traffic impacts along McCourtney Road should site 1 be chosen for rezoning. As shown in Table 4.15-10 of the Draft EIR, the traffic generated from the proposed site 1 would not result in any change to the level of service at the intersection of McCourtney Road or at the new proposed driveway for Site 1.

Response 130-S The following discussion is provided on page 4.13-15 of the Draft EIR: future developments would bring additional annual revenue in the form of increased local property taxes and sales taxes that would help offset the increased demand for police services by funding increases in police personnel, training and equipment. Furthermore, the project developer would be required to pay development impact fees which are intended to provide the means which allow the local police and sheriff to maintain the current level of service. As such, impacts are considered to be less than significant. Implementation of Mitigation Measure 4.13-1c, which would require the project to provide documentation noting adequate response times, would reduce impacts to less than significant.

Additionally, Mitigation Measure 4.13-1(c) has been revised to include the following statement: "The formation of an assessment district may be required to provide adequate public safety services." The formation of an assessment district, on the proposed units, may be used to provide additional funds to the district to allow the District meet the required response times to serve future projects.

Response 130-T Please see Response 55-D.

Response 130-U Please see Master Response #7 regarding aggregate density.

Letter 131

Penn Valley Area Chamber of Commerce
17422 Penn Valley Dr. • P.O. Box 202
Penn Valley, CA 95946

Historic Past...Dynamic Future!

(530) 432-1802
info@pennvalleycoc.org • www.pennvalleycoc.org

NEVADA COUNTY
RECEIVED
DEC 30 2013
COMMUNITY DEVELOPMENT
AGENCY

December 20, 2013

Mr. Tyler Barrington, Principal Planner
County of Nevada
Community Development Agency
950 Maidu Avenue
Nevada City, CA 95959

Dear Mr. Barrington,

131-A Please consider this letter an extension of our prior comment letters on the proposed Housing Element Rezone. In addition to all the issues and concerns raised in prior correspondence, we are also very concerned with the impacts which will occur from the additional traffic generated from the proposed rezoning of the four Penn Valley sites (sites 10, 11, 12, and 13). The EIR makes the finding that no significant impact will occur as a result of the additional traffic generated by the four sites and, therefore, no mitigation is required. We believe that finding may be faulty.

131-B We estimate that approximately 3759 trips will be generated by this proposal after all four sites are fully developed with the high density of 16 units per acre. This traffic increase is much higher than the increases resulting from the rezoning of various sites near Grass Valley. The Grass Valley sites require a number of mitigation measures to reduce the environmental impacts to below a significant level. Yet the traffic generated from the Penn Valley sites doesn't merit any mitigation. This requires further attention from staff and the consultants.

131-C The key Penn Valley intersections that do not experience significant impacts (according to the EIR) are Penn Valley Drive at Highway 20, and Pleasant Valley Drive at Highway 20. In addition, it appears that the EIR assigns no significant impact to the intersection of Broken Oak and Penn Valley Drive. Would a left turn lane off of Penn Valley Drive be required? How about a right turn lane from Broken Oak? In addition, the EIR does not indicate whether some form of mitigation is required on any section of Penn Valley Drive between Spenceville Road and Pleasant Valley Drive. Would this portion of Penn Valley Drive require traffic improvements, such as what is now planned by the County for Penn Valley Drive between Highway 20 and Spenceville Road? This project, which is now under design, would provide a suicide lane down the center of the roadway to help prevent the accidents that currently occur because of left turns into various driveways.

131-D Western Gateway Park periodically schedules large events, where traffic entering or exiting could be impacted with the additional traffic on Penn Valley Drive generated from the proposed rezoning. No mention is made of this potential impact in the EIR. Would the impact require mitigation such as left turn lanes, etc?

131-E The existing awkward intersection at Pleasant Valley Drive and Highway 20 already experiences considerable backup on the approach lanes in the afternoon peak hours. It would seem that the additional traffic generated by the proposed rezoning would require some form of mitigation, or the current backup will only worsen. Further, would the Park and Ride lot at this intersection be adequate with the additional demand for commuter parking?

