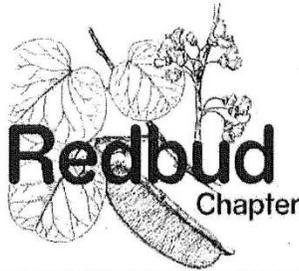


Letter 8



California Native Plant Society

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

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

November 12, 2013

Dear Mr. Barrington:

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

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

General Comments

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

Specific Comments

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

8-A

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- 8-B

Wetlands

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

Plant Community

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

Rare Plants

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

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- 8-E

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

Redbud-CNPS has identified the presence of the following additional rare species of California endemic plants on the East Bennett Road parcels:

 - Allium sanbornii* var. *sanbornii*, Sanborn’s Onion, CNPS List 4
 - Brodiaea sierrae*, Sierra Brodiaea, CNPS List 4
 - Perideridia bacigalupii*, Mother Lode Yampah, CNPS List 4
 - Hesperocyparis macnabiana*, McNab Cypress. Though not listed species state wide, the Cypresses are locally rare in the Sierra Nevada. Several populations of McNab Cypress have been extirpated in the Grass Valley area during the past ten years. They are important host plants for pollinator species, including the Muir’s Hairstreak butterfly, a true serpentine endemic.
- 8-G

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

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

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

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8-J

PennValley Area Parcels 11-17

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

8-K

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

Sincerely,

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

And

Denise R. Della Santina
President, Redbud Chapter - California Native Plant Society
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Letter 8 – California Native Plant Society – Rosebud Chapter

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

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

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

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

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

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

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

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

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

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

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

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

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

Letter 9



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

October 1, 2013

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



RE: Housing Element Rezone Program Implementation

Dear Mr. Foss,

9-A

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

9-B

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

9-C

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

9-D

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

Sincerely,

Mike Mastrodonato
President
Penn Valley Area Chamber of Commerce

cc
Hank Weston
Ed James

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

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

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

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

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

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

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

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

Letter 10

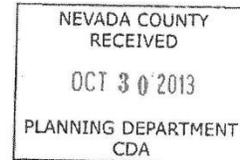


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Historic Past...Dynamic Future!

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October 29, 2013



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

RE: EIR FOR HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM

Dear Mr. Barrington:

10-A

We have reviewed the subject EIR and have some very serious concerns regarding what is being proposed. The EIR is flawed from a legal and policy perspective for the reasons stated below, in addition to the numerous concerns listed in the attachment. First of all, it does not recognize the existence of the Penn Valley Focused Economic Development Study approved and adopted by the Board of Supervisors in 2000. This was an important policy document which outlined numerous goals and objectives, none of which included the implementation of high density housing (16 units per acre) as is being proposed by the Housing Element Rezone Implementation Program.

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

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

10-B

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

10-B
CONT'D

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

The study included the following goals:

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

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

10-C

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

Major Policy Issues

10-D

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

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

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

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

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

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

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

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

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

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

Very truly yours,

Penn Valley Area Chamber of Commerce
 Atch.

Attachment

Comments on EIR/Rezoning of Housing Element

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

10-T	Page 3-61	EIR states site 13 assures two wetland crossings to be made for access, and that traffic assess will be made off of Highway 20. <i>Comment – Will the Corps of Engineers and Caltrans approve those actions?</i>
10-U	Page 3-62	<i>Comment – See dialogue under pgs 2-5 and 2-8.</i>
10-V	Page 3-62 & 63	Under Project Objectives <i>Comment – The PV sites do not meet at least 3 of the objectives.</i> 1. This proposal concentrates 42% of the needed units in one area. 2. We disagree that sites should be eliminated if owners do not want to participate. This is not proper planning for the future. 3. The PV sites do not have reasonable access to community services, as do some other sites.
10-W	Page 4.2-9	Under Thresholds of Significance the EIR states the proposed project would have a significant impact on land use planning if it would conflict with any applicable land use plan, policy or regulation. <i>Comment – It conflicts with the PV Village Plan. In fact it completely ignores it. This is a major flaw in the EIR.</i>
10-X	Page 4.2-11	First paragraph concludes the implementation of project would not conflict with any land use plan, policy, etc. <i>Comment – This is not so. It conflicts with the Goals and Objectives of the PV Village Plan. It completely ignores the Village Plan.</i>
10-Y	Table 4.2-1	Policy 1.2 under Consistency discusses site selection criteria. <i>Comment – It fails to mention that one criteria is owner approval of inclusion. This is a flawed criteria but none the less, should be mentioned since staff used it unfailingly.</i>
10-Z	Table 4.2-1	The last sentence under Consistency for Policy 1.4 states that given all planning and environmental issues the sites selected by staff provide the County with the best opportunity to meet project objectives. <i>Comment – Because of neglecting the PV Village Plan, and the issue of property owner concurrence we disagree.</i>
10-AA	Table 4.2-1	Policy 1.4 <i>Comment – The PV sites do not achieve balance of various land uses, and most importantly, jobs. The proposal eliminates significantly the opportunity for jobs.</i>

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

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

10-RR	Page 6-5 Public Services, Utilities and Service Systems <i>Comment – These are already underfunded, and there is no mention on how to mitigate these impacts.</i>
10-SS	Page 6-7 Alternatives Considered and Rejected North Star Site <i>Comment - Sites can be cleaned up from hazardous materials. And owner did not want to participate. Would site have been included if owner consented? Flawed policy.</i>
10-TT	Page 6-8 Kenny Ranch Site Was rejected because it is within a Special Development Area. <i>Comment – How does that differ from the PV sites being within the PV Village Plan that was adopted by the Board of Supervisors. Also rejected because owner did not want to participate. Once again, a flawed policy.</i>

Concluding Comment

10-UU	Because of all the comments listed above regarding the adequacy of the EIR, and the corresponding letter, it is clear that the EIR is seriously flawed from a policy and legal perspective and should be sent back to staff and the consultant for a comprehensive review and revision.
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Letter 10 – Penn Valley Chamber of Commerce, October 29, 2013

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

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

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

Response 10-B The County concurs with the comment's summary of the intent and findings of the study. The County does not concur that the proposed project will adversely affect the ability to bring in more jobs to the area. As noted in Response 9-C, the two parcels within the village center that are currently zoned with a commercial designation would be allowed to keep their commercial designation to allow flexibility and to incorporate a commercial development should any high density housing be developed on the those sites. As such the County does not concur that the proposed project would negatively affect the County's ability to provide core services. Public Services and Utilities are discussed in Section 4.13 of the Draft EIR.

Response 10-C The County does not concur that the EIR is flawed or that the project results in a significant and unavoidable impact as a result of the Penn Valley Village Focused Economic Development Study. County staff has reviewed the document and has not identified any information that would change any of the conclusions in the EIR. No changes to the EIR have been made as a result of this comment.

Response 10-D The County does not concur that the proposed project has 42% of the proposed sites within Penn Valley. The project proposes 4 sites (Sites 10-13) within Penn Valley which represent approximately 22 percent of the 18 sites. As shown in Table 3-4 of the Draft EIR, the four sites consist of 33.52 acres, which make up approximately 22 percent of the total 148.99 acres included in the 18 sites. Last, the project proposes a maximum yield of 535 units in the Penn Valley Area which represents 20% of the total 2,675 units proposed. It should be further noted that the Penn Valley Village Focused Economic Development Study only identifies two properties (Sites 10 and 11) as commercial sites out of the four Penn Valley sites of the proposed project. Sites 10 and 11 total approximately 9 acres, which accounts for approximately 27 percent of the total area proposed for Penn Valley.

