

Letter 15

**Tyler Barrington**

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**From:** Jake Creamer <cream.jake@gmail.com>  
**Sent:** Tuesday, November 12, 2013 8:28 AM  
**To:** Tyler Barrington  
**Cc:** Planning; Hank Weston; mrenda@theunion.com; mike@ministoragepennvalley.com  
**Subject:** Letter Regarding the EIR of the Housing Element Rezone Program  
**Attachments:** Penn Valley Rezoning Letter.pdf

Hi Tyler,

Thank you so much for taking your time to come give your presentation to the Penn Valley community back on October 29<sup>th</sup>. Attached is my letter regarding my thoughts and concerns regarding the proposed rezoning for sites 9-12 in the Penn Valley area.

15-A

I also wanted to let you know that while I was researching and reading the EIR on the MyNevadaCounty website that there is an error with the site numbers contained in Appendix B. Site Analysis Report and Appendix B.1 Site Analysis Report Addendum #1: Revised Candidate Site Maps. The information contained in appendix B appears to be correct as it has the Penn Valley sites listed as 9-12. However, appendix B1 has the Penn Valley sites listed as sites 10-13.

Best Regards,  
Jake Creamer  
530-575-5940

Date: November 8, 2013

From: Jake Creamer  
18694 Siesta Drive  
Penn Valley, CA 95946

To: Tyler Barrington, Principal Planner  
Nevada County Community Development Agency  
950 Maidu Ave. Suite 170  
Nevada City, CA 95949

Subject: Public Comment Regarding the Environmental Impact Report (EIR) for the Housing Element Rezone Program Implementation

First I wanted to say thanks to Tyler Barrington for his recent presentation regarding the Environmental Impact Report (EIR) for the Housing Element Rezone Program. After reading it you can tell that he and the planning department have put a great amount of time into its process and documentation regarding these recommended changes. Clearly, as was witnessed during this community meeting there is grave concern among the Penn Valley residents regarding the changes purposed in the EIR. I too am afraid that I share in those concerns and in good faith cannot be in agreement with these recommended changes for the reasons detailed in this letter.

Of the 28 years of my life thus far, I have had the distinct privilege of calling Penn Valley and its community home for 22 years of them. Having recently moved back it's not hard to wonder what draws people to settle in this small town. Its laid back lifestyle and friendly rural community spirit make it difficult to find anywhere else. It is these qualities of life that my fellow community members and I fear losing with these proposed zoning changes contained in the EIR.

While the EIR has already pointed out some of my concerns regarding the rezoning in the Penn Valley area (sites 9-12), I would like to further examine a few and to further explain what I feel are my and many of my fellow resident's sentiments regarding the changes contained in the EIR.

**Public Services & Utilities:**

**Sewer:**

As mentioned in the EIR report Penn Valley's sewer treatment plant has already been flagged for deficiencies by the Water Quality Control Board who has issued a cease and desist order. While there is a highly publicized plan in the works to reroute our current sewer plants capacity to the Lake Wildwood treatment plant which has increased and available capacity. It is however doubtful that there would be enough increase in capacity to develop these sites (9-12) at the proposed R-3 designation, which would allow for up to 16 units an acre. This would open up a scenario similar to the construction of Valley Oak Court; which was recently developed down the road from the identified sites (9-12). This development

15-B

15-B  
CONT'D

called for a community septic system to be installed; but one of a much smaller scale than would be required for any of the proposed Penn Valley sites (9-12). I am fearful of this option given what has occurred over time with the other currently used residential septic systems in the area. Which is that it will breakdown or deteriorate, thus, adding pullulates to the water runoff in the area that flows into our drinking water, lakes, rivers, and streams. While this is a concern for all of the proposed sites (9-12) given the lack of sewer capacity in the area, it is a major concern for site 12 which currently sits outside of the Penn Valley area's sanitation district, and is also the largest of the four proposed sites for the area. Furthermore, I would much rather see any increase in sewer capacity used to offer the existing residents not currently on the sewer system the option of being able to move off their older polluting septic systems; rather than being used on any new high density development.

15-C

**Police:**

15-D

Another major concern that the community and myself have with the proposed changes is the lack of police force to cover our area of the county. Being that Penn Valley is unincorporated means that we much rely solely on the California Highway Patrol (CHP) and the Nevada County Sheriff's office to act as our town's police force. This service has suffered in recent years due to county and state budget constraints and cuts. The Penn Valley area has seen its call response time increase, as well as the number of officers assigned to patrol the Penn Valley area decline. High density housing complexes of any nature will put an increase stain on these services for the area; which as of right now and for the immediate future I believe cannot be accommodated. The Penn Valley area has already experienced a high density development project off of Broken Oak Court; which in its short time has already increased the amount services required for the area, and has had a negative impact on the community overall.

**Fire:**

15-E

Another public service that potentially could suffer is the Penn Valley Fire Protection District (PVFPD).The PVFPD like most of the other government services in the area have already had to find ways to trim their budgets as taxes and fee revenue has decreased. The PVFPD is no different and over the years our fire chief Gene VanderPlaats has had to make some difficult decisions regarding staffing and equipment needs. It is difficult to see how this vital public service will be able to handle a proposed 52% increase in its population size if these four sites (9-12) where to be developed as R-3 housing (Appendix A).

**Public Transportation:**

15-F

The way the current EIR is written there is made mention of the various public transit services offered in the Nevada County area. This however has not taken into account the recent changes made at the Transit department; making the scoring factors regarding the transit options for people in the Penn Valley area outdated and unusable as they no longer apply. These recent changes include moving the TeleCare transit to covering only the unincorporated outlying areas of the transit coverage areas which no longer include the Penn Valley downtown area (Light Green Coverage Area, Appendix D). It should also be mentioned that this service receives constant complaints for its ridership regarding the differing fees that its drivers charge as there is a complete lack of consistency. The new Americans with Disabilities Act (ADA) service area would be the new service to cover the Penn Valley area, but riders must first receive

15-F  
CONT'D

approval by the county Transit department before being allowed to use this service and it will only accommodate riders with disabilities (Dark Green Coverage Area, Appendix D). This leaves only Gold Country Stage's route six as the only means of public transportation for the general public. However, it is unlikely that this route will be in service indefinitely due to the continuing budget constraints. This route has been flagged for closure on numerous occasions due to its lack of ridership and operating cost. Even with a new influx of residents in the Penn Valley area it is unlikely to see enough increased ridership to justify its operating cost. These factors are not addressed in the EIR and need to be taken into consideration before approval of the Penn Valley sites (9-12) is made.

**Economic Factors:**

**Lack of Jobs:**

15-G

One of the often forgotten things about the Penn Valley area is that there is a huge deficit of jobs for the area's population, making Penn Valley a bedroom community. Most of the people in the area already have to commute up to Auburn, Grass Valley, or Nevada City areas to find work. It is true that in recent years we have seen some success stories such as the True Value hardware store, the Tack Room, and Blue Cow Deli restaurants. However, a vote to approve these rezoning changes for the Penn Valley area will be crippling the Penn Valley area of any future commercial development as you will be removing all of the available commercial zoning in the heart of Penn Valley's town center. What proposals do we currently have to go along with these changes in the EIR for these new residents' being able to make a living? Furthermore, if Gold County Stage were to cut route six as has been proposed what sort of transportation services will take its place to allow any lower income residents to commute to their places of employment? Given that there aren't many currently available jobs in the area, and a vote in favor of these changes would be removing all our communities' ability to develop jobs in the future.

**Environmental:**

15-H

Development of any size does have an impact to our local environment regardless of the amount of migrating factors deployed. While there have been great advancements to reduce these environmental impacts, there can never be any guarantees for what impact these proposed changes will have on our local environment. Any increases in water runoff for the four sites (9-12) proposed for the Penn Valley area will contain new pollutants which will flow directly into Squirrel Creek. Squirrel Creek also runs through Western Gateway Park which is Penn Valley's only public park and sits immediately downstream from the proposed sites. Throughout the year Western Gateway Park provides a major economic boost for the area as people from throughout the surrounding communities enjoy its baseball fields, disc golf course, hiking trails, and dog parks. What guarantees can be given to the community and business owners that if these sites are developed as R-3 housing with 16 units an acre that there would not be any negative impacts to the local environment and park downstream from the sites?

**Public Safety:**

**Roadways:**

- 15-I

The residents prefer the nice quiet traffic-less life that Penn Valley offers. We prefer our rural country roads, and our big two lane streets; over the larger three or more lane roadways. We like the fact that the only signal lights in town are on the highway; and growing up in the area, it was always perceived that if there were more than four cars at the stop sign in the town center there was traffic. These four proposed sites would all need to feed off Penn Valley Drive, as already mentioned in the EIR that it is unlikely that CalTrans will allow access to site 12 from Hwy 20. Any widening of this road would require the removal of our recently installed bike trail that runs from the intersection of Spencerville Road and Penn Valley Drive to Western Gateway Park. The current EIR states that this road would not require widening, but does it take into account a 52% population increase? Not to mention roadway safety. The newly installed bike trail crosses from one side of Penn Valley Drive to the other. I cannot mention how many times I have seen people and children get hit by a car crossing this road in its current state; not to mention how dangerous this would become if traffic were to increase dramatically as purposed. If the roadway was to be widened what would happen to this new bike trail? Where would it be moved to given that it's presently located in the road easements of the properties along its route? Finally how much more dangerous would it become for citizens to drive up to the shopping and work centers of Auburn, Grass Valley, and Nevada City? In recent years there have been numerous serious accidents on the portion of highway 20 from Penn Valley to Grass Valley. Is this roadway capable of handing such a large increase of commuters from the Penn Valley area given?
- 15-J
- 15-K
- 15-L

In addition to the issues mentioned above there are a couple of items that relate directly to the EIR process. The foremost being that the county when putting the EIR together the county staff only looked into properties whose owners were willing to be part of this process, this reduced the number of properties looked at for potential rezoning from 39 to 17 properties (EIR Appendix B, pg. 2). This has resulted in a disproportionate 26 percent of the needed rezoning space to occurring in the Penn Valley area, and all of it occurring in the western part of the county (Appendix B). All the while the Penn Valley area only represents 1.64 percent of the county's overall population (Appendix C). Had county staff included and graded all of the initial properties it would have been a much more balanced approach with all portions of the county sharing a portion of this burden being placed on the county by the state. In addition these changes will also nullify our existing village plan that was adopted by the board of supervisors in 2000, which governs the future development of the Penn Valley area. As mentioned above in this letter these zoning changes will remove all of our available commercial zoned land resulting in a negative economic factor on the area as a whole; as well as severely limiting any future economic development projects for the Penn Valley area.
- 15-M
- 15-N

Like any other community everything is interconnected and relates to each other, and its citizens are no different. While the area continues to develop and grow; it is unlikely that the area would be able to handle such a large amount of growth in such a short amount of time. As was brought up in the community meeting held in October the idea that these sites might not be developed for many years into the future was and is a complete lie as was admitted at the meeting by county staff. Sites 9, 10, and 12 are already owned by an LLC with the intention of developing the sites immediately if the rezoning is approved. We implore you not to go through with these purposed zoning changes.

Thank you for your time and consideration to this most important issue,

Jake Creamer

CC: Doug Donesky, County Planning Commissioner for District 4  
Hank Weston, Nevada County District 4 Supervisor  
Mike Mastrodonato, President Penn Valley Chamber of Commerce  
Matthew Renda, The Union Newspaper

**Appendix A**  
**Population Increase Calculation**

**Sources:**

1. 2010 Penn Valley Census Report: <http://www.census.gov/popfinder/?fl=06057:0656518>
2. Appendix B. Site Analysis Report of the EIR, pages 10 and 11:  
<http://www.mynevadacounty.com/nc/cda/planning/docs/Planning%20Projects/Advance%20Planning%20Projects/2009-2014%20Housing%20Element%20Rezone%20Program%20EIR/Appendix%20B.%20Site%20Analysis%20Report.pdf>

15-O

Step 1: According to the 2010 census report Penn Valley had 1,621 residents, living in 628 occupied housing units. This equates out to 2.58 residents per occupied household (1,621 residents divided by 628 occupied housing units equals 2.58 residents per occupied household).

Step 2: According to pages 10 and 11, in the Appendix B. Site Analysis Report in the EIR each of the sites contain contained the following amount of acreage, building acreage, and total units buildable:

Site 9:	6.58 acres, 3.49 buildable acres, 56 units
Site 10:	3.08 acres, 1.46 buildable acres, 23 units
Site 11:	4.56 acres, 3.98 buildable acres, 64 units
Site 12:	19.94 acres, 11.49 buildable acres, 184 units

This totaled 34.16 acres, of which 20.42 are buildable. This would allow the creation of up to 327 units.

Step 3: With 327 units being built at an average of 2.58 residents per unit that equates to 843.66 new residents for the Penn Valley area; which represents a 52.06% increase in population (2.58 multiply 327 new units equals 844 new residents; 844 divided by 1,621 equals 0.5206, take .05206 multiply by 100 equals 52.06%).

Appendix B

Penn Valley's Percentage of Burden Calculation

Sources:

1. Appendix B. Site Analysis Report of the EIR, pages 2, 10, and 11:  
<http://www.mynevadacounty.com/nc/cda/planning/docs/Planning%20Projects/Advance%20Planning%20Projects/2009-2014%20Housing%20Element%20Rezone%20Program%20EIR/Appendix%20B.%20Site%20Analysis%20Report.pdf>

15-P

Step 1: On page 2 of the Appendix B. Site Analysis Report in the EIR it mentions that the county being required by the state needs to be able to zone enough land as R-3 housing to generate 1,270 units.

Step 2: First you need to find the total number of acres, buildable acres, and the number of units to be built by site. This information is found on pages 10 and 11 of Appendix B. Site Analysis Report of the EIR. The information is as follows:

Site 9:	6.58 acres, 3.49 buildable acres, 56 units
Site 10:	3.08 acres, 1.46 buildable acres, 23 units
Site 11:	4.56 acres, 3.98 buildable acres, 64 units
Site 12:	19.94 acres, 11.49 buildable acres, 184 units

You will find that with the Penn Valley area having the potential of building 327 of the needed 1,270 units required by the state.

Step 3: To find the percentage of the burden being placed on the Penn Valley area you need to take the 327 new units from sites 9-12 for Penn Valley, and divided that by the 1,270 units needed to fill the states requirement (327 divided by 1,270 equals .2574). By taking the previous total of .2574 and multiplying that by 100 you will arrive at a 25.74%; which represents the percentage of overall burden the county is trying to place on the Penn Valley area.

Appendix C

Penn Valley Population as Percentage of County Population Calculation

Sources:

- 2. 2010 Penn Valley Census Report: <http://www.census.gov/popfinder/?fl=06057:0656518>
- 3. 2010 Nevada County Census Report: <http://www.census.gov/popfinder/?fl=06057>

15-Q

- Step 1: According to the 2010 Census Report Penn Valley had 1,621 residents.
- Step 2: According to the 2010 Census Report Nevada County had 98,764 residents.
- Step 3: You take Penn Valley's population size of 1,621 residents and divided that number by the county population size of 98,764 residents and you arrive at .0164. You take .0164 and multiply it by 100 and you arrive at 1.64%. Which represents that Penn Valley's population size makes up 1.64% of the counties overall population size.

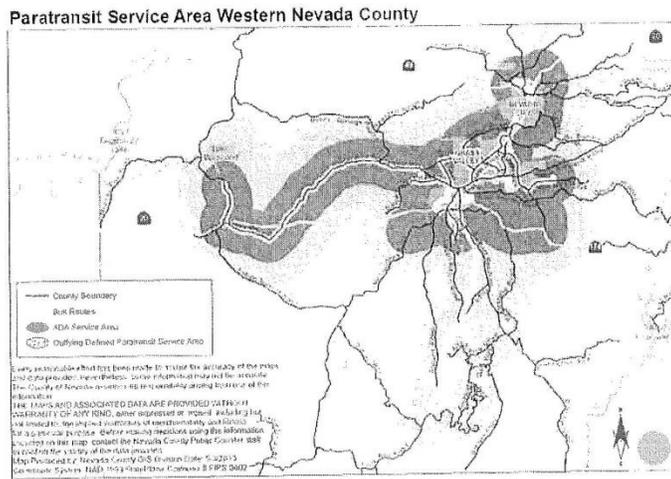
Appendix D

Western Nevada County Transit Service Area Map

Sources:

- 1. Paratransit Service Area Western Nevada County:  
[http://www.mynevadacounty.com/nc/cda/pw/transit/docs/ParaTransitServiceAreas%20\(update%205-2013\)%20\[2\].pdf](http://www.mynevadacounty.com/nc/cda/pw/transit/docs/ParaTransitServiceAreas%20(update%205-2013)%20[2].pdf)

15-R



Letter 15 – Jake Creamer

**Response 15-A** The County acknowledges and appreciates this comment. The County concurs that there is some differences in the numbering of the proposed sites in Appendix B and the Draft EIR. Some of the sites evaluated in the Site Analysis Report were removed from the program before the Site Development Report was completed and other sites were added once the EIR process had been initiated. The changes do not affect the analysis in the EIR. Below is Table 3-4 from the Draft EIR that has been reduced to show only the Penn Valley properties.

**Theoretical Yield of Proposed Sites 10-13**

Site	10	11	12	13	TOTAL
<b>Parcel Area (Acres)<sup>1</sup></b>	5.95	3.1	4.37	20.1	<b>33.52</b>
<b>Existing Building Density (du/acre)</b>	4	4	6	1	-
<b>Existing Max Yield (Units)</b>	23	12	26	20	<b>81</b>
<b>Proposed Building Density (du/acre)</b>	16	16	16	16	-
<b>Proposed Max Yield (Units)</b>	95	49	69	322	<b>535</b>

**Response 15-B** The analysis for Impact 4.13.2 in the Draft EIR notes that additional capacity would be needed. It should be noted that the County’s Land Use and Development Code (LUDC) Section L-II 2.7.11.C.6 (specific to the RH Combining District) requires developers to provide written documentation from the applicable public utility, water, and sewer service providers demonstrating that adequate public utilities, water, and sewage disposal is available to accommodate the proposed development for a site. If the property does not have direct access to adequate public utilities to serve the proposed development, it is the responsibility of the developer to provide adequate infrastructure to serve the site consistent with the rules, regulations and standards of the applicable utility provider. The Final EIR has been revised to include this statement.

None of the proposed project sites would be connected to onsite septic systems all sites would be connected to public sewer facilities.

**Response 15-C** It is assumed the comment is referring to Site 13 in the Draft EIR which is outside the existing County Sanitation District boundaries and would require annexation prior to development. No septic systems are proposed for any of the project sites. Please see Master Response #4 regarding the developers responsibility to provide sewer service to the site.

