

SECTION 3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

3.1 Introduction

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

3.2 List of Commenters

State Agencies

- Letter 1 Governor's Office of Planning and Research
- Letter 2 Department of Transportation (CALTRANS)
- Letter 3 Water Boards – Central Valley Regional Water Quality Control Board
- Letter 4 Native American Heritage Commission
- Letter 5 Department of Parks and Recreation

Local Agencies

- Letter 6 City of Grass Valley
- Letter 7 Penn Valley Fire Protection District

Local Organizations

- Letter 8 California Native Plant Society – Rosebud Chapter
- Letter 9 Penn Valley Chamber of Commerce – October 1, 2013
- Letter 10 Penn Valley Chamber of Commerce – October 29, 2013
- Letter 11 Penn Valley Chamber of Commerce – November 1, 2013
- Letter 12 Penn Valley Chamber of Commerce – November 17, 2013
- Letter 13 Rural Quality Coalition
- Letter 14 Wolf Creek Community Alliance

Individuals

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

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

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

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

Letter 130	Comments from Planning Commission Hearing on October 10, 2013
Letter 131	Penn Valley Area Chamber of Commerce, December 10, 2013
Letter 132	Petition

3.3 COMMENTS AND RESPONSES

3.3.1 Requirements For Responding To Comments On A Draft EIR

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

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

3.3.2 Master Response to Comments

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

- Simplifying the responses to comments by avoiding unnecessary repetition in individual responses, and
- Addressing issues in a broader context than might be required by individual comments. The County has prepared these Master Responses to address these common comments and questions.

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

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

8. How many units will be on each site?

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

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

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

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

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

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

¹ California Department of Housing and Community Development, *Incentives for Housing Element Compliance*, updated January 2009; http://www.hcd.ca.gov/hpd/hrc/plan/he/loan_grant_hcompl011708.pdf

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In the case of the proposed project, the EIR is evaluating the potential effects on the physical environment of the development of high density housing on 18 selected sites in the unincorporated area of Nevada County. The selected topic areas of discussion are based on the CEQA Environmental Checklist provided in Appendix G of the State CEQA Guidelines³.

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

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

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

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

The following site selection criteria are provided in Section L-II 2.7.11.B.2 of the County Land Use and Development Code (LUDC):

Site Selection Criteria. For sites to be designated under the Regional Housing Need (RH) Combining District, the site must meet the following criteria:

- a. Generally, the site must be identified by the County to satisfy the Regional Housing Need as outlined in L-II 2.7.11.B.1 above. A private landowner however, may apply for the RH designation if the landowner has received concurrence from the Board of Supervisors, prior to submitting an application for rezone, that the rezoning of the site to add the RH overlay is necessary to meet a Regional Housing Need.
- b. The site is currently undeveloped or it can be demonstrated that the site is underdeveloped.

³ <http://ceres.ca.gov/ceqa/guidelines/appendices.html>

- c. The site is of adequate size and shape to allow for the reasonable development of residential housing at the minimum densities required under Standard L-II 2.7.11.B.3.
- d. The site has ingress and egress on a County maintained road or can be connected to a County maintained road pursuant to Standard L-II 2.7.11.C.8.
- e. The site is in or within a reasonable walking distance to a Community Region or Village Center, as shown on the General Plan Land Use Maps, which has access to schools, services, fire protection and jobs.
- f. The site is located on or is within reasonable walking distance to a public transit route.
- g. The site is within or can reasonably be annexed into an existing sanitary sewer district and public water district.
- h. The anticipated residential development can be sited to avoid major environmental hazards and/or constraints including but not limited to wetlands, watercourses, floodways, steep slopes, geologic hazards, archaeological resources, sensitive habitat areas, and airport noise and safety zones that limit density.

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

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

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

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

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

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

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

3.3.3 Responses To Comment Letters

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

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

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

Letter 1



Edmund G. Brown Jr.
Governor

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



Ken Alex
Director

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NOV 15 2013

Nevada County Community
Development Agency

November 13, 2013

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

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

Dear Tyler Barrington:

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

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

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

1-A

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

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

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

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

Document Details Report
State Clearinghouse Data Base

SCH# 2009072070
Project Title Housing Element Rezone Implementation Program EIR
Lead Agency Nevada County

Type EIR Draft EIR
Description Note: 60 Day Review per lead

REZONE (Z12-002), General Plan Map Amendment (GP12-002), and Certification of the EIR (EIR12-002). The project proposes changing the General Land Use and Zoning Designation for 18 selected properties to Urban High Density/high density residential zoning (UHD/R3) and adding the Regional Housing Need (RH) Combing District (LUDC Sec. L-II 2.7.11) to accommodate the future development of high density housing, as mandated by the State Department of Housing and Community Development.