It should be noted that the proposed 2,675 units are a conservative estimate based only on the maximum yield of the property and does not account for any physical, environmental, or regulatory constraints that could limit the amount of developable area on each site. Please see Master Response #8 regarding the County's proposed aggregate density for each site. The County has calculated the aggregate density for the project based on the proposed

development footprint of each site as shown in Figures 3-15 to 3-24 of the Draft EIR. For the Penn Valley area, that would equate to approximately 330 units over 20.7 developable acres, representing approximately 20% of the total 1,601 units that could be developed within the proposed development footprint of all 18 sites. The 330 units represents approximately 25% of the total unmet need of 1,270 units in the County of Nevada.

The County concurs that the Board of Supervisors provided the direction to only include properties in which the owners agreed to participate in the program. The County concurs that properties in and around Truckee or Nevada City are not included. For the properties that were included in the project, the County prepared a Site Analysis Report (included as part of Appendix B to the Draft EIR). The Site Analysis Report concluded that the properties provided a reasonable level of access to public services and infrastructure that developing the properties was feasible.

Response 10-E The sites were evaluated based on the direction provided by the Board of Supervisors and their ability to meet the project objectives. The EIR evaluates project alternatives that consider sites in other locations. The County concurs that the Board of Supervisors has the authority to select other sites for consideration if they so choose.

Response 10-F The County concurs that General Plan and Zoning documents are long range planning documents. The County concurs that circumstances could change before development occurs on the proposed project sites as well as the decision of property owners to participate in the program.

Response 10-G The County does not concur that the proposed project is based on flawed policy. Please see Response 10-D regarding the total percentage of the project located in Penn Valley. Please see Response 9-C regarding the proposed zoning for Sites 10 and 11. No evidence has been presented nor identified that the proposed project will result in a loss of jobs and revenue.

Response 10-H The County has initiated the proposed project to comply with State law (California Government Code Section 65584.09). State law requires jurisdictions to rezone property to accommodate their Regional Housing Need Allocation if that jurisdiction's vacant land inventory determines that there are not adequate vacant sites zoned for high density residential to accommodate a range of housing opportunities. State law requires that the rezoned sites provide for a minimum density of 16 units per acre and those sites allow the development of higher density housing as an allowed use (not subject to discretionary permits, e.g., conditional use permit, planned unit development plan). The sites were selected based on their availability, physical characteristics, and proximity to existing development with access to community services and infrastructure. All of the sites are located in western Nevada County because that is where the largest population centers are located within the County. Additionally, sites were located away from the more rural regions that make up the majority of the County because those areas generally lack adequate infrastructure such as public water and wastewater system, roadways, and access to public transit and community services. As such, the proposed sites are limited to those community regions within the County where those services are available.

Response 10-I The County does not concur that the proposal in the EIR should be reconsidered. Limiting development to areas within the Sphere of Influence (SOI) of other cities would not meet the long term goal of providing a range of housing opportunities within the unincorporated County. The proposed sites within the SOI could annex into the City and that land would

no longer count towards the County's Regional Housing Need Allocation. See Response 10-H.

Response 10-J The County does not concur that the EIR is flawed from a legal and policy perspective. Minor revisions have been made to the Final EIR to amplify or clarify existing discussions in the Draft EIR. A response is provided to each of the individual comments listed below. The County does not concur that the proposed project would result in a serious negative impact to Penn Valley Village Center or the County as a whole. No evidence has been identified that would change any of the evaluations or conclusions in the Draft EIR.

Where potential impacts to the physical environment have been identified, mitigation measures to reduce or avoid the impacts have been proposed. Mitigation measures are incorporated into the project to avoid or reduce potential impacts on the environment. Avoidance is generally the first goal of mitigation measures, and in this case the County has established Environmentally Sensitive Areas (ESAs) to avoid potential impacts to biological and cultural resources (Mitigation Measures 4.4-1 and 4.7-1). In other cases mitigation measure aim to minimize impacts such as the requirement for oak woodland management plans (Mitigation Measure 4.4-5). Still in other cases, the project includes mitigation measures to rectify or repair an impact, such as traffic mitigation that includes providing traffic signals or roadway improvements (Mitigation Measures 4.15-6). The County will produce an Implementation Guide that will provide the site specific mitigation for each site, so that future developers are aware of the mitigation measures that apply to each site.

Response 10-K The County does not concur that the EIR is seriously flawed and that major revisions are required. The EIR provides a comprehensive analysis of the 18 proposed sites for future development based on the best available information and consistent with the State CEQA Guidelines.

Response 10-L The County does not concur that the EIR does not identify and mitigate future impacts. Please see Response 9-B regarding the Penn Valley Village Focused Economic Development Study.

Response 10-M Please see Response 9-B regarding the Penn Valley Village Focused Economic Development Study.

Response 10-N Please see Response 6-D regarding the developers' responsibilities for ensuring adequate water and sewer facilities.

Response 10-O Please see Response 6-D regarding the developers' responsibilities for ensuring adequate sewer facilities.

Response 10-P The County does not concur that the East Bennett Road Alternative (Alternative 2) was dropped from consideration. The East Bennett Road Alternative was evaluated and discussed in Chapter 6 of the Draft EIR. The discussion in 2.5.2 notes that the land was not considered as part of the original project because of the project objective of working with property owners who consented to participate in the Housing Element Rezone Program Implementation.

Response 10-Q The County does not concur that the Berriman Ranch Alternative (Alternative 3) was dropped from consideration. Similar to Response 10-P above, the Berriman Ranch Alternative was evaluated and discussed in Chapter 6 of the Draft EIR. The discussion in Section 2.5.3 notes that the land was not previously considered because of the project

objective of working with property owners who consented to participate in the Housing Element Rezone Program Implementation.

Response 10-R The County concurs that the City of Grass Valley expressed concern regarding the large concentration of the units clustered along Brunswick Road during the Notice of Preparation public comment period. The County responded by including the East Bennett Road, Berriman Ranch, Kenny Ranch and Northstar Property Alternatives. The County does not concur that Penn Valley would experience exacerbated conditions as a result of the proposed project. The project proposes a maximum of 535 units in the Penn Valley Area. All of the units are within walking distance (i.e., approximately 0.25 mile) from the central business area, although there is no minimum criterion for distance to community services.

Response 10-S The County does not concur that wetland impacts would be mitigated solely by drainage improvements. The descriptions on page 3-30 of the Draft EIR provide a rationale for how the development footprint was established for each site. Sites 10, 11, and 12 are described as having some wetland areas onsite, but notes that some of the wetlands are man-made as result of water flowing onto the property as a result of surface drainage created by streets or storm drain outlets. As development would occur onsite and surface drainage would be improved to current County design standards, these wetland areas would no longer exist. Any wetlands on project sites 10-13 would have to be identified and mitigated consistent with Mitigation Measure 4.4-3b, which includes the developer demonstrating that the appropriate permits have been obtained from the US Army Corps of Engineers. For these reasons, potential wetlands are considered less than significant.

Response 10-T Any wetlands on project sites 10-13 would have to be identified and mitigated consistent with Mitigation Measure 4.4-3b, which includes the developer demonstrating that the appropriate permits have been obtained from the US Army Corps of Engineers. For these reasons, potential wetlands are considered less than significant.

With regard to traffic access from Highway 20, the Final EIR had been revised to show traffic access through Site 10. Please see Response 2-B.

Response 10-U Please see Responses 10-N and 10-O.

