

Letter 61

November 11, 2013

To: Tyler Barrington
 Doug Donesky
 Community Development Agency

RECEIVED

NOV 12 2013

Nevada County 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 railroad 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, 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, respectively²⁰. 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

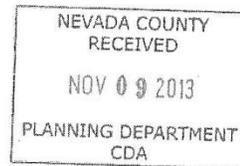
Dear Mr. Barrington,

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>



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 housing, as its primary goal for the near future. The proposed rezoning eliminates opportunities
62-E | 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 policies 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

Gene Gilligan
PO 188
Penn Valley, CA. 95946
530-432-9542
November 31, 2013

RECEIVED

NOV 1 2013

Nevada County Community
Development Agency

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

To:
NEVADA COUNTY PLANNING COMMISSION
950 Maidu Avenue
Nevada City, CA 95959

From:
Keith Holmes
12739 Roadrunner Dr.
Penn Valley CA 95945

RECEIVED
NOV 4 2013
Nevada County Community
Development Agency

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 county. I urge you to leave the zoning density of Penn Valley as is and instead work on
- 64-C | 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

65-B

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 police officers to be able to provide adequate security to our neighborhood with the addition of this multi unit complex.

Sincerely



Angel Rosario Sr.

17204 Ladino Ave.

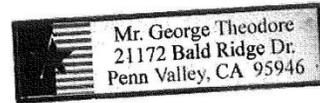
Penn Valley, CA 95946

Letter 65 – Angel Rosario

Response 65-A Please see Master Responses #2 and #5.

Response 65-B Please see Response 10-NN.

Letter 66



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,

[Handwritten signature]

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

From:

DAVID M. & TAEM S. HUNTER

13991 Sun Forest Drive

Penn Valley, CA 95946

RECEIVED
NOV 07 2013
Nevada County Community
Development Agency

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

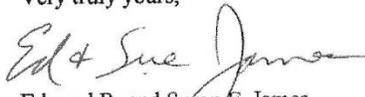
68-D
CONT'D

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,



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

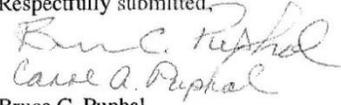
November 7, 2013

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:

- 69-A | 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
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

Nevada County Development Agency
 950 Maidu Avenue Suite 170
 Nevada City, California

RECEIVED
 NOV 07 2013
 Nevada County Community
 Development Agency

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) 433-6612

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- | 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 08 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 in 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

Mr. Tyler Barrington, Principal Planner
Page 2

- 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 policies 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

Tyler Barrington,
Nevada County Planning Department

November 6, 2013

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

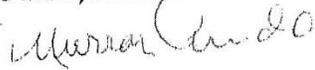
We already have low income housing in the Broken Oaks units and developing an additional 16 units per acre will further stress public services such as schools and the Penn Valley Fire Department.

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

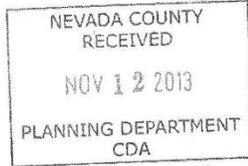


Letter 74 – Murray and Marilyn Arnold

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.

75-C | 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 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).

75-D | 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, low to extremely low-income property limits potential commercial development needed for economical growth in the future. We are primarily 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.

75-E | 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 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 policies 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.

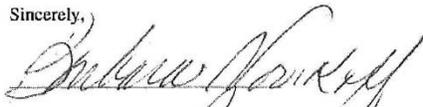
Letter 76

NOV 14 2013
COMMUNITY DEVELOPMENT AGENCY

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 negative 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,

17935 Arrow Way
Penn Valley

Hank.weston@co.Nevada.ca.us District supervisor
Doug.donesky@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:

77-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.

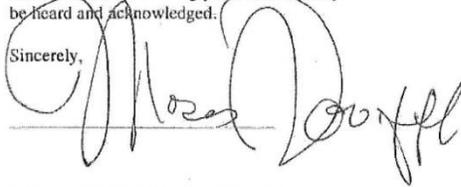
There would be parking and traffic problems, noise and air pollution.

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,



Hank.weston@co.Nevada.ca.us District supervisor
Doug.donesky@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-Lisec

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

- 79-A | 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.
 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.
- 79-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
- 79-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
- 79-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 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

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

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 policies 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
82-B | issue to R-3 (16 units per acre). This plan to built "low to extremely low income"
82-C | 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
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
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



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

Nevada County Planning Commission
950 Maidu Ave
Nevada City 95959

RECEIVED
NOV 12 2013
Nevada County Community
Development Agency

Dear Sirs,

83-A | 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.

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

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

RECEIVED
NOV 12 2013
Nevada County Community
Development Agency

- 84-A Mr. Barrington,
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 policies 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

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

RECEIVED
NOV 12 2013
Nevada County Community
Development Agency

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 Denosky

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

November 10, 2013

Mr. Tyler Barrington
Principal Planner
Nevada County Community Development Agency
950 Maidu Ave., Ste 170
Nevada City, CA 95959

RECEIVED
NOV 12 2013
Nevada County
Development Agency
Nevada County Community
Development Agency

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 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.

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
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-BThe 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

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,

November 10, 2013

I know Dan and respect his judgment. Please give this request your consideration.

Mr. Tyler Barrington

Thanks,

Principal Planner

Nevada County Community Development Agency

*Tom Cross
Seth Willwood
Board of Directors*

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

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

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

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:

- 88-B | 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

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 litter 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.

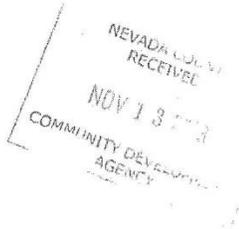
The project does not propose to use groundwater wells for any of the proposed lots. Each of the lots would be required to connect to the public water system maintained by the Nevada Irrigation District. Please see Response 83-B and Master Response #4. As such, no potential impacts to the water table 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



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. 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 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.