

Letter 129

**CITIZENS AGAINST RUNAWAY REZONING IN
PENN VALLEY**

Penn Valley is a poor placement area for high-density housing for the following reasons:

- No jobs in Penn Valley
- No transportation to where jobs might be available
- Removes needed business zoning
- Sewage and water problems exist
- Added pollution to existing air problems
- Environmental strains on wildlife
- Impact on fire, police and public safety
- Who is the developer and will they have the obligation to legally perform

PLEASE SIGN BELOW IF YOU WANT TO PROTEST THE REZONING:

NAME	ADDRESS
<i>[Signature]</i>	11077 Spenceville Rd PennValley, CA
Vanessa Travis	11297 Sierra Circle PV. CA
Nelson Schmalz	14425 chunker Rd, GV
Michelle Walters	944 Amber Ln GV CA
Callie Rose Smith	19678 Echo Blue Rd, P.V. 95946
Elvie Ourgin	10570 Red Ln, Big Oak Valley, 95977
Eleanor Patton	P.O. Box 464 Cedar Ridge 95924

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NAME	ADDRESS
<u>Don Longford</u>	<u>18827 Limestone CA PV 95946</u>
<u>Bonnie Quallen</u>	<u>11638 Linnet Ct PV 95946</u>
<u>Katherine Casanova</u>	<u>19683 Valley Vista Way PV 95946</u>
<u>Phyllis Fitzgerald</u>	<u>109³³ Woodchuck PV 95946</u>
<u>JULIE COX</u>	<u>13085 Towhee Ct. PV 95946</u>
<u>Jim Tallarico</u>	<u>13847-Ginger Loop, P.V., 95946</u>
<u>Joyanne R Congdon</u>	<u>19179 Swallow PV 95946</u>
<u>Rt. 1. 349 Nite St. Nevada City, CA 95959</u>	
19758 ECHO BLUE TR, PENNALEY, 95946	
<u>Susan Olander</u>	<u>19958 Echo Blue Tr., PV. 95946</u>
<u>Nancy Dwyer</u>	<u>11735 Wildwood Ranch R.V. 95946</u>
<u>Patsy Tomarich</u>	<u>18918 Dove Hoop P.V. 95946</u>
<u>Josie Camp</u>	<u>21053 Wildwood W.R. 95946</u>
<u>Vicki St. Paul</u>	<u>229257 Roadrunner Dr. 95946</u>
<u>Judith S. Lachman</u>	<u>12957 10311 Charms R Rd. Fern Valley CA 95946</u>
<u>Katherine M. Linn</u>	<u>12879 Roadrunner Dr. Fern Valley 95946</u>
<u>Barbara Campbell</u>	<u>18145 Jayhawk Dr. PV 95946</u>
<u>Ladous Leal</u>	<u>19749 Willowen P.V. 95946</u>
<u>Catherine Radu</u>	<u>18069 Fair Oaks R. PV 95946</u>
<u>Janet Bauer</u>	<u>18560 Willowen Dr PV 95946</u>
<u>Coral Battles</u>	<u>19422 Chaparral Circle Fern Valley 95946</u>
<u>Jan Sherman</u>	<u>18736 Hummingbird P.V. 95946</u>

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NAME	ADDRESS
Piper, Paul	13534 Forest Park Circle Box 512 P.V.
Piper, Susan	13534 Forest Park Circle P.V.
BENEVENTO, DENISE	14139 Pepperwood Dr. P.V.
Barbara, Byrne	19989 Echo Blue, P.V.
Tammie, William	13736 Good Country Dr. P.V.
PATRICK, MARTIN	14491 LAKE WILDWOOD DR. P.V.
Kevin Campion	14659 Nutmeg Ct. P.V.
Jenna Wolford	17927 W. 1st Place P.V.
Patricia L. Minch	10943 Northcote Place, Nevada City
Sally H. Kimbom	11487 Deer Park Dr. Nevada City, Ca
Clara P. Jacobs	13125 Avian Pl. Nevada City, Ca
Norman A. Koshue	13885 Lake Wildwood Dr. Reno Valley, Ca.
Orta F. Winslow	10760 Willowbrook Ln, P.V. 95946
Steve Jeffrey	14053 Jasmine Ln, P.V. 95946

CITIZENS AGAINST RUNAWAY REZONING IN PENN VALLEY

Penn Valley is a poor placement area for high-density housing for the following reasons:

- No jobs in Penn Valley
- No transportation to where jobs might be available
- Removes needed business zoning
- Sewage and water problems exist - *Floods*
- Added pollution to existing air problems
- Environmental strains on wildlife
- Impact on fire, police and public safety
- Who is the developer and will they have the obligation to legally perform

PLEASE SIGN BELOW IF YOU WANT TO PROTEST THE REZONING:

NAME	ADDRESS
SUSAN CARR	14386 KNOB CONE - PV - CA 95946
Jill Chapman	13625 Spenceville Rd ca 95946
Patricia Lewis	13625 Spenceville Rd P.V.CA 95946
Marion Murphy	11897 Raven Ct. PV 95946
Patricia Trask	18682 Indian Springs Rd.
Kristine Turner	19249 W. Ridge Dr, PV. 95946
Christine Hughes	19745 Chaparral Cir 95946
Dorothy McInman	14351 Wilcox Ln S.V. also LW NE lot

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NAME	ADDRESS
Ann Desh Bloom	70626 Woodwood West DR 95946
Margaret Wilkino	18996 Santa Dr AV 95946
Ide Lade Reese	^{203 Robinson St.} PO Box 396 Penn Valley, Ca 95946
Dorothy Samobury	18326 Indian Springs Blvd, P.V., Cal 95946
Lisa Fox	15346 Big Dog Rd Penn Valley 95946
Shari Daly	18861 Cozy Grove ^{at} 95946
Antoinette Longone	12949 Thistle Loop, Penn Valley Ca 95946
Paul Thompson	10340 R.R. Rd. R4 RCA 95975
Cynthia	13675 R+R Hwy 95975
Barbara J Ferraro	18281 Magestic View 95949
Nancy Douglas	11749 Wards, Penn Valley
Alvin	PO Box 311 R+R 95975
Thomas R Chester	17832 Fading Ave P.V.
Frances Raming	18089 Hummingbird Dr PV
Frank	" " "
Barbara Kreflich	18198 Hummingbird Dr PV
Thomas Kreflich	" " "
Mama Ferraro	18281 Magestic View PV
Wanda	19371 Donovan Rd PV.
Paula Montgomery	17356 Penn Valley DR.
Lucia Sanchez	
Patricia Forre	18814 Old Paint ch
ARLENE O'CONNOR	12048 LAKEWILD DR, PENN Valley, Ca.
Jim O'CONNOR	" " "

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CONT'D

NAME

ADDRESS

Sharon M. Hano - 17845 Kern Ln Pkwy 95944
Song Kowstall 14158 Pilot Peak Lane PV. 95946
Marie Bushnell-Nash 13397 Spenceville Rd. Ct. 95946
Paul and Jackie Diamond 11252 CANYON VIEW CT. PV. 95946
Emily Hays 18549 Sisil Ln. PV 95946
Barbara J Brown 12988 Spenceville Rd P.O. 95946
Wally Joe Logan 21485 Bontz Rd Big Oak Vly 95977
~~Wally Joe Logan 21485 Bontz Rd Big Oak Vly 95977~~
Ludy Kysor 18030 Valley Dr. Rough & Ready CA 95975
~~Jesse & Nancy Gold 14020 Hemlock St Reno Valley~~
~~Arjo Zaparkanson 14020 Hemlock St Reno Valley~~
Bug Stoller 17972 Jayhawk Dr PV
~~Bug Stoller 17972 Jayhawk Dr PV~~
Alvare Carter 15318 Indian Springs Rd.
Lami & Weston " " " "
Tom Accuso 14046 Liguora Ln. Grass Valley 95949
Steve Barber 11310 Chantarella Lane Syc 95977
JOHN NIGHINGALE - 15650 PENNA-RYR 95945
~~W. Flores 14098 SUNFOREST LANE PV 95946~~
Janet Watson, 13828 LNW Dr., PV, 95946
Mareen Bradford Spenceville Rd 95946
Cynthia D. Oliver 11050 Randon Ct. 95977

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NAME	ADDRESS
<u>Jon Meadows</u>	<u>19527 Penn Valley Dr. P.V. 95946</u>
<u>Nora Pearson</u>	<u>15591 Brandt Ln. Rough's Ready 95775</u>
<u>Harold</u>	<u>1504 Horton P.V. 95946</u>
<u>Kenn Vmia</u>	<u>17207 Landon Ave Penn Valley 95946</u>
<u>Dina Cortez</u>	<u>13 Carrie Ann Lane, Penn Valley 95946</u>
<u>Margan Mahuta</u>	<u>11 Carrie Ann Lane Penn Valley 95946</u>
<u>Robert J. Miller</u>	<u>13108 MARINA DR, BIG OAK VALLEY, CA 95777</u>
<u>Deb Smith</u>	<u>19051 Swallow Wy Penn Vly Ca</u>
<u>Patricia Fossil</u>	<u>18901 Penn Vly Dr. Penn Valley ca</u>
<u>MARY ENGQUIST</u>	<u>10926 SHADOW HILL P.V. CA</u>
<u>JESSICA SAVAGE</u>	<u>18390 OAK FLAT LN. PV CA 95946</u>
<u>Anna Bealy</u>	<u>14389 Indian Spring Rd 95946</u>
<u>Darlene Kinkle</u>	<u>16910 Indian Spring Rd. 95946</u>
<u>David Winker</u>	<u>" " " "</u>
<u>STEPHANIE JOHNSON</u>	<u>126 MAINHART DR G.V. 95945</u>
<u>Leigha Smith</u>	<u>#P. Box 426 Ruth NV. 89813</u>
<u>Michelle Taya</u>	<u>1019 Siskin Ct. P.V. 95946</u>
<u>Carla Boone</u>	<u>17150 Ladino Ave., Penn Valley 95946</u>
<u>Tongia Maya</u>	<u>14605 Clover Ridge Ln 95946</u>
<u>Erin Maya</u>	<u>" "</u>

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CONT'D

NAME

ADDRESS

Donna Miller 19178 Indian Springs P.V. 95946

Grace McFall 13949 Hemlock Dr. P.V.

Merrylene Robinson 18638 Siesta Dr. P.V. 95944

Ruth Rasmussen 18387 Easy St P.V. 95946

Blank lined area for additional entries.

Letter 129 – Petition from Citizens Against Runway Zoning in Penn Valley

Response 129-A This petition will be will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Letter 130

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**NEVADA COUNTY PLANNING COMMISSION
NEVADA COUNTY, CALIFORNIA**

MINUTES of the meeting of October 10, 2013, 1:30 PM, Board Chambers, Eric Rood Administration Center, 950 Maidu Avenue, Nevada City, California

MEMBERS PRESENT: Chair Poulter, Commissioners Duncan, Smith, Donesky and Jensen.

ABSENT MEMBERS: Commissioner Duncan arrived at 1:34 p.m.

STAFF PRESENT: Planning Director, Brian Foss; Principal Planner, Tyler Barrington; Senior Planner, Kimberly Hunter; Deputy County Counsel, Scott McLeran

TABLE OF CONTENTS:

PUBLIC HEARINGS:

- 1. U13-002; EIS13-002, MI13-016 Use Permit application by *John Mayo*
- 2. EIR12-002 Housing Element Rezone

STANDING ORDERS: Salute to the Flag - Roll Call - Corrections to Agenda.

CALL MEETING TO ORDER: The meeting was called to order at 1:30 P.M. Roll Call was taken.

CHANGES TO AGENDA: No changes.