**Response 15-D** Please see Response 10-NN

**Response 15-E** Please see Responses 7-B and 10-NN.

**Response 15-F** The County does not concur with this comment. Each of the Penn Valley sites (Sites 10-13) are within approximately 0.25 mile of the Gold County State Route on Penn Valley Road, and all sites are within the ADA service area shown in Appendix D of this comment. For these reasons, the proximity of these project sites to existing public transportation make the Penn Valley sites a suitable choice with regards to access to public transportation. The County does not concur that a requirement to demonstrate that a person meets ADA eligibility requirements makes the service unreliable. The County posts the fares for the paratransit service on its website. The fee is \$2.00 one way and \$4.00 for longer trips.<sup>10</sup>

The Gold Country Stage provides two Route 6 bus stops near the Penn Valley Village central as shown in the Gold Country Stage Riders Guide last updated July 1, 2013.<sup>11</sup> No evidence has been presented that the Gold Coach Stage line is considering dropping the Route 6 stops.

No significant impact on Gold Country Stage line has been identified as a result of the project and no further analysis is required in the EIR.

**Response 15-G** Please see Master Responses #2 and #3. Please see Response 15-F regarding the Gold Country Stage Route.

**Response 15-H** Surface water quality impacts are evaluated in Section 4.10 of the EIR. Mitigation Measure 4.10-1a applies specifically to Sites 10 and 13 because a portion of the Squirrel Creek Floodplain is located over those sites. Other components of Mitigation Measure 4.10 include source controls and treatment control Best Management Practices to control and treat surface water prior to the water being released from the site. The mitigation also requires future developers to demonstrate that the water detention and retention facilities are adequate sized and designed to accommodate the surface water runoff anticipated from the site. These sizing calculations take into account not only the overall size of the property but also the amount of impervious surface area proposed onsite (e.g., parking areas, paved areas, roof tops, etc.), and also the proposed land use (e.g., multi-family and commercial uses require specific provisions for parking areas, trash enclosures, etc.). Mitigation Measure 4.10-1b also contains this specific provision for Sites 10 and 13:

Disruption of soils and vegetation near Squirrel Creek (on Sites 10 and 13) shall be minimized to limit potential erosion and sedimentation; disturbed areas shall be graded to minimize surface erosion and siltation; bare soils shall be immediately stabilized and re-vegetated. Seeded areas shall be covered with broadcast straw or mulch. If straw is used for mulch or for erosion control, utilize only certified weed free straw to minimize the risk of introduction of noxious weeds, such as yellow star thistle.

**Response 15-I** Please see Response 2-B.

**Response 15-J** No widening of Penn Valley Drive is proposed or required as part of the proposed project. No changes to the existing bike trail are proposed or required as part of the proposed project. The traffic analysis for the project is provided in Section 4.15 of the Draft EIR. Tables 4.15-9 and 4.15-10 provide the analysis of all the intersections in Penn Valley. The analysis includes all of the proposed units for Site 10-13 in Penn Valley. The tables compare the proposed project with residential development that could currently be

<sup>10</sup> <http://www.mynevadacounty.com/nc/cda/pw/transit/Pages/Paratransit-Services.aspx>

<sup>11</sup> <http://www.mynevadacounty.com/nc/cda/pw/transit/Pages/Riders-Guide.aspx>

developed on the sites with the existing land use designations. With the exception of the Penn Valley Road/SR 20 intersection, the level of service would not change with the addition of the proposed project. The Penn Valley/SR 20 intersection would change from a level of Service (LOS B) to an LOS C. An LOS C is an acceptable level of service for both the County of Nevada and Caltrans.

**Response 15-K** The Transportation Corridor Report for SR 20 prepared by Caltrans (last updated in May 2009) shows that the current Level of Service for SR 20 is LOS B. The 20-Year forecast for the segment of SR 20 from 0.8 mile east of Penn Valley Drive to SR 49 is LOS D. Caltrans has identified LOS D as an acceptable level of service for rural segment of SR 20.<sup>12</sup> As such, the addition of the project traffic will not cause a change in the level of service on SR 20 between the project site and Grass Valley and SR 20 will have the capacity for the project generated traffic. No design or roadway safety impacts along SR-20 as a result of the proposed project have been identified.

**Response 15-L** The County does not concur that a disproportionate number of units are proposed in Penn Valley. Approximately 22% of the sites are located in Penn Valley and approximately 20% of the units are proposed in Penn Valley as well. Please see Response 10-D. By comparison, the Grass Valley Area has 50% of the sites, 49% of the total acreage, and 55% of the total number of units. The Lake of the Pines Area has 27% of the sites, 27% of the area, and 24% of the total units.

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

**Response 15-M** The County does not concur with this comment. Please see Response 9-B.

**Response 15-N** The County does not concur with this comment. The proposed project does not propose any entitlements for development and it is not known if or when any development proposals consistent with the RH Combing District may be submitted to the County. The County acknowledges that previous development proposals have been submitted to the County for development of sites 10 and 11, "Penn Valley Oaks" which is still active and consists of 12,000 square feet of commercial uses and 20 single-family homes. However that project is not related or in conjunction with the proposed project.

**Response 15-O** The County does not concur with this comment. The sites referenced in this comment are not correct. Please see Response 15-A. The correct site numbers and acreages are shown in Response 15-A above. Please see Responses 10-D and 15-L. Please see Response 13-D and 13-F regarding growth in the County.

**Response 15-P** The County does not concur with this comment. The sites referenced in this comment are not correct. Please see Response 15-A. The correct site numbers and acreages are shown in Response 15-A above. Please see Responses 10-D and 15-L. Please see Response 13-D and 13-F regarding growth in the County.

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<sup>12</sup> California Department of Transportation, State Route 20 Transportation Corridor Concept Report, May 2009; [http://www.dot.ca.gov/dist3/departments/planning/tcr/SR20\\_TCCR\\_FINAL.pdf](http://www.dot.ca.gov/dist3/departments/planning/tcr/SR20_TCCR_FINAL.pdf)

**Response 15-Q** The County does not concur with this comment. The calculation in the comments uses the population of the entire County of Nevada which includes the incorporated cities, Grass Valley, Nevada City and Truckee. The County's Housing Element is based on the population in the unincorporated area. According the California Department of Finance, the population of the unincorporated area of Nevada County is 65,375 as of January 1, 2013.<sup>13</sup> Nonetheless, the selection of suitable housing sites was not related to the population size of the community, but on the suitability of that community to support a high density housing development.

**Response 15-R** The County has reviewed the exhibit reference in this comment and concurs that the Paratransit service area includes Penn Valley.

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<sup>13</sup> <http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/view.php>

Letter 16

Date: November 12, 2013

From: Todd Williamson, Manufacturing Engineer  
18403 Siesta Dr.  
Penn Valley, CA. 95946



To: Tyler Barrington, Principal Planner  
Nevada County Community Development Agency  
950 Maidu Ave. Suite 170  
Nevada City, CA 95949

CC: Supervisor Hank Weston

Subject: Public Comment Regarding the Environmental Impact Report (EIR) for the Housing Element Rezone Program Implementation

As a Home/Property owner in Penn Valley I attended the above mentioned meeting to see what was being proposed First I wanted to say thanks to Tyler Barrington for his recent presentation regarding the Environmental Impact Report (EIR) for the Housing Element Rezone Program. After reading it you can tell that he and the planning department have put a great amount of time into its process and documentation regarding these recommended changes. Clearly, as was witnessed during this community meeting there is grave concern among the Penn Valley residents regarding the changes purposed in the EIR. I too am afraid that I share in those concerns and in good faith cannot be in agreement with these recommended changes for the reasons detailed in this letter.

16-A

As a Home/Property owner in Penn Valley I attended the above mentioned meeting to see what was being proposed with both the EIR and the purposed rezoning. I have resided in Penn Valley for 14 years and of those 14 years 9 as a home owner. During my time as a home owner I have invested a lot financially on improvements to my house and property as have many of my neighbors, these improvements were done to improve the appearance of my property as well as that of my Neighborhood and Community as a whole. I have grave concerns that these purposed changes to rezoning for high density housing will not only negatively affect the near and long term property values of my and all of my neighbor's property values which will thus inherently affect the amount of taxes that you being "Nevada County" will collect thusly will have detrimental effect on the services that the county is able to provide to us the Tax Payers, which have already suffered greatly during these recent years of economic turmoil. Its laid back lifestyle and friendly rural community spirit make it difficult to find anywhere else. It is these qualities of life that my fellow community members and I fear losing with these proposed zoning changes contained in the EIR.

16-B

While the EIR has already pointed out some of my concerns regarding the rezoning in the Penn Valley area (sites 9-12), I would like to further examine a few and to further explain what I feel are my and many of my fellow resident's sentiments regarding the changes contained in the EIR.

16-B  
CONT'D**Public Services & Utilities:****Sewer:**

As mentioned in the EIR report Penn Valley's sewer treatment plant has already been flagged for deficiencies by the Water Quality Control Board who has issued a cease and desist order. While there is a highly publicized plan in the works to reroute our current sewer plants capacity to the Lake Wildwood treatment plant which has increased and available capacity. It is however doubtful that there would be enough increase in capacity to develop these sites (9-12) at the proposed R-3 designation, which would allow for up to 16 units an acre. This would open up a scenario similar to the construction of Valley Oak Court; which was recently developed down the road from the identified sites (9-12). This development called for a community septic system to be installed; but one of a much smaller scale then would be required for any of the proposed Penn Valley sites (9-12). I am fearful of this option given what has occurred over time with the other currently used residential septic systems in the area. Which is that it will breakdown or deteriorate, thus, adding pullulates to the water runoff in the area that flows into our drinking water, lakes, rivers, and streams. While this is a concern for all of the proposed sites (9-12) given the lack of sewer capacity in the area, it is a major concern for site 12 which currently sits outside of the Penn Valley area's sanitation district, and is also the largest of the four proposed sites for the area. Furthermore, I would much rather see any increase in sewer capacity used to offer the existing residents not currently on the sewer system the option of being able to move off their older polluting septic systems; rather than being used on any new high density development.

**Police:**

Another major concern that the community and myself have with the proposed changes is the lack of police force to cover our area of the county. Being that Penn Valley is unincorporated means that we much rely solely on the California Highway Patrol (CHP) and the Nevada County Sheriff's office to act as our town's police force. This service has suffered in recent years due to county and state budget constraints and cuts. The Penn Valley area has seen its call response time increase, as well as the number of officers assigned to patrol the Penn Valley area decline. High density housing complexes of any nature will put an increase stain on these services for the area; which as of right now and for the immediate future I believe cannot be accommodated. The Penn Valley area has already experienced a high density development project off of Broken Oak Court; which in its short time has already increased the amount services required for the area, and has had a negative impact on the community overall.

**Fire:**

Another public service that potentially could suffer is the Penn Valley Fire Protection District (PVFPD). The PVFPD like most of the other government services in the area have already had to find ways to trim their budgets as taxes and fee revenue has decreased. The PVFPD is no different and over the years our fire chief Gene VanderPlaats has had to make some difficult decisions regarding staffing and equipment needs. It is difficult to see how this vital public service will be able to handle a proposed 52% increase in its population size if these four sites (9-12) where to be developed as R-3 housing (Appendix A).

16-B  
CONT'D**Public Transportation:**

The way the current EIR is written there is made mention of the various public transit services offered in the Nevada County area. The first one mentioned is Gold Country Telecare services which in recent years had already been hit with budget cuts causing it to cut its services in 2009 by 20 percent. Then their service was terminated during the recent rebidding process and a new provider has taken over this service, with us the tax payers paying for a new fleet of Vans for the new provider "Gold Country Lift". While this new provider contracted through Nevada County's Public Transportation service is currently able to cover the Penn Valley area, would it be able to handle a sudden increased demand in the Penn Valley area while not reducing its coverage in other areas of the county? The EIR also makes mention that route 6 of the Gold Country Stage that covers the Penn Valley area. However, due to the current utilization of this route and increased operating cost Gold Country Stage has purposed eliminating this route on several occasions. If this route were to be eliminated in the future there would be no public transportation in the area to handle this influx of new citizens.

**Economic Factors:****Lack of Jobs:**

One of the often forgotten things about the Penn Valley area is that there is a huge deficit of jobs for the area's population, making Penn Valley a bedroom community. During my entire residence in this community I have never been able to find employment locally, due to the lack of businesses in Penn Valley like most of the people in the area already have to commute up to Auburn, Grass Valley, or Nevada City areas to find work. It is true that in recent years we have seen some success stories such as the True Value hardware store, the Tack Room, and Blue Cow Deli restaurants. However, a vote to approve these rezoning changes for the Penn Valley area will be crippling the Penn Valley area of any future commercial development as you will be removing all of the available commercial zoning in the heart of Penn Valley's town center. What proposals do we currently have to go along with these changes in the EIR for these new residents' being able to make a living? Furthermore, if Gold County Stage were to cut route six as has been purposed what sort of transportation services will take its place to allow any lower income residents to commute to their places of employment? Given that there aren't many currently available jobs in the area, and a vote in favor of these changes would be removing all our communities' ability to develop jobs in the future.

**Environmental:**

Development of any size does have an impact to our local environment regardless of the amount of migrating factors deployed. While there have been great advancements to reduce these environmental impacts, there can never be any guarantees for what impact these proposed changes will have on our local environment. Any increases in water runoff for the four sites (9-12) proposed for the Penn Valley area will contain new pollutants which will flow directly into Squirrel Creek and as proposed in the EIR/Rezoning these will be High Density Residential 16 units per acre including parking areas for said units which drastically increases the likelihood that said pollutants coming from all of these potential additional vehicles being parked will end up in the local water ways. Squirrel Creek also runs through Western Gateway Park which is Penn Valley's only public park and sits immediately downstream from the proposed sites. Throughout the year Western Gateway Park provides a major economic boost for the

16-B  
CONT'D

area as people from throughout the surrounding communities enjoy its baseball fields, disc golf course, hiking trails, dog parks and numerous paid events that continue to grow in number and these events bring more paying individuals into our region benefiting the community and surrounding businesses. What guarantees can be given to the community and business owners that if these sites are developed as R-3 housing with 16 units an acre that there would not be any negative impacts to the local environment and park downstream from the sites?

**Public Safety:**

**Roadways:**

The residents prefer the nice quiet traffic-less life that Penn Valley offers. We prefer our rural country roads, and our big two lane streets; over the larger three or more lane roadways. We like the fact that the only signal lights in town are on the highway; and growing up in the area, it was always perceived that if there were more than four cars at the stop sign in the town center there was traffic. These four proposed sites would all need to feed off Penn Valley Drive, as already mentioned in the EIR that it is unlikely that CalTrans will allow access to site 12 from Hwy 20. Any widening of this road would require the removal of our recently installed bike trail that runs from the intersection of Spencerville Road and Penn Valley Drive to Western Gateway Park. The current EIR states that this road would not require widening, but does it take into account a 52% population increase? Not to mention roadway safety. The newly installed bike trail crosses from one side of Penn Valley Drive to the other. I cannot mention how many times I have seen people and children get hit by a car crossing this road in its current state; not to mention how dangerous this would become if traffic were to increase dramatically as purposed. If the roadway was to be widened what would happen to this new bike trail? Where would it be moved to given that it's presently located in the road easements of the properties along its route? Finally how much more dangerous would it become for citizens to drive up to the shopping and work centers of Auburn, Grass Valley, and Nevada City? In recent years there have been numerous serious accidents on the portion of highway 20 from Penn Valley to Grass Valley. Is this roadway capable of handling such a large increase of commuters from the Penn Valley area given?

In addition to the issues mentioned above there are a couple of items that relate directly to the EIR process. The foremost being that the county when putting the EIR together the county staff only looked into properties whose owners were willing to be part of this process, this reduced the number of properties looked at for potential rezoning from 39 to 17 properties (EIR Appendix B, pg. 2). This has resulted in a disproportionate 26 percent of the needed rezoning space to occurring in the Penn Valley area, and all of it occurring in the western part of the county (Appendix B). All the while the Penn Valley area only represents 1.64 percent of the county's overall population (Appendix C). Had county staff included and graded all of the initial properties it would have been a much more balanced approach with all portions of the county sharing a portion of this burden being placed on the county by the state. In addition these changes will also nullify our existing village plan that was adopted by the board of supervisors in 2000, which governs the future development of the Penn Valley area. As mentioned above in this letter these zoning changes will remove all of our available commercial zoned land resulting in a negative economic factor on the area as a whole; as well as severely limiting any future economic development projects for the Penn Valley area.

16-B  
CONT'D

Like any other community everything is interconnected and relates to each other, and its citizens are no different. While the area continues to develop and grow; it is unlikely that the area would be able to handle such a large amount of growth in such a short amount of time. As was brought up in the community meeting held in October the idea that these sites might not be developed for many years into the future was and is a complete lie as was admitted at the meeting by county staff. Sites 9, 10, and 12 are already owned by an LLC with the intention of developing the sites immediately if the rezoning is approved. We implore you not to go through with these purposed zoning changes.

**Issues noted below Are Critical Issues that were not addressed in the EIR and Have Been Noted by the Penn Valley Chamber of Commerce:**

- The project sites proposed for rezoning to R-3 (16 units per acre) in Penn Valley are in conflict with what was proposed in the Penn Valley Focused Economic Development Study adopted by the County Board of Supervisors in 2000.
- This Plan (termed the Village Plan) called for commercial, business, retail and industrial uses in the Penn Valley Village. The Board of Supervisors adopted this plan in order to provide guidance for future development of the Penn Valley Area.
- The EIR completely ignored the Village Plan which results in a Significant Unavoidable Impact With No Effort to Mitigate. The result is a legally flawed EIR.
- Penn Valley needs more jobs. The proposed rezoning eliminates the opportunities to increase employment and bring in good paying jobs to the community.
- Developing low cost housing at 16 units per acre will further stress public services such as schools, sheriff, fire and other critical services which were negatively affected during the past few years of the Great Recession.
- The proposal for dense housing does not belong in a rural and pastoral area such as Penn Valley.
- The proposed sites are not close to public services and other amenities required for this type of housing. Further, these sites do not minimize the need to commute. This is a serious environmental impact.
- The Board of Supervisors' site selection criteria was also flawed, which resulted in 42% of the County's State mandated housing being located in Penn Valley.
- The proposal does not foster economic growth as recommended in the EIR.

16-B  
CONT'D

- The Penn Valley area should be allowed to develop as recommended by the Village Plan, which states that “opportunities exist for business park, light manufacturing for firms providing components for high tech manufacturing, as well as office based businesses in software development and internet applications”.

**Recommendations:**

1. Return the EIR to staff and consultants for revision to correct the major legal and policy flaws contained in the document.
2. Extend the public comment period (which ends November 12) for one month to fully allow for more public input.