131-F As indicated above, the two key intersections in Penn Valley will experience a higher increase in traffic from the proposed rezoning, than some of the intersections near Grass Valley, and yet considerable mitigation has been identified for the Grass Valley locations, while none is required in Penn Valley, according to the EIR. The attached table compares the traffic increases on intersections in Penn Valley against those adjacent to Grass Valley. The relative increases in Penn Valley are much greater, and lend weight to the argument that a finding of no significant impact in Penn Valley, is a faulty finding.

131-G We realize that this letter is beyond the deadline for the comment period; however, we believe we have raised some critical issues that must be addressed before this proposal advances any further. That is why we ask that this be considered an extension of our other comment letters. The Chamber only had a limited amount of time to study and comment on the voluminous material contained in the EIR. We were previously denied a request to extend the comment period.

We ask that you address the above issues along with those received prior to the end of the comment period. Thank you for your consideration.

Very truly yours,

Edward R. James, for the
Penn Valley Chamber of Commerce

cc: Hank Weston, President, Board of Supervisors

attch:

Sheet1

			Significant Average Daily Difference in Trip dBA B
Site	McKnight Way	Penn Valley HWY 20	Penn Valley Dr
Total ADT Change	1152	2232	2763
% of McKnight	100.00%	193.75%	239.84%
Diff in dBA@100	0.2	0.7	1.7
% of McKnight dBA	100.00%	350.00%	850.00%
Impact	Potentially Significant	None	None
Site	La Barr Medows	Penn Valley HWY 20	Penn Valley Dr
Total ADT Change	657	2232	2763
% of La Barr Meadows	100.00%	339.73%	420.55%
Diff in dBA@100	0.1	0.7	1.7
%of La Barr Meadows	100.00%	700.00%	1700.00%
Impact	Potentially Significant	None	None
Site	SR 49 @ Combie	Penn Valley HWY 20	Penn Valley Dr
Total ADT Change	1680	2232	2763
% of SR 49 @ Combie	100.00%	132.86%	164.46%
Diff in dBA@100	0.2	0.7	1.7
% of 49 @ Combi	100.00%	350.00%	850.00%
Impact	Potentially Significant	None	None
Site	Nevada City Hwy Brun	Penn Valley HWY 20	Penn Valley Dr
Total ADT Change	270	2232	2763
% of McKnight	100.00%	826.67%	1023.33%
Diff in dBA@100	0.1	0.7	1.7
%of Nev City Hwy@Brun	100.00%	700.00%	1700.00%
Impact	Potentially Significant	None	None
Site	Idaho Maryland@Brun	Penn Valley HWY 20	Penn Valley Dr
Total ADT Change	1306	2232	2763
% of McKnight	100.00%	170.90%	211.56%
Diff in dBA@100	0.1	0.7	1.7
%of Idaho Maryland	100.00%	700.00%	1700.00%
Impact	Potentially Significant	None	None

Page 1

Sheet1

y Trip Increases (ADT)
efore and After Rezoning

Rough & Ready Hwy
1710
148.44%
2.7
1350.00%
None

Rough & Ready Hwy
1710
260.27%
2.7
2700.00%
None

Rough & Ready Hwy
1710
101.79%
2.7
1350.00%
None

Rough & Ready Hwy
1710
633.33%
2.7
2700.00%
None

Rough & Ready Hwy
1710
130.93%
2.7
2700.00%
None

Page 2

Letter 131 – Penn Valley Chamber of Commerce, December 20, 2013 (Late Letter)

Response 131-A: The County does not concur with this comment. The traffic analysis in the EIR was prepared based on the analysis techniques prescribed by the latest edition (2010) of the Highway Capacity Manual (HCM). The traffic distribution and analysis are calculated using the Synchro 8 analysis software program, which incorporates HCM methodologies. Both the HCM and the Synchro traffic modeling program are widely accepted traffic analysis tools throughout California and the country for evaluating traffic impacts. No traffic mitigation was identified in the Penn Valley area because the proposed project does not change the level of service at any existing intersections in Penn Valley.

Response 131-B: The County does not concur with this comment. Traffic impacts are not based solely by the amount or percentage increase on of traffic on the road. The amount of existing roadway capacity or existing intersection performance is also taken into account.