PUBLIC COMMENT: Members of the public shall be allowed to address the Planning Commission on items not appearing on the agenda which are of interest to the public and are within the subject matter jurisdiction of the Planning Commission, provided that no action shall be taken unless otherwise authorized by Subdivision (6) of Section 54954.2 of the Government Code. **None.**

COMMISSION BUSINESS:

None

CONSENT ITEMS:

None

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PUBLIC HEARING(S):

U13-002; EIS13-002, MI13-016 Use Permit application by *John Mayo* for an Equine and Canine rehabilitation facility and veterinary clinic as well as a commercial stable operation within an existing structure and including up to four classes per month and four special events per year. A Petition for Exception from Road Standards has been submitted requesting that Kneebone Ct be improved only to driveway standards. **LOCATION:** 19600 Kneebone Ct **APN(s):** 01-780-57 **RECOMMENDED ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration **PLANNER:** Amy Kesler-Wolfson, Assistant Planner

Amy Kesler-Wolfson, Assistant Planner presented the staff report.

Assistant Planner Amy Kesler-Wolfson presented the staff report. She noted that the project had previously been heard at the regular Planning Commission meeting held on July 25, 2013. She reviewed the project revisions requested by the applicant. Planner Wolfson projected the site plan on the overhead screen and noted there had been no changes to the site plan. She provided a review of revised conditions A.7, B.1, B.3, and the revised analysis. Planner Kesler-Wolfson reviewed staff's recommendation to adopt Mitigated Negative Declaration EIS13-002, and recommend approval of Petition for Exception to Roadway Standards MI13-016, and Use Permit 13-002 as amended.

Commissioner Smith asked for clarification regarding the 1,000-gallon tank requirement for each facility.

Planner Kesler-Wolfson explained that a 12-hour well yield test was required. The well yield test must perform at 9 gallons per minute. If it doesn't perform at that level the applicant would be required to provide a 1,000-gallon water storage tank for each facility served by the well. That would include the primary residence on the adjacent property, the equine/canine facility and the employee residence on the subject property.

Commissioner Smith asked if that was an Environmental Health Department requirement.

Planner Barrington explained that this portion of the property is served by the well located on the adjacent property that also serves the residence and that was why the residence was included.

Planner Barrington introduced Randall Yun, Environmental Health Program Manager to address the water storage requirements.

Randall Yun explained that the requirements are standard for every home that is on a well. If the minimum yield is not met then storage capacity is required.

Commissioner Smith asked if there currently was no tank at that location because the house was built before the requirement.

Mr. Yun said the water requirements date back to the early 1990s.

Commissioner Smith referenced the staff report and noted that the original well at the time the house was built was 10-gallons per minute.

Mr. Yun said that was correct and it was for one structure. The well yield requirement is now increased to three structures. Every structure on the property is required to have a minimum of one gallon per minute. If the well yield is between 1-3 gallons per minute it means a 1,000-

93 gallon storage tank is required; if the yield is 3-gallons per minute or above storage tanks are not
94 required.
95
96 Commissioner Smith asked if the yield test came in at 8-gallons per minute would it be possible
97 for the veterinary clinic and Ag housing to share a storage tank.
98
99 Mr. Yun said they could drill a separate well on that parcel and not have to do a shared water
100 supply with the neighboring parcel.
101
102 Commissioner Smith asked if it was possible for the veterinary clinic and the Ag housing to
103 share a storage tank because the tanks are expensive.
104
105 Chair Poulter felt the Environmental Health requirement was favorable to the applicant.
106
107 Mr. Yun confirmed that when the well yield is less than 1-3 gallons per minute then it is required
108 that each structure have their own water storage capacity.
109
110 Commissioner Donesky asked if it was an option for the applicant to use one 3,000 gallon
111 centrally located storage tank.
112
113 Mr. Yun said absolutely as long as the minimum 1,000-gallons are met.
114
115 Chair Poulter asked Mr. Mayo if he had any comments regarding the water storage discussion.
116
117 Andy Cassano, representative for Mr. Mayo asked the Commission to drop this condition
118 because he felt it had been based on faulty information. The well that serves the facility in the
119 Use Permit was originally tested at 60-70 gallons per minute. The log at 10-gallons per minute is
120 not the correct well. There is another well on the residential property that has a 10-gallon per
121 minute well. The well serving the Use Permit area is on the adjoining parcel and it is addressed
122 in the staff report that the well is located on a different piece of property. Mr. Cassano noted that
123 thousands of feet of irrigation are served by that one well. He said there are not three facilities,
124 there is only one facility an equestrian center with a caretakers cottage. The well yield is much
125 higher than has been reported on which the condition was based. The well has been serving the
126 project for years and there have been no water problems. Mr. Cassano said a 4-hour test is
127 required per ordinance not a 12-hour test. Mr. Cassano reiterated his request that the condition
128 be removed.
129
130 Commissioner Donesky asked if Mr. Cassano had a yield report on the 60+ gallons per minute
131 well.
132
133 Mr. Cassano said there was an original well log report.
134
135 Chair Poulter said a current well log would be required.
136
137 Mr. Cassano voiced his concern regarding the cost of a yield test to prove something that has
138 been working for a number of years.
139
140 Chair Poulter agreed that a 12-hour test seemed excessive and wasteful.
141
142 Commissioner Donesky asked if the 60+ gallon a minute well served both the house and the
143 Veterinary/Equestrian site.
144
145 Mr. Cassano said it is serving the equestrian center and irrigation of the property but not the main
146 house. The 10-gallon per minute well serves the primary residence.

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147
148 Mr. Cassano asked that the Commission approve the applicant's requested changes.
149
150 Chair Poulter opened the public comment period at 1:48 p.m. there being no comments she
151 closed the public comment period at 1:48 p.m.
152
153 Chair Poulter asked staff for clarification regarding the origin of the well yield conditions.
154
155 Planner Kesler-Wolfson said the revised project was routed to various departments including
156 Environmental Health. Environmental Health provided the condition including the 12-hour well
157 yield test.
158
159 Chair Poulter asked Program Manager Randall Yun if the statements provided by Mr. Cassano
160 regarding the wells and facilities at the application site changed the approval conditions proposed
161 by Environmental Health.
162
163 Mr. Yun said yes; receipt of the correct information regarding which well serves what facility
164 would make a difference.
165
166 Commissioner Smith requested clarification regarding the number of people that could ride at
167 one time and/or if the riders were counted separately from other customers.
168
169 Planner Kesler-Wolfson said the proposal by the applicant was intended to include 5 customers
170 at any time to be accommodated by both the veterinary facility and the horse stable facility based
171 on the four employees that would be present to accommodate them.
172
173 Mr. Cassano said the riders would be in addition to the 5 customers there to get service from the
174 onsite staff.
175
176 Commissioner Smith said the word "customer" confused her because she didn't feel people there
177 to ride were customers. Riders tend to own the horses so they are renters. She said if the riding
178 people are not counted with the veterinary clinic customers that number would be fine.
179
180 Planner Kesler-Wolfson said she didn't believe it was clearly distinguished in the proposal by the
181 applicant but did not feel there was an issue with having additional riders on site.
182
183 Commissioner Donesky asked if it would be appropriate to work on the language for
184 clarification.
185
186 Commissioner Duncan agreed that some of the language wasn't adequate to support a
187 functioning commercial boarding stable. Commissioner Duncan felt the focus was possibly too
188 narrow. She noted that this project represents economic development in Nevada County and she
189 didn't want this to be a template that limits their successful operation. The language needs to be
190 clear and not so limiting to the applicant or future applicants.
191
192 Planner Barrington referenced hand written page 9 of the staff report and noted the project
193 description (A.1.) that states up to 4 classes per month, offering riding or animal care education
194 by one instructor for up to 12 students.
195
196 Commissioner Duncan expressed her concern that condition A.1. was too restrictive. Some
197 stables may have 4-5 classes per day. She didn't feel the restriction would help them to succeed.
198
199 Planner Barrington explained the estimates had come from the applicant.
200

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201 Commissioner Duncan suggested the class limitation be deleted.
202
203 Planner Barrington said that would change the project description requiring re-circulation of the
204 environmental document.
205
206 Commissioner Duncan did not want to delay the application.
207
208 Commissioner Smith noted that the description states "classes" not lessons and lessons tend to be
209 more private.
210
211 Commissioner Donesky suggested adding a sentence to A.1. stating "private lessons" are not
212 included in the definition of classes.
213
214 Plammer Kesler-Wolfson referenced page 2 of the staff report and noted that under classes and
215 clinics, riding instruction is included as part of that definition. The intention is to include riding
216 instruction as part of the classes and clinics.
217
218 Commissioner Smith said there was reference to horseshoeing classes, a horse care class; and a
219 clinic with a guest speaker, which is not the same as a lesson. Individual, private, or semi-
220 private lessons are the lifeblood of the trainer at the stable. She requested that lesson be
221 excluded from the classes of horseshoeing and horse care.
222
223 Director Foss said the clarification that lessons, private lessons, or group lessons are not to be
224 counted towards the overall 4 classes per month would not change any findings of the CEQA
225 document or conditions of approval.
226
227 Commissioner Donesky referenced clarification regarding the wells and water issues and asked
228 for suggestions for clarification without causing approval delays.
229
230 Mr. Cassano suggested deletion of Condition B.1.
231
232 Planner Barrington said staff would defer to Environmental Health and added that it sounded like
233 there was a 60-gallon per minute well serving the commercial site so meeting this condition
234 wouldn't be an issue. If the residence is on a separate well the provision of extra storage should
235 be removed.
236
237 Commissioner Donesky agreed that the storage requirement could be removed from the
238 residence.
239
240 Mr. Yun said current documentation of that well yield would eliminate the need for the
241 condition.
242
243 Commissioner Donesky said given that this well is in operation would it be acceptable to open
244 sprinkler heads totally and let it run for four hours instead of paying for an expensive well test.
245
246 Mr. Cassano noted that the condition had been written on the basis of 3 facilities but the well is
247 serving only one facility. He said he had never heard of a 12-hour test requirement.
248
249 Commissioner Donesky asked Mr. Yun for clarification regarding a 4-hour test vs 12-hour test.
250
251 Mr. Yun said the requirement for a well that supplies water to the public could require a 3-hour
252 to 72-hour yield test. He didn't write this condition and could only assume that EH staff had
253 made a determination based on limited use of three facilities to reduce a 72-hour well yield test
254 to a 12-hour test.

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255
256 Commissioner Donesky asked for clarification regarding the calculations for commercial
257 operations.
258
259 Mr. Yun said there is a different set of requirements for commercial. If the well is a high yield
260 well and they can do a 4-hour test and show its producing 50 gallons per minute that would be
261 more than adequate.
262
263 Commissioner Donesky asked if a 4-hour test at 12-gallons per minute would be acceptable for
264 the equine/veterinary and caretakers cottage.
265
266 Mr. Yun said he would accept that minimum.
267
268 Mr. Cassano said it was difficult to accept any test requirement when the well had served the
269 property for so many years. He agreed that a 4-hour test was better than a 12-hour test.
270
271 Commissioner Poulter asked Mr. Yun if he would have required that condition if he had known
272 there were already two existing wells on the property.
273
274 Mr. Yun explained that EH would have asked for a current well yield report because it would
275 have been viewed as a new use for the well that would serve the two facilities.
276
277 Commissioner Poulter asked Planner Kesler-Wolfson if the condition could be revised today to
278 reflect the requirement changes.
279
280 After a brief discussion between Chair Poulter and Mr. Yun, Planner Kesler-Wolfson read the
281 following revised Environmental Health condition B.1 into the record: Prior to building permit
282 release, the applicant shall perform a 4-hour well yield test on the shared project well located on
283 APN: 01-178-58 to determine if the well yield meets minimum requirements for each of the two
284 facilities, the employee residence and the equine / canine facility that the well would serve. If the
285 well yield is less than 6-gallons per minute then a water storage tank will be required at each
286 facility. The minimum storage tank size is 1,000 gallons. Alternatively, the applicant may
287 choose to drill a new Class II well on the parcel that serves the employee residence and the
288 equine / canine facility.
289
290 Commissioner Smith asked for clarification on the definition of facilities stating that the
291 residence was not a facility.
292
293 Planner Barrington explained that in this case facility means (in EH terms) the caretakers
294 cottage/employee quarters and the equine/veterinary barn-riding arena.
295
296 Commissioner Smith noted that the veterinary use is considered to be agricultural support and
297 felt both uses were agricultural support.
298
299 Planner Barrington advised that potable water would be needed at the caretaker's cottage and the
300 equine/canine facility.
301
302 Commissioner Donesky felt it was fortunate that in this case there is sufficient water. He
303 complimented Mr. Yun for working with the Commission based on someone else's work.
304
305 Commissioner Duncan said in follow up to Commissioner Smith's statement about the definition
306 of facilities, she viewed the caretaker's cottage as a support operation to the equine/canine
307 facility. She felt it punitive to classify this as two facilities.