Response 10-V The County does not concur that the sites in Penn Valley do not meet the project objectives. Please see Response 10-D regarding the percentage of the project sites within Penn Valley. The County does not concur that a disproportionate number of units are proposed in Penn Valley. Approximately 20% of the sites are located in Penn Valley and approximately 20% of the units are proposed in Penn Valley as well. See Response 10-H. By comparison, the Grass Valley Area has 50% of the sites, 49% of the total acreage, and 55% of the total number of units. The Lake of the Pines Area has 27% of the sites, 27% of the area, and 24% of the total units.

The decision to include willing property owners was made by the Board of Supervisors to avoid having to impose a new zoning designation on a landowners property without their consent. Based on the site analysis report prepared prior to the Draft EIR, the County determined that the PV sites have reasonable access to community services, comparable to other proposed sites associated with the project.

Response 10-W The County does not concur that the proposed project conflicts with the Penn Valley Focused Economic Development Study. Please see Response 9-B and 10-X.

Response 10-Y The County does not concur that the proposed project conflicts with the Policy 1.2 of the Nevada County General Plan Land Use Element. The analysis evaluates the project based on existing and proposed land uses. The Board of Supervisors' direction for property owner agreement does affect the manner in which a proposed site would be consistent with existing land use plans or physical impacts on the environment. No potential conflicts with the existing Land Use Element were identified.

Response 10-Z The County does not concur that the project is in consistent with Policy 1.4 of the Nevada County General Plan Land Use Element. Please see Responses 10-Y and 9-B.

Response 10-AA The County does not concur that the project does not achieve a balance of various land uses. As noted in the Draft EIR, The proposed project would allow for the development of high-density multi-family residential uses adjacent to a mix of uses such as residential, commercial, industrial, and open space/recreation resulting in a range of land use types and densities in the project areas.

The County does not concur that the project would result in a significant loss of jobs. Please see Response 9-C. The project would provide construction jobs during the construction of any housing units. Furthermore, in addition to allowing some commercial use on Sites 10 and 11 (the only sites with an existing commercial designation), the project is not removing or displacing any existing businesses as all of the proposed sites are currently undeveloped.

Response 10-BB The County does not concur that the project analysis contains a serious flaw leading to a finding of significant and unavoidable impact. Please see Responses 9-B and 10-C. No mitigation is proposed because no conflict has been identified. The difference between the Penn Valley Village Center Area Plan Design Guidelines and the Penn Valley Village Focused Economic Development Study is that the Design Guidelines are a part of the County's General Plan which was adopted by the Board of Supervisors as a land use policy document. Conformity with the Design Guidelines is subject to the review of County staff for all discretionary and ministerial permits within the plan area and is mandatory. Conversely, the Economic Study does not apply to County land use applications (discretionary nor ministerial) and is not a binding land use document.

Response 10-CC No sound walls have been proposed along Highway 20. No significant visual impacts have been identified.

Response 10-DD The County does not concur that this project would increase the commute time between employment centers and that the project would negatively affect economic development. Please see Response 9-C regarding the rezoning of Lots 10 and 11. The comment does not provide any evidence that the project would result in increased commute time. The proposed project would create a zoning overlay zone that would allow for a minimum of 16 dwelling units on the project sites. If high density housing units are built on these sites based on market demand, then it would provide opportunities for people who are working in jobs within Nevada County to live in Nevada County rather than going outside of the County to find available housing. No conflicts with Policy RD-4.3.4 of the Circulation Element have been identified.

Response 10-EE The County does not concur with this comment. The existing General Plan land use designation on Sites 12 and 13, is Urban Medium Density (UMD) at 6-units per acre. Site 13 is designated PD "Planned Development" with UMD (26 ac.) and Open Space (8ac.) reflecting this designation applies to a larger set of properties, as Site 13 is approximately

20 acres. As such, these two sites are already slated for higher density residential than rural residential, although not as high of a density as the R3 designation. Please see Responses 9-C and 10-DD.

Response 10-FF The County does not concur that the proposed sites in Penn Valley conflict with the Attorney General's recommendations for projects to reduce Greenhouse Gas Emissions. The goal of the Attorney General recommendations is to reduce auto use, not necessarily eliminate auto use. Should high density housing be developed on the Penn Valley sites it is expected that the residents would still have to drive for certain purposes such as work, shopping, school, etc. However, if the residents are able to live closer to their employers within Nevada County, because a wider range of housing types are available then the goal of reducing driving has been achieved. The four Penn Valley site are all within approximately 0.25 mile from the center of the Penn Valley Village Center Area which would be considered within walking or bike riding distance from the core concentration of businesses in Penn Valley.

Response 10-GG The County does not concur with this comment. Please see Response 9-B.

Response 10-HH The County does not concur with this comment. No evidence has been presented that the proposed project would have an increase in employment or unemployment with the proposed project. Development of the proposed project would provide short-term construction jobs for the duration of construction of any development pursuant to the RH Combining District.

Response 10-II The County does not concur with this comment. Please see Responses 10-FF and 10-HH.

These sites have nearby access to SR-20 located just north of the properties. A separated pedestrian and bicycle path runs on the northern side of Penn Valley Drive from Western Gateway Park east to just east of Pheasant Lane where it crosses to the south side of the Penn Valley Drive. The path continues east to Spenceville Road where it continues in both north and south directions. The path is within 0.25 mile of Sites 10-13.

Nevada County administers a door-to-door paratransit service for persons with disabilities for trips within the Grass Valley/Nevada City area and nearby communities. The service is provided by Gold Country Telecare, a private non-profit organization, under a contract with the County of Nevada. All paratransit vehicles are equipped with wheelchair lifts and other accessibility features.

Gold Country Stage Route 6 has a bus stop at Penn Valley Drive and Spenceville Road (approximately 0.2 mile from the sites) and connects to the main depot in Grass Valley, which provides access to other destinations such as Sierra College and other businesses in Grass Valley and provides a connection to Route 5. Route 5 travels to Auburn Station which connects with Placer County Transit (which serves Auburn, Rocklin, Sierra College, Roseville Galleria and Sacramento Light Rail), Auburn Transit and Amtrak Thruway bus service as connecting schedules allow.

Response 10-JJ The Penn Valley Fire Protection District is discussed on Page 4.12-1. Please see Letter 7.

Response 10-KK The analysis for Impact 4.13.2 in the Draft EIR notes that additional capacity would be needed. It should be noted that the Land Use and Development Code (LUDC) Section L-II 2.7.11.C.6 (specific to the RH Combining District) requires developers to provide written documentation from the applicable public utility, water, and sewer service providers demonstrating that adequate public utilities, water, and sewage disposal is available to

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

Response 10-LL Please see Response 10-KK above. Per Section L-II 2.7.11.C.6 (specific to the RH Combining District) of the County’s Land Use and Development Code, the developer is responsible for any constructing any improvements required to increase sewer capacity or to bring sewer service to the project site.

Response 10-MM Per state law, the developer would be required to pay school fees at the time of building permits. As noted on page 4.13-15 of the Draft EIR, The mitigation fee set by the Grass Valley School District and Nevada Joint Union High School District is \$2.97 per square foot of living space for residential uses. Pursuant to Section 65995(3)(h) of the California Government Code (SB 50), “the payment of statutory fees is deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use or development of real property” Therefore, with payment of statutory fees, school impacts would be considered less than significant.