To Summarize the EIR Appears to have been to Written Address Concerns of Placing this High Density Low Income Housing in the Grass Valley/Nevada City Area, where All of the Community Resources Reside that are required with these type of developments, and Skims Lightly over Any Issues or Concerns that Would Occur with Rezoning most of Down Town Penn Valleys Remaining Commercially Zoned Properties. Not to Mention Placing the Large Majority of the Burden of State Required Increase for Low Income Housing in Penn Valley with no Mention of how any of these issues would be addressed for all of Penn Valleys Existing Residents and Businesses.

Thank you for your time and consideration to this most important issue,

Todd Williamson

**Appendix A**

**Population Increase Calculation**

**Sources:**

1. 2010 Penn Valley Census Report: <http://www.census.gov/popfinder/?fl=06057:0656518>
2. Appendix B. Site Analysis Report of the EIR, pages 10 and 11:  
<http://www.mynevadacounty.com/nc/cda/planning/docs/Planning%20Projects/Advance%20Planning%20Projects/2009-2014%20Housing%20Element%20Rezone%20Program%20EIR/Appendix%20B.%20Site%20Analysis%20Report.pdf>

16-B  
CONT'D

Step 1: According to the 2010 census report Penn Valley had 1,621 residents, living in 628 occupied housing units. This equates out to 2.58 residents per occupied household (1,621 residents divided by 628 occupied housing units equals 2.58 residents per occupied household).

Step 2: According to pages 10 and 11, in the Appendix B. Site Analysis Report in the EIR each of the sites contain contained the following amount of acreage, building acreage, and total units buildable:

Site 9:	6.58 acres, 3.49 buildable acres, 56 units
Site 10:	3.08 acres, 1.46 buildable acres, 23 units
Site 11:	4.56 acres, 3.98 buildable acres, 64 units
Site 12:	19.94 acres, 11.49 buildable acres, 184 units

This totaled 34.16 acres, of which 20.42 are buildable. This would allow the creation of up to 327 units.

Step 3: With 327 units being built at an average of 2.58 residents per unit that equates to 843.66 new residents for the Penn Valley area; which represents a 52.06% increase in population (2.58 multiply 327 new units equals 844 new residents; 844 divided by 1,621 equals 0.5206, take .05206 multiply by 100 equals 52.06%).

**Appendix B**

**Penn Valley's Percentage of Burden Calculation**

**Sources:**

1. Appendix B. Site Analysis Report of the EIR, pages 2, 10, and 11:  
<http://www.mynevadacounty.com/nc/cda/planning/docs/Planning%20Projects/Advance%20Planning%20Projects/2009-2014%20Housing%20Element%20Rezone%20Program%20EIR/Appendix%20B.%20Site%20Analysis%20Report.pdf>

Step 1: On page 2 of the Appendix B. Site Analysis Report in the EIR it mentions that the county being required by the state needs to be able to zone enough land as R-3 housing to generate 1,270 units.

16-B  
CONT'D

Step 2: First you need to find the total number of acres, buildable acres, and the number of units to be built by site. This information is found on pages 10 and 11 of Appendix B. Site Analysis Report of the EIR. The information is as follows:

Site 9:	6.58 acres, 3.49 buildable acres, 56 units
Site 10:	3.08 acres, 1.46 buildable acres, 23 units
Site 11:	4.56 acres, 3.98 buildable acres, 64 units
Site 12:	19.94 acres, 11.49 buildable acres, 184 units

You will find that with the Penn Valley area having the potential of building 327 of the needed 1,270 units required by the state.

Step 3: To find the percentage of the burden being placed on the Penn Valley area you need to take the 327 new units from sites 9-12 for Penn Valley, and divided that by the 1,270 units needed to fill the states requirement (327 divided by 1,270 equals .2574). By taking the previous total of .2574 and multiplying that by 100 you will arrive at a 25.74%; which represents the percentage of overall burden the county is trying to place on the Penn Valley area.

**Appendix C**

**Penn Valley Population as Percentage of County Population Calculation**

**Sources:**

2. 2010 Penn Valley Census Report: <http://www.census.gov/popfinder/?fl=06057:0656518>
3. 2010 Nevada County Census Report: <http://www.census.gov/popfinder/?fl=06057>

Step 1: According to the 2010 Census Report Penn Valley had 1,621 residents.

Step 2: According to the 2010 Census Report Nevada County had 98,764 residents.

Step 3: You take Penn Valley's population size of 1,621 residents and divided that number by the county population size of 98,764 residents and you arrive at .0164. You take .0164 and multiply it by 100 and you arrive at 1.64%. Which represents that Penn Valley's population size makes up 1.64% of the counties overall population size.

**Letter 16 – Todd Williamson**

**Response 16-A** The County acknowledges this comment. However, comment is not at variance with the content of the EIR and no further response is required. This letter will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

**Response 16-B** The comment letter from this point forward has the exact same text as Comment Letter 15 from Jake Creamer. As such, please refer to Responses 15-B through 15-Q for responses for the remainder of this letter.

Letter 17

**Tyler Barrington**

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**From:** Christine Dickinson <toassist@sbcglobal.net>  
**Sent:** Thursday, November 07, 2013 2:46 PM  
**To:** Tyler Barrington  
**Subject:** Element Rezone Implementation Program EIR Comment Submission  
**Attachments:** EIR Comments - Christine Dickinson.pdf

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Attached please find an electronic copy of my comments pertaining to the Housing Element Rezone Implementation Program EIR specifically addressing the LOP region. A hard copy has been mailed as well.

Christine



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Name: Christine Dickinson

Agency/Group/Organization: Self

Mailing Address: 23718 Rosewood Road, Auburn, CA 95602

Email Address: [christine@to-assist.com](mailto:christine@to-assist.com)

Phone Number: (916) 214-1122

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Comments:

17-A My objection regarding the proposed rezoning of parcels 57-270-02 and 57-270-03 (Site 15 and 16 on Woodridge Drive) in addition to 57-270-06 (Site 17 on Rosewood Road) stem mainly from a personal perspective as the owner of 23718 Rosewood Road (57-270-01). My property boundary is adjacent to the Higgins Marketplace shopping center which was just recently approved, as well as the parcels off Woodridge Drive. My parcel is zoned Res-Ag, as are the majority of the surrounding parcels, including Highway 49 frontage next to the proposed shopping center land. Basically, you could say that but for the corner of Highway 49 and Combie Road, the surrounding community at large is Res-Ag.

17-B While I understand the need for high-density housing in city environments, this location at Woodridge and Rosewood is not within city boundaries or near the services associated with city life. Rather, the community is rural with scattered small businesses catering to necessity and convenience shopping. To rezone these parcels within this community, you are basically doing it without thought to the rural community and the impact of its residents and their lifestyle. First and foremost, your Environmental Impact Report should be accompanied by an economic impact study that brings into account the lifestyles and needs of the existing community.

17-C Now, my opinion from a professional standpoint: I manage a real estate brokerage that handles sales, residential rentals, and commercial rentals. For 15 years I have dealt with all manner of clientele and tenants. While there are a few exceptions to every rule, I can safely say that low-income housing will be blight on our rural neighborhood. Worse is government-subsidized housing (Section 8 or HUD) where the tenants pay under-market rent and the landlord is "guaranteed" rent. HUD housing provides a subsidy to the property owner directly with the purpose of bringing in low-income tenants who ordinarily could not afford market rates. The landlord is not motivated to maintain the property because there is no financial incentive. Persons with disabilities and seniors may participate in this program, but that is not the bulk of the demographic unless age restrictions are specified early on. HUD housing is designed for landlords who wish to increase their portfolio and/or carry a loss for the tax write-off.

17-D Our community does not need the crime, noise, traffic, or fire danger that high-density housing will bring with it. By building such housing, my property value and lifestyle will be negatively impacted. Our surrounding neighbors are in agreement that it is inappropriate at best to place high-density or low-income housing in our community.

EIR Public Review Comments  
Housing Element Rezone Implementation Program

by Christine Dickinson  
Page 1

17-E | Already two housing tracts have been approved within this region: Cascade Crossing (approx. 79 homes) and Rincon del Rio (approx 345 units). To add another 660+ units within a one-block radius onto our existing roads is ridiculous. Our roads, schools and utilities are not ready to support this influx, as they are already over capacity.

Since common sense doesn't seem to be the prevailing wind, I will do as recommended and point out the issues within the EIR so they may be taken into consideration.

Discrepancies I note in your EIR are as follows:

17-F | 1. Your development footprint of Sites 15 and 16 indicate plans to utilize 100% of the ~ 23 acres as buildable. To implement this, you would need to completely alter the landscape from entire western portion of Sites 15 and 16, as they are on a steep slope. This slope happens to run across the western section of my property and my neighbor's, and we both have "no build" zones over about 35% of our acreage. As noted in Photos 1 through 3 below, you can see a small portion of this slope on Site 16.

17-G | 2. Page 2-12 to 2-13, under heading 2.5.4, it lists Site 14 being potentially removed due to the blue oaks and grading with manufactured slopes which would be visible from Highway 49. Note item #1 above. The western slope of Sites 15 and 16 are equally steep and within view of Highway 49. Highway 49 can be seen from Site 16 and parcel 57-270-01.



Photo 1: Site 16 Uphill Slope



Photo 2: Site 16/15 Downhill Slope

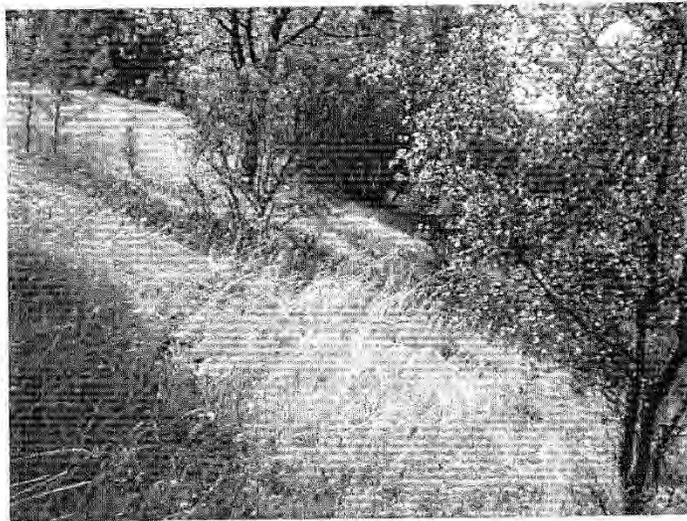


Photo 3: Site 16 Slope

- 17-H | 3. On Page 3-61, under descriptions of Sites 15 and 16 it indicates access is off Woodside Road. I presume this is an error in that the closest road is Woodridge Road, and there is no other access to these parcels without crossing private property.
- 17-I | 4. On Page 3-62, under heading 3.5, it indicates the plan objective included identifying "participating properties that have reasonable access to existing infrastructure (e.g., public roads and utilities)." Rosewood Road is not a public road, and Woodridge is a private driveway as it enters the Woodridge sites. There is no sewer service to existing residents, and treated NID only services a portion of the Rosewood. Most homes are on well and septic systems.
- 17-J | 5. On Page 3-62, under heading 3.5, another plan objective is to "identify properties that have reasonable access to community services (e.g., public transportation, retail/grocery stores, employment opportunities)." Most businesses in the area are 10-employees or less and/or sole proprietors. There are few to no employment opportunities. If you do not believe this, you can ask my neighbor's son who has been trying to find a part-time job within walking/biking distance of their home for the past two years, without success.
- 17-K | 6. On Page 3-62, under heading 3.5, another plan objective is to "protect the natural environment." There is a creek running under (and occasionally over) Rosewood Road at the entrance, adjacent to Site 17. We've already addressed Site 15 and 16 which would need severe grading for your "100%" buildable expectation. The majority of those sites are heavily forested through all slopes, so one would presume that you would either grade around the trees if you plan to protect the natural environment. Refer to Photo 2 which shows the south west region of Site 16, looking toward Site 15.
- 17-L | 7. Page 4.2-2: The Site 14 description fails to include the CDF/Higgins Fire Station to the immediate south of the parcel.
- 17-M | 8. Page 4.2-2: The Site 15 and 16 description fails to include multiple items which I would consider significant: To my knowledge only one single-family home is in this "contiguous" location. The second structure, on Site 16, is an older barn which houses the Nevada County Sanitation District Wastewater Facility which services the existing Higgins Center (and I believe was slated to service the Higgins Marketplace as well) per Photo 4. Additionally, along the east side of both parcels are high tension power lines (see Photos 5 and 6).
- 17-N | 9. Page 4.2-5 under the zoning description it reads, Sites 15 and 16 are designated Planned Development (PD) and zoned Interim Development Reserve – Scenic Corridor Combining District - Site Performance Combining District (IDR-SC-SP). This is contradicts public records. See Attachment 1 and 2. Both these parcels are Residential/Agricultural.



Photo 4: Site 16 Wastewater Facility



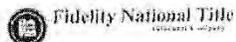
Photo 5: Uphill Power Lines on Site 16 toward Site 15



Photo 6: Downhill Power Lines on Site 16 toward Rosewood Road

Property Overview		10356 WOODRIDGE DR, GRASS VALLEY, CA, 95602	
<b>Owner and Geographic Information</b>			
	Primary Owner: TINTLE PATRICIA J (TRSTE)	Secondary Owner:	
	Mail Address:	13967 ALLISON RANCH RD GRASS VALLEY CA 95949	
	Site Address:	10356 WOODRIDGE DR GRASS VALLEY CA 95602	
	APN : 57-270-02	Lot Number :	Page Grid :
	Housing Tract Number:		
	Legal Description : Abbreviated Description: PCL 3 PM 14/158		
<b>Property Details</b>			
	Bedrooms :	Year Built :	Square Feet :
	Bathrooms :	Garage :	Lot Size : 5 AC
	Total Rooms :	Fireplace :	Number of Units : 0
	Zoning : A - AGRICULTURE	Pool :	Use Code : Single Family Residential
<b>Sale &amp; Loan</b>			
	Transfer Date : 12/18/2006	Seller : N/A	
	Transfer Value : N/A	Document # : 06-042025	Cost/Sq Feet :
<b>Assessment &amp; Taxes</b>			
	Assessed Value : \$161,606	Percent Improvement : 94.16%	Homeowner Exemption :
	Land Value : \$9,431	Tax Amount : \$1,742.62	Tax Rate Area : 72-036
	Improvement Value : \$152,175	Tax Status : Current	Tax Account ID :
	Market Improvement Value :	Market Land Value :	Market Value :
Offered by Fidelity National Title Company All information produced is deemed reliable but is not guaranteed.			 Fidelity National Title Insurance Company

Attachment 1: Site 15 Zoning

Property Overview		10415 WOODRIDGE DR, GRASS VALLEY, CA, 95602	
<b>Owner and Geographic Information</b>			
	<b>Primary Owner:</b>	<b>Secondary Owner:</b>	
	TINTLE PATRICIA J.(TRSTE)	13967 ALLISON RANCH RD GRASS VALLEY CA 95949	
	<b>Mail Address:</b>	10415 WOODRIDGE DR GRASS VALLEY CA 95602	
	<b>Site Address:</b>	APN : 57-270-03 Lot Number : Page Grid :	
	<b>Housing Tract Number:</b>	Legal Description : Abbreviated Description: PCL 4 PM 14/158	
<b>Property Details</b>			
	<b>Bedrooms :</b>	<b>Year Built :</b>	<b>Square Feet :</b>
	<b>Bathrooms :</b>	<b>Garage :</b>	<b>Lot Size : 18.12 AC</b>
	<b>Total Rooms :</b>	<b>Fireplace :</b>	<b>Number of Units : 0</b>
	<b>Zoning : A - AGRICULTURE</b>	<b>Pool :</b>	<b>Use Code : Residential-Vacant Land</b>
	<b>Sale &amp; Loan</b>		
	<b>Transfer Date :</b> 12/19/2001	<b>Seller :</b> N/A	
	<b>Transfer Value :</b> N/A	<b>Document # :</b> 01-046082	<b>Cost/Sq Feet :</b>
<b>Assessment &amp; Taxes</b>			
	<b>Assessed Value :</b> \$34,254	<b>Percent Improvement :</b>	<b>Homeowner Exemption :</b>
	<b>Land Value :</b> \$34,254	<b>Tax Amount :</b> \$357.78	<b>Tax Rate Area :</b> 72-009
	<b>Improvement Value :</b>	<b>Tax Status :</b> Current	<b>Tax Account ID :</b>
	<b>Market Improvement Value :</b>	<b>Market Land Value :</b>	<b>Market Value :</b>
Offered by Fidelity National Title Company All information produced is deemed reliable but is not guaranteed.			

Attachment 2: Site 16 Zoning

- 17-O | 10. Throughout Table 4.2-1 on page 4.2-11, it repeats that the various Goals, Objectives and Policies are “Consistent” to all proposed project sites being located within Community Regions, and combining “high-density, multi-family residential uses adjacent to a mix of uses such as residential, commercial, industrial, and open space/recreation would promote the continued growth centered in the Community Regions.” Also consistent is establishing the re-zoning within areas “where such development can be served most efficiently and effectively with the necessary urban services and facilities.”  
  
Note that Sites 14 through 18 are not within city limits, nor is there a plethora of urban services or facilities. The closest sewer facility is the Lake of the Pines plant which later in the EIR on page 4.13-5 is identified at over capacity for current use. This assessment likely does not factor in the two communities already approved and under construction within a mile radius of these Sites: Cascade Crossing (approx. 79 homes) and Rincon del Rio (approx 345 units). You propose to add 660+ additional units to an overloaded wastewater facility PLUS the Higgins Corner sewer and Higgins Marketplace.  
  
Another key point is that the term “residential” zoning is very broadly used. Were I to collect my horses and move back to the Bay Area into “residential” zoning, it would not take long for the city officials to line up on the doorstep instructing me to remove my livestock from the residential area. Therefore, your report fails to delineate what type of residential zoning it seems appropriate to place high-density zoning alongside. This community is at large zoned for Agricultural Residential use. Since the EIR infers that it is consistent to put these proposed Sites next to Agricultural zoning, at least be accurate in defining that the surrounding parcels are Res-Ag zoned.
- 17-P |
- 17-Q | 11. The descriptions on page 4.3-3 of Site 14 fails to mention the CDF fire station to the south which is far closer in proximity than the Crossroads Church facility.
- 17-R | 12. On page 4.4-27 various species of wildlife “observed” on the properties are noted. Raccoons, red foxes and at least one female bobcat also reside and range through Sites 15 and 16.
- 17-S | 13. On page 4.9-8, addressing wildland fire risks in the area, it states “The standards require the provision of secondary road access to new projects where necessary for fire safety or emergency access.” I would like to specifically know where it would be proposed, in the event Sites 15 and 16 were developed, for this secondary road. There is only one way into these parcels through Woodridge, and the surrounding parcels are either fed from Woodridge or are private, agricultural residences on a private road.
- 17-T | 14. Further into this same section, on page 4.9-10, the EIR resonates a key reason why I fear multi-family, high-density housing brought into our rural neighborhood: “...the proposed project would have a significant impact related to hazards and hazardous materials if it would...Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.”