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308
309 Planner Barrington said it is a support facility, it is residential, and requires potable water.
310
311 Commissioner Duncan asked if the condition had been required by Environmental Health.
312
313 Planner Barrington said it was assumed the third facility (the existing residence) was served by
314 the same well. It could be treated as one facility and it would still have the same requirements.
315
316 Commissioner Duncan said her concern was the investment to support them as separate facilities.
317
318 Commissioner Donesky said the residence could only be occupied by an employee and if the
319 veterinary office closed, the residence could not be occupied under the proposed Conditional Use
320 Permit. If the commercial side closed and they were allowed to put a renter in the home then it
321 sounds separate enough to be two facilities.
322
323 Planner Barrington said that option is available with the appropriate permits to be lived in on a
324 permanent basis and not as a part of the overall commercial use.
325
326 Planner Kesler-Wolfson advised that Environmental Health condition B.8. requires that a
327 restrictive covenant be filed with the County Recorder essentially stating that it must be part of
328 the equine/canine facility.
329
330 Planner Kesler-Wolfson read the revised language for Condition A.1. as follows: this Use Permit
331 approval (U13-002) authorizes a canine and equine facility including the following uses: daily
332 operations for a commercial stable accommodating up to 12 horses and a veterinary facility with
333 four staff members accommodating up to five customers at a time, up to 4 classes per month
334 offering riding or animal care education by one instructor for up to 12 students not including
335 private and group lessons, and up to four special events per year. Special events may include up
336 to 120 guests with their pets and may include vendors and caterers and are limited to Saturdays and
337 Sundays. Hours of operation for the various uses are as follows in the table.
338
339 Mr. Cassano felt the verbiage may be construed to mean that there cannot be private and group
340 lessons. He suggested a change to no limit on private and group lessons.
341
342 Planner Kesler-Wolfson changed the condition to read "unlimited" private and group lessons.
343
344 Commissioner Donesky noted the reference to 5 customers should not include boarders or
345 veterinary customers.
346
347 Commissioner Duncan felt boarders were a different category and should not be included.
348
349 Commissioner Donesky asked for a five-minute break to work on revised language for condition
350 A.1.
351
352 Planner Kesler-Wolfson read the following revised language into the record: This Use Permit
353 approval (U13-002) authorizes a canine and equine facility including the following uses: a) daily
354 operations for a commercial stable accommodating up to 12 horses and the people who own, ride
355 and use them including unlimited private and group lessons; b) a veterinary facility with four
356 staff members accommodating up to five customers at a time; c) up to 4 classes per month
357 offering riding or animal care education by one instructor for up to twelve students; and d) up to
358 four special events per year. Special events may include up to 120-guests with their pets and may
359 include vendors and caterers and are limited to Saturdays or Sundays. Hours of operation for the
360 various uses are as follows:

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361
362 **Motion** by Commissioner Donesky, **Second** by Commissioner Jensen that the Planning
363 Commission after reviewing and considering the proposed Mitigated Negative Declaration
364 (EIS13-002) adopt the proposed Mitigated Negative Declaration pursuant to Section 15074 of
365 the California Environmental Quality Act Guidelines, making the following findings A through
366 C

367 **Motion carried on a roll call vote 5/0**

368
369 **Motion** by Commissioner Donesky, **Second** by Commissioner Jensen to approve the Petition for
370 Exception to Roadway Standards (MI13-016), making the following findings pursuant to Section
371 L-XVII 3.12 and L-IV 2.6 of the Nevada County Land Use and Development Code: A through
372 F

373 **Motion carried on a roll call vote 5/0**

374
375 **Motion** by Commissioner Donesky, **Second** by Commissioner Jensen to approve the proposed
376 Use Permit (U13-002) subject to the attached Conditions of Approval shown in Attachment 1, as
377 modified at the public hearing, making the following findings pursuant to Sections L-II 5.6.G
378 and L-II 5.5.2.C of the Nevada County Land Use and Development Code A through L.

379
380 **Motion carried on a roll call vote 5/0**

381
382 Chair Poulter announced the 10- day appeal period

383
384
385 **EIR12-002** Public hearing to accept comments on the adequacy of the Draft Environmental
386 Impact Report for that project known as *Housing Element Rezone Program Implementation*
387 project. The project proposes changing the General Land Use and Zoning Designation for 18
388 selected properties to Urban High Density/high density residential zoning (UHD/R3) and adding
389 the Regional Housing Need (RH) Combing District (LUDC Sec. L-II 2.7.11) to accommodate
390 the future development of high density housing, as mandated by the State Department of
391 Housing and Community Development. Grass Valley SOI: Site 1: 07-380-17; Site 2: 29-350-12;
392 Site 3: 35-412-15; Site 4: 35-412-17; Site 5: 35-412-18; Site 6: 35-412-19; Site 7: 35-412-21;
393 Site 8: 35-550-15 & 35-412-20; and Site 9: 35-412-16. Penn Valley Area: Site 10: 51-120-06;
394 Site 11: 51-150-29; Site 12: 51-151-62; Site 13: 51-370-02. Lake of the Pines Area: Site 14: 57-
395 141-29; Site 15: 57-270-02; Site 16: 57-270-03; Site 17: 57-270-06; and Site 18: 11-181-03. No
396 project action will be taken at this hearing.

397 **PLANNER:** Tyler Barrington, Principal Planner

398
399 Principal Planner Tyler Barrington explained that the public hearing was being held to take
400 public comment on the Draft Environmental Impact Report for the Rezone program that was part
401 of the 2009-2014 Housing Element. He said the County had identified 18 candidate sites for
402 review. These sites were presented to the Planning Commission with the adoption of the
403 Housing Element in 2010. He introduced Alex Jewell, Project Manager for RBF Consulting that
404 prepared the Draft Environmental Impact Report (EIR) and would provide the presentation on
405 the Draft EIR.

406
407 Alex Jewell said his firm was hired by the County to prepare the EIR for the Housing Element
408 Rezone program. He said the purpose of this hearing was to provide information to the
409 Commission and to the public on the project, answer any questions regarding the project, and
410 take comments from the public on the Draft EIR. Mr. Jewell said the public review period for
411 the EIR was September 12, 2013 through November 12, 2013. The County elected to have a 60-

412 day review period instead of the normal 45-day review period to allow extra time for comments.
413 Mr. Jewell provided a brief background of the project that included the adoption of the Housing
414 Element in 2010 that included as part of that process the identification of a deficiency in R-3
415 zoning within the County. Mr. Jewell said in order to meet State law requirements the County
416 needs to add additional areas zoned to allow a minimum 16 dwelling units per acre to afford a
417 range of housing opportunities within the County. The properties that are zoned R-3 would be
418 required to allow development by right. The deficiency identified was 1,270 housing units under
419 the R-3 zone. The County created the RH Overlay District which was approved in September
420 2011. Mr. Jewell said a site analysis report was prepared before the EIR process was started.
421 The thirty-nine sites that were originally identified as having the best potential for this program
422 were narrowed down to 18 sites. The site analysis report looked at 34 different criteria to
423 determine if the 18 sites selected could provide enough units to satisfy the 1,270-unit deficiency.
424 The process was completed and it was determined that the 18 sites could support the minimum
425 number of units. As part of the EIR process seven project objectives were identified. Those
426 objectives are an important component of the EIR because they frame how the Commission will
427 evaluate the sites and ultimately the selected sites support your primary objectives for the
428 project. The sites would need to be rezoned, be large enough to get the feasible number of units
429 on the site, make development on the site feasible, with proximity to community services,
430 commercial areas, and public transportation. An important component required by the Board of
431 Supervisors was that the property owners consent to being part of this program and not include
432 property owners that were not consenting. Mr. Jewell identified the locations of the 18 sites
433 chosen.

434
435 A regional map was projected on the overhead screen that identified the Grass Valley, Penn
436 Valley, and Lake of the Pines area sites. The property owner of the San Juan site did not want to
437 participate in the program. He said these sites would be allowed by right to build. With a
438 building permit, they could build within the building envelope designated for each site and this
439 EIR would cover all environmental impacts associated with the development. For an example,
440 he projected a site on the overhead screen that identified the building envelope, the
441 environmentally sensitive areas on the site, as well as the mitigation measures. As part of the
442 EIR process, a number of technical studies, biological resources, cultural resources, geotechnical
443 constraints, traffic impact analysis, air quality, greenhouse gas and noise studies were prepared.
444 Most of the environmental impacts were mitigated to less than significant. There also were
445 significant impacts and unavoidable impacts. The projects that are within the city sphere of
446 influence do have a conflict with city density plans. Mitigation measures were identified and
447 worked out with the City of Grass Valley. If those policy agreements do come into effect the
448 County does not have any jurisdiction over the agreements. Public services are a similar
449 situation including sewer. The County has identified contributions that could be made but the
450 County does not have control over when the improvements would be made. The population
451 would be increased over what the city has in their General Plan and the only feasible mitigation
452 would be for the City to change its General Plan, but the County cannot force the City to do this.
453 It is more of an implementing mechanism vs impacts so severe they couldn't be mitigated. A
454 conservative approach from a CEQA perspective is to provide the County with the most
455 defensible EIR possible. Mr. Jewell said the 60-day public review period had begun and would
456 continue through mid-November. Once all the comments are submitted from the public, staff
457 would respond to those comments and prepare the Final EIR. That Final EIR would return to the
458 Commission for comments and a recommendation before going to the Board of Supervisors for a
459 decision. Mr. Jewell said staff would take verbal and written comments at this hearing. He said
460 there were comment forms located next to the dais and they were welcome to submit their
461 comments today. He said there was also a sign-up sheet to be notified of upcoming meetings.

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462 He said there would be future opportunities for the public to comment at upcoming Planning
463 Commission and/or Board of Supervisors hearings. There are three upcoming community
464 meetings to provide more information to the public on the project in each of the areas where the
465 proposed units are located; Grass Valley, October 24; Lake of the Pines, October 28; and Penn
466 Valley, October 29. He said contact information was included on the comment forms located
467 next to the dais.

468
469 Commissioner Jensen noted that the word “project” was used a lot in the description of today’s
470 proceedings. He asked if the 18 parcels identified would all be rezoned at the conclusion of this
471 project.

472
473 Planner Barrington said the intent of the EIR is to look at the 18 different sites and determine
474 whether they are feasible. At the end of the day staff hoped to come up with a recommendation
475 to the Planning Commission on which of those 18 sites are the best sites for rezone. He said
476 technically not all 18 sites have to be rezoned. The County is currently looking at 150 total acres
477 to meet the required number of units (1,270). The unit requirement could be met with
478 approximately 64 to 85 acres however from a planning perspective staff would like to see a little
479 more than the 85 acres if possible.

480
481 Commissioner Jensen asked if the adjacent property owners (within 300 ft.) had been notified.

482
483 Planner Barrington said staff went beyond the 300 ft. notification requirement and notified
484 everyone within 500 ft. of the Notice of Availability, for the meeting today, and staff would send
485 a subsequent notices for the upcoming community meetings.

486
487 Commissioner Jensen asked if all 18 sites needed to pay a traffic mitigation fees for the traffic
488 the project would add to the Idaho Maryland Road (traffic circulation 2-9).