Response 10-NN The following discussion is provided on page 4.13-15 of the Draft EIR: future developments would bring additional annual revenue in the form of increased local property taxes and sales taxes that would help offset the increased demand for police services by funding increases in police personnel, training and equipment. Furthermore, the project developer would be required to pay development impact fees which are intended to provide the means which allow the local police and sheriff to maintain the current level of service. As such, impacts are considered to be less than significant. Implementation of Mitigation Measure 4.13-1c, which would require the project to provide documentation noting adequate response times, would reduce impacts to less than significant.

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

Response 10-OO The County does not concur that the proposed project would eliminate jobs, retail, business development, and would require future residents to travel additional miles to services and employment opportunities. The discussion of economic growth in Section 5.1.1 of the Draft EIR is in relation to whether the project would induce population growth as a secondary effect of creating economic growth. While the project would generate some short-term construction opportunities during development on the project sites, any construction jobs would be short-term and would cease upon completion of the project. The development of housing on these sites would not generate any direct or indirect long term employment opportunities. Therefore, the proposed project is not anticipated to foster economic growth beyond what has been anticipated in the Nevada County General Plan or the City of Grass Valley General Plan.

Response 10-PP The County does not concur with this comment. Please see Responses 10-V and 10-Y.

Response 10-QQ The County does not concur with this comment. Please see Response 9-B.

Response 10-RR The County does not concur with this comment. Please see Response 10-NN.

Response 10-SS The County does not concur with this comment. There were three fundamental reasons the project site was rejected from further analysis in addition to the property owners decision not to participate in the program. These reasons included:

- The property has existing hazardous conditions and hazardous materials onsite as a result of past mining activities.
- The project site is currently designated as a Special Development Area (SDA); and has a comprehensive plan for the property that would develop the site with a variety of uses including single-family residential, commercial, business park, hotel site, and public facilities. As a result, it would not be feasible to develop only a portion of the site with multi-family uses without having to reconfigure the whole plan.
- Currently, the surrounding area is undeveloped. There is no existing infrastructure with regards to roadways, water line, sewer lines, or public transportation opportunities in the surrounding area.

Because the state housing law requires the future development to be allowed by right, these existing constraints were considered significant obstacles to determining reasonable assumptions for future development on this site. For these reasons, this site was rejected from further consideration.

Response 10-TT The County does not concur with this comment. Similar to the North Star site, this property is also within a Special Development Area and a comprehensive plan for the project has been established. To develop a portion of this site with multi-family housing would require the planning effort to make substantial changes. The Kenny Ranch property is owned by multiple owners who have not expressed a desire to participate in the program.

The Penn Valley area was selected for potential R3-RH sites because of the existing infrastructure, including public water and sewer service, that is available in the area. Neither the Northstar Site nor the Kenny Ranch site have currently have water or sewer service available at the properties. Further, pursuant to General Plan Policy 1.5, the locations which are adjacent or in proximity to Community Commercial, Business Park, or Industrial areas are considered appropriate for the Urban High Density designation. The Penn Valley area has community commercial on Sites 10 and 11. Please see Master Response #3 regarding how the commercial aspect was incorporated into the zoning for these sites.

Please see Responses 9-B regarding the Penn Valley Village Focused Economic Development Study.

Response 10-UU The County does not concur with this comment. The County has reviewed each of the comments and has determined that none of the comments raise an issue that results in significant new information or in a new or substantially more severe impact. Each of the comments submitted in the letter has been responded to in the responses above.

Letter 11



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

Historic Past...Dynamic Future!

(530) 432-1802
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November 1, 2013

RECEIVED
NOV 5 2013
Nevada County Community
Development Agency

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

RE: EIR FOR HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM

Dear Mr. Barrington:

11-A

The Board of Directors for the Penn Valley Area Chamber of Commerce requests that the comment period for the subject EIR be extended for one month. As you know, over 200 people from Penn Valley attended the October 29th public meeting at the Seventh-Day Adventist Church to hear the presentation relative to the proposed rezoning of four parcels in the Penn Valley Village Center.

There was much concern voiced relative to the proposal, and the short time frame that our residents became aware of the issue. Although the County provided the legal notice for this project, more outreach should have been provided given the importance of the issue. An extension will allay some of these concerns.

We respectfully request you consider such an extension.

Very truly yours,

Edward R. James, for
The Penn Valley Area Chamber of Commerce

cc: Hank Weston, President of the Board of Supervisors

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

Response 11-A The County acknowledges and appreciates this comment. The County ended the public review period on November 12, 2013 as originally noticed. The County provided a 60-day public review period which is 15 days longer than the 45-day public review period mandated by the Guidelines for the California Environmental Quality Act.

Letter 12



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

Historic Past...Dynamic Future!

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November 17, 2013

RECEIVED

NOV 12 2013

Nevada County Community
Development Agency

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

RE: EIR FOR HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM

Dear Mr. Barrington,

12-A

Enclosed are four maps that indicate four properties that, we've been advised, are owned by the County. They are along Highway 49 and may be far more suitable for high density housing than the four isolated Penn Valley sites. We would like your comment relative to the feasibility of including these sites in the EIR for further review.

12-B

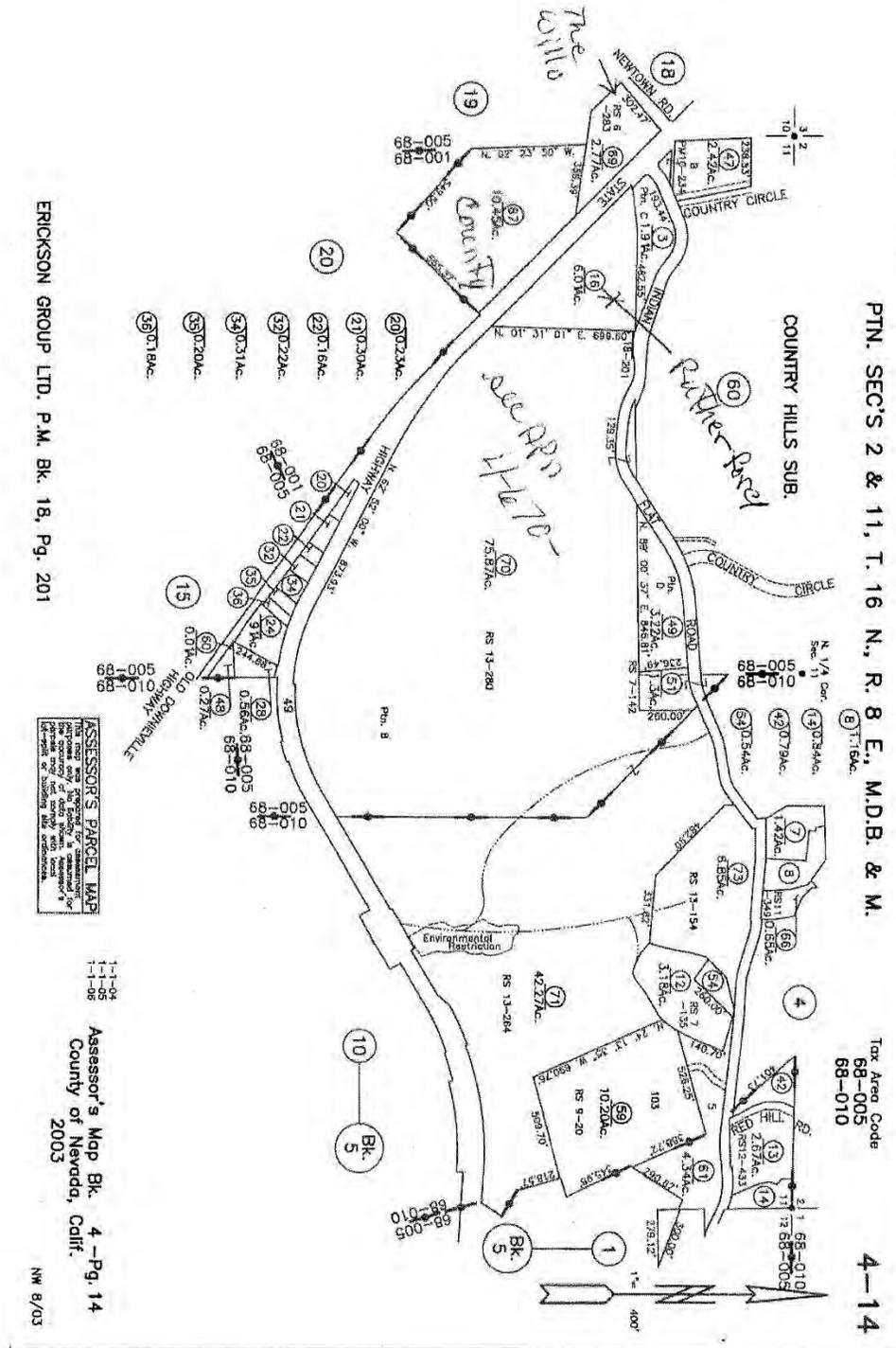
In addition, there was an interesting and timely article in the Weekend edition of the San Francisco Chronicle about the City of Vallejo's struggling downtown. The City Manager of Vallejo is quoted as saying that his city has a concentration of affordable housing units in the downtown which "discourages the potential for business tenants". This is a major reason we object to including the four Penn Valley sites in the Housing Element Rezone.