Lead Agency Contact

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

Project Location

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

Proximity to:

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

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Flood Plain/Flooding; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Sewer Capacity; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 2; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 3 N; Department of Housing and Community Development; Regional Water Quality Control Bd., Region 5 (Sacramento); Native American Heritage Commission

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

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

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

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

Letter 2

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

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

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November 6, 2013

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STATE CLEARING HOUSE

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

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

Housing Element Rezone Implementation – Draft Environmental Impact Report

Dear Mr. Barrington:

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

Traffic and Circulation

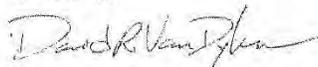
- 2-A | For the purposes of intersection control, please also consider the installation of a roundabout at the proposed realigned intersection of Town Talk Road/Triple Crown Road/Brunswick Road in lieu of a traffic signal. If this intersection is ultimately signalized as proposed in the DEIR, this traffic signal will require coordination with the traffic signal at the intersection of Sutton Way and Brunswick Road.
- 2-B | With regard to Site 13, it is assumed in the report on page 3-61 that new access to Site 13 from State Route (SR) 20 will be provided in the area across from Cattle Drive. Please be advised that SR 20 is access controlled and no new access will be provided within the access control area.
- 2-C | Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this development.

"Caltrans improves mobility across California"

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

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

Sincerely,



DAVID R. VANDYKEN, Chief
Office of Transportation Planning – North

c: Scott Morgan, State Clearinghouse

"Caltrans improves mobility across California"

Letter 2 – California Department of Transportation (CALTRANS)

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

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

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

Letter 3



Central Valley Regional Water Quality Control Board

3 October 2013

RECEIVED

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11/12/13
C

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

OCT 04 2013
STATE CLEARING HOUSE

CERTIFIED MAIL
7013 1090 0001 3130 2908

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

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

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

3-A

Construction Storm Water General Permit

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

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

KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCEE, EXECUTIVE OFFICER
11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley

REGULATED PAPER

Housing Element Rezone Implementation
Program EIR Project
Nevada County

- 2 -

3 October 2013

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

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

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

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

Industrial Storm Water General Permit

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

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

Clean Water Act Section 404 Permit

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

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

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

3-A
CONT'D

Housing Element Rezone Implementation
Program EIR Project
Nevada County

3 October 2013

3-A
CONT'D

Clean Water Act Section 401 Permit – Water Quality Certification

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

Waste Discharge Requirements

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

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

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



for Trevor Cleak
Environmental Scientist

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

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

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

Letter 4

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

NAHC

001

STATE OF CALIFORNIA

Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd., ROOM 100
West SACRAMENTO, CA 95891
(916) 373-3710
Fax (916) 373-6471



October 14, 2013

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



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

Dear Mr. Barrington:

4-A

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

4-B

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

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

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

Sincerely,

Rob Wood
Associate Government Program Analyst

CC: State Clearinghouse

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

NAHC

002

TRIBAL CONSULTATION LISTNevada County
October 14, 2013

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

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

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

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

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

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

Letter 4 – Native American Heritage Commission

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

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

Letter 5



State of California • Natural Resources Agency

Edmund G. Brown Jr., Governor

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

Major General Anthony L. Jackson, USMC (Ret), Director

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NOV 12 2013

Nevada County Community
 Development Agency

November 6th, 2013

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

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

To Mr. Barrington,

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

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

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

5-A

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

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

- 5-B The CA State Parks mission statement (http://www.parks.ca.gov/?page_id=91) and the CA State Parks Department Operations Manual (D.O.M.) direct the agency to insure for the health of the natural ecosystems that are contained within park properties, as well as the health and safety of the public (park visitors, park employees, and park residents) and also for the creation and maintenance of outdoor recreation for the state's visitors and residents. The following summary of comments reflects these internal policies and directives of the CA State Parks:
- 5-C • CA State Parks analysis of the Housing Rezone DEIR concludes that there would be impacts to visitor enjoyment, nearby trails and resources at Empire Mine SHP from the development of "Site 2" and/or the adjacent Berriman Ranch "Alternative Site 7" as these sites are directly adjacent to the Hard Rock Trail. Impacts include user-created (un-official) trails from adjacent lands and visual/aesthetic changes that may impact both the visitor experience and wildlife resources.
 - 5-D • CA State Parks also finds significant impacts to the biological and hydrological resources of Empire Mine SHP as well as impairment of the visitor experience from future development of the "East Bennett Alternative Site". The "East Bennett Alternative Site" is situated directly north of the Bennett Street Grasslands, a unique low elevation wet meadow that CA State Parks acquired in 2002.
 - 5-E • CA State Parks finds significant impacts to Empire Mine SHP operations. Empire Mine State Historic Park receives fees from visitors entering the historic mine area. Another residential development adjacent to the park, where residents can easily walk or ride into the park without paying fees but use the park trails, bathrooms, etc. will further increase non-paid visitation and use. This increase in non-paid visitation will not help support the cost of maintaining park facilities, operations, and resources that will be impacted, i.e., park trails, bathrooms, day use areas, public safety, natural and cultural resources.
 - 5-F • CA State Parks finds significant impacts to Empire Mine SHP revenue generation. CA State Parks uses entrance fees/revenues to fund park operations and facilities. Residents of the new proposed development will use the State Park as a local park for recreation. If the DEIR is approved CA State Parks would request the County of Nevada to contribute Quimby Act funding, i.e., recreation impact fee/property tax revenues generated by the development project to help mitigate increased use from the residential development and to fund the obligation of enforcement and monitoring.
 - 5-G • The Mixed Use Commercial (MUC) area needs to incorporate 100 foot of defensible space requirement around structures in mountainous areas per Public Resources Code 4291. The CA State Parks will not allow defensible space on park land to accommodate for the development.

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

5-H

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

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

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

Sincerely,



Matt Green, Sierra Gold Superintendent
Sierra District

cc: State Clearinghouse

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

Comments:

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

5-I

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

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

CA State Park comments on the County of Nevada Housing Element Rezone Program
Implementation draft EIR – SCH# 20090720704.3 Aesthetics

• 4.3.1 Environmental Setting

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

5-I
CONT'D

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

5-I
CONT'D

- 4.3-2 Scenic Vistas
 - This section defines scenic vistas as “views of natural features such as topography, watercourses, rock outcroppings, and natural vegetation.” It also states that these natural features “would be altered by the development of the project” and that many of the proposed development sites are already degraded by the presence of existing “commercial, residential, industrial, and institutional developments.” The current views from Empire Mine park property onto the adjacent Site 2 lands do not include views of any structures, and the alteration of this landscape to views of high density housing units is a major concern of CA State Parks. Placing high density housing on Site 2 would have an adverse impact on scenic vistas and therefore this section should be changed to reflect this.
 - This section also mentions the development of a “landscape plant matrix that devises different plant species and evaluates the appropriateness of each species for each of the development sites.” CA State Parks requests a list of the species included in these plantings, as many commonly used horticultural species can become invasive and impact the natural resources at Empire Mine SHP.
- 4.3-4 Light and Glare
 - This section states that “excessive light spill-over may act as a deterrent to wildlife in sensitive habitat areas during evening hours.” CA State Parks is very concerned that any increase in nighttime light levels may impact wildlife negatively at Empire Mine SHP, as light pollution will be increased compared to current levels with the implementation of any development, particularly with the proposed housing density of 20 units per acre. Even with the Nevada County “Development Review” process ensuring “that the exterior lighting does not spill over onto the adjacent uses”, ambient light levels would most likely increase to adjacent Empire Mine park lands. Empire Mine SHP has had a history of containing sensitive wildlife such as the California Spotted Owl (CA Fish and Wildlife Species of Special Concern) and provides habitat for a myriad of other wildlife species. CA State Parks requests that the draft EIR take into account the adjacent Empire Mine park lands of Site 2 as critically important for wildlife habitat.