489
490 Planner Barrington said the intent is that each mitigation measure assigned to a site that is
491 ultimately rezoned site would have to pay for mitigating their local and regional impacts. If the
492 site were on Brunswick, they would pay their fair share to mitigate the impacts to Idaho
493 Maryland and Brunswick. If the Lake of the Pines site gets rezoned then they would have to pay
494 their fair share for their localized impacts as well as the regional fee. The regional fee applies to
495 all of the, County the local fee applies to the local roads. Sites that are located on Brunswick
496 would not be paying mitigation for impacts in Lake of the Pines.

497
498 Commissioner Jensen felt the word “project” should not be used. The site number should be
499 used to identify the parcel such as site number XYZ would affect Idaho Maryland Road therefore
500 they would pay a fee.

501
502 Commissioner Duncan said to clarify what we are doing today the “1200+ number” that staff
503 noted is provided by the State Housing and Community Development. The task the County has
504 in order to have the Housing Element approved is that the County has to make a specific number
505 of sites available so that number could be accomplished. But it does not mean that number
506 would be accomplished within a certain time period.

507
508 Planner Barrington said the County’s charge is to identify suitable sites that have appropriate
509 zoning that could meet those unit counts. It does not mandate that the County build these units
510 or that the units are built. It is the private developer that would dictate when the sites would be
511 developed.

512
513 Commissioner Duncan said the stick held over the County’s head is that if we don’t have a
514 Housing Element the County runs the risk of being sued or the withholding of grant funds the
515 County needs for activities they wish to accomplish. She felt it was an important distinction to

516 make, it does not mean there are developers waiting in the wings to pick up on these sites. It is
517 an attempt by the County in good faith to meet the goals set by the State in order to reap the
518 benefits.

519
520 Planner Barrington said that Commissioner Duncan was correct.

521
522 Commissioner Smith said the State is requiring 1,275 units and felt a total of 3,000 units could
523 be created from those parcels.

524
525 Planner Barrington said as Mr. Jewell mentioned the County is trying to take a conservative
526 approach so staff looked at 18 sites with the maximum build-out. The analysis is based on the
527 worst-case scenario. In order for the County to meet its Housing Element requirement, adequate
528 zoning is required for 1,270 units. That is the baseline, however staff does anticipate that if some
529 of the sites in the Grass Valley sphere of influence are annexed those sites are no longer suitable
530 and available so we would like to error on the side of caution and provide the County with a
531 buffer so that five years from now we are not going back through this process.

532
533 Commissioner Smith said she seemed to recall that once those sites are annexed into Grass
534 Valley the sites no longer count towards the County's Regional Housing.

535
536 Planner Barrington said Commissioner Smith was correct they no longer count toward the
537 County. The City and the County would have to come to a reasonable mutually acceptable
538 agreement to transfer the units; similar to the process that went forward with Loma Rica Ranch
539 annexation.

540
541 Commissioner Smith asked if any comments were received from the City of Grass Valley when
542 staff proposed to go forward with this project.

543
544 Planner Barrington said yes, they are incorporated in the Notice of Preparation. The City of
545 Grass Valley did provide us with comments which are included in the EIR.

546
547 Mr. Jewell said they are included in appendix A (located on the CD) as part of the Notice of
548 Preparation. Those are the written comments that were received from Grass Valley.

549
550 Commissioner Smith said going forward with this Draft EIR there are a lot of significant and
551 unavoidable impacts that would require Statements of Overriding Consideration. Commissioner
552 Smith voiced her concern that the Commission would be adopting 10 Statements of Overriding
553 Consideration and there are a lot of significant and unavoidable impacts. She asked if it was
554 correct that these sites were going to be developed by right, and all mitigation measures, traffic
555 mitigation, wastewater mitigation, and all the environmental review would be taken care by this
556 EIR. She asked if it was correct that whoever wants to come in and develop those sites would
557 only be required to come in for a building permit.

558
559 Planner Barrington said that in general Commissioner Smith was correct. During the rezone
560 process it is our intent to create an implementation guide that outlines each site and details the
561 development criteria that needs to be met prior to development occurring. Once those criteria are
562 met, once mitigation measures are in place, they could come in and get a building permit. There
563 is a caveat in the RH Overlay District that does allow for Design Review before the Commission
564 ensuring that the buildings meet the Western Nevada County Design Guidelines. The State
565 requirement is that if the County has an unmet need, which has been identified, when we rezone
566 sites that 16 units minimum per acre must be allowed to develop without further discretionary
567 action (no Use Permit). Basically, a Use Permit is being allowed for each of these sites without
568 knowing exactly what the project is at that time. Staff is doing their best to anticipate the
569 maximum build out for each site and the appropriate mitigation for each of those projects.

570
571 Commissioner Smith said you know in advance that the ones in the sphere of influence of Grass
572 Valley are not going to count towards our Regional Housing need.
573
574 Planner Barrington said that goes back to a mutually acceptable agreement with the City of Grass
575 Valley. Our General Plan does direct growth such as this high-density growth towards the
576 Community Regions.
577
578 Commissioner Smith noted that it also requires that the Nevada County General Plan Land Use
579 will reflect the City/Towns General Plan Land Use mapping in some instances the County may
580 provide for less intensive land use due to infrastructure incompatibility. She felt that developing
581 at a density higher than what Grass Valley has proposed is inconsistent with our General Plan.
582
583 Planner Barrington said hence the unavoidable impact in that area.
584
585 Commissioner Smith said staff had done an excellent job on the EIR however; she had great
586 concerns regarding the impacts of the project. She asked if there was any way the sites within
587 the sphere of influence could be avoided.
588
589 Planner Barrington said that was within the purview of the Commission to make a
590 recommendation to the Board by identifying the most suitable sites.
591
592 Commissioner Duncan noted that not all of these sites might be approved some may be deleted.
593
594 Commissioner Smith asked if they would be deleted from the EIR.
595
596 Commissioner Duncan said they would be deleted from the proposed rezones.
597
598 Commissioner Smith said there is nothing to tell us if any of the parcels are really inappropriate.
599 She said she realizes the corner staff is in but she was surprised to see so many significant and
600 unavoidable impacts and noted all the properties that are located off of Town Talk. That would
601 be an enormous number of cars driving down that street and then of course it's within the Grass
602 Valley sphere of influence. Commissioner Smith suggested something be worked out so the
603 developer would actually have to pay for all of the street improvements.
604
605 Chair Poulter stated her concern that the focus was straying towards individual projects instead
606 of the Draft EIR.
607
608 Commissioner Donesky said some of the folks in the community are remembering the 1995
609 General Plan that had a lot of emphasis placed on a population cap in the County. He asked if
610 staff was doing any kind of updated analysis as to whether changes should be made to stay
611 within the 1995 General Plan population cap or whether exceeding that number by 3,000 units or
612 1,200 units would be a significant environmental impact.
613
614 Mr. Jewell said as part of the EIR analysis staff did look at the 1995 General Plan gross
615 projections for Nevada County, added those units into that number, and found that it did not
616 exceed the population projection of the General Plan.
617
618 Commissioner Donesky said the projections were on a graph (high, medium, and low) and there
619 was also a cap. He asked if the cap had been looked at as well as the projections and the
620 trajectory.
621
622 Planner Barrington said there was a discussion in the EIR but they would also take another look
623 at the numbers.

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624
625 Chair Poulter opened the public comment period at 3:05 p.m.
626

627 Ed James said he is part of the Penn Valley Chamber of Commerce Board of Directors. As such
628 the comments he was making were basically representing the Chamber of Commerce. He said
629 they are very concerned about what is being proposed. They have reviewed some of the
630 material; they have not reviewed the EIR. He said the EIR is lengthy and expensive. They need
631 additional time to thoroughly review the document and come up with what they think is a more
632 viable approach than what is being proposed here. Mr. James said they are asking for and have 130-A
633 asked for a continuance by letter to the Planning Director (probably the wrong action). He said
634 what they are really asking for is an extended study period. They would like to see the study
635 period extended 3-4 weeks beyond what is being called for now. Mr. James said they don't have
636 staff or paid staff to review this, this is all being done by volunteers. One of their major concerns
637 is that they don't believe a study that was prepared and adopted by the Board of Supervisors
638 (BOS) on what the economic growth ought to be for Penn Valley was not considered in this
639 document. This study (an agreement with ERC at that time and the Board of Supervisors) 130-B
640 utilized a consultant and a study was paid for by (he believed) CDBG funds that basically came
641 up with a more economic approach as to what ought to happen in the Village Center area of Penn
642 Valley. When the study was completed, it was approved and adopted. We have an approved
643 adopted policy right now, ahead of what is being proposed here (that the Board of Supervisors
644 approved) which basically lays out what the Board of Supervisors thinks is the best thing to
645 happen. It was not a shallow study it was a very extensive study. It looked at retail market
646 analysis, demographic analysis, economic goals and objectives, and there's an action plan. 130-C
647 There was a spot study that looked at the strengths, weaknesses, the opportunities, threats to the
648 area, a very extensive study that basically stated what this area needs and the very parcels you
649 have identified in this EIR should be commercial, retail, and business. That is what makes sense
650 in the Village Center not high-density low cost housing. He was glad to hear from some of the
651 Commissioners that economic development is an important objective for them. It's an important
652 objective for Penn Valley and the Chamber of Commerce. He said that in other words the BOS
653 at that time set a direction for the Village Center in Penn Valley, what the BOS wanted to see 130-D
654 occurring in Penn Valley. Once you rezone these parcels those opportunities are lost they just go
655 up in the ozone and disappear. No one is going to come back and try to go through this process
656 again. If you rezone those sites to housing great opportunities for retail businesses, Business
657 Park, or whatever are gone. It is the opinion of the Chamber of Commerce at this point that the
658 EIR is flawed because it does not address what was adopted back in that time frame. This looks
659 to him (he has been through this before in another city) like a numbers game. Let's go find
660 vacant property that we can rezone to R-3 or R-4 whatever you are looking for and we can make
661 the numbers. This is more than a numbers game and yes, there may be mitigating factors but the 130-E
662 overall factor that cannot be mitigated is once you zone this property inappropriately all the
663 appropriate opportunities are lost. R-3 low cost housing in their mind is not appropriate in a very
664 rural area. R-3 high-density low cost housing should be near population centers or transportation
665 hubs. These folks that are low cost housing, living with families and kids need transportation 130-F
666 they need a lot of services not available to them out in Penn Valley. He said they have a number
667 of other concerns that he would not go into today because they need more time to put their
668 thoughts and strategy together. Mr. James said he hoped the Commission would take these
669 comments into consideration as they continue through the process. He hoped they would grant
670 the Chamber of Commerce a 30-day extension and hoped they would take very seriously what 130-G
671 this study (The Penn Valley Village Focus Economic Development Study) planned. The plan
672 should hold true from now until the economy picks up and they have opportunities come before
673 them. The County needs economic development, Penn Valley needs it, and he thinks what is
674 being proposed here is anti-economic development.

675
676 Frederick Morrill said he is part of the Lake of the Pines proposal. He asked if proposed site 17
677 (the environmentally sensitive area) could be put up on the overhead screen.