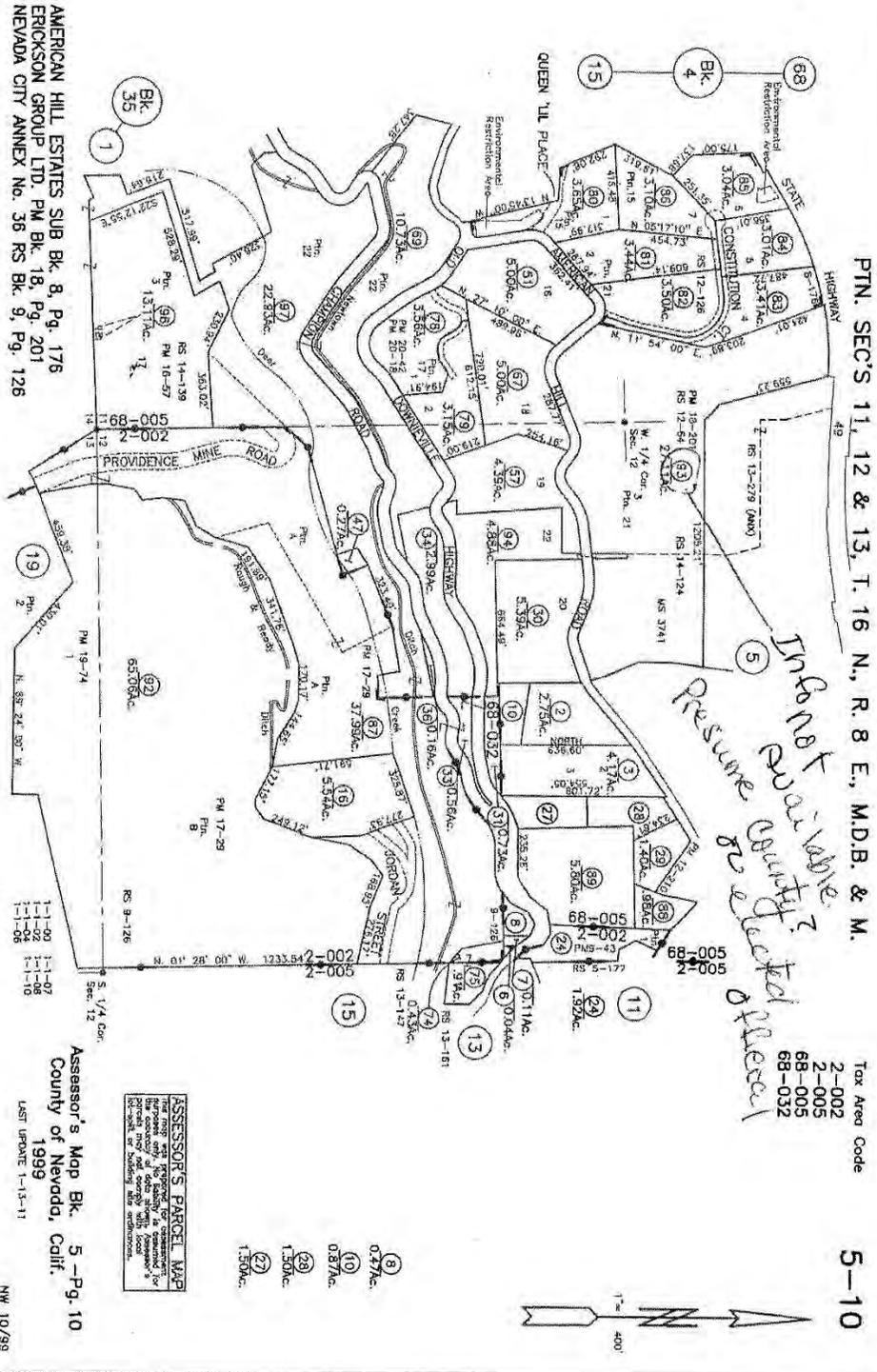
Very truly yours,

Edward R. James

Cc: Hank Weston, President of the Board of Supervisors

attach





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

Response 12-A The County has reviewed the attachments with the suggested sites for multi-family housing in other areas of the County besides Penn Valley. For the site with the Assessor's Parcel Numbers (APNs): 05-005-15, 05-005-28, and 05-005-32 are located within the Sphere of Influence of the City of Nevada City. APN 05-005-15 currently supports the existing County of Nevada Juvenile Detention Center and would not be a suitable place for existing development. APN 05-005-28 is located adjacent to the Juvenile Detention Center and would share an access road with the facility. For these reasons this property would not be a suitable place for multi-family housing. APNs 05-050-32 and 05-100-93 are designated Planned Development on the City of Nevada City General Plan. This site has been designated for a larger planning effort with the adjacent parcels and to develop the site with multi-family housing would require changes to that previous planning effort. Furthermore, each of these sites is within the City's Sphere of Influence (SOI). It is anticipated that development of these site would require annexation into the City given the properties' locations adjacent to the City limit line. While there is some logic to having high density housing near the city limits, if all of the proposed RH Combining District sites were to be annexed into adjacent cities (Sites 1 through 9 of the proposed project are located within the City of Grass Valley SOI), the County would lose the high density housing designations within the unincorporated area and would have to reinitiate the RH combining district planning process.

APN 04-200-01 is located within in an existing Specific Plan area as part of the Eden Ranch development. The property has been designated as Open Space as part of the planning process for Eden Ranch. Changing zoning and land use designation from open space to R3-RH designation is not feasible because it would conflict with the existing Specific Plan with regards to land that was set aside as open space and mitigation for the previous development.

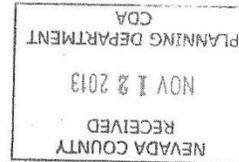
APN 04-140-64 is a privately owned lot adjacent to the City of Nevada City SOI boundary. There is an existing residence on the site and the owner has not expressed an interest in participating in the program.

Response 12-B The County acknowledges and appreciates this comment. However, the comment is not at variance with the content in the Draft EIR and therefore, no further response is required.