17-T  
CONT'D

If you are familiar with the landscape of Site 16, it is apparent the best and only relatively level building area is close to the property line on the southeast border, which is away from the wastewater facility, steep slope, and high-tension power lines. This is the boundary of mine and my neighbor's property. Both our homes are within 50 to 100 feet of the property boundary shared with Site 16. I would like specifically addressed how adding an urban community in a high-risk wildland fire neighborhood will not place a substantial fire risk to our homes and property which literally sit in direct line of fire from activities which would be common to the exterior of high-density housing (ie., smoking, barbecuing, fire pits, machinery use, and fireworks--legality or no, they are commonly heard in Nevada County during holidays).

17-U

15. Section 4.9-5 on page 4.9-14 continues in this thought stating: "Section L-II 4.3.18 of the County's Land Use Development code states that all discretionary and Administrative Development Permit projects within a very high fire hazard zone shall submit a Fire Protection Plan to be approved by the Nevada County Fire Marshal and/or his/her designee, which includes identification of a feasible evacuation plan and/or safe evacuation routes for use by future occupants of the project."

The evacuation options of the surrounding neighbors and their livestock should be considered as well. This past summer there were three separate incidents where a telephone pole was knocked down across Combie Road. This effectively shut down the entire LOP community's ingress and egress for an extended time (3 to 8 hours). On one incident, the emergency gates were opened, allowing access from Combie out to Brewer Road. Residents of Golden Oaks were "hostile" toward emergency personnel and they were forced to shut one of the gates.

17-V

Herein lies a multitude of problems. First and foremost, there is no safe emergency evacuation available now at this juncture were the community of Lake of the Pines to be evacuated. Combie Road to Highway 49 is a bottleneck and it cannot service the community as it exists. There is no way to divert volume of traffic successfully, and apparently emergency personnel are at the whim of private residents if they are disturbed by the use of emergency access roads. Due to the extreme slope of my property, there is only one way to drive out--Rosewood Road to Combie Road. This intersection is already deemed an "F" on your scale of traffic density. (Per page 14.15-18 it is defined as "Forced or breakdown flow. Demand exceeds capacity. Vehicles experience short spurts of movement followed by stoppages. Intersection congestion, long queues and delays are common.")

17-W

On a good day it may take five minutes to merge into or across traffic. Adding, at best, 500 cars between Cascade Crossings and the proposed LOP Sites should be viewed as an extreme burden on an overly burdened area. As a wildland fire area, a grass fire or structure fire has the potential to ignite hundreds of acres vs. being confined to one location or residence, and there is great potential for complete roadway failure at the present occupancy levels. Evacuations are not limited to the surrounding 300 to 500 feet in a wildland fire zone.

- 17-X | 16. The testing of peak hours per page 4.15-18, references the hours of 4pm to 6pm only. This should be extended to include peak school traffic from 1:45pm to 3:30pm. My experience at the intersection of Combie and Rosewood Road is that 2:10pm to 3:10pm has a higher level of traffic than later in the afternoon.
  
- 17-Y | 17. If, per Section 6.2.2 (page 6-3) is accurate, the project objectives include “Identify participating properties that have reasonable access to existing infrastructure (e.g., public roads and utilities).” Based on the traffic studies it seems “reasonable” that redesigning a mile of roads, expecting Higgins Marketplace to provide the extension of Higgins Road, and adding multiple traffic lights are a few steps beyond “reasonable access to existing infrastructure.” This may affect those in the outlying areas who fall into Mello-Roos zones. In addition, to build on Sites 15 or 16, it seems logical to anticipate that eminent domain may factor into the required alternative road.
  
- 17-Z | Overall, as mentioned by the Penn Valley Chamber of Commerce, the focus on “participating owners” to establish the sites significantly excludes parcels that may be far better suited for development. There are several parcels currently on the market for sale within the LOP region which are far more buildable (flat) and closer to existing projects and roadways that have access that is less congestive.
  
- 17-AA | It is far more appropriate to focus on property within city limits as the entire point of residing in the “unincorporated portion” of the county is to enjoy the environment of a rural lifestyle.  
  
Christine Dickinson

**Letter 17 – Christine Dickinson**

**Response 17-A** The County acknowledges and appreciates this comment. It should be noted that the General Plan Designation for Sites 15 and 16 is Planned Development: Urban High Density (15 units per acre). The current zoning designation is Interim Development Reserve – Scenic Corridor Combining District – Site Performance Combining District (IDR – SC – SP). As such, the existing land use designations reflect an intention to have a transitional land use between the commercial areas around Higgins Marketplace and the surrounding residential uses.

**Response 17-B** The County does not concur with this comment. Please see Response 17-A regarding the existing land use regulations. Please see Master Response #5.

**Response 17-C** The County does not concur with this comment. The project does not propose Section 8 HUD housing. Please see Master Response #6.

**Response 17-D** The County does not concur with this comment. Potential impacts to noise (Section 4.11), traffic (Section 4.15), and fire hazards (Section 4.9) are addressed in the Draft EIR. Please see Master Responses #1 and #7.

**Response 17-E** The County acknowledges that the Cascade Crossing and Rincon del Rio projects have been approved. The County does not concur that all 662 units in the Lake of the Pines Area are in a one-block radius. Site 18 with a maximum of 176 units is located within the Dark Horse development within the Lake of the Pines development area is located approximately 2 miles to the east on Combie Road. The draft EIR evaluates potential impacts to roads (Section 4.15), schools, and utilities (Section 4.13) of the proposed project.

Regarding impacts to roads in the Lake of the Pines area, the existing level of service at the Higgins Road/Combie Road and Rosewood/Combie Road intersections currently operate at LOS F during the peak hour. Developers on Sites 14 through 18 would contribute to traffic mitigation improvements that would improve the traffic operations at SR 49 and Combie Road and Combie Road at Higgins Road. The traffic improvements at this intersection include installing additional turn lanes at SR49/Combie Road and a traffic signal at Combie Road/Higgins Road. Improving the operations at these intersections would improve the flow of traffic along the Combie Road roadway segment because the traffic flow would be controlled which would improve operations the Rosewood/Armstrong/Combie Road intersection. Traffic impacts are reduced to less than significant.

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

The analysis public utilities for Impact 4.13.2 in the Draft EIR notes that additional capacity would be needed and that potential impact would be significant and unavoidable

because it is not known at this time what the capacity of water and wastewater system would be at the time that development is proposed. It is also unknown if completion of the required infrastructure improvements would be feasible for a single project developer. It should be noted that the Land Use and Development Code (LUDC) Section L-II 2.7.11.C.6 (specific to the RH Combining District) requires developers to provide written documentation from the applicable public utility, water, and sewer service providers demonstrating that adequate public utilities, water, and sewage disposal is available to accommodate the proposed development for a site. If the property does not have direct access to adequate public utilities to serve the proposed development, it is the responsibility of the developer to provide adequate infrastructure to serve the site consistent with the rules, regulations and standards of the applicable utility provider. The Final EIR has been revised to include this statement.

**Response 17-F** The County does not concur with this comment. The EIR does show that the building footprint over all of Sites 15 and 16. The area of the development footprint shows that there are no areas where development would generally be precluded such as wetland areas or areas that contained cultural resources. However, there may be other physical or regulatory constraints that limit development on the site, such as steep slopes. The County's Land Use and Development Code (LUDC) Section L-II 4.3.13 defines steep slopes as those areas with a slope (gradient) of 30% or greater. Per the LUDC development in areas of steep slopes is restricted. The geotechnical report (Appendix G of the Draft EIR) prepared for the project identified Site 16 as having moderate slope of approximately 20 percent. Any future development on these sites would be subject to review and approval of a site plan review and grading plan by County staff.

**Response 17-G** The County concurs that Sites 15 and 16 are visible from SR-49. These sites have a Scenic Corridor Combining District zoning designation that would require a Scenic Corridor Analysis in which the developer would submit an analysis to the County Planning Department describing how the development will ensure compatibility with the scenic nature of the surrounding area, and how it will minimize impacts to identified scenic resources. This same requirement would apply to Site 14. Additionally, all future development within the Regional Housing Need Combining District (LUDC Section L-II 2.7.11.C.5) is required pursuant to the RH Combining District to undergo a Design Review process and public hearing at the Planning Commission limited to design issues. This will ensure project design is consistent with surrounding area, western Nevada County Design Guidelines and the design criteria established by the Higgins Corner Area Plan.

**Response 17-H** The County concurs that the correct street name is Woodridge Road.

**Response 18-I** The County concurs that water and wastewater service would be required to be extended to Sites 15 and 16. Please see Master Response #4.

**Response 17-J** Please see Master Response #2.

**Response 17-K** Please see Figure 4.4-6 which shows that most of Site 17 is within an Environmentally Sensitive Area (ESA) which would preclude development within that area. Mitigation measures 4.4-3b and 4.4-5 are included in the Draft EIR to protect wetland habitats and oak woodland habitats, respectively. Please see Response 17-F regarding steep slope areas.

**Response 17-L** The County concurs that the fire station is located adjacent to Site 14 to the south. The Final EIR has been revised to recognize the presence of the Higgins Fire Protection District fire station located adjacent to Site 14 to the south.

**Response 17-M** The County concurs that Site 15 has a single family residence and Site 16 contains a structure used by the Nevada County Sanitation District. The County concurs that an existing power line easement and overhead power lines traverse the site. This information does not change any of the analysis or conclusions in the Draft EIR.

**Response 17-N** The County does not concur with this comment. The zoning designations are correct as stated in the EIR. This information comes from the County Zoning District Maps (ZDMs) that are adopted by the County Board of Supervisors. The County Assessor's records are based on these ZDMs<sup>14</sup>.

**Response 17-O** The County agrees that none of the proposed sites are located within City limits. Each jurisdiction in California is required to address housing needs within their housing elements focusing on the territory for which they have jurisdiction. For example, the County only has jurisdiction over the unincorporated area, and therefore Urban High Density (UHD) sites need to be outside of City boundaries.

The Draft EIR includes a cumulative analysis that evaluates the cumulative effect of the Higgins Market Place, Cascade Crossing, and Rincon del Rio projects (See Table 5-1). Please see Response 17-E and Master Responses #4 regarding the developers responsibility for providing sewer availability.

**Response 17-P** The County does not concur that the term residential zoning is broadly defined. As noted in Response 17-A the zoning on Sites 15 and 16 is Interim Development Reserve – Scenic Corridor Combining District – Site Performance Combining District (IDR – SC – SP). The proposed zoning is R3-RH or PD-RH (Table 3-3 in the Draft EIR).

Policy 1.5(a) of the County General Plan discussed on page 4.2-2 of the Draft EIR provides the following detail regarding the compatibility of Urban High Density:

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

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

There is an existing mix of development in the surrounding area of Sites 15 and 16. There is single-family residential adjacent to the site to the east and south with the RA 1.5 zone. However, adjacent to the sites is to the north and west are commercially zoned property, a residential zone with a Mobilehome Park Combining District, Business Park, and Office

<sup>14</sup> <http://gis.nevcounty.net/MyNeighborhood/>

Professional across Combie Road behind the fire station. As noted in General Plan Policy 1.5(a) above, locations which are adjacent to or in close proximity to Community Commercial, Business Park areas are considered appropriate for this RH Combining District designation.

**Response 17-Q** The County concurs that the fire station is closer than the Crossroads church to Site 14. This information does not change any of the analysis or conclusions in the Draft EIR.

**Response 17-R** The Draft EIR includes Mitigation Measure 4.4-2c which requires pre-construction biological surveys for special status wildlife species prior to construction. Pre-construction surveys are required prior to construction to ensure that any changes in the presence of protected wildlife species prior to construction can be noted, and avoidance or protective measures can be put in place.

**Response 17-S** The site plans and final access points have not been determined at this time. No development plans have been proposed or submitted to the County. The Final EIR has been revised to reference the County Land Use and Development Code (LUDC) Section L-II 2.7.11.C.8 which requires future developers to demonstrate that they have legal access to their property via a County maintained Road. Section L-II 2.7.11.C.8 states in part, "If a property does not have direct access to a County maintained roadway, it shall be the responsibility of the land owner or developer to provide written documentation as to their legal right to utilize and improve the road(s) that provide ingress and egress to the site, including secondary access if required, and that the road(s) meet the County minimum standards to serve the development proposed."

**Response 17-T** As shown on Table 4.9-3, page 4.9-16 of the Draft EIR, Sites 15 and 16 have a Fire Severity Zone designation of Moderate and High. The 2010 California Fire Code, Section 4906, requires that all unincorporated lands designated by the State Board of Forestry and Fire Protection as State Responsibility Areas (SRA) and are designated as "moderate," "high," or "very high" fire severity zones are required to maintain defensible space of a minimum of 100 feet from each side and from the front and rear of the structure, but not beyond the property line unless otherwise specified by a fire agency having jurisdiction over the property. Additionally, the project would include hydrants, fire sprinklers, vegetation management plans, and building materials, as required by Chapter 7A of the California Building Code. Consistency with required defensible space, impacts would be less than significant.

**Response 17-U** The County concurs that proposed project must show adequate emergency access. No site plans are included for any of the proposed sites as the project only proposes the inclusion of a housing overlay zone at this time. However, secondary access would be a critical component of future developments. As such, Section L-II 2.7.11.C.8 of the County's LUDC states in part, "If a property does not have direct access to a County maintained roadway, it shall be the responsibility of the land owner or developer to provide written documentation as to their legal right to utilize and improve the road(s) that provide ingress and egress to the site, including secondary access if required, and that the road(s) meet the County minimum standards to serve the development proposed."

**Response 17-V** Existing evacuation routes out of the Lake of the Pines area consists of Combie Road to SR 49 or Combie Road to Magnolia Road which extends north eventually to Dog Bar Road then to Alta Sierra Drive to SR 49 or La Barr Meadows Road and ultimately SR 49. Additionally, Armstrong Road connects to Cameo Drive which connects to SR 49. The County concurs that the existing level of service at the Rosewood/Combie Road

intersection currently operates at LOS F during the peak hour. Developers on Sites 14 through 18 would contribute to traffic mitigation improvements that would improve the traffic operations at SR 49 and Combie Road and Combie Road at Higgins Road. The traffic improvements at this intersection include installing additional turn lanes at SR49/Combie Road and a traffic signal at Combie Road/Higgins Road. Improving the operations at these intersections would improve the flow of traffic along the Combie Road roadway segment because the traffic flow would be controlled which would improve operations the Rosewood/Armstrong/Combie Road intersection.

**Response 17-W** Please see Response 17-V.

**Response 17-X** The County acknowledges and appreciates this comment. In accordance with the Nevada County policies traffic counts were performed during the PM peak hour (4:00 PM to 6:00 PM) at the twenty eight study intersections in the vicinity of the entire project area on November 8, 2012. The PM peak hour is defined by the highest hour for overall traffic volumes or the worst-case traffic conditions during the day. This is reflective of typical travel patterns throughout Nevada County and due to the low number of retail-related trips that take place during the AM peak hour. In addition, the project trip generation rate is highest during the PM peak hour. Notwithstanding any additional periods during the day, the intersection was identified as LOS F for the PM peak hour and changing the afternoon hours of peak congestion would not changes that designation.

**Response 17-Y** The County does not concur with this comment. Any infrastructure improvements (e.g., traffic, roadway, sewer and water, etc.) would be paid for by the developers of the proposed sites or by the developers of other projects in the area. None of the improvements would be publically financed or paid for by tax assessment districts of other property owners (such as existing Mello-Roos districts). Developers of the proposed sites must pay for the improvements or wait until the needed improvements are in place and then pay a fair share contribution towards the improvements at the time of construction. No eminent domain is proposed by the County.

**Response 17-Z** The decision to include willing property owners was made by the Board of Supervisors to avoid having to impose a new zoning designation on a landowners property without their consent. Based on the site analysis report prepared prior to the Draft EIR, the County determined that the Lake of the Pines sites have reasonable access to community services, comparable to other proposed sites associated with the project. The proposed program only includes privately-owned land, and the County is not purchasing property for residential uses.

**Response 17-AA** Please see Master Response #7.

Letter 18

**Tyler Barrington**

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**From:** ralph.silberstein@gmail.com on behalf of Ralph Silberstein <ralph@claim-gv.org>  
**Sent:** Tuesday, November 12, 2013 9:33 AM  
**To:** Tyler Barrington  
**Subject:** DEIR comments  
**Attachments:** RS\_NevadaCountyHousingElementRezone\_DEIR\_comments\_Nov2013.doc

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please accept these comments on the Housing Element Rezone Implementation Program Draft Environmental Impact Report, (DEIR) REZONE (Z12-002), GENERAL PLAN MAP AMENDMENT (GP12-002), and CERTIFICATION of the EIR (EIR12-002).

(attached)

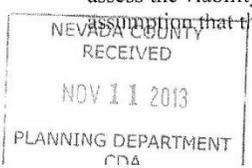
Thank you,  
Ralph Silberstein  
10505 Bragg Ave.  
Grass Valley, CA  
ph: 274-1604

Please accept these comments on the Housing Element Rezone Implementation Program Draft Environmental Impact Report, (DEIR) REZONE (Z12-002), GENERAL PLAN MAP AMENDMENT (GP12-002), and CERTIFICATION of the EIR (EIR12-002).

I. Regarding 6.0 Alternatives, Alternative 2: East Bennett Road Sites

The alternative proposal is to substitute approximately half of the units to properties off of East Bennett Road to disperse the additional demand on existing traffic facilities, sewer, and water facilities.