The following excerpt if from page 4.15-18 of the Draft EIR which explains the methodology for calculating project trip generation:

> In accordance with the Nevada County policies and the City of Grass Valley *Policy Adopting Traffic Impact Study Methodology and Evaluation Criteria for Critical Intersections*, traffic counts were performed during the PM peak hour (4:00 PM to 6:00 PM) at the twenty eight study intersections in the vicinity of the project area on November 8, 2012. The PM peak hour is defined by the highest hour for overall traffic volumes or the worst-case traffic conditions during the day. This is reflective of typical travel patterns throughout Nevada County and due to the low number of retail-related trips that take place during the AM peak hour. In addition, the project trip generation rate is highest during the PM peak hour.
>
> The trip generation per dwelling unit for the proposed project land use of multi-family housing (ITE Land Use # 230 Condominiums / Townhouse) is highest during the PM peak hour, at 0.44 trips during the AM peak hour, 0.52 trips per during the PM peak hour, and 0.47 trips during the weekend peak hour.

As shown in Tables 4.15-9 and 4.15-10 of the Draft EIR the proposed project does not reduce the level of service at any of the intersections in Penn Valley below the threshold of minimum level of service. Table 4.15-1 provides an explanation of the different levels of service. More specifically, the level of service only changed for two intersections in Penn Valley. The intersection of SR 20/Penn Valley Road went from an existing LOS B to LOS C which is an acceptable level of service for Caltrans as noted on page 4.15-45 of the Draft EIR. The other intersection to have a change in Penn Valley is the intersection of Penn Valley Drive/Broken Oak Court. As an unsignalized intersection, this intersection would change for LOS A to LOS B. LOS B exceeds the County's minimum level of service threshold of LOS D. For these reasons, potential traffic impacts on intersections in Penn Valley are considered less than significant and no mitigation is required. It should be noted that Table 4.15-10 shows the Grass Valley intersections in which mitigation is required operating at LOS F.

Response 131-C Please see Response 131-B regarding the level of service at intersections in Penn Valley. All of the intersections meet or exceed Caltrans and County thresholds for minimum levels of service. No left turn lane on Penn Valley Drive onto Broken Oak court is required because the volumes of traffic of Penn Valley drive do not warrant a left turn lane. No roadway improvements are proposed or required on Penn Valley Drive between Highway 20 and Spenceville Road. Based on the traffic analysis no impacts on this roadway segment have been identified.

Response 131-D The main entrance to Western Gateway Park is approximately 0.5 mile west of the proposed sites in Penn Valley. As shown in Figure 4.15-5B in the Draft EIR the majority of the PM peak hour traffic, the time of the day when the most project traffic is generated, goes in the other direction to the east toward the Penn Valley Village Area and toward the Penn Valley Road/Highway 20 intersection. As such, the majority of the project traffic would not cross the park entrance. Special events at the park would be expected to occur in evenings, weekends, and holidays when traffic volumes on the roadways would be less than the weekday peaks. No traffic impacts at the park entrance intersection or on Penn Valley Drive along the park frontage have been identified under the existing or the existing plus project scenarios. For these reasons, potential impacts associated with events at Western Gateway Park are considered less than significant and no mitigation is required.

Response 131-E As noted in Response 131-D above, the majority of the project traffic from the project site will travel east from the proposed sites toward the Penn Valley Village center. Table 4.15-9 shows that the project will not change the level of service at the Pleasant Valley Road/Highway 20 intersection. This is a signalized intersection and under the Caltrans threshold of maintaining a LOS C. The LOS will remain at C with the addition of project traffic. For these reasons, potential traffic impacts are less than significant and no mitigation is required.

Response 131-F The County does not concur with this comment. Please see Response 131-B above. Traffic impacts are not measured by percentage of increase alone, but on the capacity of the existing roadway and or performance of the relevant intersections. No new impacts were identified as a result of this comment letter and no changes were made to the EIR.

Response 131-G The County does not concur that any new issues or new impacts have been identified as a result of this letter. The public comment on the Draft EIR was for 60 days which exceeds the standard 45-day review period required by CEQA and County Policy. Additionally, the County held three public comment meetings, one in each of the proposed areas, in addition to Planning Commission hearing during the public review period. As requested, the County has responded to this letter even though it was received approximately 1-month after the close of the public comment period for the Draft EIR. This comment letter will be included in the Final EIR for consideration by the County Planning Commission and Board of Supervisors.