Letter 13

Rural Quality Coalition

310 Nevada St.
Nevada City, CA 95959



November 12, 2013

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

Re: Housing Element Rezone Implementation Draft Environmental Impact Report (DEIR)

Dear Mr. Barrington,

Thank you for the opportunity to comment on the Housing Element Rezone Implementation DEIR.

Our comments follow:

1. Section 4.2 Land Use and Planning

13-A

We agree with the conclusion on DEIR page 4.2-19 that land use and planning impacts with the City of Grass Valley related to density increases proposed within their Sphere of Influence are significant and unavoidable.

13-B

To be consistent with this conclusion, the DEIR text in the General Plan consistency table on page 4.2-13 relative to Nevada County General Plan policy 1.38 should be revised to reflect an "Inconsistent" finding. This policy comments on this issue directly and there cannot be a finding of consistency if the densities proposed do not "generally reflect" the City's densities. Changes from Urban Medium Density to Urban High Density and from Office Park to Urban High Density are substantially different in land use type and/or residential units permitted. For instance, Urban Medium Density in the Grass Valley General Plan permits 4.01 to 8.0 dwelling units per acre, under the County the proposed Urban High Density would permit a doubling of density to 16 unit per acre, greater at the proposed overlay maximum zoning of 20 units/acre. The Office Park designation does not permit residences in Grass Valley. The chart text should be revised to reflect this analysis.

13-C

If it is being considered, we suggest that it would not be appropriate to revise the wording of Policy 1.38 to avoid this conflict between the City and County plans as 1.38 is a critical land use policy. Altering the policy would have its own very significant impacts, eliminating its mitigating effect on population and urban form impacts which it was intended to avoid as our County builds out.

2. Section 5.12.11 Population and Housing Cumulative Impacts

13-D This section of the DEIR discusses the 150,000 population buildout cap that was adopted as part of the adoption of the 1995 General Plan. It concludes that this cap was not actually a cap and as a result, population increased due to the increased densities permitted in the unincorporated areas will not result in cumulatively considerable impacts. This conclusion is counter to the conclusion in the Memorandum written by County Counsel Hal DeGraw (March 5, 2003: ***“Effect of Population Cap at Buildout Adopted with 1995 General Plan”***) (DeGraw Memo) which states: *“1. Yes. The buildout cap of not more than 150,000 persons is clearly identified in Exhibit “A” to Resolution No. 95530 (the Resolution adopting the most recent update to the Nevada County General Plan in November of 1995) ‘as a mitigation measure intended to mitigate numerous County-wide impacts’. a. Yes, the County needs to take steps to ensure the population does not exceed 150,000 so long as the environmental action approved in 1995 is the most recent one.....c.....Given that the population cap is a mitigation measure from the adoption of the last General Plan update, it would be necessary to do something whenever it became apparent that the cap was likely to be exceeded...”* (DeGraw memo page 1-2)

13-E The Housing Implementation DEIR goes on to state: *“...the County has determined that this 140,000 capacity level is not a “cap” in the sense of a growth limitation. Rather, it is merely an estimate for the buildout capacity that was expected to result from the General Plan.”* (DEIR page 5.18, para 3, lines 14-18) This conclusion is clearly counter to the DeGraw memo which states: *“Note that the language in the adopted exhibit is very significant. The Board could have estimated the population at build-out and adopted mitigation measures that seemed adequate, based upon best available evidence at the time, to lower or keep growth down to an acceptable level at build-out. In that case, if those growth reducing mitigation measures had been monitored and implemented, but later proved to be inadequate to keep the population down to the projected level, no added mitigations nor modified environmental document would have been required. However, the Board did not do this. It took steps to reduce the estimated build-out and adopted a population cap as a mitigation measure, taking the additional step of reciting “examples” of the unavoidable and avoidable impacts that mitigation measure was intended to reduce.”* (DeGraw memo, page 3, para3.) (Underlining added for emphasis.)

13-F As a result, the conclusion on DEIR page 5-18 (5.12.11 Population and Housing) should be revised to conclude that there will be significant and unavoidable cumulative impacts related to potential population increase impacts in the unincorporated areas. The alternative would be to mitigate these impacts by reducing proposed population buildout on other properties in the county or to show evidence that County or City actions since 1995 have reduced buildout potential (for example, parcels which have built out at less density than originally permitted or preserved for open space.) We believe that the County has used this land use accounting exercise in the past when land use designations were revised.

13-G On a related issue, we agree with the conclusion on DEIR page 4.12-14 that significant and unavoidable population and housing impacts will result due to the inconsistencies between the Grass Valley and Nevada County General Plan density proposals. However,

13-G
CONT'D

this 150,000 population cap discussion should also be included in this section of the DEIR as it is relevant to the conclusion and for internal consistency.

Summary of policy and population impact concerns (1 and 2 above)

13-H

The DEIR should accurately recognize the wording and meaning of Policy 1.38 and the 150,000 population cap in all relevant impact sections. Impacts related to these issues (population, cumulative population growth, and density conflicts with Grass Valley consistency) must be considered to be significant and unavoidable unless mitigation measures can be identified.

3. ReZone Sites

We are concerned about the potential environmental impacts of increased density and intensity of buildout that will result on Site 2 in the Grass Valley Sphere of Influence and Site 13 in Penn Valley.

13-I

Site 13 in Penn Valley includes heritage oaks, wetlands, and Squirrel Creek. It is located between Penn Valley Drive and Highway 20 and is critical to retaining open views along Highway 20 which was a goal of the General Plan. Impacts to each of these issues must be mitigated.

13-J

Site 2. The DEIR Appendix includes site evaluations of each of the rezone areas and notes that Site 2 has sensitive natural habitat including a mapped flood plain, Sierra mixed forest, and a wetland. We also note from the DEIR Appendix that “The owner of Site 2 has elected to withdraw from the Housing Element Rezone Program subsequent to the analysis being completed. This site remains in the document in the event the property becomes available in the future.”

13-K

The DEIR also notes that “At 16 units per acre, the maximum number of units would be 1,630 units. This number exceeds the 1,270 units the County currently needs to meet its housing element goals.” Since Site 2 could only accommodate 66 units, and it is not needed to meet County goals, we recommend that Site 2 be withdrawn from the program to mitigate potential biotic impacts.

Sincerely,

Laurie Oberholtzer
for
Rural Quality Coalition
Sierra Nevada Chapter of the Sierra Club
Sierra Foothills Audubon Society
Federation of Neighborhood Associations

Letter 13 – Rural Quality Coalition

Response 13-A The County concurs with this comment.

Response 13-B The County does not concur with this comment. The EIR text in the discussion has been revised to clarify that the proposed project proposes higher density than what is proposed. Policy 1.5(a) of the County General Plan discussed on page 4.2-2 of the Draft EIR provides the following detail regarding the compatibility of Urban High Density:

The General Plan provides for future development in accordance with the following criteria for the various land use designations:

Urban High Density Residential (UHD) is intended to provide for residential uses, including single- and multi-family housing types at higher densities, of up to 20 dwelling units per acre within incorporated area's spheres of influence and 15 units per acre elsewhere, in locations with a high degree of access to transportation facilities (including arterial and major collector roads and public transit), shopping and services, employment, recreation and other public facilities. Areas of Urban High Density Residential use are intended to provide locations appropriate for the development of affordable housing due to the higher density allowed and resulting cost efficiency in costs of land development and provision of services. Locations which are adjacent to or in close proximity to Community Commercial, Business Park or Industrial areas are considered appropriate for this designation.