- 18-A 1) This DEIR is missing information that would be necessary to assess the viability of listing the East Bennett Road sites as an alternative.
  - There is no analysis of the impacts on traffic for this proposal. What are the traffic impacts?
  - There is no analysis of availability or impacts of sewer for this proposal. What are the sewer impacts?
  - There is no analysis of the availability or impacts on water service for this proposal. What are the water impacts?
- 18-B 2) On pg 6-16, Land Use and Planning. This DEIR is missing information that would be necessary to assess the viability of listing the East Bennett Road sites as an alternative. The 30 acres of land are described as currently zoned Business Park, but no discussion therein that the Grass Valley General Plan has listed the property as UMD. Since the property has a near term annexation status, the discussion about loss of business park property for the City is misleading. The discussion needs to consider impacts to medium density housing. What is the availability of UMD land currently? Is there adequate UMD land available for development within the City?
- 18-C 3) On pg 6-16, Aesthetics. This DEIR is missing information that would be necessary to assess the viability of listing the East Bennett Road sites as an alternative. The DEIR does not actually provide any analysis of the aesthetic elements of the Bennett Road property. Thus, it is a presumption to conclude that the impacts would be slightly less compared to the Brunswick Road corridor. The property directly across Bennett Road is Empire Mine State Park. While this property is not yet zoned to reflect this, it is in fact an open space wildlife zone and an important aesthetic part of the state park. The impact of increased housing density on the aesthetics of the park should be considered.
- 18-D 4) On pg 6-17, Biological Resources. This DEIR is missing information that would be necessary to assess the viability of listing the East Bennett Road sites as an alternative. The DEIR makes the claim that the Bennett Road alternative would not effect biological resources "...any more or less than development under the proposed project." Yet there is no analysis of the resources on the Bennett Road property. There are strong indications that several endangered or species of concern are on the property including Pine Hill Flannel Bush. In addition, Biological Resources 4.4-22 indicates that "serpentinite or gabbro soil" does not occur on any of the sites, which seems in error regarding Bennett Rd. parcels.
- 18-E 5) Pg 6-18, Hydrology and Water Quality. This DEIR is missing information that would be necessary to assess the viability of listing the East Bennett Road sites as an alternative. The simplistic claim that the Bennett Rd. properties "would flow to the same Wolf Creek watershed" fails to recognize that the properties are in different watersheds and have different impacts. After all, we could claim that both properties are in the Bear River watershed as well. The DEIR should examine and compare the impacts on the individual riparian areas.
- 18-F 6) Pg 6-18, Population and Housing. This DEIR is missing information that would be necessary to assess the viability of listing the East Bennett Road sites as an alternative. The DEIR assumption that the Bennett Rd properties would provide roughly the same housing density fails



18-F  
CONT'D

to adjust the realizable land use density due to obvious steep slope limitations, stream and wetland setbacks, protected species buffers, and cultural resource protection. The realizable density would undoubtedly be significantly lower than the Brunswick properties.

18-G

II. General comments.

We can do better. Before slapping on a high density residential designation to the three Bennett Road parcels in Alternative 2, I would strongly urge planners to conduct a thorough review of the properties and consider general plan revisions which would recognize and protect the important biological and intrinsic values of this area in a more comprehensive fashion as well as creating reasonable transitions between adjacent land uses. For example, this could include setting aside, as a wildlife buffer, the eastern-most parcel close to the meadow lands as well as portions of the middle parcel, while still allowing higher density housing to the western portions of these lands. This would put the high density housing closer to existing housing and could provide an excellent walkable community closer to city services.

Thank you,  
Ralph Silberstein

**Letter 18 – Ralph Silberstein**

**Response 18-A** The County does not concur that the Draft EIR is missing information. This alternative was included as an alternative to address potential impacts associated with developing a large cluster of development within the Grass Valley SOI. The East Bennett Road Alternative was developed as an option to reduce the density within that area. The alternatives in the Draft EIR are included to provide a comparison to the proposed project to determine if potentially significant impacts would be less than significant. Consistent with CEQA Guidelines Section 15126.6(d), which states that, “if an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the proposed project.” In the case of the East Bennett Road Alternative (Alternative 2), the Draft EIR notes that this alternative would result in traffic impacts that were similar to the proposed project and that the project would still result in significant and unavoidable traffic impacts. With regard to public services and utilities (including water and sewer), the DEIR notes that the East Bennett Road Alternative would result in similar level of impacts as the proposed project. So for comparison purposes, which is the intent of the Alternatives section, the Draft EIR shows that the East Bennett Road Alternative does not significantly reduce any significant impacts compared to the proposed project. Should the Board of Supervisors wish to pursue the East Bennett Road Alternative, additional environmental studies, such as traffic, biological resources, cultural resources would be required and the results of those studies incorporated into the EIR before the alternative could be approved and the EIR certified.

**Response 18-B** The County concurs that the Grass Valley General Plan shows the East Bennett Road sites as UMD – Urban Medium Density. However, those land use designations represent a future land designation should the City annex this property. The Draft EIR evaluates the changes based on the existing land use designations that are in places today.

The City of Grass Valley General Plan shows the properties within the East Bennett Road Alternative to be within Urban Medium Density (UMD) land use designation within the City’s Sphere of Influence area. The UMD designation permits up to 12 dwelling units per acre. Additionally, the East Bennett Road sites are adjacent to properties to the east that have an Urban High Density (UHD) designation which allows up to 20 units per acre similar to what is proposed in Alternative 2. The proposed rezone on the East Bennett Road Sites would be a slightly higher density than what was planned for the sites under the Grass Valley General Plan, but consistent is planned for the adjacent properties to the east. Therefore, the proposed project would result in higher multifamily densities for the East Bennett Road properties but would be compatible with the overall multi-family designation and compatible with the proposed land uses on the adjacent properties.

**Response 18-C** The County does not concur that the Draft EIR is missing information. Compared to the proposed project, the East Bennett Road Alternative will have similar impacts on visual resources. It will have approximately the same visibility from the East Bennett Road as the proposed project. The proposed development is evaluated based on the existing zoning for the site. Should the Board of Supervisors wish to pursue the East Bennett Road Alternative, additional environmental studies, such as traffic, biological resources, cultural resources would be required and the results of those studies incorporated into the EIR before the alternative could be approved and the EIR certified.

**Response 18-D** The County does not concur with this comment. Please see Responses 8-C, 8-D, and 8-G. A review for sensitive soils would be completed during a biological resources field

survey for the project site, should the Board of Supervisors decide to pursue this alternative. Please see Response 18-A.

**Response 18-E** The County does not concur with this comment. Similar to the explanation in Response 18-A, the project alternative is provided to make a comparison with the proposed project. The Draft EIR concludes that moving some of the proposed sites to East Bennett Road would result not result in any reduction in water quality impacts and that development of the East Bennett Road would result in impacts to water quality similar to the proposed project. Any development of the East Bennett Road sites would require the same surface water quality measures as the proposed project.

**Response 18-F** The County does not concur with this comment. Please see Response 18-A. As with the proposed project, the Draft EIR analysis assumes the worst-case scenario which is the sites could be developed with the maximum density. Please see Master Response #8

**Response 18-G** Please see Response 18-A. Should the Board of Supervisors wish to pursue the East Bennett Road Alternative, additional environmental studies, such as traffic, biological resources, cultural resources would be required and the results of those studies incorporated into the EIR before the alternative could be approved and the EIR certified. This includes identifying any Environmentally Sensitive Areas, establishing building envelopes and minimum density requirements on the parcels similar to what was done for the proposed project. Should this alternative be selected it is anticipated that a similar aggregate density as described in Master Response #8 would be applied to account for Environmentally Sensitive Areas as well as other physical and regulatory constraints.

Letter 19

**Tyler Barrington**

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**From:** Brian Foss  
**Sent:** Wednesday, October 30, 2013 12:42 PM  
**To:** Tyler Barrington  
**Subject:** FW: Housing Element Update Constituent Mail

**From:** Barbara Price  
**Sent:** Wednesday, October 30, 2013 11:36 AM  
**To:** Brian Foss; Alison Barratt-Green  
**Subject:** Housing Element Update Constituent Mail

For your information regarding Housing Element Update.

**From:** Gary Hammer [mailto:gchamm@sbcglobal.net]  
**Sent:** Tuesday, October 29, 2013 8:39 PM  
**To:** bdofoversupervisors  
**Subject:** Proposed Penn Valley zoning changes

Gentlemen:

I attended the Penn Valley meeting tonight. The high density housing proposals for Penn Valley are ill-advised. We live in a rural area by choice. The impact of these developments will seriously harm our quality of life. And we don't have the infrastructure to support and maintain such housing.

In my mind, you must push back on the state and not allow them to ruin our area. The BOS exists to support the health & welfare of the county. Please show me some backbone.

Regards,

Gary Hammer  
Penn Valley

**AREA PLANS**

- 19-A
1. The Area Plans referred to in the August 1, 2013 power point presentation at the Nevada County ERC meeting refers to 4 area plans.  
<http://www.mynevadacounty.com/nc/cda/planning/Pages/Nevada-County-Area-Plans.aspx>  
 "Area plans are informational policy documents that are used to address specific issues within a community to provide long-term guidance and stability in implementing identified County and community goals."  
**In addition to the PENN VALLEY AREA PLAN posted on the mynevadacounty.com website there is a PENN VALLEY VILLAGE FOCUSED ECONOMIC DEVELOPMENT STUDY that was approved by the Nevada County Board of Supervisors on September 26<sup>th</sup> 2000, Resolution No. 00-468.**

**RHNA Plan Objectives (as outlined in the May 14, 2013, Board of Supervisors Summary Minutes)**

- 19-B
1. The RHNA Plan is required to be consistent with the following four objectives:
    - a. "Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low and very low-income households."  
**The proposed rezone plan does not reflect an equitable distribution throughout the County of sites designated for rezone to accommodate the development of low income units.**
    - b. Promoting infill development and **socioeconomic equity**, the protection of environmental an agricultural resources and the encouragement of efficient development patterns.
- 19-C
- "A socio-economic impact assessment examines how a proposed development will change the lives of current and future residents of a community. The indicators used to measure the potential socio-economic impacts of a development include the following:**
- **Changes in community demographics;**
  - **Results of retail/service and housing market analyses;**
  - **Demand for public services;**
  - **Changes in employment and income levels; and**
  - **Changes in the aesthetic quality of the community.**
- Quantitative measurement of such factors is an important component of the socio-economic impact assessment. At the same time, the perception of community members about how a proposed development will affect their**

19-C  
CONT'D

lives is a critical part of the assessment and should contribute to any decision to move ahead with a project. In fact, gaining an understanding of community values and concerns is an important first step in conducting a socio-economic impact assessment.”

[www.lic.wisc.edu/shapingdane/facilitation/all.../analysis\\_socio.htm](http://www.lic.wisc.edu/shapingdane/facilitation/all.../analysis_socio.htm)

19-D

c. Promoting an improved intraregional relationship between jobs and housing. Simply stated there are very few jobs in Penn Valley and not nearly enough to support the proposed number of units/increased population in the Penn Valley Village Center.

19-E

d. Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent decennial United States Census.  
Using the criteria set forth in SB244, the County of Nevada elected to bifurcated the Penn Valley area into two communities; the Penn Valley Village Center (south/west) and the Lake Wildwood side of Penn Valley (north/east) of HWY 20. Using US Census data and SB244 criteria the Penn Valley Village Center has been designated a “disadvantaged unincorporated legacy community (DUC). The census data and the SSB244 designation verify that the Penn Valley Village Center already has a disproportionately high share of households in lower income categories. Thus adding to this population is not consistent with this RHNA Plan objective.

General Plan Objectives

19-F

1. There are four Central themes (elective elements) of the Nevada County General Plan – Economic Development, Education, Aesthetics and Eastern Nevada County. The land use Element is the most visible and often-used element in the local General Plan. It is instrumental in facilitating the planning principles of four central themes that are reflected in the goals, objectives and policies in the Nevada County General Plan to attain the vision of a “balanced, self-sustaining community”...District 4 Supervisor Hank Weston.

The proposed zoning changes in Penn Valley are not consistent with the central themes articulated in the General Plan. Changing commercial zoning to R3 Zoning constitutes a down-zone and inhibits the Village Center’s ability to develop, attract and grow commerce.

It is important that the commercial zoning in the Penn Valley Village Center be preserved. As the local economy continues to recover from the recession and an improved sewer system is able to accommodate growth, subdivisions will be developed. With new subdivisions comes increased demand for commercial enterprise. It makes sense that the community takes the initiative to have commercial properties available as the demand grows.

- 19-G | 2. Based upon the central themes, all land areas of the County are divided into "Community Regions" and "Rural Regions". In Community Regions balanced growth and development are encouraged.  
The Penn Valley Village Center is a designated Community Region. The proposed rezone is not consistent with the goal of encouraging balanced growth and development in Penn Valley Community Region. Instead the proposed rezone will promote the saturation of high density housing in the community, without corresponding employment opportunity.
- 19-H | 3. Businesses look at the local income levels as part of their analysis when determining where to locate. A surplus of low-income units in Penn Valley will reduce income level data, thereby inhibiting the area's ability to attract viable commerce.
- 19-I | 4. "The actual growth in the decade from 2000 to 2010 for County population was around seven percent, drastically less than anticipated. Without the substantial population growth that was anticipated, the Land Use Goals, Objectives and Policies remain pertinent in 2013."...District 4 Supervisor Hank Weston, comments relative to "refreshing" the General Plan.

**SB244**

- 19-J | 1. There is a state-mandated deadline to incorporate SB 244 "Planning for Disadvantaged Unincorporated Communities" by June of 2014. The County has devised a work plan and included as one of the objectives in Phase I: "Conduct consistency analysis to identify and supporting land use policy documents that will be affected."  
The Penn Valley Village Focused Economic Development Study and the 2000-2010 General Plan are land use policy documents that contain generally appropriate land use patterns and a framework for encouraging business growth and job development in the Penn Valley Village Center. Absent the proposed rezone of the designated parcels in Penn Valley, a General Plan change would not be required.  
Penn Valley has waited decades and through a recession to have the sewer capacity to grow commercially and create a diverse and balanced mix of businesses that increase the economic self-sufficiency of the community. Furthermore, as existing business centers in Nevada County are annexed to Grass Valley, business development in Penn Valley and other unincorporated areas of the County will become a significant potential source of revenue for County Government.

**Community Impact**

- 19-K | 1. It has been suggested that a high density mixed-use project would address the issue of preserving commercial zoning of two designated parcels in Penn Valley. There is not one example in Nevada County or a neighboring County of a high-density mixed use project that can be cited as a successful project. The only somewhat similar concept is a few vintage apartments above commercial space located in Nevada County's historic cities and town.

19-K  
CONT'D

Typically the higher density mixed use concept is only successful in major metropolitan areas, close to a broad range of retail, restaurants and a variety of public transportation options.

19-L

2. The proposed rezone would isolate a population that needs jobs without the expense of a long commute. There are very few jobs in Penn Valley.

19-M

3. The County will be challenged to accommodate the support services most often required by the low-income population if they are sequestered in a rural area of the County.

19-N

4. With an increase in high-density low-income units, more emergency, law enforcement, fire and other services will be required without a commensurate increase in the tax base. These services will either fall short of serving the community or will necessitate an increase in cost to the entire community in order to support the increased costs by a population that is unable to help offset the additional expense.

19-O

5. In areas comprised mostly of low-income housing - particularly those areas lacking jobs, and community services - crime can be higher. Local governments can help diminish the effect of such concentrations of low-income housing in any one place by encouraging the development of affordable apartments in scattered locations. Enclosed is a CFS Event List Report provided by the Nevada County Sheriff's Office. The report documents 214 calls from 10/01/2011 to 10/08/2013 to the Courtyard Apartments located on Broken Oak Court in the Penn Valley Village. The average number of calls per month to this 45 unit, Section 8 approved complex is 6. Under the current proposed zoning changes it will be possible to develop multiples of the 45 units within ¼ mile of each other. The potential increase of the number of Sheriff calls to the area as a result of clustering high density housing in the Village Center is disturbing. Will the County Sheriff's department be able to adequately service this area given the reduction in revenues over the last few years and the State's propensity for realigning services back to the Counties?

**Letter 19 – Gary Hammer**

**Response 19-A** The County acknowledges that the statements regarding the Nevada County Area Plans. The County does not concur that the Penn Valley Village Focused Economic Development Study is an applicable land use document. Please see Master Response 9-B.

**Response 19-B** The County does not concur with this comment. Please see Master Response #1 and Response 10.V. The unincorporated area of Nevada County is generally rural. There are a limited number of locations where existing infrastructure exists that could support the addition of R-3 zoning. All of the sites are located in western Nevada County because that is where the largest population centers are located within the County. Additionally, sites were located away from the more rural regions that make up the majority of the County because those areas generally lack adequate infrastructure such as public water and wastewater system, roadways, and access to public transit and community services. As such, the proposed sites are limited to those community regions within the County where those services are available.

**Response 19-C** The County acknowledges the definition of socio-economic impacts from the Regional Housing Needs Assessment Plan. However, the comment is not at variance with the content of the EIR. Please see Master Response #5. No further response is required.

**Response 19-D** The County does not concur with this comment. Please see Master Response #2.

**Response 19-E** The County concurs that Penn Valley was designated a Legacy Community pursuant to SB 244. The County does not concur that the proposed project would contribute to a disproportionately high share of households in Penn Valley. As a Disadvantaged Unincorporated Community (DUC) it is likely there will be a need to provide a variety of housing types for all income segments of the population. This project would assist in provide higher density options that are limited not only in Penn Valley but throughout the unincorporated area. This new housing would likely serve an existing need in the community and accommodate future population growth. Please see Master Response #6.

**Response 19-F** The County does not concur that the proposed zoning changes are not consistent with the Land Use Element of the General Plan. Pursuant to the requirements state law, SB 244 (CA Government Code Section 65302.10 et sec.), the County of Nevada updated the Land Use Element of the General Plan in compliance with the state law. This action was approved by the County Board of Supervisors in January 2014. The Land Use update process considered the RH Combining District because pursuant to Government Code Section 65583.2, the 2009-2014 Housing Element was approved by the Board of Supervisors (May 2010) with policy language specifying the sites rezoned to accommodate unmet housing needs would allow for a minimum density of 16 units per acre (Housing Element Programs HD - 8.1.3 and HD-8.1.4). This exception to residential density emphasizes that this density exception is extremely limited but is required for internal consistency within the General Plan.

**Response 19-G** The County does not concur that that the proposed rezone is not consistent with the General Plan or that it would promote saturation of high density housing in the community. The existing General Plan land use designation on Sites 12 and 13, is Urban Medium Density (UMD) at 6-units per acre. Site 13 is designated PD “Planned Development” with UMD (26 ac.) and Open Space (8ac.) reflecting this designation applies to a larger set of properties, as Site 13 is approximately 20 acres. As such, these two sites are already slated for higher density residential than rural residential, although not as high of a density as the

R3 designation. Please see Master Response #2 regarding the project's relationship to jobs. Please see Master Response #3 regarding commercial development in Penn Valley.

**Response 19-H** The County does not concur with this comment. The commenter does not provide any evidence that the proposed project would inhibit the area's ability to attract viable commerce. To be designated as a Legacy Community, means that the median household income in Penn Valley is 80% or less than statewide median household income. As such, this project would assist in providing a variety of housing types for all income segments of the population and by density alone would be inherently more affordable to existing and future residents of the County. Please see Master Response #6.