Letter 132

NEVADA COUNTY
RECEIVED
NOV 12 2013
PLANNING DEPARTMENT
CDA

PETITION

The undersigned oppose the re-zoning of commercial property in Penn Valley to high density residential, or the like, due to lack of public services (i.e.: fire, schools police, sewer, etc.):

	PRINT NAME	ADDRESS	SIGN	DATE
01	EUGENE LYNCH	18748 FALCON LN		11-10-13
02	Rebecca Schraven	10149 Park View Lane		11/10/13
03	Jane Butler	19506 Chaparral Cir.	Jane Butler	11-11-13
04	Merritt Odekirk	10305 Penn Oak Ln.		11-10-13
05	GERALD SMITH	P.O. Box 2076		11/10/13
06	RJ Baumgart	10470 Devonshire Ct		11/10/13
07	KATHLEEN THOMPSON	426 Cherokee Ranch Ln		11/10/13
08	M Arnold	10370 Wild Briar		
09	Susan Schlueter	10416 Crowsnest Ln, PV		11-10-13
10	Kelly Mullaly	PO Box 2216 PV.		11-10-13
11	Mark Mullaly	PO Box 2216 PV		11/11/13
12	LARRY ROGERS	17523 Dry Bar Rd		
13	Yvonne Grimm	13930 Pilot Peak Ln.		
14	Pat Ferrara	12544 Jaybird Ct		11/11/13
15	Marcus Krause	22000 Wolf Dominion Rd SM		
16	Jane Hammesman	19127 Jaybird Dr		
17	MIKE FERRARA	12544 JAYHAWK CT		
18	Christa Overbeck	18189 Lake Forest Dr.		
19	Norman Overbeck	19189 Lake Forest Dr		
20	GERALD NEAL	10571 La Sierra Dr		11/10/13
21	Michele Kerber	18124 lake forest dr		
22	Varina Proietti	10358 Oak Cyn	Varina Proietti	
23	Josephine Bean	12119 Wax Wing Ct.		
24	KAREN Virgili	11517 OAK CANYON DR		
25	JIM Hoch	13564 Falling Leaf Ln		

PETITION

The undersigned oppose the re-zoning of commercial property in Penn Valley to high density residential, or the like, due to lack of public services (i.e.: fire, schools police, sewer, etc.):

	PRINT NAME	ADDRESS	SIGN	DATE
01	SHIRLYN Vogel	19193 Chaparral	Shirlyn Vogel	11/6/13
02	Debbie Pridemore	18014 Lake Forest	Debbie Pridemore	11-10-13
03	Gale Fisher	13640 Rattlesnake Rd		
04	WILLIAM P. STAMATIS	11262 RINGTAIL RD		11-10-13
05	WERNER SCHRAVEN	10149 PARKVIEW LN		
06	RON A. VERNON	22618 MARIARTA VILLE		
07	Mary Bingham	17916 Silver Pine Dr	Mary T. Bingham	
08	FRANCES N. COMPTON	8386 MAIN STREET, SMARTSVILLE	Frances N. Compton	
09	Bryce McGeorge	10755 Badger Ct		
10	Thorgrun E. Odden	26 Cherrie Ann Ln Penn Valley		
11	James Whitehead	18476 Indian Springs		
12	Robert B. Renquist	20138 John Bonn Rd	Robert B Renquist	
13	Judy Cole	17647 Foxtail Dr.	Judy Cole	
14	Cole Cole	17647 Foxtail Dr		
15	Carolyn Cappello	13176 Lake Wildwood	Carolyn J Cappello	
16	Chesy Boland	11427 Lake Wildwood	Chesy Boland	11/13/13
17	Justin Dance	18774 Wildwood Dr		
18	Brian Irving	14486 Burlington		
19	Jeff Higgins	19124 Cumpiano Dr		
20	DENISE BENVENUTO	14139 Peppercorn Dr	Denise E. Benvenuto	11/10/13
21	SEAN CROWLEY	20269 Chaparral Ct	Sean M Crowley	11/14/13
22	Linda Montoya	13640 Rattlesnake Rd	Linda L Montoya	
23	Dion M Grundy	PO Box 352 Rough & Ready 95975	DIANE GOLLOP	
24	DENNIS DeJIMMOND	19339 WILDFLOWER		11/10/13
25	Shelley Hertz	19339 Childpainter Dr	Shelley E Hertz	

PETITION

The undersigned oppose the re-zoning of commercial property in Penn Valley to high density residential, or the like, due to lack of public services (i.e.: fire, schools police, sewer, etc.):