678
 679 Mr. Jewell said he did not have site #17 but he did have the Lake of the Pines graphic.
 680
 681 Mr. Morrill said that would be fine. He just wanted to mention that he did submit written
 682 objections about a week ago. Mr. Morrill said he hoped he wasn't repeating himself but was not 130-H
 683 sure everyone had read his comments. Proposed site #17 is a very small acreage (2.36 acres) and
 684 he lives immediately adjacent (south) of that property. He has lived there for about 4 ½ years
 685 and he is not a biologist or an environmentalist but from his own layperson perspective, it is a
 686 very environmentally sensitive area. Mr. Morrill said the County is proposing to build on a site 130-I
 687 where a creek runs through the middle of the property, a pretty good size creek that floods every
 688 spring, and it supports a lot of wildlife that he has observed over the years. Some of the wildlife
 689 he has observed are raptors laying eggs and hatching their young every spring, owls (all year 130-J
 690 long it seems to be a residence for them), wild turkeys, ducks, geese, hummingbirds to name a
 691 few. It is teeming with wildlife. It is a highly wooded area so thick it's almost impossible to
 692 walk through. There are quite a few old oak trees, fallen oak trees that's where the owls live. A
 693 lot of the oak trees have numbers on them; he isn't sure what it means maybe something in the 130-K
 694 environmental department. All the oak trees have been tagged and numbered. He said he was
 695 concerned about the impact on wildlife and the biological effects. He said there is some housing
 696 development immediately northwest of this area, a huge housing project going up right now (40-
 697 50 homes). He thinks this area already has a pretty good impact on building and population. He
 698 didn't think it was feasible to build approximately 37 units on this one little piece of land. Plus if 130-L
 699 you look at the land, something like 80% of that land has been marked as an environmentally
 700 sensitive area. The only area they are proposing to build on is the western and southern edges of
 701 this property. Unfortunately the southern edges of this property where they are planning on
 702 building densely (dense housing) is about 80 feet from his bedroom window. He said he hoped
 703 he was not being selfish everyone has a right to housing regardless of their income or their status
 704 but when he bought this property 4 years ago it was zoned as a single housing area. If he knew it
 705 was going to be something like this he would never have purchased this house. All of the sudden 130-M
 706 now someone is proposing to build low to very low income housing about 80 ft. from his
 707 bedroom window, from his porch, from his living room window. He didn't think if the
 708 Commission were in his situation, they would be happy. Mr. Morrill said he is not happy with
 709 the situation, wanted to voice his opinion, and wanted his opinion to be heard. He said his main
 710 concerns are the biological impacts and he did not expect such a thing to happen where he lives.
 711 Mr. Morrill noted that Chair Poulter had mentioned a win-win situation for everyone earlier and
 712 he felt this was a win situation for the builder and the people proposing this but not a win-win
 713 situation for him. He knows as a private citizen he has only so much voice, so much power, he
 714 pays his taxes on time, and thinks he does a pretty good job of it, and hoped that when the
 715 County comes to making this decision some of the things he has said would be taken into
 716 consideration.
 717
 718 Brent Dickinson said he was a neighbor of Mr. Morrill. He said lot 16 is immediately adjacent to
 719 his property off the southwest corner. Mr. Dickinson said he believed lot 16 already has a
 720 sewage treatment facility that may need to be relocated because it would negatively impact the 130-N
 721 ability to treat the sewage and wastewater of that area. It is his understanding that the sewage
 722 system is already stressed. Mr. Dickinson said he drives by the other facility that is on Riata and
 723 he sees and hears the one on lot 16 from his house. He said most of you don't live next to one of
 724 these. He is just another private citizen voicing his displeasure. Most of us move out to these
 725 rural areas to not have 30, 40, 50, 60 people within arms-reach of our side windows. Mr.
 726 Dickinson said he grew up in Auburn and has lived on 10 acres most of his life and he knows
 727 what it's like not to have a house that's 2-ft away. He doesn't want a house or 30 houses 2 feet
 728 away (an exaggeration he knows) but that's how it feels. He does not like it one bit. Another
 729 concern is where the access would be located for these properties. The Higgins Market Place
 730 sounds like it has been approved to move forward, a shopping retail area just down the hill from 130-O
 731 his property. Now he is being hemmed in on two sides and that's where his well is located. He

732 is looking at a way to get water again. NID does not come within a half mile of his house. He
 733 asked if he would have to get rid of his well and have water trucked in because of all the
 734 development around his house. Mr. Dickinson said he didn't feel any of the Commissioners
 735 would accept that as a good solution. He felt they would look at this negatively also. Mr.
 736 Dickinson said he understands this is preliminary but felt he should say something now and
 737 voice his displeasure.

130-P

738
 739 Linda Haldane said she owns Haldane computers and owns the commercial property
 740 immediately to the west of site #1. She asked how many units were being proposed for approval
 741 on site #1.

742
 743 Planner Barrington said he believed site #1 was approximately one acre so the EIR is looking at
 744 around 16 units.

745
 746 Ms. Haldane said both of those properties were zoned commercial before they were rezoned in
 747 1995. Her building was built in the late 1980's as a commercial building and then it was down
 748 zoned along with the adjacent property to Office Professional. She said her building is totally
 749 inappropriate for Office Professional and it has been extremely hard for her to get a tenant for the
 750 other part of her building. She recently acquired another tenant that was grandfathered in by the
 751 prior use of that building. He already told her that if this rezone were approved he would give
 752 her notice because that type of housing tends to go downhill very quickly. The ultra-high density
 753 and very low income tends to lose value and cause a lot of problems. Ms. Haldane said she was
 754 very sad to see that type of thing considered for approval across from our fairgrounds and
 755 certainly next door to her business. She saw it as a threat. One of the reasons for the down
 756 zoning in the previous General Plan was for traffic impacts. Ms. Haldane felt 16 units would
 757 cause more traffic impacts than the Office Professional as it's currently zoned or for Commercial
 758 as previously zoned. Ms. Haldane said she wanted to go on record as being opposed to the
 759 rezone because of traffic and safety issues. She has to leave her business at night often after dark
 760 and having what she sees as undesirable neighbors makes it very uncomfortable for her.

130-Q

130-R

761
 762 Bob Winters said this is all new to him but he noticed in the presentation that the Planners made,
 763 the bullet points stated increased high density housing opportunities and there would be many
 764 residents in Penn Valley that do not want more high density housing including the sheriff.

130-S

765
 766 Mike Mastronado said he is a member of the Penn Valley Chamber of Commerce and Manager
 767 of the Penn Valley Mini Storage which is located adjacent to the Penn Valley properties (sites 10
 768 and 11 and the back of parcel 13). He said there was an indication in one of the studies that went
 769 above and beyond the 16 units per acre requirement and mentioned something about higher
 770 density bonuses. He asked for clarification regarding the bonuses. It sounded to him like there
 771 would be bonuses available to developers if they increased that density.

130-T

772
 773 Planner Barrington said he didn't know the particular section referenced by Mr. Mastronado.
 774 The zoning code does provide for density bonuses when certain provisions are met in terms of
 775 housing development. Provision of low and affordable housing, housing for senior citizens, also
 776 the sphere of influence does allow for up to 20 units per acre. Currently outside of the sphere of
 777 influence 15 units per acre and we are looking at 16 minimum.

778
 779 Mr. Mastronado said the density could be higher than 16.

780
 781 Planner Barrington said the requirement for the County is to look at allowing a minimum 16
 782 units per acre. There are code provisions to allow for bonus density (approximately 25%)
 783 depending on what type of development is proposed.

784
 785 Chair Poulter said the proposal is still unknown.

786
787 Frederick Morrill said site #17 is only 2.36 acres most of it has been crossed off and the area
788 they're proposing to build on as he mentioned before is directly to the west and directly to the
789 south of the property. What the County is proposing to build on is less than an acre and they are 130-U
790 proposing to build approximately 37 units on less than an acre. He said if 1-4 people live in
791 those units that would be close to 200-250 people living on less than a one-acre plot.
792
793 Planner Barrington said Mr. Morrill was correct regarding the approximate acreage of the site the
794 buildable area identified is approximately an acre. Part of the rezone process and part of the RH
795 Overlay requires the County to come up with an aggregate density that is allowed on the site
796 meaning that the environmentally sensitive areas and the areas that are public right-of-ways
797 would be subtracted in order to determine an appropriate holding capacity for each of the sites.
798 The EIR does look at the worst-case scenario of what the maximum units would be. So there is a
799 little overstatement of how many units can actually be built on each of these sites. That would
800 be determined as the County moves forward with potential rezoning.
801
802 Chair Poulter asked Planner Barrington if Mr. Morrill had read something that referenced the
803 number 37.
804
805 Planner Barrington said yes.
806
807 Mr. Morrill said he believes anyone has the right to build on their own property and he expected
808 a house, or maybe two houses but 37 units on a one-acre plot 80 feet from him was something he
809 could not foresee.
810
811 Chair Poulter closed the public comment period.
812
813 Commissioner Donesky said it was interesting that before the public hearing we heard about sites
814 in the sphere of influence and at the public hearing we mostly heard about sites that were outside
815 the sphere of influence and he felt the sphere of influence sites need to be considered if the
816 County is going to meet State law. The County obviously needs to talk to Grass Valley very
817 seriously to make sure that if they annex those sites they take responsibility for those units that
818 go along with those sites. Looking seriously at those sites in the first instance is the start of that
819 process.
820
821 Commissioner Duncan confirmed that in designating the higher density units it was not high
822 density affordable or low income its just high-density units.
823
824 Planner Barrington said the State mandate is for high density not affordable.
825
826 Commissioner Duncan said it is conceivable due to demographics (an aging population) that
827 some of these could be senior projects not necessarily affordable. For some of those residents
828 that are living next to affordable projects that have not been great neighbors she hears their pain
829 but it does not necessarily mean that all these sites are slated for affordable development. She
830 knows in District 2, looking at site #16 that was part of the Higgins Place project and was looked
831 at as high density. She asked if it was currently designated as high density.
832
833 Planner Barrington said it has a Planned Development designation with a set number of units
834 assigned so that in some point and time it has potential to develop with a high density.
835
836 Commissioner Duncan noted that it was also contingent upon services being available to that site
837 because right now the septic system that is in place is only for the existing businesses.
838

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839 Planner Barrington added that all the sites are contingent upon services being in place;
840 development would require sewer and public water.

841

842 Commissioner Duncan said the Cascade Crossing had been designated higher density but was
843 given up for single family and could have alleviated some of the pain being felt now in trying to
844 come up with appropriate sites. To the extent possible, these are the best candidates. Staff is not
845 necessarily wild about them all as potential sites.

846

847 Planner Barrington said that was correct and they also had been tasked with finding willing
848 property owners. Spreading out the sites significantly was reduced because some of those
849 property owners decided they weren't interested in high-density housing.

850

851 Chair Poulter said the outstanding comment for her was the Penn Valley folks wanting to extend
852 the review period. She said the review period had already been doubled.

853

854 Planner Barrington said it is already two weeks longer than the typical CEQA review period.
855 There is still another 33 days before the public comment period is over.

856

857 Commissioner Donesky said he understood there were other deadlines and we want to move this
858 expeditiously. He asked if there were deadlines where another 14 days would trip a problem for
859 us as a County.

860

861 Planner Barrington said the primary deadline is the that Housing Element is due to the State in
862 June 2014. If the County does not execute the State mandated program, we run the risk of not
863 being certified. That is why we are trying to move this along. He noted that this process did
864 begin in November of 2011 when we first entered into a contract with the consultant. It has been
865 a lengthy process from staff's standpoint and we would like to keep the CEQA time frames as
866 they are however if the Commission feels that another two weeks is warranted then staff could
867 deal with that.

868

869 Chair Poulter said she did not feel it was warranted.

870

871 Commissioner Duncan said she felt the question is would another two weeks bump up against
872 the submission deadline. Would this impact that date so you could not meet those target dates.

873

874 Planner Barrington said potentially yes.

875

876 Commissioner Smith said you have identified more sites than are necessary, you are doing a
877 parcel specific review for by-right building at which point and by whom will a decision be made
878 that perhaps some of these parcels or options are inappropriate.

879

880 Planner Barrington said obviously staff would take public comment and review each of the sites.
881 It is the hope of staff to come up with an appropriate recommendation for the Planning
882 Commission prior to rezoning the most suitable sites. There is also a section in the EIR that
883 looks at different alternatives, a reduced number of sites, so it would be the intention of staff to
884 bring adequate numbers of acreage to the Planning Commission as a recommendation and the
885 Planning Commission could weigh staff's recommendation and provide the BOS with sites the
886 Commission feels is the most appropriate.