**Response 19-I** The County acknowledges and appreciates this comment. However the comment is not at variance with the content of the EIR and therefore, no further comment is required.

**Response 19-J** The County does not concur with this comment. Please see Response 9-B regarding the Penn Valley Village Focused Economic Development Study. The project proposes a General Plan Map Amendment which is required for all sites included in the project and not just the two sites in Penn Valley with a commercial designation. Please see Master Response #4 regarding the developers' responsibilities regarding providing sewer and water infrastructure. Please see Master Response 3# regarding the commercial zoning in Penn Valley.

**Response 19-K** The County does not concur with this comment. Please see Master Response #3. The purpose of the RH Combining District is to allow for continued commercial development on the site. Two County projects have been approved utilizing horizontal mixing, including the Penn Valley Oaks project, located on Sites 10 and 11 of the proposed project. The Penn Valley Oaks project proposes 12,100 sq. ft. of commercial in three buildings, 19-single-family residential units. The other project is the Bear River Plaza project consisting of 40,000 square feet of general office/specialty retail use in four buildings (three general office buildings and one specialty retail building) and twenty-eight single ownership residential units in four two-story multi-family buildings totally approximately 35,000 square feet). Neither project has been built due to the fiscal recession, but both are still active and could develop if and when market conditions improve.

**Response 19-L** The County does not concur with the this comment. The comment does not provide any evidence that the project would isolate the Penn Valley population. Please see Master Response #2.

**Response 19-M** The County does not concur with this comment. The comment does not provide any evidence as to how the County would be challenged to provide support services. Please see Master Response #1 regarding how the County selected the proposed sites.

**Response 19-N** The County concurs that additional fire and sheriff services may be needed. Please see Response 10-NN.

**Response 19-O** The County does not concur with this comment. Please see Responses 19-B and 10-NN.

Letter 20

**Tyler Barrington**

**From:** shipping@pvponyexpress.com  
**Sent:** Tuesday, November 12, 2013 4:12 PM  
**To:** Tyler Barrington  
**Cc:** info@pennvalleycoc.org  
**Subject:** Comments on Draft EIR Housing Element Rezone Program Implementation  
**Attachments:** Penn Valley Area Sites EIR Comments.docx

Hi Tyler,

I have attached a marked up copy of the Draft EIR with my comments.

The following are talking points that the Penn Valley Chamber of commerce has brought to my attention:

- 20-A | -The project sites proposed for rezoning to R-3 (16 units per acre) in Penn Valley are in conflict with what was proposed in the Penn Valley Focused Economic Development Study adopted by the County Board of Supervisors in 2000.
- 20-B | -This Plan (termed the Village Plan) called for commercial, business, retail and industrial uses in the Penn Valley Village. The Board of Supervisors adopted this plan in order to provide guidance for future development of the Penn Valley Area.
- 20-C | -The EIR completely ignored the Village Plan which results in a Significant Unavoidable Impact With No Effort to Mitigate. The result is a legally flawed EIR.
- 20-D | - Penn Valley needs more jobs. The proposed rezoning eliminates the opportunities to increase employment and bring in good paying jobs to the community.
- 20-E | -Developing low cost housing at 16 units per acre will further stress public services such as schools, sheriff, fire and other critical services which were negatively affected during the past few years of the Great Recession.
- 20-F | -The proposal for dense housing does not belong in a rural and pastoral area such as Penn Valley.
- 20-G | -The proposed sites are not close to public services and other amenities required for this type of housing. Further, these sites do not minimize the need to commute. This is a serious environmental impact.
- 20-H | -The Board of Supervisors' site selection criteria was also flawed, which resulted in 42% of the County's State mandated housing being located in Penn Valley.
- 20-I | - The proposal does not foster economic growth as recommended in the EIR.
- 20-J | -The Penn Valley area should be allowed to develop as recommended by the Village Plan, which states that "opportunities exist for business park, light manufacturing for firms providing components for high tech manufacturing, as well as office based businesses in software development and internet applications".
- 20-K | Recommendations
- 20-L | 1. Return the EIR to staff and consultants for revision to correct the major legal and policy flaws contained in the document.
- 20-M | 2. Extend the public comment period (which ends November 12) for one month to fully allow for more public input

I would like to have been able to spend more time on my review. Please consider extending the public comment period as the chamber has ask.

I own 2 residential properties and a business within the Penn Valley community.

Thanks, Bob Olsen

**Penn Valley Area Sites**

**4.15 TRANSPORTATION AND TRAFFIC**

**Sites 10, 11, 13**

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

**Site 12**

Site 12 is located in the Penn Valley Community south of Penn Valley Drive on Broken Oak Court. Site 12 is located to the south of Sites 10, 11, and 13, approximately ¼ mile from the intersection of Broken Oak Court and Penn Valley Drive. Site 12 is a vacant parcel located within an existing residential neighborhood. Broken Oak Court fronts the entire east side of the site and includes a cul-de-sac at the northeast and southeast corners. The following Penn Valley area roadways were examined in the EIR:

**SR 20**

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

**THIS IS INCORRECT**

SR20 Posted speed limit is 65 MPH East of Penn Valley. It has portions that are 4 lanes, 3 lanes, and 2 lanes between Grass Valley and Penn Valley Drive. It is a 2 lane highway posted at 55MPH West bound between Penn Valley Drive and Marysville city limits.

20-H

**Penn Valley Drive**

Penn Valley Drive is the primary two-lane major collector through the Penn Valley Community and provides access to SR 20 to the east and west. Penn Valley Drive travels in an east-west direction parallel to SR 20 from the south leg of SR 20 and Rough and Ready Highway, through the Penn Valley Community, to Pleasant Valley Road and Chances Rural Road in the east. Sites 10, 11, 12 and 13 are all accessible via access roads onto Penn Valley Drive. The Penn Valley Pathway (Class 1 facility) runs parallel to Penn Valley Drive between Horton Street and Spenceville Road. The posted speed limit on Penn Valley Drive is 35 miles per hour.

**4.15.2 STUDY LOCATIONS**

**Penn Valley Bicycle and Pedestrian Facilities**

Bicycle and Pedestrian facilities in the Penn Valley area include the Penn Valley Pathway. The Penn Valley Pathway is a 1-mile long Class 1 shared path that runs parallel to Penn Valley Drive Road between Horton Street and Spenceville Road. From Spenceville Road West to SR20

**4.15.4 EXISTING TRAFFIC OPERATIONS AND LEVELS OF SERVICES**

PROJECT SITE SCENARIO	LAND USE SIZE	PEAK HOUR IN / OUT	CODE PROJECT	LAND USE SIZE	PEAK HOUR IN / OUT
<b>Penn Valley Area Sites</b>					
Site 10 Current GP SFD 210	23 Units	23 14 / 9	Housing Rezone Program MFD 230	95 Units	49 33 / 16
<b>Net New Trips (Project Trips) 26 19 / 7</b>					
Site 11 Current GP SFD 210	12 Units	12 8 / 4	Housing Rezone Program MFD 230	50 Units	25 17 / 8
<b>Net New Trips (Project Trips) 13 9 / 4</b>					
Site 12 Current GP SFD 210	26 Units	26 16 / 10	Housing Rezone Program MFD 230	36 Units	36 24 / 12
<b>Net New Trips (Project Trips) 10 8 / 2</b>					
Site 13 Current GP SFD 210	1 Unit	1 1 / 0	Housing Rezone Program MFD 230	322 Units	167 112 / 55
<b>Net New Trips (Project Trips) 166 111 / 55</b>					
<b>Penn Valley Net New Trips Subtotal 216 147 / 68</b>					

*This data indicates 1 trip per unit at current density and 1 trip per every 2 units at proposed density. Logic says that there will be more trips per unit at the proposed zoning. From 2 to 4 trips per unit is more realistic. This is due to a majority of current residents being retired, working in the Penn Valley area, and not having children at home. The proposed zoning increased density residents will be more likely to have children, and be commuting to either the business and commercial areas in Nevada County or Yuba County.*

20-I

4.15.5 REGULATORY SETTING

PENN VALLEY AREA SITES

*Sites 10, 11, 13*

Sites 10, 11 and 13 form a contiguous parcel located in a residential area of the Penn Valley Community. Shared access to Sites 10, 11, and 13 will be provided at the location of the existing access road on the Penn Valley street frontage of Site 11. Internal circulation roads will be constructed connecting the sites, including a bridge / culvert structure over the creek at the northern portion corner of Site 12 providing a link to Site 13. A landscaped berm will be constructed at the northern boundary of Site 13 along SR 20 to provide noise screening and prohibit access to SR 20. Sight distance in and out of the site access road on Penn Valley Road is currently restricted due to the location of multiple large trees along the Penn Valley Road frontage. Removal of selected trees may be required to allow for adequate site distance at this location. These trees are Heritage Oaks and mitigation may be required to remove them

20-J

*Site 12*

Site 12 is located in the Penn Valley Community south of Penn Valley Drive on Broken Oak Court. Site access to Penn Valley Drive will be provided at the east side of the site via a driveway to Broken Oak Court.

*Impact Analysis*

The level of service for the following intersections would remain at an acceptable level of service in accordance with City of Grass Valley (LOS D or better) and Nevada County (LOS D or better in Community Regions, LOS C or better in Rural Regions) significance thresholds and Caltrans (LOS C or better) standards as shown in Table 4.15-9 and 4.15-10.

11. Pleasant Valley Road/ SR 20

12. Cattle Drive / SR 20

13. Penn Valley Drive/ SR 20

14. Spenceville Road / Penn Valley Drive This needs to be re-evaluated as proposed trips are not realistic

23. Penn Valley Driveway / Site 10,11, 13 Access Road This needs to be re-evaluated as proposed trips are not realistic

24. Penn Valley Drive / Broken Oak Court (Site 12 Access Road) This needs to be re-evaluated as proposed trips are not realistic

20-K

As the proposed project would not degrade the level of service below LOS D for these intersections, the proposed project would have a less than significant impact at these intersections or LOS C for Caltrans intersections.

The potential at build out is 500 units with 2000 residents, probably at least 1 plus per unit commuting via Penn Valley Drive to SR20 since there is minimal employment opportunity in the Penn Valley area

Mitigation Measures: No mitigation required. Really

Level of Significance After Mitigation: Not applicable. I do not agree

4.2.1 ENVIRONMENTAL SETTING

SITE CHARACTERISTICS AND SURROUNDING LAND USES

*Sites 10 through 13 (Penn Valley Area)*

*Sites 10 through 13*

These four sites are being evaluated together because the sites are contiguous or very close together. Because of their proximity, the sites have very similar characteristics and have the potential to be developed as one site. Sites 10 and 11 are under the same ownership, while Site 13 is under a separate ownership. These sites are located in the community of Penn Valley in the unincorporated area of Nevada County and not within a Sphere of Influence of another jurisdiction. These sites are currently undeveloped and relatively flat with little to no slope. Sites 10 and 13 have a portion of Squirrel Creek that runs across a portion of the properties with associated wetlands traversing the northern portion of Site 10 (covering approximately half of the site) and southeastern portion of Site 13. These are also in a Federal designated flood plain. Although no drainages are present on Sites 11 and 12, both sites have small wet areas. Site 13 is the only site of this group with an oak woodland. Sites 11, 12, and 13 have scattered Landmark Oaks onsite. The sites are located adjacent to an existing mobile home park, post office, and self-storage business. Other uses in the area include a mix of single family residential, civic, commercial and light industrial businesses. These sites have nearby access to SR-20 located just north of the properties. A separated pedestrian and bicycle path runs on the northern side of Penn Valley Drive from SR20

20-L

20-M | Western Gateway Park east to just east of Pheasant Lane where it crosses to the south side of Penn Valley Drive and continues on to Spenceville Road. Collectively these sites compromise approximately 33.52 acres of developable land.

**4.2.2 REGULATORY SETTING**  
**LOCAL FRAMEWORK**  
*Land Use Element*

Sites 10 through 13

▪ Sites 10 and 11 are designated as Community Commercial (CC) on the County's General Plan Land Use Map and zoned Community Commercial - Site Performance Combining District (C2-SP). The CC designation is intended to provide a wide variety of commercial uses, and limited mixed use employment opportunities, to serve large geographic areas with a wider range of goods and services than are available in Neighborhood Commercial areas. The C2 District is intended to provide a wide range of retail and service uses that serve the varied needs of large geographic areas. The purpose of the SP District designation is to provide for refinements in the site development standards and/or the permitted uses in the base zone district with which the SP District regulations are combined. This current zoning was approved as proposed in a Penn Valley regional study adapted by the Nevada County Board of Supervisors in 2000.

20-N |

- Site 12 is designated as Urban Medium Density Residential (UMD) on the County's General Plan Land Use Map and zoned Medium Density - Site Performance Combining District (R2-SP). The UMD designation is intended to provide for residential uses, including affordable single-family dwellings on smaller lots, and multi-family housing types at moderate densities, of up to six dwelling units per acre, in locations with convenient access to transportation facilities (including arterial and major collector roads and public transit), shopping and services, employment, recreation and other public facilities. Areas of Urban Medium Density Residential use may provide locations appropriate for the development of affordable housing through clustering of single-family residences or other design techniques. The purpose of the SP zoning designation is to provide for refinements in the site development standards and/or the permitted uses in the base zone district with which the SP District regulations are combined.
- Site 13 is designated as Planned Development (PD) and zoned Interim Development Reserve - Site Performance Combining District (IDR-SP). The PD designation is intended to designate planned developments in locations where a mix of uses is desirable. The PD designation may allow a variety of land uses, including single-family and multi-family, residential, commercial, industrial, open space, and/or other land uses consistent with the capability and constraints of the land. Primary emphasis for development should be placed on clustering intensive land uses to minimize impact on various natural and man-made resources, minimize public health concerns, and minimize aesthetic concerns. The IDR is a special purpose district zone. The IDR District is intended to be used as an interim zoning district to reflect and reserve the development potential of property designated as Planned Development and Special Development Area in the General Plan. The purpose of the SP District designation is to provide for refinements in the site development standards and/or the permitted uses in the base zone district with which the SP District regulations are combined.

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**PLAN, POLICY, AND REGULATION CONSISTENCY**  
**4.2-1 THE PROPOSED PROJECT COULD CONFLICT WITH AN APPLICABLE LAND USE PLAN, POLICY, OR REGULATION OF AN AGENCY WITH JURISDICTION OVER THE PROJECT SITE.**

*Level of Significance Before Mitigation:* Potentially Significant Impact.

**Impact Analysis**

***Nevada County General Plan and Land Use Development Code (Zoning Ordinance)***

Consistency of the proposed project with the applicable goals, objectives, and policies of the Nevada County General Plan is presented below in Table 4.2-1, *Nevada County General Plan Consistency Analysis*. It should be noted that a policy conflict would not in and of itself be considered a significant environmental impact under CEQA.

The proposed project would require Sites 1 through 9 to annex into the City of Grass Valley. After that occurs, the Nevada County General Plan and Zoning Ordinance would no longer govern the sites, as they would then be governed by the Grass Valley 2020 General Plan and Development Code. It should be noted that both the Nevada County General Plan and the Grass Valley 2020 General Plan identify the project areas for development. The remaining sites, Sites 10 through 18, are within Nevada County and are governed by the Nevada County General Plan and Zoning Ordinance.

As previously noted current designations include Office Professional (OP), Business Park (BP), Community Commercial (CC), Urban Medium Density Residential (UMD), Planned Development (PD), and Urban Single-Family Residential (USF), while current zoning designations include Office Professional (OP), Business Park (BP), Medium Density (R2), Residential Agriculture (RA), Community Commercial (C2), Interim Development Reserve (IDR), and Single-Family

(R1), and three different combining districts including Planned Development (PD), Scenic Corridor Combining District (SC), and Site Performance Combining District (SP); refer to Section 4.2.2 (Regulatory Framework) for permitted uses under the existing General Plan and zoning land use designation for each site. As the proposed project proposes densities of 16 or 20 units per acre, the proposed project is inconsistent with current General Plan and Zoning designations for the proposed project sites. As such, the proposed project would require General Plan and Zoning amendments to ensure consistency with the proposed general plan and zoning designations of the sites; High Density (R3) District and Regional Housing Need (RH) Combining District. Amending the General Plan to Urban High Density Residential and rezoning the sites to R3 would permit densities of up to 20 dwelling units per acre within the Grass Valley SOI and 16 units per acre within the unincorporated County, while the RH Combining District would allow densities ranging from 16 to 20 units per acre. Therefore, with implementation with the proposed General Plan and Zoning Amendments, the proposed densities would not conflict with a Nevada County applicable land use plan, policy, or regulation of an agency and there would be no impact in this regard. This is not true. It conflicts with the plan adopted by the board of supervisors in 2000 that designated sites 10, 11, 12, and 13 to be within the Penn Valley downtown planned development zone and established the current zoning for those sites.

20-O Furthermore, given the mix of existing developments in the surrounding areas, including industrial, office, commercial, recreational, single-family residential, and medium density residential, development of higher density affordable housing would be compatible with the surrounding land uses. This is not true for sites 10, 11 and 13 because the existing development would not support infrastructure and employment to support high density housing on these sites.