	PRINT NAME	ADDRESS	SIGN	DATE
01	KENNETH WEST	18224 HAWK DR	Kenneth West	11-10-14
02	W. Jeff Nicholas	10000 Hummingbird Dr		
03	Diane J. Spooner	13742 Strawberry Ct	Diane J. Spooner	
04	Ronald E. Spooner	" "		
05	Laura A. Stewart	11517 Oak Canyon Dr.	Laura A. Stewart	
06	Helen D. Gow			
07	William KLEIN	12720 Golden Trout	William J. Klein	
08	James Moss	11872 Raven Ct PV	JAMES MOSS	
09	Marion Bennett	11412 Cattontail Ct	Marion Bennett	
10	Jeff Blankenship	10843 Horton St	Jeff Blankenship	
11	Tosha Buckbee	13 Bear Ct N San Juan	Tosha Buckbee	
12	Kenneth Lukins	16562 Norman Way		
13	William Yanko	19912 Echo Blue Dr	W. C. Yanko	
14	FERNANDO de la TORRE	12078 LAKE WILLOW DR PV	Fernando de la Torre	
15	Gilbert Lee	10401 Brokeoak Ct	Gilbert Lee	
16	KEVIN MCMULLEN	12774 La Tw		
17	Steven Jennings	10486 Beagle Ln		
18	Arvis Ramanis	14572 Sun Forest		
19	Shane Deree	10182 Copperhead Way		
20	THOMAS MIRACLE	18449 Hawk Dr		
21	Elizabeth Miracle	18449 Hawk Dr		
22	Priscilla Boothroyd	18639 Lake Forest Dr.		
23	Lon S. McIntosh	10315 Melody Rd.	Lon S. McIntosh	
24	Lance Aldrich	14148 Lake Wood Dr		
25	Elaine Franklin	18745 Meadowlark	Elaine Franklin	11/12/14

PETITION

The undersigned oppose the re-zoning of commercial property in Penn Valley to high density residential, or the like, due to lack of public services (i.e.: fire, schools police, sewer, etc.):

SIGN, DATE, PRINT NAME AND ADDRESS

01 Shirley Vogel 18773 Meadowlark Shirley Vogel 11-9-13
02 CLAUDIA MARTINO 12004 LWW DR Claudia Martino 11-9-13
03 Chuck Kuhnbeahn 12786 Golden Quail Way 11-9-13
04 Bruce Tepper 18415 fair Oaks Dr PV 11/9/13
05 Phyllis Goetz 15904 Sisson Rd P.V 11/9/13
06 Jim Simpson 228 SUTTON WAY #222 11/9/13
07 Arlene O'Connor 12048 LAKEWOOD DR 11/9/13
08 Phillip R Taylor 17582 Foxtail Dr. Penn Valley 95946
09 DON KLINGLER 14000 STRAWBERRY 11/9/13
10 Grace Klingler 14000 Strawberry 11-9-13
11 Nancy GLAZE 18486 Hummingbird Dr 11-9-13
12 Josh D. Colburn 11726 lakewoodwood dr Penn valley CA 95946 11/1/13
13 Jodi Andrews 16116 Pitney Springfield Nevada City CA 95959
14 Milan Limoncielle Del Mar Way pennvalley 95946 11/13
15 Rod Sinclair 16857 Del Mar Way Penn Valley CA 95946 11/9/13
16 Drew Eppinger 17247 Black Forest Penn Valley 11-9-13
17 Lynn Carlson 14088 Woodland Penn Valley CA 11/9/13
18 Dan Harston 12642 Lake Wildwood Dr Penn Valley CA 95946 11/9/13
19 KARLA ROGERS 18251 STARDUST DR. NEVADA CITY CA 11-9-13
20 Mary Pennell 11495 EL Nido Rd. P.V. Ca. 95946 432-1623
21 Christy Jordan 18061 Fair Oaks Dr. PV Ca 95946 205-9239
22 Ted Delano 13103 Thistle Loop PV CA 95946 432-9015
23 Teri Glover 14601 Arrow Rd P.V. 95946 477-5002
24 Chas Goodwin 14082 Lake Wildwood D 95946 11/9/13.
25 Lori 17883 Foxtail Dr. Penn 95946 11/9/13