The Office Professional zone is similar to the zones described above and would have the land use compatibility because those designations are typically located in more urban areas where services and infrastructure exist. It should be noted that the City of Grass Valley's Loma Rica Specific Plan area (located adjacent to sites 3, 7, and 9) includes 700 low, medium, and high density housing; 54,000 square feet of mixed commercial and retail, and up to 364,000 square feet of business and light industrial uses. As such, the proposed project does provide similar intensities to other planned development in the area.

Response 13-C The County is not proposing to changes the wording of Policy 1.38 of the Grass Valley General Plan. As noted in Response 13-B, the EIR text has been revised to clarify that the proposed project proposes higher density than what is proposed.

Response 13-D The County does not concur with this comment. As stated in the Draft EIR, the Board of Supervisors attempted mitigation of certain countywide environmental impacts by adopting General Plan policies intended to effect a reduction in buildout capacity from approximately 181,000 persons to 140,000 persons countywide. However, a General Plan Implementation Measure for a county buildout growth limitation tied to growth in the cities was never adopted. Therefore, a subsequent County Counsel opinion has determined that this 140,000 capacity level is not a "cap" in the sense of a growth limitation. Rather, it is merely an estimate for the buildout capacity that was expected to result from the General Plan. Moreover, it was never intended to require growth in the unincorporated county to be limited or reduced by reason of added buildout capacity in the incorporated cities. The estimate was not intended to preclude land use decisions by the County because of increases in buildout capacity within city limits that are beyond the County's control (see Final General Plan EIR, Vol. 1, p. 3-24). It should be noted that the rate of growth in the

County has been slower than what was project in the 1995 General Plan. The County has experienced a very slow growth rate of approximately 1.0 percent annually and according to the most recent population estimates from the California Department of Finance (DOF), the County actually lost population between 2012 and 2013. It is expected that the County will continue to experience relatively slow growth as economic conditions remain weak.⁸

Response 13-E The County does not concur with this comment. Please see Response 13-D.

Response 13-F The County does not concur that the project would result in significant impacts on population and housing. The California Department of Finance reports that as of January 1, 2013, the unincorporated area of County of Nevada and City of Grass Valley have populations of 65,375 and 12,657, respectively⁹. As such, with the addition of the a approximately 2,468 additional residents in the unincorporated area of Nevada County, and approximately 2,960 residents in the City of Grass Valley, the proposed project would not exceed any General Plan Growth Projection in either jurisdiction. However, the proposed densities for the project sites within the City's Sphere of Influence area are higher than what is considered in the City's current General Plan. As such, the project would induce growth within the City upon annexation of the properties into the City of Grass Valley.

It should be noted that the number of projected new residents represents a conservative number as it is not expected that each lot would be able to achieve a maximum developable yield because of physical, environmental, or regulatory constraints that would limit the number of total units that could be developed. In a similar fashion, other approved projects in the County do not realize maximum density. As noted on page 5-18 of the EIR:

In addition, other approved projects in the County have not and do not always achieve maximum density due to site-specific conditions and Planning Commission decisions. Therefore, over time, the net changes in buildout capacity appear to be in equilibrium with increases offset by other project decreases. This equilibrium is very consistent with the policies and estimates outlined in the adopted County General Plan.

Response 13-G The County does not concur that a 150,000 population cap was approved by the Board of Supervisors. Please see Response 13-D.

Response 13-H The County concurs that potential impacts associated with differences among existing land use designations between the County and City of Grass Valley would occur. As noted on page 4.2-19 of the Draft EIR, this impact is significant and unavoidable after the proposed mitigation to develop policy agreements between the two jurisdictions to reconcile the land use differences. Additionally, the analysis discussion regarding Policy 1.38 has been revised as discussed in Response 6-F. The County acknowledges that significant and unavoidable impacts would occur as result of the proposed densities on properties in the City's Sphere of Influence. The County has proposed Mitigation Measure 4.2-1 in which the County would development policy agreements with the City of Grass Valley regarding an exchange of density calculations between jurisdictions. Please see Response 13-F.

⁸ County of Nevada, Negative Declaration, General Plan Land Use Element Update, GP 13-003, EIS 13-013, November 2013.

⁹ <http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/view.php>

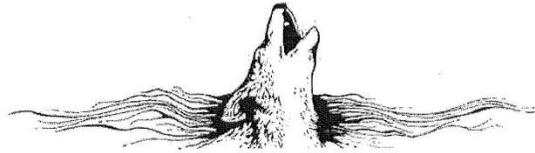
Response 13-I Landmark Oaks and Landmark groves are protected under the Nevada County Tree Preservation and Protection Ordinance. The preferred mitigation is avoidance through the establishment of an Environmentally Sensitive Area (ESA) or Non-Disturbance Area; however in some cases it is not feasible and therefore the County's code allows for limited disturbance of landmark oak trees and landmark oak groves through the approval of an Oak Woodland Management Plan prepared by a qualified biologist. For all sites with wetland habitats, including squirrel creek, proposed development would have to implement the same mitigation measures, including the preparation of a Wetland and Riparian Mitigation Monitoring Program, described in Mitigation Measure 4.4-3(a). The primary focus of these plans is to avoid wetlands and wetland impacts. The mitigation measure states that where wetland impacts cannot be avoided, the developer would be required to obtain permits from the USACE, RWQCB, and CDFW as they relate to wetland impacts.

With regard to visual impacts, the Draft EIR includes Mitigation Measure 4.4-3 which applies to all sites. In compliance with Mitigation Measure 4.3-3, projects within the unincorporated area of Nevada County and also those that would be annexed to the City would require design review by the Planning Commission to ensure a development proposal is consistent with the applicable design guidelines for each general plan and area plan.

Response 13-J The Site 2 shown in Appendix B of the EIR was withdrawn from the Housing Element Rezone Implementation Program before the EIR analysis was initiated. As such, that site is not part of the current program and the EIR analysis does not include that site.

Response 13-K The Site 2 shown in Appendix B of the EIR was withdrawn from the Housing Element Rezone Implementation Program before the EIR analysis was initiated. As such, that site is not part of the current program and the EIR analysis does not include that site. It should be noted that the Site 2, located near the La Barr Meadows/McKnight Road Intersection, evaluated in the Draft EIR was also withdrawn from the program after the Draft EIR was completed per the property owner's request. The two sites are not related except they were assigned the same site number.

Letter 14



NEVADA COUNTY RECEIVED
NOV 11 2013
PLANNING DEPARTMENT
CDA

WOLF CREEK COMMUNITY ALLIANCE

"Grass Valley - A creek runs through it."

11 November 2013

To the Honorable Nevada County Board of Supervisors,

14-A

Wolf Creek Community Alliance is a non-profit 501-c3 organization that is interested in preserving and protecting the Wolf Creek Watershed. WCCA also strives to promote greater awareness and appreciation of this wonderful natural resource, and to improve stewardship of the watershed.

It has come to our attention that the Nevada County Board of Supervisors is currently gathering comments regarding the "Housing Element Rezone Program Implementation Project Draft Environmental Impact Report". The Grass Valley Sphere of Influence is largely within the Wolf Creek Watershed. We believe that development within the watershed must be done with extreme care, and that development within this Sphere of Influence is especially critical. For these reasons we are naturally interested in County and City development plans and goals.