20-P

Table 4.2-1 Nevada County General Plan Consistency Analysis  
Consistency of Proposed Project

	Analysis Goals, Objectives, and Policies Nevada County Land Use Element	Consistency of Proposed Project
20-Q	Goal 1.1: Promote and encourage growth in <i>Community Regions</i> while limiting growth in <i>Rural Regions</i>	<b>Consistent.</b> All the proposed project sites are located within <i>Community Regions</i> . Incorporating high-density multi-family residential uses adjacent to a mix of uses such as residential, commercial, industrial, and open space/recreation would promote the continued growth centered in the <i>Community Regions</i> . <u>Not consistent with the Penn Valley regional plan. Penn Valley is a small community center in a rural area that does have the infrastructure to support high density housing of this magnitude.</u>
20-R	Objective 1.1: Define and maintain a distinct boundary between <i>Rural</i> and <i>Community Regions</i> .	<b>Consistent.</b> All the proposed project sites are located within <i>Community Regions</i> . Incorporating high-density multi-family residential uses adjacent to a mix of uses such as residential, commercial, industrial, and open space/recreation would promote the continued growth centered in the <i>Community Regions</i> . <u>Not Consistent for the same reasons as listed in Goal 1.1</u>
20-S	Policy 1.2: Within Nevada County, the <i>Community Regions</i> are established as the areas of the County within which growth should be directed to provide compact, areas of development where such development can be served most efficiently and effectively with necessary urban services and facilities	<b>Consistent.</b> The proposed project sites were selected due to their location adjacent to a variety of existing land uses including, residential, commercial, retail, office, public, industrial, open space/recreation/park, and existing infrastructure, including roadways and water and sewer lines. <u>Not Consistent. Penn Valley is a small community center in a rural area that does not have the infrastructure to serve high density housing of this magnitude.</u>
20-T	Goal 1.2: Recognize and allow for a range of land uses that preserve the qualities of each <i>Rural</i> and <i>Community Region</i> and <i>Rural Place</i> .	<b>Consistent.</b> The proposed project would allow for the development of high-density multi-family residential uses adjacent to a mix of uses such as residential, commercial, industrial, and open space/recreation which is consistent with the existing qualities of the surrounding <i>Community Regions</i> . <u>Not Consistent. This Zoning is not consistent with the existing adjacent mix of uses in the Penn Valley area.</u>
	Objective 1.2: Provide an appropriate range of land use designations to serve the needs of the residents of the County and with an adequate amount of land in	<b>Consistent.</b> The proposed project includes the development of up to approximately 2,675 new high-density multi-family low to very-low income housing units. This would allow for the

<p>20-U</p>	<p>each designation to provide a balanced pattern of development.</p> <p><b>Policy 1.3:</b> To provide for an appropriate range of land use types and densities within the County, the following General Plan land use designations are established:  a. Urban High Density Residential (20 dwelling units per acre maximum within incorporated area's spheres of influence; 15 units per acre elsewhere)</p>	<p>development of the current 1,270 low and very-low income unmet housing needs the County identified in the 2009-2014 Nevada County General Housing Element.  <u>Not Consistent. Nevada County is a rural county that does not have the infrastructure to support this type of zoning to provide a balance pattern of development. There is neither employment opportunities or public services to support high density housing as it is being required by the State of California</u></p> <p><b>Inconsistent.</b> Sites 10 through 18 will develop a minimum of 16 units per acre within the unincorporated County and outside the Grass Valley Sphere of Influence, which is not consistent with this policy of the General Plan since these sites are not located within the Grass Valley Sphere of Influence, which allows up to 20 units per acre. However, it should be noted that, the proposed project would allow for the development of, high-density multi-family residential uses pursuant to the Housing Element of General Plan which requires the County to provide a balance of range of housing opportunities. In weighing the planning and environmental considerations of each site, the County determined that these sites provided the County with best opportunity to meet the Project Objectives included in Section 3.0. <u>This determination was made without consulting the residences and businesses adjacent to sites 10, 11, 12, and 13.</u></p>	
<p>20-V</p>	<p><b>Policy 1.4:</b> The General Plan is intended to provide for the development of Nevada County as a balanced community with adequate amounts of land designated in each land use category to achieve a balance among housing, employment, retail and commercial services, recreation, and public facilities. Multiple Family Residential (Urban High Density and Urban Medium Density) - up to 30 percent of total dwelling units</p>	<p><i>Consistent. The proposed project would allow for the development of high-density multi-family residential uses adjacent to a mix of uses such as residential, commercial, industrial, and open space/recreation resulting in a range of land use types and densities in the project area.</i>  <u>Inconsistent. The proposed project defeats the current balanced plan for the Penn Valley community that is currently in effect. The area in the vicinity of the proposed high density housing would become approximately 80 percent or more high density of total dwelling units.</u></p> <p><b>Inconsistent.</b> Sites 10 through 18 will develop a minimum of 16 units per acre within the unincorporated County and outside the Grass Valley Sphere of Influence, which is not consistent with this policy of the General Plan since these sites are not located within the Grass Valley Sphere of Influence, which allows up to 20 units per acre. However, it should be noted that, the proposed project would allow for the development of high-density multi-family residential uses pursuant to the Housing Element of General Plan which requires the County to provide a balance of range of housing opportunities. In weighing the planning and environmental considerations of each site, the County determined that these sites provided the County with best opportunity to meet the Project Objectives included in Section 3.0. <u>This is not true since the county only considered properties the owners were willing to have rezoned for this project as mentioned elsewhere in this EIR.</u></p>	<p>Formatted: Font: Italic</p> <p>Formatted: Font: Not Bold, Italic</p> <p>Formatted: Font: Italic</p>
<p>20-W</p>	<p><b>Policy 1.5:</b> The General Plan provides for future development in accordance with the following criteria for the various land use designations:  a. Urban High Density Residential (UHD) is intended to provide for residential uses, including single- and multi-family housing types at higher densities, of up to 20 dwelling units per acre within incorporated area's spheres of influence and 15 units per acre elsewhere, in locations with a high degree of access to transportation facilities (including arterial and major collector roads and public transit), shopping and services, employment, recreation and other public facilities. Areas of Urban High Density Residential use are intended to provide locations appropriate for the development of affordable housing due to the higher density allowed and resulting cost efficiency in costs of land development and provision of services. Locations which are adjacent to or in close proximity to Community Commercial, Business Park or Industrial areas are considered appropriate for this designation.</p>	<p><i>Consistent. The proposed project would allow for the development of high-density multi-family residential uses adjacent to a mix of uses such as residential, commercial, industrial, and open space/recreation resulting in a range of land use types and densities in the project area.</i>  <u>Inconsistent. The proposed project defeats the current balanced plan for the Penn Valley community that is currently in effect. The area in the vicinity of the proposed high density housing would become approximately 80 percent or more high density of total dwelling units.</u></p> <p><b>Inconsistent.</b> Sites 10 through 18 will develop a minimum of 16 units per acre within the unincorporated County and outside the Grass Valley Sphere of Influence, which is not consistent with this policy of the General Plan since these sites are not located within the Grass Valley Sphere of Influence, which allows up to 20 units per acre. However, it should be noted that, the proposed project would allow for the development of high-density multi-family residential uses pursuant to the Housing Element of General Plan which requires the County to provide a balance of range of housing opportunities. In weighing the planning and environmental considerations of each site, the County determined that these sites provided the County with best opportunity to meet the Project Objectives included in Section 3.0. <u>This is not true since the county only considered properties the owners were willing to have rezoned for this project as mentioned elsewhere in this EIR.</u></p>	<p>Formatted: Font: Italic</p> <p>Formatted: Font: Italic</p>

20-Y | **Policy 1.36:** The County recognizes that amending the Plan through individual General Plan amendments for specific site changes may not be compatible with a comprehensive and internally consistent plan. Where General Plan amendments are considered on an individual basis, the following shall apply: The proposed amendment must be found to be:  
 a. in the public interest; and  
 b. consistent with the General Plan's central themes, goals, objectives, and policies.

**Consistent.** The proposed project includes the development of up to approximately 2,675 new high-density multi-family low to very-low income housing units. This would allow for the development of the current 1,270 low and very-low income unmet housing needs of the county identified in the 2009-2014 Nevada County General Housing Element.

**Inconsistent.** This project rezones a low density population area with limited infrastructure into an area where 500 high density housing will overwhelm the current population and infrastructure.

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20-Z | **Circulation Element**  
 Adverse physical changes to the environment related to project conflicts with Circulation Element goals, objectives and policies are discussed in Section 4.15 (Transportation/Traffic). I have made comments related to the Penn Valley area in Section 4.15

**Conservation/Open Space Element**  
 Adverse physical changes to the environment related to project conflicts with Conservation Element goals, objectives and policies are discussed in Sections 4.3 (Aesthetics), 4.5 (Air Quality), 4.6 (Biological Resources), and 4.10 (Hydrology and Water Quality), as appropriate.

**Noise Element**  
 Adverse physical changes to the environment related to project conflicts with Noise Element goals, objectives and policies are discussed in Section 4.11 (Noise).

**Safety Element**  
 Adverse physical changes to the environment related to project conflicts with Safety Element goals, objectives and policies are discussed in Sections 4.8 (Geology and Soils), 4.9 (Hazards and Hazardous Materials), 4.10 (Hydrology and Water Quality), and 4.15 (Transportation/Traffic). Public safety is not addressed – law enforcement and fire support in the Penn Valley community.

20-AA | **Recreation Element**  
 Adverse physical changes to the environment related to project conflicts with Recreation Element goals, objectives and policies are discussed in Section 4.14 (Recreation)

**Historical Element**  
 Adverse physical changes to the environment related to project conflicts with Historical Element goals, objectives and policies are discussed in Section 4.3 (Aesthetics).

**Community Design Element**  
 Adverse physical changes to the environment related to project conflicts with Community Design Element goals, objectives and policies are discussed in Section 4.3 (Aesthetics).

**4.13 PUBLIC SERVICES AND UTILITIES**

**4.13.1 ENVIRONMENTAL SETTING**

**NEVADA COUNTY**

**Fire Protection and Emergency Services**

***Penn Valley Fire Protection District***

Penn Valley Fire Protection District (PVFPD) has three fire stations, two of which are staffed. The closest to these projects is located at 10513 Spenceville Road, near the intersection of Penn Valley Drive and Spenceville Road. The closest station has a fire engine, water tender and a medic unit and is staffed with a minimum of two qualified personnel. The next closest station is located at Pleasant Valley Road and Lake Wildwood Drive and has a fire engine and a medic unit (along with a reserve engine) and is also staffed with a minimum of two personnel. PVFPD, in addition to the normal fire suppression services, provides advanced life support (paramedics) and transport units. Average travel time to the project sites would be one to four minutes and an additional two to three minutes for dispatch reaction time. This does not take into account response times if units are already on a call. High density housing significantly increases the frequency of calls.

20-BB

**Sheriff's Protection**

The Nevada County Sheriff's Department provides law enforcement to all the unincorporated areas of Nevada County. Sheriff's services include patrol, dispatch, investigations, search and rescue, boat patrol, correctional facilities, and coroner and court security services. The department's main office is located at 950 Maidu Avenue (Eric Rood Administration Center) in Nevada City. A substation is located in the Town of Truckee, which contains a small jail facility. The Sheriff's Department also has a satellite jail located on the campus of the main governmental/administrative complex along with a satellite court holding facility in downtown Nevada City. Sheriff's deputies are dispatched and patrols initiated from these locations.

Sheriff's Department facilities also include two satellite volunteer service centers: one in the business center across from the main gate to Lake Wildwood and the other in a business complex near Lake of the Pines in the southern part of Nevada County. Both centers are staffed on certain days and hours by citizen volunteers and are utilized by patrol staff to meet with citizens and to complete their law enforcement reports. The department does not currently have any set standards as to the number of officers per 1,000 population. Response times in the vicinity of the proposed project area are estimated to be approximately 20 to 25 minutes as the main station, located in Nevada City, is approximately 20 miles north of the sites in both Penn Valley and Lake of the Pines. Average response times to individual address/areas within the County are separately tracked. Response times are tracked by the incident. The Nevada County Sheriff's Department records a "Response Times by Priority" report. "Priority 1" calls are those in-progress felonies, misdemeanors including death. "Priority 2" calls are those felonies and misdemeanors that are not in-progress. "Priority 3" calls are all others not falling into the prior two categories. On a three-year average, the response times are as follows: creation of call to dispatching resources is 12 minutes nine seconds, dispatch to on scene is 12 minutes nine seconds, and on scene to clear is thirty-two minutes fifty-two seconds.

The Sheriff's Department has mutual aid assistance agreements with the California Highway Patrol (CHP), which provides police protection on all state and county roadways within Nevada County. CHP also provides backup protection to the Sheriff's Department as needed, and the Sheriff's Department provides backup protection to the CHP. This also does not take into account response times if units are already on a call. High density housing significantly increases the frequency of calls. This can be supported by the increase in calls since the high density housing was constructed on Broken Oak Court.

20-CC

**Schools**

Nevada County has nine elementary/middle school districts feeding into the high schools, which provide secondary education to over 4,000 students with a variety of schools and programs.

***Penn Valley***

The proposed project Sites 10 through 13 within the Penn Valley Area would be served by Williams Ranch School K-3, Pleasant Valley School 4-8, Ready Springs School, and Vantage Point Charter School K-12. Ready Springs School will serve project areas 10-13. They are already using portable buildings. Williams Ranch and Pleasant Valley schools would require bussing students from the project areas.

20-DD

**Wastewater**

The County does not comprehensively provide wastewater collection and treatment to all areas of the County. Primarily

20-EE | there are eight Community Regions, two Rural Regions, one Rural Area and two districts in Eastern Nevada County, that have access to public sewage disposal. Much of Nevada County is served by on-site sewage disposal/septic systems. Lack of extensive public sewage disposal can be viewed as the primary limiting factor to the development of affordable housing in Nevada County. All other services are viewed to be adequate to accommodate planned higher density multi-family housing. The distances from centralized services such as police support, employment, and shopping facilities are not conducive to high density housing in project areas 10 through 13.  
 The County of Nevada's Wastewater Division of the Public Works Department administers and maintains sewage collection systems and treatment facilities for Nevada County Sanitation District No. 1. The Sanitation District provides sewer service to 5,230 accounts in western Nevada County with a population of 14,000 persons. Currently, there are ten zones within the Sanitation District with facilities that collect and treat 1,245,000 gallons of wastewater each day. Three of these zones would be affected by the proposed project: Lake of the Pines, Penn Valley, and Lake Wildwood Zones. None of the sites are currently served by sewer but are near existing sewer lines or can be reached through the extension of existing sewer lines.

20-FF | **Penn Valley Wastewater Treatment Plant**  
 The Penn Valley Wastewater Treatment Plant (PV-WWTP) is located south of the community of Penn Valley. The Penn Valley collections system conveys septic tank effluent from individual septic tanks through a network of force mains to the PV-WWTP. The PV-WWTP serves 347 active connections and was historically permitted monthly average dry weather flow limit of 89,700 gallons per day. The treatment facility consists of aerated lagoons, a storage reservoir, and 33 acres of pasture land for spray irrigation. Due to deficiencies with the current PV-WWTP, including inadequate pond size and surface discharge area and discharge violations, the PV-WWTP is currently operating under a cease and desist order (CDO) issued by the Central Valley Regional Water Quality Control Board (CVRWQCB). The CDO limits monthly average dry weather inflow to 60,000 gallons per day until facility improvements are made or another means of sewer treatment is developed. Upon the completion of a Facilities Improvement Design Report (FIDR) in December 2011, the construction of a pipeline from Penn Valley to the Lake Wildwood WWTP was determined to be the most cost-effective way to address the CDO. In April 2012, the Nevada County Sanitation District Board of Directors approved Resolution No. SD12-06 approving pursuit of a State Revolving Fund loan to construct a pipeline from Penn Valley to the Lake Wildwood WWTP. However, as of the preparation of this EIR, the pipeline has not been constructed and there is not sufficient capacity at the Penn Valley Wastewater Treatment Plant to serve those project sites (Sites 10-13) within the Penn Valley Wastewater Treatment Plant service area. A pipeline will not resolve the issues even if built. There is no capacity in the existing WWTPs, and it is not environmentally practical to expand the existing WWTPs. New sites need to be identified in the EIR.

**Water**  
 Water is supplied to the both the County and City by the NID, an independent California special district that supplies irrigation, municipal, domestic and industrial water. NID was organized in 1921 under the California Irrigation District Act of 1897 as a nonprofit water agency, and operates under Division 11 of the State Water Code. Located on the western slope of the Sierra Nevada Mountain Range, NID encompasses 287,000 acres, mainly in Nevada and Placer Counties. NID's mountain watersheds cover 70,000 acres and include the upper portions of the Middle Yuba River above Milton Diversion, Canyon Creek above Bowman Reservoir, and Deer Creek. NID stores water in ten reservoirs that have a storage capacity of approximately 280,380 acre-feet and operates seven water treatment plants (WTPs) that supply approximately three billion gallons, or approximately 9,000 acre-feet, of treated drinking water per year. The proposed project areas are located within NID's service area.  
 NID has water rights to the majority of its water supply. Approximately three percent of NID's water supply is from outside sources. These include water contract purchases from Pacific Gas and Electric (PG&E) and recycled water obtained from four municipal wastewater treatment plants: Grass Valley, Nevada City, Auburn, and Placer County at Joeger Road. Each of the sites would be treated by one of four existing water treatment plants:

- Lake Wildwood: Site 10-13
- The existing potable water infrastructure available to each of the sites varies by site. All sites have access to existing potable water systems, but some sites have more improvements that are required to get potable water to the site.
- Sites 10-13: Improvements to the Lake Wildwood Treatment Plant are required as the existing facility is at 85% capacity. The feasibility and available water resources need to be addressed for the expansion of the Lake Wildwood Treatment Plant

20-GG | **POTENTIAL IMPACTS AND MITIGATION MEASURES**  
**Public Services**  
 4.13-1 THE PUBLIC SERVICE NEEDS OF THE PROPOSED PROJECT COULD RESULT IN SUBSTANTIAL

**ADVERSE IMPACTS.**

**Level of Significance Before Mitigation:** Potentially Significant Impact  
**Impact Analysis**

**Fire Protection and Emergency Services**

The Nevada County Consolidated Fire Department, Nevada County Fire Marshal Office, and the City of Grass Valley Fire Department have standards for residential and commercial development within their respective jurisdictions, and the proposed project would be required to comply with these standards prior to issuance of building permits. The fire departments or fire marshal office would be involved in the review of project plans and the project developer would be required to incorporate the Fire Department's requirements into the final project design as conditions of approval. The proposed project would result in an increase in population of approximately 2,960 residents in Grass Valley and 2,438 residents in the County (refer to Section 4.12 [Population and Housing], for additional information on population). The introduction of residential development in the project vicinity would intensify density and uses in the area. This could result in an increase in demand for services and subsequently an increase in response times and reduced level of service.

Therefore, the proposed project could result in potentially significant impacts to fire protection services requiring mitigation. Sites 10 through 13, located within the jurisdiction of the Penn Valley Fire Protection District, will be required to pay - one-time - into the new development fire impact fee program. In addition to the property taxes, the Penn Valley Fire Department District also imposes a Special Fire Suppression Benefit Assessment District and a Special Tax - Rescue. Although new developments increase the demand on existing fire and emergency services, as a result of the taxes paid by developers, each new development bridges the fire districts closer to additional fire stations, apparatus and equipment. The required fees are intended to cover the fees of that equipment. As such, the required development fees, property tax, Special Assessment Fee and the Special Tax are intended to provide the means which allow the District to maintain the current level of service. In addition, as noted in Mitigation Measure 4.13-1a, future developments on all sites will be required to provide documentation ensuring adequate fire service response times. As such, payment into the required tax programs would reduce potential impacts related to adequate services times to less than significant. As noted in Mitigation Measure 4.13-1a, Current taxes are to maintain adequate service. The new service required by high density housing will require significant initial investments to increase facilities and equipment. This needs to be addressed in the EIR

20-HH

future developments on all sites will be required to provide documentation ensuring adequate fire service response times. All project sites would include a defensible space of 100 feet around the residential structures, as required by law, and would be required to implement Mitigation Measure 4.13- 1b. As part of required vegetation management plans included in Mitigation Measure 4.13-1b, it is recommended that an area of 30 feet immediately surrounding the structures be maintained to reduce or eliminate ignition hazards presented by vegetation. Vegetation management for the remaining 70 feet (or to property line) will depend on the steepness of the final site designs and will also be included in the vegetation management plan. In summary, the proposed project would result in an increase in property taxes and sales taxes that would generally offset the increase in the cost of fire and emergency services required by the project. In addition, the project would be required to pay development impact fees to cover the incremental costs of the additional manpower, new equipment and infrastructure required for the proposed project. How will these fees be determined?