887

888 Commissioner Smith said as part of the EIR review process or part of the rezoning.

889

890 Planner Barrington said as part of the rezoning and as part of the certification of the EIR.

891

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892 Commissioner Smith confirmed that the Commission could state that the environmentally
893 superior alternative is whatever and that would cross off some of these parcels.

894
895 Planner Barrington said that was definitely the purview of the Commission.

896
897 Chair Poulter asked if this concluded this part of the process or was a motion required.

898
899 Planner Barrington said we have taken public comments and made notes.

900
901 Commissioner Jensen asked if it was necessary to leave public comment open.

902
903 Planner Barrington said future meetings would be re-noticed so the public comment could be
904 closed.

905
906 Director Foss said the only action would be to direct staff to respond to the comments received
907 today.

908
909 **Motion** by Commissioner Donesky and **Second** by Commissioner Jensen to direct staff to
910 respond to the comments received.

911 **Motion carried on a roll call vote 5/0**

912
913
914

1. Discussion of upcoming Planning Commission meetings

- Evening public meeting to discuss the Land Use Element changes (Tentative date October 22, 2013 at the Miners Foundry)
- October 24, 2013 Planning Commission meeting – Draft Land Use Element changes
- November 14, 2013 (Camp Augusta Tentative Date)
- Cancellation of November 07, 2013 Special Meeting

2. Announcements (Informational Items Only)

Commission and staff members may make brief announcements or report on activities. Commission members may also provide a reference to staff or other resources for factual information, request staff to report back to the Commission at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

915
916 **Motion** by Commissioner Duncan, **Second** by Commissioner Jensen to adjourn.

917 **Motion carried on a voice vote 5/0.**

918

919 There being no further business to come before the Commission, the meeting was adjourned at
920 3:42 p.m. to the next meeting to be held on November 14, 2013, in the Board of Supervisors
921 Chambers, 950 Maidu Avenue, Nevada City.

922

923

924 Passed and adopted this XXX day of XXX, 2013.

925

926

927

928 Brian Foss, Ex-Officio Secretary

929

930
931
932
933

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Letter 130 – Planning Commission Hearing, October 10, 2013

Response 130-A: The County Planning Commission considered the request to extend the public review period and decided that the public review period would close as scheduled on November 12, 2013. The public comment on the Draft EIR was for 60 days which exceeds the standard 45-day review period required by CEQA and County Policy.

Response 130-B: Please see Response 9-B regarding the Penn Valley Village Focused Economic Development Study.

Response 130-C Please see Response 9-B and Master Response #3.

Response 130-D Please see Master Response #3.

Response 130-E Please see Master Responses #1 and #3. Please see response 10-A and 10-H.

Response 130-F Please see Master Response #6. Please see Responses 22-F and 22-G and Response 10-II.

Response 130-G Please see Responses 130-A and 130-B.

Response 130-H Mr. Morrill's letter is included as Letter 21.

Response 130-I Please see Response 21-A.

Response 130-J Please see Response 21-A.

Response 130-K Mitigation Measure 4.4-5 requires the developer of Site 17 to prepare an oak woodland management plan for the protection of sensitive oak woodlands onsite. Please see Response 26-D.

Response 130-L The County concurs that approximately 75% of the site has been identified as Environmentally Sensitive Area. Please see Master Response #8 regarding the number of units on the site. With regards to development on the site, the Regional Housing Need (RH) Combining District requires the following: "Development proposes shall undergo a Design Review process and public hearing at the Planning Commission limited to design issues only. No discretionary permit is necessary for the density or use of the site." (LUDC Section L-II 2.7.11.C.5). This will ensure project design is consistent with surrounding area, western Nevada County Design Guidelines and the design criteria established by the Higgins Corner Area Plan. Furthermore, the existing zoning for Site 17 has Scenic Corridor (SC) and Site Performance (SP) Combining Districts which will remain. The SC combining district requires future development, "To protect and preserve the scenic resources of areas which are adjacent to highways and roads which have been identified as having high scenic quality and requiring protection for the benefit of residents and visitors."²³ This protection is implemented through the preparation of a Scenic Corridor Analysis that is prepared by the developed and reviewed and approved by County Staff. The SP combining district provides "for refinements in the site development standards and/or the permitted uses in the base zone district with which the SP District regulations are combined."²⁴ As such, site development standards for the site would be adjusted on the

²³ County of Nevada Land Use and Development Code, Section L-II 2.7.7

²⁴ County of Nevada Land Use and Development Code, Section L-II 2.7.8

site to account for physical constraints such as Ragsdale Creek and sensitive habitats above and beyond the development restrictions created by the ESA designations.

Response 130-M Please see Master Response #6.

Response 130-N The County concurs that any existing sewage treatment facilities would have to be removed from Site 16 prior to development. Please see Master Response #4 regarding a future developers obligation to ensure adequate sewer infrastructure and capacity is available or to provide adequate sewer facilities prior to development.

Response 130-O Please see Response 24-I.

Response 130-P Please see Response 24-I. All development that would occur as a result of the proposed project would have to be served by public water and therefore would not draw from ground water supplies. Additionally, implementation of the proposed project would not require homes on Rosewood Road to connect to the NID system.

Response 130-Q Please see Master Response #6.

Response 130-R The County does not concur that the project would result in increased traffic impacts along McCourtney Road should site 1 be chosen for rezoning. As shown in Table 4.15-10 of the Draft EIR, the traffic generated from the proposed site 1 would not result in any change to the level of service at the intersection of McCourtney Road or at the new proposed driveway for Site 1.

Response 130-S The following discussion is provided on page 4.13-15 of the Draft EIR: future developments would bring additional annual revenue in the form of increased local property taxes and sales taxes that would help offset the increased demand for police services by funding increases in police personnel, training and equipment. Furthermore, the project developer would be required to pay development impact fees which are intended to provide the means which allow the local police and sheriff to maintain the current level of service. As such, impacts are considered to be less than significant. Implementation of Mitigation Measure 4.13-1c, which would require the project to provide documentation noting adequate response times, would reduce impacts to less than significant.

Additionally, Mitigation Measure 4.13-1(c) has been revised to include the following statement: "The formation of an assessment district may be required to provide adequate public safety services." The formation of an assessment district, on the proposed units, may be used to provide additional funds to the district to allow the District meet the required response times to serve future projects.

Response 130-T Please see Response 55-D.

Response 130-U Please see Master Response #7 regarding aggregate density.

Letter 131



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

Historic Past...Dynamic Future!

(530) 432-1802
info@pennvalleycoc.org • www.pennvalleycoc.org

December 20, 2013

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



Dear Mr. Barrington,

131-A | Please consider this letter an extension of our prior comment letters on the proposed Housing Element Rezone. In addition to all the issues and concerns raised in prior correspondence, we are also very concerned with the impacts which will occur from the additional traffic generated from the proposed rezoning of the four Penn Valley sites (sites 10, 11, 12, and 13). The EIR makes the finding that no significant impact will occur as a result of the additional traffic generated by the four sites and, therefore, no mitigation is required. We believe that finding may be faulty.

131-B | We estimate that approximately 3759 trips will be generated by this proposal after all four sites are fully developed with the high density of 16 units per acre. This traffic increase is much higher than the increases resulting from the rezoning of various sites near Grass Valley. The Grass Valley sites require a number of mitigation measures to reduce the environmental impacts to below a significant level. Yet the traffic generated from the Penn Valley sites doesn't merit any mitigation. This requires further attention from staff and the consultants.

131-C | The key Penn Valley intersections that do not experience significant impacts (according to the EIR) are Penn Valley Drive at Highway 20, and Pleasant Valley Drive at Highway 20. In addition, it appears that the EIR assigns no significant impact to the intersection of Broken Oak and Penn Valley Drive. Would a left turn lane off of Penn Valley Drive be required? How about a right turn lane from Broken Oak? In addition, the EIR does not indicate whether some form of mitigation is required on any section of Penn Valley Drive between Spenceville Road and Pleasant Valley Drive. Would this portion of Penn Valley Drive require traffic improvements, such as what is now planned by the County for Penn Valley Drive between Highway 20 and Spenceville Road? This project, which is now under design, would provide a suicide lane down the center of the roadway to help prevent the accidents that currently occur because of left turns into various driveways.

131-D | Western Gateway Park periodically schedules large events, where traffic entering or exiting could be impacted with the additional traffic on Penn Valley Drive generated from the proposed rezoning. No mention is made of this potential impact in the EIR. Would the impact require mitigation such as left turn lanes, etc?

131-E | The existing awkward intersection at Pleasant Valley Drive and Highway 20 already experiences considerable backup on the approach lanes in the afternoon peak hours. It would seem that the additional traffic generated by the proposed rezoning would require some form of mitigation, or the current backup will only worsen. Further, would the Park and Ride lot at this intersection be adequate with the additional demand for commuter parking?

131-F | As indicated above, the two key intersections in Penn Valley will experience a higher increase in traffic from the proposed rezoning, than some of the intersections near Grass Valley, and yet considerable mitigation has been identified for the Grass Valley locations, while none is required in Penn Valley, according to the EIR. The attached table compares the traffic increases on intersections in Penn Valley against those adjacent to Grass Valley. The relative increases in Penn Valley are much greater, and lend weight to the argument that a finding of no significant impact in Penn Valley, is a faulty finding.

131-G | We realize that this letter is beyond the deadline for the comment period; however, we believe we have raised some critical issues that must be addressed before this proposal advances any further. That is why we ask that this be considered an extension of our other comment letters. The Chamber only had a limited amount of time to study and comment on the voluminous material contained in the EIR. We were previously denied a request to extend the comment period.

We ask that you address the above issues along with those received prior to the end of the comment period. Thank you for your consideration.

Very truly yours,



Edward R. James, for the
Penn Valley Chamber of Commerce

cc: Hank Weston, President, Board of Supervisors

attach:

Sheet1

Significant Average Daily
Difference in Trip dBA B

Site	McKnight Way	Penn Valley HWY 20	Penn Valley Dr
Total ADT Change	1152	2232	2763
% of McKnight	100.00%	193.75%	239.84%
Diff in dBA@100	0.2	0.7	1.7
% of McKnight dBA Impact	100.00%	350.00%	850.00%
Impact	Potentially Significant	None	None

Site	La Barr Meadows	Penn Valley HWY 20	Penn Valley Dr
Total ADT Change	657	2232	2763
% of La Barr Meadows	100.00%	339.73%	420.55%
Diff in dBA@100	0.1	0.7	1.7
% of La Barr Meadows Impact	100.00%	700.00%	1700.00%
Impact	Potentially Significant	None	None

Site	SR 49 @ Combie	Penn Valley HWY 20	Penn Valley Dr
Total ADT Change	1680	2232	2763
% of SR 49 @ Combie	100.00%	132.86%	164.46%
Diff in dBA@100	0.2	0.7	1.7
% of 49 @ Combi Impact	100.00%	350.00%	850.00%
Impact	Potentially Significant	None	None

Site	Nevada City Hwy Brun	Penn Valley HWY 20	Penn Valley Dr
Total ADT Change	270	2232	2763
% of McKnight	100.00%	826.67%	1023.33%
Diff in dBA@100	0.1	0.7	1.7
% of Nev City Hwy@Brun Impact	100.00%	700.00%	1700.00%
Impact	Potentially Significant	None	None

Site	Idaho Maryland@Brun	Penn Valley HWY 20	Penn Valley Dr
Total ADT Change	1306	2232	2763
% of McKnight	100.00%	170.90%	211.56%
Diff in dBA@100	0.1	0.7	1.7
% of Idaho Maryland Impact	100.00%	700.00%	1700.00%
Impact	Potentially Significant	None	None

Sheet1

Yearly Trip Increases (ADT)
Before and After Rezoning

Rough & Ready Hwy
1710
148.44%
2.7
1350.00%
None

Rough & Ready Hwy
1710
260.27%
2.7
2700.00%
None

Rough & Ready Hwy
1710
101.79%
2.7
1350.00%
None

Rough & Ready Hwy
1710
633.33%
2.7
2700.00%
None

Rough & Ready Hwy
1710
130.93%
2.7
2700.00%
None

Page 2

Letter 131 – Penn Valley Chamber of Commerce, December 20, 2013 (Late Letter)

Response 131-A: The County does not concur with this comment. The traffic analysis in the EIR was prepared based on the analysis techniques prescribed by the latest edition (2010) of the Highway Capacity Manual (HCM). The traffic distribution and analysis are calculated using the Synchro 8 analysis software program, which incorporates HCM methodologies. Both the HCM and the Synchro traffic modeling program are widely accepted traffic analysis tools throughout California and the country for evaluating traffic impacts. No traffic mitigation was identified in the Penn Valley area because the proposed project does not change the level of service at any existing intersections in Penn Valley.