PETITION

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SIGN, DATE, PRINT NAME AND ADDRESS

01 John C Vogel John C. Vogel 18775 Meadowbrook Ct PV 11-9-13
02 Cheryl Kuhnhenn 12786 Cobbler Trail Penn Valley 11-9-13
03 Janet Cameron 19889 Spruce St Penn Valley 11/9/13
04 CARL STAEBNER 11605 ROUGH & READY RD R-R
05 Bruce Sundvall 17833 FOXTAIL Dr. PENN VALLEY 11/9/13
06 Glenda K. Sundvall 17833 Foxtail Dr PV 11/9/13
07 Leslie Lawton 20015 Echo Blue Dr PV 11/9/13
08 Gerard Bilow 10231 Donna Way P.V. 11/9/13
09 Linda Kennedy 228 Sutton Way #222 P.V. 11-9-13
10 Jean Lagoe 18460 Lake Forest Dr, P.V. 11-9-13
11 Jim O'Connor 19048 Lakewood Dr 11-9-13
12 Mary Keegan 12031 Lakewood Dr 11-9-13
13 Mark Kennedy 13336 Gold Ct Penn Valley 11-9-13
14 Carole Middleton 11822 Spenceville Rd. 11-8-13
15 20062 Lakeside Ln Grass Valley 11/9/13
16 George B. Moody 19144 Cobblers Way 11/9/13
17 Rebekah Stec P.O. BOX 927 Penn Valley Ca. 11/9/13
18 PO BOX 937 Penn Valley CA 11/9/13
19 Carole Lawrence 13500 Wildwood Highlands Dr. Penn Valley CA 11/9/13
20 18275 Skylark Dr Penn Valley CA 11/9/13
21 Esther Johnson 18672 Chaparral Dr. Penn Valley Ca 11-9-13
22 Robert J. Walsh 16167 Bishops Springs Rd. N.C. 11/9/13
23 Phillip J. Moncello 16177 OLD MAR WAY 11-9-13
24 Bruce STANTON 11239 Kingston 11-9-13
25 11-9-13 David Vincent 6107 Stonestown Ln Browns Valley 95918

PETITION

The undersigned oppose the re-zoning of commercial property in Penn Valley to high density residential, or the like, due to lack of public services (i.e.: fire, schools police, sewer, etc.):

SIGN, DATE, PRINT NAME AND ADDRESS

01 Sandra Conyers 18061 Fair Oaks Dr PV
02 Joey Stewart 19948 Valley Vista Way PV CA 95946 11/9/13
03 Dan Channing 11411 Cottonwood Loop Penn Valley CA.
04 Mary Stowe 18491 Lake Forest Dr PV 11-9-13
05 Jean & Stanley 17608 Lake Forest Dr 11-9-13
06 Jan Dow 13703 THISTLE LOOP CA 11-9-13 95946
07 Kathy Zyskowski 12771 Greenbrook Loop, Ca 11-9-13
08 Keith Sweet 15360 Maidu Tr Penn Valley CA 95946 11-9-13
09 Eric Jaggers 17889 Thistle Ct PV 95946
10 Dana Brown 18424 Piper Ln PV 95946
11 Stacey Knudsen 18753 Biladeau In Penn Valley CA 95946
12 Mike Ballard 18753 Biladeau In Penn Valley CA 95946
13 Bryan Hall 13659 Lake wildwood Drive Penn Valley CA 95946
14 Alicia Scully 13659 Lake wildwood Drive Penn Valley CA 95946
15 Jim Olson 18103 LAKE FOREST DR PENN VALLEY, CA 95946
16 Daryl Maddox DARYL MADDOX 18673 LAKE FOREST DR, 95946
17 Barbara Bolduc 11194 KAREN Ct SMARTSVILLE CA 95977 11-9-13
18 Jaclyn Thompson 11/9 Jaclyn Thompson Murphy Ridge Road 95977
19 RON WEISER 13793 SILVA FOREST DR PV 95946
20 Millie Rose Smith 19618 Echo Blue Dr, P.V. 95946
21 Christian Yavar 20134 Echo Blue Dr P.V. 95946
22 Paula Yavar 20134 Echo Blue Dr PV 95946
23 Barbara Roche 18806 Meadowview Dr PV 95946
24 Karl Eberbeck KARL W. EBERBECK 13145 Thistle Loop 95946 11-9-13
25 Ryan M Farrer RYAN M FARRER 19836 WILDWOOD WEST DRIVE 11-9-13