20-II

Implementation of Mitigation Measures 4.13-1a and 4.13-1b, which would require measures to provide adequate response times and vegetation fuel management, would reduce impacts to a less than significant level. The Mitigation measures do not adequately define how they would mitigate the impacts.

20-JJ

**Emergency Water Supply System**

As noted in Chapter XVI of the County of Nevada Land Use Development Code, all future multi-family developments on any of the project sites would be required to install a water supply system, as required in Section 10.301(c) of 1988 Uniform Fire Code. All emergency water to meet fire flow requirements is in addition to the domestic water source. Since the adoption of the Land Use Development Code, the State of California has adopted the 2010 California Fire Code, which is based on the 2009 International Fire Code (IFC). The IFC is a model code that regulates minimum fire safety requirements for new and existing buildings, facilities, storage and processes. The IFC is a design document and provides development guidelines including requiring that before one constructs a building, the site must be provided with an adequate water supply for firefighting operations. Section 501.3 *Construction Documents*, requires that construction documents for proposed fire apparatus access, location of fire lanes, security gates across fire apparatus access and construction documents and hydraulic calculations for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction. Fire flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method or Appendix B of the 2010 California Fire Code, Table B105.1 which establishes fire flow requirements depending on building square footage. Coordination with the local water agency will be required to ensure the demand of such flows can be served by existing water supplies. As such, coordination with the local water agency, through adherence to the 2010 California Fire Code, will ensure impacts will be less significant in this regard. The EIR needs to determine if the flows can be served by the existing water supplies to mitigate the impact.

20-KK

**Police Protection/Sheriff Service**

As previously mentioned, the proposed project would result in an increase in population of approximately 2,960 residents in Grass Valley and 2,438 residents in the County. The number of traffic accidents, auto thefts, burglaries, police reports, and similar incidents increases when new development occurs, resulting in greater demands on police protection and

- other services. As such, the proposed project could generate the need for additional police officers, dispatchers or new facilities. Similar to fire protection services, and for all of the project sites, future developments would bring additional annual revenue in the form of increased local property taxes and sales taxes that would help offset the increased demand for police services by funding increases in police personnel, training and equipment. Furthermore, the project developer would be required to pay development impact fees which are intended to provide the means which allow the local police and sheriff to maintain the current level of service. As such, impacts are considered to be less than significant.
- 20-LL | Implementation of Mitigation Measure 4.13-1c, which would require the project to provide documentation noting adequate response times, would reduce impacts to less than significant. Mitigation Measure 4.13-1C is very general and does not explain how it reduce impacts to less than significant.
- Schools**  
The increase in multi-family residential uses on the proposed project sites would generate new students and subsequently an increase in demand on existing school facilities. Development within the proposed project areas would be subject to school impact fees in accordance with the provisions of SB 50. The mitigation fee set by the Grass Valley School District and Nevada Joint Union High School District is \$2.97 per square foot of living space for residential uses. Pursuant to Section 65995(3)(h) of the California Government Code (SB50), "the payment of statutory fees is deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use or development of real property . . . ." Therefore, with payment of statutory fees, school impacts would be considered less than significant. School impact fees were determined for the county low density population which has a lower number of students per unit that would be typical of the project type of residence. Impact fees will need to be increased for high density housing. This needs to be addressed in the EIR.
- 20-MM | **Other Services and Facilities**  
The population increase from the proposed project would increase the demand for other services or facilities, such as public libraries, hospitals, or civic uses. The proposed project would increase the resident population of approximately 2,960 residents in Grass Valley and 2,438 residents in the County, which in turn would increase the demand for library services. The space standard for libraries in California is 0.5 square feet per capita.
- Nevada County**  
As previously noted there are six public libraries throughout the County. However, based on the distance from the proposed project sites it is anticipated that only the Penn Valley Station and the Bear River Station would be utilized by the new residential units within Penn Valley and Lake of the Pines, respectively. The proposed project would result in 1,090 new residents within Penn Valley Area and 1,348 new residents within the Lake of the Pines Area. The County requires a level of service standard of 300 feet of library space for each increase of 1,000 persons in county-wide population. Future development associated with the proposed project would be required to ensure the level of service standards for libraries is not exceeded. As such, the proposed project would result in less than significant impacts. The increase in residents may increase the number of hospital visitors. The Sierra Nevada Memorial Hospital is a regional hospital serving approximately 78,518 people in western Nevada County. The incremental increase of 5,398 residents (i.e., approximately 6.9 percent) over a 10- to 20-year buildout would not result in a substantial increase in the use of hospital services. Additionally, the Sierra Nevada Memorial Hospital recently underwent renovations to provide expanded services, including a 15 million dollar diagnostic imaging and women's center (opened in the fall of 2006). Therefore, no new physical facilities associated with hospitals would be needed as a result of the proposed project, and no adverse physical impacts associated with the provision of new or altered hospital facilities would occur. Therefore, impacts related to health care facilities would be less than significant. The EIR indicates the 503 units proposed for Penn Valley would only add 1,090 new residents. This is assuming there would be nearly no children in the new units. This is not a realistic assumption.
- 20-NN | 4.13-1c Prior to Building Permit issuance, the project developer shall provide written documentation from the Police or Sheriff services ensuring adequate police response times.
- 20-OO | **Level of Significance After Mitigation:** Less Than Significant Impact. How is this enforced? And what are the consequences if the documentation is not obtained.
- Wastewater**  
**4.13-2 THE PROPOSED PROJECT COULD RESULT IN A DETERMINATION BY THE WASTEWATER TREATMENT PROVIDER THAT IT HAS INADEQUATE CAPACITY TO PROVIDE FOR THE PROJECT'S PROJECTED DEMAND IN ADDITION TO THE PROVIDER'S EXISTING COMMITMENTS.**  
**Level of Significance Before Mitigation:** Potentially Significant Impact
- Impact Analysis**  
**Nevada County**  
The proposed project sites would be served by the Penn Valley WWTP (Sites 10 through 13), and Lake of the Pines WWTP (Sites 14 through 18) in the County. However, as previously noted the Penn Valley WWTP is currently operating under a Cease and Desist Order (CDO) from the CVRWQCB and pending State Revolving Fund loan to construct a pipeline from Penn Valley to the Lake Wildwood WWTP. As such, there is currently not enough sewer capacity to serve all of the proposed project areas. Table 4.13-1, *Sewer Availability*, breaks out each of the three zones showing connected, standby and unallocated EDUs. As noted in Table 4.13-1, there are approximately 915 standby equivalent dwelling units

(EDUs) and 500 unallocated EDUs in those zones. It has been noted by the County that several projects are already approved or in the planning process in the Lake of the Pines area and will need the EDU allocation from Lake of the Pines in order for them to develop to their planned potential. County Sanitation staff estimate that the approved or planned projects will require approximately 500 to 604 EDUs to accommodate the build out of those projects. Therefore, the unallocated EDUs shown the Table 4.13-1 will likely be used for projects already approved. The County has established sewer capacity service requirements for development within their jurisdiction. Without proposed improvements to existing WWTPs there would not be sewer service available for the proposed project Sites 10 through 18 and the proposed project would result in potentially significant impact. However, with implementation of Mitigation Measure 4.13-2, impacts would be reduced to less than significant. I disagree. It is environmentally unfeasible to expand either the Lake Wildwood or the Penn Valley sewer plants. There are no proposed improvements other than a pipeline to the Penn Valley to Lake Wildwood WWTP ... This will not increase capacity.

20-PP

**Table 4.13-1  
Sewer Availability**

Zone Connected	EDUs	Standby EDUs	Unallocated EDUs
Lake Wildwood	2,919	648	0
Penn Valley	347	111	0

20-QQ

Source: Department of Public Works, Sanitation Division, 2009. This data is over 4 years old. Standby EDUs is suspect.

**Mitigation Measure:**

This mitigation measure applies to all sites:

4.13-2 Prior to approval of a Site Plan, grading plan, or any permit authorizing construction (or as part of the annexation request for Sites 1-9) for a property within the RH Combining District, the project developer shall to the satisfaction of the Director of the County Planning Department (or City of Grass Valley Planning Department for Sites 1-9):

Provide written documentation that adequate sewer capacity is available for the proposed development. The project developer may provide written documentation that the wastewater treatment plant has been upgraded to increase capacity or a report from a registered civil engineer demonstrating that adequate capacity is available. If adequate sewer capacity does not exist, the developer will pay for WWTP upgrades to account for the additional effluent. The developer may develop a reimbursement agreement, if needed, to recuperate fair-share costs associated with other proposed developments nearby.

*Level of Significance After Mitigation:* Significant and Unavoidable. This impact remains significant because it is unknown what the capacity of the wastewater treatment facilities would be at the time of project construction. It is also unknown if completion of the required wastewater facility improvements would be feasible for a single project developer. Furthermore, the County does not have jurisdiction over the timing of when wastewater improvements would occur within the City of Grass Valley.

**Letter 20 – Bob Olsen**

**Response 20-A** The County does not concur with this comment, please see Response 10-A.

**Response 20-B** The County does not concur with this comment. Please see Master Responses #2 and #3.

**Response 20-C** The County does not concur with this comment. Please see Response 10-NN.

**Response 20-D** The County does not concur with this comment. Please see Response 10-II.

**Response 20-E** The County does not concur with this comment. Please see Response 10-OO.

**Response 20-F** The County does not concur with this comment. Please see Response 9-B and Master Response #3.

**Response 20-G** The County does not concur with this comment. Please see Response 10-A. The County closed the public review period as planned on November 12, 2013 as planned. The County provided a 60-day public review period which was increased from the required 45-day review period.

**Note:** From this point forward much of the comments consist of text copied from the Draft EIR. The responses are related to the additional comments provided by the commenter in underlined text.

**Response 20-H** The County concurs that the description of SR 20 speed limits were transposed with regard to direction. The Final EIR has been revised to make this correction.

**Response 20-I** The County does not concur with this comment. The trip generation rates shown in Table 4.15-8 represent only the PM peak hour trips and not average daily total. The PM peak hour is defined by the highest hour for overall traffic volumes or the worst-case traffic conditions during the day. This is reflective of typical travel patterns throughout Nevada County and due to the low number of retail-related trips that take place during the AM peak hour. In addition, the project trip generation rate is highest during the PM peak hour. The traffic trips are based upon rates published in the Institute of Transportation Engineers (ITE) Trip Generation, 9th Edition, 2012.

**Response 20-J** The County concurs that mitigation may be required for impacts on Landmark Oaks. As such, avoidance of oak trees and oak woodland is the required mitigation through the establishment of Environmentally Sensitive Areas (ESAs). The ESAs require avoidance unless avoidance is infeasible. If avoiding oak trees or oak woodlands is not feasible then a management plan is required. Mitigation Measure 4.4-5 in Section 4.4 of the Draft EIR requires a management plan to be prepared if oak woodlands are impacted as a result of the proposed development. The Management Plan provides different options for oak woodland mitigation that range from onsite preservation (avoidance), enhancement of degraded oak woodlands, or paying in lieu fees into a County approved fund used to purchase and preserve comparable oak woodland communities in the region.

**Response 20-K** The County does not concur with this comment. Please see Response 20-I. Table 4.15-8 shows that the project would generate 216 trips during the PM peak hour in Penn Valley. Figure 4.15-5b shows how those trips would be distributed within Penn Valley.

**Response 20-L** The County concurs that a flood plain exists on portions of Sites 10 and 13. Mitigation Measure 4.10-1a requires that Environmentally Sensitive Areas (ESAs) be established over

the floodplains on Sites 10 and 13. If access to Site 13 requires building a bridge(s) or bridges within the floodplain to cross Squirrel Creek to access the property then a management plan to address impacts to the ESAs and separate conditional use permit would be required and would be considered a discretionary action. If the developer is able to demonstrate that building the access to the site would not disturb the floodplain then a management plan would be required. A management plan is considered a ministerial permit when associated with a building permit.

**Response 20-M** The County concurs the pedestrian and bike path continues on to Spenceville Road.

**Response 20-N** The County does not concur with this comment. The current zoning is determined by the County Zoning Maps. The Penn Valley Village Economic Development Study is not a binding land use document. Please see Response 9-B.

**Response 20-O** The County does not concur with this comment. Please see Response 20-N.

**Response 20-P** The County does not concur with this comment. Please see Master Responses #2, #3, and #4.

**Response 20-Q** The County does not concur with this comment. The project is consistent with the goals and policies of the Land Use Element. The proposed Penn Valley sites are close to the Penn Valley Village Center, are compatible with the existing surrounding land uses, and have direct access to existing infrastructure and public transportation. Please see Master Response #4 regarding developer responsibilities to provide water and sewer infrastructure.

**Response 20-R** The County does not concur with this comment. Please see Response 20-Q.

**Response 20-S** The County does not concur with this comment. Please see Response 20-Q.

**Response 20-T** The County does not concur with this comment. The project is consistent with the goals and policies of the Land Use Element. The proposed Penn Valley sites are close to the Penn Valley Village Center and are compatible with the existing surrounding land uses. Please see Master Response #3 with regards to retaining the commercial uses on Sites 10 and 11. The comment does not provide any examples of where the project is inconsistent.

**Response 20-U** The County does not concur with this comment. Please see Response 20-Q and Master Response #2.

**Response 20-W** The County does not concur that the Penn Valley Area “would become approximately 80 percent or more high density of total dwelling units.” Please see Master Response #3 regarding the development of sites with commercial, Industrial, Office Professional, or Business Park base zones to be developed with a use consistent with the base zone. With regard to Penn Valley this would allow Sites 10 and 11 to retain some commercial uses onsite.

**Response 20-X** The County does not concur with this comment. Please see Master Response #1 regarding the site selection process for the project.

**Response 20-Y** The County does not concur with this comment. The Draft EIR evaluated the potential impacts associated with public services and utilities (Section 4.13), traffic (Section 4.15) and population and housing (Section 5.1.2). No impacts were identified to traffic in the Penn Valley area and no impacts were identified for the impacts from increases in

population and housing. Mitigation measures are proposed to reduce potentially significant impacts to water and sewer facilities. Please see Master Response #3.

**Response 20-Z** Please see Responses 20-H and 20-I.

**Response 20-AA** The County does not concur with this comment. Fire Protection and Sheriff service are discussed in Section 4.13 of the EIR.

**Response 20-BB** The County does not concur with this comment. This information was provided by Penn Valley Fire District. Please see Appendix K of the Draft EIR.

**Response 20-CC** The County does not concur with this comment. Please see Appendix K of the Draft EIR.

**Response 20-DD** Please see response 10-MM.

**Response 20-EE** The County does not concur with this comment. Sites 10-13 are in an area that is already served by the fire district and sheriff's department. The proposed project does not extend these services any farther than their existing service areas. Please see Master Response #2 regarding employment opportunities.

**Response 20-FF** The County does not concur with this comment. Please see Master Response #3 regarding the developers responsibilities for ensuring adequate capacity is not available. The proposed sites meet the criteria for the project objectives. No new or additional sites are requires or being considered.

**Response 20-GG** Because it is unknown when the development will occur, the capacity of the wastewater treatment facilities at the time of construction is also unknown. Because of the unknown timing of the development, capacity that is available today may not be available in the future; the impact was identified as significant and unavoidable. The EIR does require mitigation (Mitigation Measure 4.13.2) which requires the developer to demonstrate that adequate facilities (including capacity) exist prior to construction.

**Response 20-HH** The Draft EIR address future impacts on fire and sheriff services. Please see Response 10-NN.

**Response 20-II** Fees are determined prior to the issuance of a building permit, based on an established fee schedule determined by the fire district.

**Response 20-JJ** The County does not concur with this comment. Please see Response 10-NN.

**Response 20-KK** The County does not concur with this comment. As noted in Mitigation Measure 4.13-1(c), the developer is required to demonstrate the County that adequate response times (including fire flows) can be provided to the project. The developer will be responsible for meeting the requirements of the fire district and the water district.

**Response 20-LL** The County does not concur with this comment. Please see Response 10-NN.

**Response 20-MM** The County does not concur with this comment. Please see Response 10-MM. The payment of school fees are based on per square foot basis of residential development.

**Response 20-NN** The population estimates are based on population estimates from the General Plan. The population estimates take into an account of the average number of people per households as some households will have less than 2 people some will have more.

**Response 20-OO** Mitigation Measure is enforced by County staff. The developer must provide written documentation from the Sheriff's Department that the department can meet the required response times with the development. The consequences of not being able to provide the documentation are not being allowed to proceed with the development. Furthermore, the RH Combining District has a requirement to create a "Regional Housing Need Implementation Plan" per the County's Land Use and Development Code (LUDC) Sec. L-II 2.7.11.C.3. The Regional Housing Need Implementation Plan will include the site specific development standards and CEQA mitigation measures for all development of multi-family housing on a Regional Housing Need (RH) site. The purpose of the Implementation Plan is to ensure that all future development within the RH Combining District is constructed in compliance with the specific development standards and mitigation measures approved for the RH Combining District and that the conditions of approval and mitigation measures for each site are easily identifiable at the time when construction is proposed.

**Response 20-PP** The County does not concur with this comment. Extending the waste water pipeline from the Penn Valley Area to the Lake Wildwood Waste Water Treatment Plant (WWTP) will not expand the capacity of the plant, but will expand the number of homes in the Penn Valley Area that could connect to public sewer. The comment does not provide any evidence that extending the pipeline is environmentally infeasible. The extension of the pipeline is not part of the proposed project and would be required to comply with the California Environmental Quality Act separately if the project is initiated. Please see Master Response #3 regarding the developers responsibilities for ensuring adequate facilities exist.

**Response 20-QQ** The County has revised the Final EIR to include the information provided below. Also Table 4.13-1 has been updated with current information. Note that the Penn Valley zone did not change but that the Connected and Standby EDUs for Lake Wildwood varied by 3 EDUs. The number of Unallocated EDUs (those EDUs that have not been assigned to a specific zone) increased from 0 to 732.

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

**Table 4.13-1  
Sewer Availability**

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

Source: Department of Public Works, Sanitation Division, 20092014.