Response 131-B: The County does not concur with this comment. Traffic impacts are not based solely by the amount or percentage increase on of traffic on the road. The amount of existing roadway capacity or existing intersection performance is also taken into account.

The following excerpt is from page 4.15-18 of the Draft EIR which explains the methodology for calculating project trip generation:

In accordance with the Nevada County policies and the City of Grass Valley *Policy Adopting Traffic Impact Study Methodology and Evaluation Criteria for Critical Intersections*, traffic counts were performed during the PM peak hour (4:00 PM to 6:00 PM) at the twenty eight study intersections in the vicinity of the project area on November 8, 2012. The PM peak hour is defined by the highest hour for overall traffic volumes or the worst-case traffic conditions during the day. This is reflective of typical travel patterns throughout Nevada County and due to the low number of retail-related trips that take place during the AM peak hour. In addition, the project trip generation rate is highest during the PM peak hour.

The trip generation per dwelling unit for the proposed project land use of multi-family housing (ITE Land Use # 230 Condominiums / Townhouse) is highest during the PM peak hour, at 0.44 trips during the AM peak hour, 0.52 trips per during the PM peak hour, and 0.47 trips during the weekend peak hour.

As shown in Tables 4.15-9 and 4.15-10 of the Draft EIR the proposed project does not reduce the level of service at any of the intersections in Penn Valley below the threshold of minimum level of service. Table 4.15-1 provides an explanation of the different levels of service. More specifically, the level of service only changed for two intersections in Penn Valley. The intersection of SR 20/Penn Valley Road went from an existing LOS B to LOS C which is an acceptable level of service for Caltrans as noted on page 4.15-45 of the Draft EIR. The other intersection to have a change in Penn Valley is the intersection of Penn Valley Drive/Broken Oak Court. As an unsignalized intersection, this intersection would change for LOS A to LOS B. LOS B exceeds the County's minimum level of service threshold of LOS D. For these reasons, potential traffic impacts on intersections in Penn Valley are considered less than significant and no mitigation is required. It should be noted that Table 4.15-10 shows the Grass Valley intersections in which mitigation is required operating at LOS F.

Response 131-C Please see Response 131-B regarding the level of service at intersections in Penn Valley. All of the intersections meet or exceed Caltrans and County thresholds for minimum levels of service. No left turn lane on Penn Valley Drive onto Broken Oak court is required because the volumes of traffic of Penn Valley drive do not warrant a left turn lane. No roadway improvements are proposed or required on Penn Valley Drive between Highway 20 and Spenceville Road. Based on the traffic analysis no impacts on this roadway segment have been identified.

Response 131-D The main entrance to Western Gateway Park is approximately 0.5 mile west of the proposed sites in Penn Valley. As shown in Figure 4.15-5B in the Draft EIR the majority of the PM peak hour traffic, the time of the day when the most project traffic is generated, goes in the other direction to the east toward the Penn Valley Village Area and toward the Penn Valley Road/Highway 20 intersection. As such, the majority of the project traffic would not cross the park entrance. Special events at the park would be expected to occur in evenings, weekends, and holidays when traffic volumes on the roadways would be less than the weekday peaks. No traffic impacts at the park entrance intersection or on Penn Valley Drive along the park frontage have been identified under the existing or the existing plus project scenarios. For these reasons, potential impacts associated with events at Western Gateway Park are considered less than significant and no mitigation is required.

Response 131-E As noted in Response 131-D above, the majority of the project traffic from the project site will travel east from the proposed sites toward the Penn Valley Village center. Table 4.15-9 shows that the project will not change the level of service at the Pleasant Valley Road/Highway 20 intersection. This is a signalized intersection and under the Caltrans threshold of maintaining a LOS C. The LOS will remain at C with the addition of project traffic. For these reasons, potential traffic impacts are less than significant and no mitigation is required.

Response 131-F The County does not concur with this comment. Please see Response 131-B above. Traffic impacts are not measured by percentage of increase alone, but on the capacity of the existing roadway and or performance of the relevant intersections. No new impacts were identified as a result of this comment letter and no changes were made to the EIR.

Response 131-G The County does not concur that any new issues or new impacts have been identified as a result of this letter. The public comment on the Draft EIR was for 60 days which exceeds the standard 45-day review period required by CEQA and County Policy. Additionally, the County held three public comment meetings, one in each of the proposed areas, in addition to Planning Commission hearing during the public review period. As requested, the County has responded to this letter even though it was received approximately 1-month after the close of the public comment period for the Draft EIR. This comment letter will be included in the Final EIR for consideration by the County Planning Commission and Board of Supervisors.

Letter 132



PETITION

The undersigned oppose the re-zoning of commercial property in Penn Valley to high density residential, or the like, due to lack of public services (i.e.: fire, schools police, sewer, etc.):

	PRINT NAME	ADDRESS	SIGN	DATE
01	EUGENE LYNN	18748 FALCON LP	Eugene Lynn	11-10-13
02	Rebecca Schraven	10149 Park View Lane	Rebecca Schraven	11/10/13
03	Jane Butler	19506 Chaparral Cir.	Jane Butler	11-10-13
04	Meritt Odekerk	10305 Penn Oak Ln.	Meritt Odekerk	11-10-13
05	GERALD SMITH	P.O. Box 2076	Gerald Smith	11/10/13
06	R. Baumgart	10470 Devonshire Cir	R. Baumgart	11/10/13
07	KATHLEEN THOMPSON	#36 Carolee Ln	Kathleen Thompson	11/10/13
08	M. Arnold	10370 Wino Bpc	M. Arnold	
09	Susan Schlueter	10416 Crowsnest Ln, PV	S. Schlueter	11-10-13
10	Kelly Mullaly	Po Box 2216 PV	Kelly Mullaly	11-10-13
11	MARK MULLALY	PO Box 2216 PV	Mark Mullaly	11/10/13
12	LARRY ROBERTS	17523 dzy Bra. Pl	Larry Roberts	
13	Yvonne Grimm	13930 Pilot BkLn.	Yvonne Grimm	
14	PAT FERRARA	12544 Jankovick Ct	Pat Ferrara	11/10/13
15	Marcus Krause	22001 W. Daniel Rd	Marcus Krause	
16	Jane Ammesman	19127 Jayhawk Dr	Jane Ammesman	
17	MIKE FERRARA	12541 Jayhawk St	Mike Ferrara	
18	Christie Bretschke	18189 Lake Forest Dr.	Christie Bretschke	
19	NORMAN OMBROSE	10989 LAKE FOREST DR	Norman Ombrose	
20	GERALD NEAL	105710 La Sierra Dr	Gerald Neal	11/10/13
21	Michelle Kerkar	11124 Lake Forest Dr	Michelle Kerkar	
22	Varina Proietti	10358 Oak Cyn	Varina Proietti	
23	Josephine Ban	12119 Wax wing Ct.	Josephine Ban	
24	KAREN VIRGILI	11517 DAK CANYON DR	Karen Virgili	
25	JIM HUCH	13564 Falling Leaf Ln	Jim Huch	

PETITION

The undersigned oppose the re-zoning of commercial property in Penn Valley to high density residential, or the like, due to lack of public services (i.e.: fire, schools police, sewer, etc.):

	PRINT NAME	ADDRESS	SIGN	DATE
01	SHIRLYN VOGEL	19143 Chaparral	Shirlyn Vogel	11/16/13
02	Debbie Pruden As	18014 Lake Forest	Debbie Pruden As	11-10-13
03	Walter Fisher	13610 Golf County Dr	Walter Fisher	
04	WILLIAM P. STAMATIS	11262 RINGTAIL RD	William P. Stamatias	11-10-13
05	WERNER SCHRAVEN	10149 PARKVIEW LN	Werner Schraven	
06	RON A. VERNOR	20618 MARGARITAVILLE	Ron A. Vernor	
07	Mary Bingham	17916 Silver Pine Ln	Mary F. Bingham	
08	FRANCES N. COMPTON	8386 MAIN STREET, SMARTSVILLE	Frances N. Compton	
09	Bryce McCarver	10755 Buckhorn Ct	Bryce McCarver	
10	Thorgran E. Olden	26 Chevre Anne Ln, Penn Valley	Thorgran E. Olden	
11	James Whamzell	18776 Tundra Sp	James Whamzell	
12	ROBERT B. RENQUIST	20138 John Bony Rd	Robert B. Renquist	
13	Judy Cole	17647 Foxtail Dr.	Judy Cole	
14	Judy Cole	17647 Foxtail Dr	Judy Cole	
15	Carolyn Cappella	13176 Lake Wildwood	Carolyn J. Cappella	
16	Chesly Boland	11427 Lake Wildwood	Chesly Boland	11-10-13
17	Justin Dana	18374 Wildwood Dr	Justin Dana	
18	Brian Young	14486 Burlington	Brian Young	
19	Jeff Hunsley	19124 Champagne Dr	Jeff Hunsley	
20	DENISE BENEVENTO	14139 Peppercorn Dr.	Denise Benevento	11/10/13
21	SEAN CROWLEY	20269 Chaparral	Sean Crowley	11/10/13
22	Kinda Stanton	14486 Burlington	Kinda Stanton	
23	Diane M. Gully	50 Box 352 Round Bay	Diane Gully	
24	DEWIS DEVENOW	19339 WILDFLOWER	Dennis Devenow	11/10/13
25	Spelley Hertz	19339 Wildflower Dr	Spelley E. Hertz	

PETITION

The undersigned oppose the re-zoning of commercial property in Penn Valley to high density residential, or the like, due to lack of public services (i.e.: fire, schools police, sewer, etc.):

	PRINT NAME	ADDRESS	SIGN	DATE
01	KENNETH WEST	18224 Javelin Park Dr	Kenneth West	11-10-15
02	W. Joe Nickolas	10200 Hummingbird Dr	W. Joe Nickolas	
03	Diane J. Spooner	13742 Strawberry Cir	Diane J. Spooner	
04	Ronald E. Spooner	"	Ronald E. Spooner	
05	Laura A. Stewart	11517 Oak Canyon Dr	Laura A. Stewart	
06	John D. Jones			
07	William Klein	12720 Garden Road	William Klein	
08	James Moss	11872 Raven Ct PV	JAMES MOSS	
09	Marion Bennett	11412 Callington Dr	Marion Bennett	
10	Juel Blankenship	10843 Horton St	Juel Blankenship	
11	Tosha Buckbee	13 Bear Ct N. Sunman	Tosha Buckbee	
12	Kenneth Lukins	16563 N. Sunman	Kenneth Lukins	
13	William Yanko	19912 Echo Blue Dr	W. Yanko	
14	FERNANDO de la Torre	12078 LAKE WILLOW DR PV	F. de la Torre	
15	Gilbert Lee	10401 Broken Oak	Gilbert Lee	
16	KEVIN W. MULIFFE	12774 1/2 Tr	Kevin W. Muliffe	
17	Steven Jennings	101486 Eagle Lake	Steven Jennings	
18	Avis Kamanis	14572 Sun Forest	Avis Kamanis	
19	Sharon Acree	19182 Cogswell Way	Sharon Acree	
20	THOMAS MIRALET	18445 Javelin Park Dr	Thomas Miralet	
21	Elizabeth Miralet	18445 Javelin Park Dr	Elizabeth Miralet	
22	Risella Brothers	18639 Lake Forest Dr	Risella Brothers	
23	Low S. McIntosh	10365 Melody Rd.	Low S. McIntosh	
24	Lance Aldrich	14148 Lakewood Dr	Lance Aldrich	
25	Clavin Frankle	18745 Meadowlark	Clavin Frankle	11/21/15