PETITION

The undersigned oppose the re-zoning of commercial property in Penn Valley to high density residential, or the like, due to lack of public services (i.e.: fire, schools police, sewer, etc.):

SIGN, DATE, PRINT NAME AND ADDRESS

01 Marilyn Vogel 11-9-13
02 11/9/13 Steve Smith
03 KIERAN LYONS P.O. Box 1993 P.V. CA 95946 11-9-2013
04 Gene Carver 11/9/13 Dentist
05 Janet Wilkins 11/9/13 18556 Easy St. P.V. Ca.
06 Jean Armstrong 10853 Melody Ln
07 [illegible] 13720 Strawberry Cir Penn Valley
08 Mike Balan 11290 W. Ilturkey Ln. Big Oak Vly.
09 Elizabeth Mayers 19492 Chapparal Circle, Penn Valley
10 James Hyde 13477 Gold Country Dr. P.V.
11 Linda Hyde 13477 GOLD COUNTRY DR. P.V.
12 [illegible] PV 11-9-13
13 Eleanore MacDonald 11/9/13 Eleanore MacDonald 18015 Blackcap Lane PV
14 Elaine Quinlan 11/9/13 Elaine Quinlan 11806 Swiss Ct, PV
15 Zola M. Stoneback 11/9/13 Zola M. Stoneback 18955 Lake Forest Dr
16 Kathleen E Jensen 11/9/13 18327 Hummingbird Dr, Penn Valley
17 [illegible] " " " " " 11-9-13
18 Robert R DeCorn Robert R DeCorn 11-9-13
19 Wetland Lord Wm Land 11-9-13
20 Nelda Strong Nelda Strong 13710 Oakknoll ct PV 11-9-13
21 Ken Strong Ken Strong " " " "
22 Victor J Maddox, 18673 Lake Forest, Penn Valley 11/9/13
23 [illegible] 18555 majestic View Ct PV, 11-9-13
24 [illegible] 18555 Majestic View Ct PV 11-9-13
25 [illegible] 12781 Lake Wildwood Dr PV 11-9-13

PETITION

The undersigned oppose the re-zoning of commercial property in Penn Valley to high density residential, or the like, due to lack of public services (i.e.: fire, schools police, sewer, etc.):

SIGN, DATE, PRINT NAME AND ADDRESS

01 Paula DeE Bratford 11-9-2013 14213 Sun Forest Dr. Penn Valley
02 Judy Reinecke 14187 Sun Forest Dr Penn Valley
03 Kim Miller 17671 Candlewood Ct. Penn Valley, Ca 95946 - 11-9-13
04 Bradley C Miller 11-9-13 Bradley C Miller 14462 Lake Wildwood Dr. Penn Valley CA
05 Wayne Payson 15514 Haydock PV 11-9-13
06 Beverly Jensen BEVERLY J. FERGUSON 18437 Chapparal Dr.
07 12064 Waterway Ct Penn Valley CA 11-9-13
08 Jerone Miller 18745 Meadow Park Ct Penn Valley, Ca 11-12-13
09 Debbie Crume 11017 Lincoln Way 432-9123
10 Paula Ce 11 21
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PETITION

The undersigned oppose the re-zoning of commercial property in Penn Valley to high density residential, or the like, due to lack of public services (i.e.: fire, schools police, sewer, etc.)

SIGN, DATE, PRINT NAME AND ADDRESS

01	[illegible]	Stephanie Kunner	11270 Wild Turkey Ln	Smartsville 11-9-13
02	[illegible]	Coleman	14336 Lone Pine Dr	
03	[illegible]	[illegible]	20070 Rabbit Creek Ln	
04	[illegible]	[illegible]	19436 W. Woods Dr.	11-9-13
05	Richard Sodini		18491 Lake Forest Wildwood	
06	Laurie Chavez		18566 Country Lane	
07	Ken Chavez		18566 Country Lane	
08	Carol Andrews		13760 Laurel Hill Loop	PV
09	Nancy A Zawacki		17879 Lake Forest Dr.	PV
10	Scott F Stafford	11/10/13	18122 Hummingbird Dr.	P.V.
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Letter 132 – Petition

Response 132-A This petition will be will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

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