4.4 Biological Resources

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

CA State Park comments on the County of Nevada Housing Element Rezone Program
Implementation draft EIR – SCH# 20090720704.5 Air Quality

- 4.5-1 Short-Term (Construction) Air Quality
 - Construction Equipment and Worker Vehicle Exhaust, Pages 4.5-13 and 4.5-14 states that fugitive dusts, Reactive Organic Gases (ROG), NO_x and PM₁₀ would be produced as a result of construction activities. This impact would remain “significant and unavoidable” even with the implementation of Mitigation Measure 4.5-1a, due to the scale of the project. This is a major concern of CA State Parks, as it relates to the health and safety of the visitors to and employees of Empire Mine SHP and could negatively affect park visitation in the short term.
 - Construction Odors, Page 4.5-14 states that odors associated with the operation of construction vehicles, particularly diesel exhaust “are not generally considered offensive”, would “occur during daytime hours only”, and would be “isolated to the immediate vicinity of the construction site and activity.” These impacts are considered to be “less than significant” due to the fact that they do not affect “a substantial number of people.” Daytime hours are when trails within Empire Mine SHP are most heavily recreated, and are used by a large number of residents and visitors. CA State Parks is concerned that diesel fumes created during construction activities could negatively impact user enjoyment of the Hardrock trail, which is located in close proximity to proposed Site 2.

4.11 Noise

- 4.11-1 Short-Term (Construction) Noise
 - CA State Parks is concerned that noise levels associated with construction at the proposed Site 2 “between 70 and 90 decibels at 50 feet from the noise source” could impact visitation to Empire Mine SHP and affect wildlife. Table 4.11-5 lists “Playgrounds, Neighborhood Parks” as having a maximum limit of 70 dB of allowable noise exposure. Empire Mine SHP should be considered a “Neighborhood Park”. CA State Parks requests that Site 2 have a considerable setback from Empire Mine SHP property to limit noise disturbance to park visitors and wildlife from construction activities.
- 4.11-2 Short-Term (Construction) Ground-borne Vibration
 - CA State Parks is concerned that this impact “could generate or expose persons or structures to excessive ground-borne vibration”, specifically since Empire Mine SHP is located adjacent to the proposed Site 2. CA State Parks requests information on how would the impact of construction noise and ground-borne vibrations affect wildlife, especially nesting habits, at a close proximity of 300-500 feet. Park visitation and outdoor recreation occurs at close proximity to Site 2 at Empire Mine SHP, and CA State Parks is concerned that only nearby housing and residents were considered as targets for impacts.

5-I
CONT'D

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

5-I
CONT'D

4.14 Recreation

- 4.14-1 Physical Deterioration of Recreational Facilities
 - On Page 4.14-7 the draft EIR states: "The proposed project does not identify the construction of trails, or community or regional parks to alleviate the increased demand on existing facilities. Therefore, the project has the potential to increase the demand for existing community and regional parks in the County or City, which could accelerate or result in their physical deterioration." Site 2 of the proposed project places a maximum of 227housing units (at 2.00 persons per household for Grass Valley) very close to Empire Mine SHP. A sudden increase of 454 regular park users may result in "substantial deterioration" or accelerated deterioration of existing trails within Empire Mine SHP. Mitigation measure 4.14-1 does not address impacts to state owned parks or facilities such as Empire Mine SHP from increased demand.
 - Boundary fence maintenance and repairs at Empire Mine SHP: With an increase in user-created trails there will be a marked increase in people cutting fences to create access where none has existed before. Fences help us keep out unauthorized motor vehicles and potential illegal activities and minimize environmental damage – so they are essential to protect the resources. They also help us control the number of access points to a level that we, in theory, can keep on top of, patrol-wise and maintenance-wise. These new neighbors will increase our fence maintenance substantially. We may not be able to keep up with the cutting. If left open and unsecured, the potential damage to resources could be considerably greater than we could keep up with and the park will become overrun with access points. The work to stay on top of repairing and patrolling these areas will take away from our other responsibilities and duties.