PETITION

The undersigned oppose the re-zoning of commercial property in Penn Valley to high density residential, or the like, due to lack of public services (i.e.: fire, schools police, sewer, etc.):

SIGN, DATE, PRINT NAME AND ADDRESS

- 01 Shirley Vogel 18773 Meadowlark Shirley Vogel 11-9-13
- 02 CLAUDIA MARTINO 12004 LWW DR Claudia Martino 11-9-13
- 03 Chuck Kuckebach 12786 Golden Spruce way 11-9-13
- 04 BEVLE TERPPE 18415 Fair Oaks Dr PV *[Signature]* 11/9/13
- 05 PHYLLIS GOETZ 15304 Sisson Rd PV 11/9/13
- 06 Jim Simpson 228 SUTTON WAY II 222 11/9/13
- 07 *[Signature]* 12048 LAKEWILD DR 11/9/13
- 08 Phillip J. Taylor 17582 Foxtail Dr. Penn Valley 95946 11/9/13
- 09 DON MC INGLER 14000 STRAWBERRY *[Signature]* 11/9/13
- 10 GRENCE Klingler 14000 Strawberry Grence Klingler 11-9-13
- 11 NANCY GLAZE 18686 Hummingbird Dr Nancy Glaze
- 12 Josh D. Colburn 11700 Lake Wildwood Dr Penn Valley, CA 95946 11/11/13
- 13 Jodi Andrews 16116 F. Bitney Springs Rd Nevada City CA 95959
- 14 Milah Limonciello Del Mar Way Penn Valley CA 95946 11/13
- 15 Rod Sinclair 16357 Delmar Way Penn Valley CA 95946 11/13
- 16 Drew Epperson 17247 Black Forest Penn Valley CA 11-9-13
- 17 Lynn Carson 14088 Woodland Penn Valley CA 11/13
- 18 Dan Harston 12612 Lake Wildwood Dr Penn Valley CA 95946 11/9/13
- 19 KARCIA ROGERS 19251 Starbuck Dr. Newark City, CA 11-9-13
- 20 Mary Bennett 11415 EL 7th Ave PV, Ca. 95946. 432-1623
- 21 Christy Jordan 18061 Fair Oaks Dr. PV Ca. 95946 205-4239
- 22 *[Signature]* 13153 Thistle Loop PV CA 95946 432-9015
- 23 *[Signature]* 14606 Arrow Rd P.V. 95946 477-5002
- 24 Chris Goodson 14082 Lake Wildwood D 95946 11/9/13
- 25 *[Signature]* 17993 Foxtail Dr. Pen 95946 11/9/13

PETITION

The undersigned oppose the re-zoning of commercial property in Penn Valley to high density residential, or the like, due to lack of public services (i.e.: fire, schools police, sewer, etc.):

SIGN, DATE, PRINT NAME AND ADDRESS

- 01 John C. Vogel - John C. Vogel 18995 MEMORIAL DR PV 11-9-13
- 02 Gregory Kuchemacher 12786 Colton Street Penn Valley 11/9/13
- 03 J. Janet Garrison 17889 Street in Penn Valley 11/9/13
- 04 PAUL STABROES 11605 BROUGH & BENDY RD R-R 11/9/13
- 05 Bruce Smith 17833 FOXPAH DR PENN VALLEY 11/9/13
- 06 Stanley H. Strand 17833 Foxtail Dr PV 11/9/13
- 07 Leshia Lantor 20015 Echo Blue Dr PV 11/9/13
- 08 Gerard Bium 10231 Donna Way P.V. 11/9/13
- 09 Judith Kennedy 228 Sutton Way #222 P.V. 11-9-13
- 10 Jean Layport 18460 Lake Forest Dr, P.V. 11-9-13
- 11 Aim O'CONNOR 15048 LAKEWILLOW DR 11-9-13
- 12 MARY KORBAN 12031 LAKEWILLOW DR 11-9-13
- 13 Mable Kannebeck 13334 GOLD ST Penn Valley 11-9-13
- 14 Carole M. Wiestec 11822 Spencerville Rd. 11-8-13
- 15 George B. Mundy 20062 White Ln ^{LN} 11/9/13
- 16 George B. Mundy 19144 Lobblers Way 11/9/13
- 17 Deborah Steele P.O. BOX 927 Penn Valley, Ca. 11/9/13
- 18 Deborah Steele PO BOX 937 Penn Valley CA 11/9/13
- 19 Carole M. Lawrence 13500 Wildwood Hills Dr. Penn Valley CA 4/9/13
- 20 Judy [Signature] 18295 Sycamore Dr Penn Valley CA 4/9/13
- 21 Esther Johnson 18672 Chaparral Dr Penn Valley Ca 11-9-13
- 22 Robert J. Walden 16167 Bitters Springs Rd. N.C. 11/9/13
- 23 Phillip J. Moncello 16177 BEL MAR WAY 11-9-13
- 24 DUKE STANION 11239 Kingst. 11-9-13
- 25 [Signature] 11-9-13 David Vickers 6107 STANLEY LN Broomfield 95918

PETITION

The undersigned oppose the re-zoning of commercial property in Penn Valley to high density residential, or the like, due to lack of public services (i.e.: fire, schools police, sewer, etc.):

SIGN, DATE, PRINT NAME AND ADDRESS

- 01 Landra Couyers 18061 Fair Oaks Dr PV
- 02 JOEY STEWART 19948 VALLEY VISTA WAY PV CA 95946 11/9/13
- 03 Dawn Clausen 11411 Cottonwood Lane Penn Valley CA
- 04 Mary Joave 18491 Lake Forest Dr 11-9-13
- 05 Claire & Nancy 17608 Lake Forest Dr 11-9-13
- 06 Jim Davis 13103 THISTLE LOOP CA 11-9-13
- 07 Adam Zyskowski 12771 Greenbrook Loop CA 95946 11-9-13
- 08 Kathleen 15360 Maiden Tr. Penn Valley CA 95946 11-9-13
- 09 Tom Jansen 17889 Thruway Ct. P.V. 95946
- 10 Dana Olson 18424 Piper Ln PV 95946
- 11 Shirley Knudsen 18753 Biladeau Ln Penn Valley CA 95946
- 12 Mike Ballard 18753 Biladeau Ln Penn Valley CA 95946
- 13 Byn Hill 13659 Lakewildwood Dr Penn Valley CA 95946
- 14 Neil Seidl 13659 Lakewildwood Dr Penn Valley CA 95946
- 15 du Oh 18103 LAKE FOREST DR PENN VALLEY, CA 95946
- 16 Daryl Maddux 18673 LAKE FOREST DR, 95946
- 17 Barbara Bell 11194 KARAN Ln SMARTVILLE CA 95871 11-9-13
- 18 Jalyn Thompson 1119 Juddway Monterey CA 95946
- 19 RON WEISER 13793 SUN FOREST DR PV 95946 95946
- 20 Willie Kase Smith 19618 Echo Blue Dr PV 95946
- 21 CHRISTIAN YAVAR 20134 Echo Blue Dr P.V. 95946
- 22 Paula Yavar 20134 Echo Blue Dr PV 95946
- 23 Barbara Belle 18806 Meadbrook Ct PV 95946
- 24 Carl & Marie KARN WARBEEK 1345 Thistle Loop 95946-913
- 25 RYAN M FARRER 19836 WILDLAND WEST DRIVE 11-9-13

PETITION

The undersigned oppose the re-zoning of commercial property in Penn Valley to high density residential, or the like, due to lack of public services (i.e.: fire, schools police, sewer, etc.):

SIGN, DATE, PRINT NAME AND ADDRESS

- 01 Shirley Vogel 11-9-13
- 02 Steve Smith 11/9/13
- 03 LIERAN LYONS P.O. Box 1993 P.V. CA 95946 11-9-2013
- 04 Jane Camie 11/9/13
- 05 Alnet Wilkins 11/9/13 18556 Easey St. P.V. Ca.
- 06 Jane Atkinson 10853 majestic st
- 07 Lee Allen 13720 Strawberry Cir Penn Valley
- 08 Mike Balar 11280 will turkey Ln. Big Oak Uly.
- 09 Elyse Meyer 19492 Chaparral Circle, Penn Valley
- 10 James J. 13477 Gold Country Dr - P.V.
- 11 Sandra Miller 13477 GOLD COUNTRY DR P.V.
- 12 [Signature] PV 11-9-13
- 13 Francine Malada 11/9/13 Francine MacDona 18015 Biladeau Lane PV
- 14 Francine Pender 11/9/13 2 LAURE QUINN 11806 SWIPPER CT, PV
- 15 Zola M. Stoneback 11/9/13 Zola M. Stoneback 18955 Lake Forest Dr
- 16 Kathleen E. Jensen 11/9/13 18327 Hummingbird Dr, Penn Valley
- 17 [Signature] " " " " " 11-9-13
- 18 Robert P. DeCarn 11-9-13
- 19 William Land Wm Land 11-9-13
- 20 Nelda Strong Nelda Strong 13710 Oakwood Ct PV 11-9-13
- 21 Ken Strong Ken Strong " " " " " 11-9-13
- 22 Nicholas J. Malabro 18673 Lake Forest Penn Valley 11/9/13
- 23 Karen 18555 majestic Views Ct P.V. 11-9-13
- 24 Cruiser 18555 majestic Views Ct PV 11-9-13
- 25 D. Elliott 12781 LIVE WILLOW DR PV 11-9-13

PETITION

The undersigned oppose the re-zoning of commercial property in Penn Valley to high density residential, or the like, due to lack of public services (i.e.: fire, schools police, sewer, etc.):

SIGN, DATE, PRINT NAME AND ADDRESS

- 01 *Barla DeE Bradford* *Wanda Miller* *14213 Sun Forest Dr* *11-9-2013*
- 02 *Andy Kenneth* *14167 Sun Forest Dr* *Penn Valley*
- 03 *Kim Miller* *17671 Candlewood Ct.* *Penn Valley, Ca 95946 - 11-9-13*
- 04 *Bradley C Miller* *14462 Lake Winwood Dr.* *Penn Valley, Ca*
- 05 *Wanda Miller* *15514 Jaydrick Dr* *PV 11-9-13*
- 06 *Beverly-J. Ferguson* *18437 Chaparral Dr*
- 07 *12064 University Dr* *Penn Valley, Ca 11-9-13*
- 08 *Jerome J. Miller* *18745 Meadow Park Ct* *Penn Valley, Ca 11-12-13*
- 09 *Robbie Creme* *11017 Lincoln Way* *432-9123*
- 10 *Wanda C* *" "* *" "*
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PETITION

The undersigned oppose the re-zoning of commercial property in Penn Valley to high density residential, or the like, due to lack of public services (i.e.: fire, schools police, sewer, etc.):

SIGN, DATE, PRINT NAME AND ADDRESS

- 01 Stephanie Kanner Stephanie Kanner 11220 wildturkey Ln Smartsville 11-9-15
- 02 Harold Coleman 14336 Longview Dr
- 03 Fay Carr 20070 Lakeside Ln
- 04 Richard Soder 19436 W. Windsor W. Dr 11-9-13
- 05 Richard Soder 18491 Lake Forest Wildwood
- 06 Laurie Chavez 18566 Country Lane
- 07 Ken Chavez 18566 Country Lane
- 08 Carol Anderson 13760 Laurel Hill Loop PV
- 09 Nancy A. Givocki 17879 Lake Forest Dr PV
- 10 Scott J. Mefford 11/1/2013 18122 Hummingbird Dr. P.V.
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Letter 132 – Petition

Response 132-A This petition will be will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

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