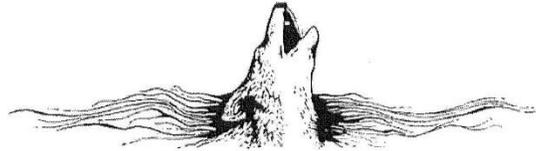
We are particularly concerned with the zoning changes described in Chapter 2.5.2 "EAST BENNETT ROAD SITES ALTERNATIVE". In this section, it is explained that "Sites 6, 7, and 8, which total 30.03 acres and 601 units, would be dropped from the program and no development under the RH Combining District would occur on those sites. **Three new sites would be selected on the north side of East Bennett Road. The new site numbers would be 6, 7, and 8 to replace those sites from the proposed project.** The three sites are approximately 29.74 acres and would have a maximum yield of 595 units". It is the selection of these three new sites which concerns us.

14-B

On the south side of East Bennett Road is the Bennett Road Meadow, a relatively recent addition to Empire Mine State Historic Park. This land was acquired between 2002 and 2004, due to the outstanding natural and historic qualities of this meadow. This lovely meadow, with the South Fork of Wolf Creek winding through the center, is one of the last remaining grassy meadow valleys that caused early settlers to name this community "Grass Valley". Loved by Native Americans and settlers, as well as modern inhabitants of Grass Valley, this

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WOLF CREEK COMMUNITY ALLIANCE

"Grass Valley - A creek runs through it."

14-B
CONT'D

meadow is an outstanding natural resource and a remaining gem of a landscape, that informs us of the setting that the first settlers discovered here. When California State Parks was interested in acquiring this meadow, they commissioned a study to ascertain the biological and historical value of the site. One of the people involved in that survey, W. James Barry, Ph.D., Sr. State Park Ecologist, was so impressed by what he saw that he wrote:

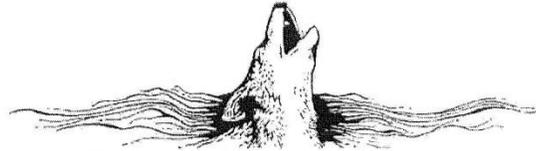
"In summary this property contains important elements of several ecosystems which it shares with Empire Mine State Historic Park. The meadow is likely to be the best example of what the Grass Valley area looked like prior to early development. Few low elevation montane meadows remain intact and this meadow represents an ecosystem now rare in California. It is extremely diverse in native grasses and forbs, many which are uncommon on a regional basis. I have been studying natural grassland ecosystems for 25 years and have not seen a better example in the western Sierra Nevada than this site. This site should be considered for inclusion into the State Park System based upon high biodiversity and high ecological values".

14-C

The land immediately to the north of Bennett Road is an intrinsic (and important) part of this meadow. This land is in ten separate parcels that total approximately 53 acres, rising from the road to the top of a low ridge. At least half of this acreage contains rare gabbro soils and outcroppings. Gabbro soils are similar to serpentine soils, having a low Calcium/high Magnesium ratio. Additionally, these soils have low levels of nitrogen, phosphorus and potassium, the major nutrients required by plants. They also contain high levels of iron and heavy metals such as nickel, chromium and cobalt that are toxic to most plants. There are a number of local plant species that specialize in living in this kind of demanding environment. Some of these species are endemic and extremely rare. The Pine Hills Flannelbush (*Fremontodendron decumbens*, state-listed as rare, federally listed as endangered) and Follett's Monardella (*Monardella follettii*, included in the CNPS Inventory of Rare and Endangered Plants) have both been found in this area. Other rare and sensitive species that may be found here include Sanborn's Onion (*Allium sanbornii*), Bacigalupi's Yampah (*Perideridia bacigalupii*), MacNab's Cypress (*Cupressus macnabiana*), Cedar

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"Grass Valley - A creek runs through it."

- 4-C
CONT'D | Crest Popcorn-flower (*Plagiobothrys glyptocarpus* var. *modestus*), and possibly even the extremely rare Stebbin's Morning-Glory (*Calystegia stebbinsii*, listed as federally endangered).
- 14-D | In addition to hosting a rare and diverse community of flora and fauna, these parcels contain several wetlands with ephemeral streams that drain into the Bennett Road Meadow. There is a Nisenan grinding-rock site, as well as several historic remnants of early mining (Placer mining was conducted near the ridge, and is shown on a 1901 USGS topographic map). A portion of the Nevada County Narrow-Gauge Railroad is here as well.
- 14-E | For all of these reasons, these ten parcels immediately north of Bennett Road would be ideal for inclusion into Empire Mine State Historic Park. In fact park staff members have been interested in adding this land since at least 2008. WCCA agrees that this would be an addition of substantial ecological and historical value. Therefore we respectfully ask that the Nevada County Board of Supervisors remove these parcels from the current proposal, and substitute less-sensitive parcels within the current boundaries of the City of Grass Valley. The City has published a list of un-built parcels within the city boundaries; there are surely many good candidate sites for such high-density low-cost residential zoning. WCCA believes that the proposed re-zoning is not appropriate for the Bennett Road parcels designated in the Draft EIR as numbers 6, 7, and 8. Instead we propose that the most appropriate use of these parcels would be inclusion into Empire Mine State Historic Park, for the greatest benefit of our community, and for the people of California.
- 14-F |

Sincerely,

Jonathan Keehn, President

Wolf Creek Community Alliance

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Letter 14 – Wolf Creek Community Alliance

Response 14-A The County acknowledges and appreciates this comment. The comments raised in this letter are addressed individually in the responses below.

Response 14-B The County concurs with the history and description of the grasslands on the south side of East Bennett Road provided in this comment.

Response 14-C The County acknowledges that sensitive soils and plant species may exist on the East Bennett Road site. Should the East Bennett Road Alternative be selected for approval by the County Board of Supervisors, the same biological resources mitigation measures that apply for the proposed project would be implemented including those requiring pre-construction plant surveys and habitat replacement requirements.

Response 14-D The County acknowledges that the East Bennett Road site may have sensitive wetlands or cultural and historical resources.

With regard to wetlands on the East Bennett Road sites, the Draft EIR notes that this alternative would result in similar impacts to wetland and riparian habitats as the proposed project, and that any development proposed on the sites would have to implement the same mitigation measures, including the preparation of a Wetland and Riparian Mitigation Monitoring Program, described in Mitigation Measure 4.4-3(a). The primary focus of these plans is to avoid wetlands and wetland impacts. The mitigation measure states that where wetland impacts cannot be avoided, the developer would be required to obtain permits from the USACE, RWQCB, and CDFW as they relate to wetland impacts. For these reasons, potential impacts are considered less than significant.

With regard to cultural resources, should the East Bennett Road Alternative be selected for approval by the County Board of Supervisors, the same cultural resources mitigation measures that apply for the proposed project would be implemented including Mitigation Measure 4.7-1 which would require any identified cultural resources to be included within an Environmentally Sensitive Area. Mitigation Measures 4.7-2 and 4.7-3 require the implementation of specific recovery plans for the protection of any unknown fossils or remains discovered during the construction process.

Response 14-E The East Bennett Road site were included as an alternative to address potential impacts associated with developing a large cluster of development within the Grass Valley SOI. The East Bennett Road Alternative was developed as an option to reduce the density within that area. Sites 3 through 9 are currently within the Grass Valley SOI. The East Bennett Road sites were considered as alternative sites to some of the Brunswick Road sites because of their proximity to existing services and infrastructure located within Grass Valley city limits. However, the County cannot propose to rezone or develop properties within the City of Grass Valley.

Response 14-F The acquisition of the East Bennett Road sites is outside of the control of the County of Nevada and is not a decision that can be made by the Board of Supervisors. The East Bennett Road sites were included as an alternative site per the request of the City of Grass Valley as part of comments received during the Notice of Preparation for the EIR.