6.0 Alternatives

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

5-J

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

5-J
CONT'D

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

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

- Air Quality, Page 6-17 states that “Alternative 2 would result in equivalent air quality impacts and a substantial deterioration compared to the proposed project.” Substantial deterioration of air quality in the vicinity of Empire Mine SHP in general could impact park visitor use and enjoyment.
- Biological Resources, Page 6-17 states that “impacts to biological resources under Alternative 2 would be equivalent to the proposed project”. CA State Parks does not necessarily dispute this statement but we are nonetheless concerned about impacts to Biological Resources to the adjacent Bennett Street Grasslands and the South Fork Wolf Creek at Empire Mine SHP if development of the East Bennett sites would potentially occur as stated in the draft EIR:

5-J
CONT'D

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

- The East Bennett sites are currently providing a buffer from surrounding developments and wildlife migration corridors to the Bennett Street Grasslands at Empire Mine SHP.
 - Alteration or development of the East Bennett site 7 potentially could alter hydrological regimes at the Bennett Street Grasslands and the South Fork Wolf Creek at Empire Mine SHP as both areas have contiguous wet meadows and wetlands only interrupted by East Bennett Street itself.
 - Alteration or development of the East Bennett site 7 may result in altered hydrology at Empire Mine SHP, which could negatively impact suitable habitat of the California red-legged frog, foothill yellow-legged frog, and the Northwestern pond turtle along the South Fork Wolf Creek.
 - In addition, the East Bennett site 7 is known to contain several California Native Plant Society watchlist plant species that extend onto Empire Mine SHP including Sierra Brodiaea (*Brodiaea sierrae*) and Bacigalupi's Yampah (*Perideridia bacigalupii*). CA State Parks was also informed about a population of Flannelbush on the East Bennett site 7 which could be the Pine Hills Flannelbush (*Fremontodendron decumbens*), a state-listed rare plant (although there is some confusion about this plant species identification) by way of the Idaho Maryland Mine draft EIR in 2009. The Flannelbush does not occur at Empire Mine SHP but CA State Parks wanted to inform Nevada County about the potential occurrence of these plants at Site 7 of the East Bennett sites.
- Cultural Resources, Page 6-17 states that "impacts associated with Alternative 2 would be equivalent to the proposed project". CA State Parks wants to inform Nevada County that the alternative East Bennett St. site 6 and 7 contain the historic footbed of the Nevada County Narrow Gauge Railroad and several Native American grinding rocks. Geographical context is important to CA State Parks for use in describing Native American traditional societies and subsequent development by settlers. CA State Parks requests that these cultural features be taken into account in any future development of the East Bennett sites.
 - Hydrology and Water Quality, Page 6-18: Alternative 2 could increase the impact of surface water runoff to the Bennett Street Grasslands at Empire Mine SHP. The addition of impervious surfaces to the East Bennett Alternative Site would significantly increase the amount of water flowing through the drainage ditches and culverts along East Bennett Street to the Bennett Street Grasslands, potentially contributing to the development of channelization within known wetlands and wet meadows at Empire Mine SHP. Currently surface water runoff is absorbed into wet meadows on the East Bennett site 6 and site 7 and percolates slowly to the wetlands and wet meadows at Empire Mine SHP. Alteration of the hydrology of the wet

CA State Park comments on the County of Nevada Housing Element Rezone Program
Implementation draft EIR – SCH# 20090720705-J
CONT'D

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

- Noise, Page 6-18: "Alternative 2 would have a slight decrease in noise impacts compared to the proposed project." The noise from construction activities and subsequent increases in traffic noise and ambient noise from new residents as a result of increased population densities could result in significant impacts to the Bennett Street Grasslands portion of Empire Mine SHP. Park visitors are using the Bennett Street Grasslands to enjoy nature and hear natural sounds. Hearing construction activities or traffic noises away from an urban area setting could be considered by park visitors as nuisance noise. The increase in noise may also impact nesting songbirds and ground vibration could disturb small mammal dens at the Bennett Street Grasslands at Empire Mine SHP and CA State Parks is very concerned about this impact.
- Population and Housing, Page 6-18 states that "Alternative 2 would result in equivalent impacts compared to the proposed project." A sudden, large influx in population along East Bennett Street could have significant impacts to the ecosystem health of the Bennett Street Grasslands at Empire Mine SHP. Probable increases in user-created trails, soil compaction, disruption of wildlife and noise could harm wet meadows, wetland and riparian ecosystems and disrupt ongoing grassland and riparian restoration activities that CA State Parks has been performing since 2007 at the Bennett Street Grasslands.
- Recreation, Page 6-18: "Alternative 2 would result in the same amount of residential development as the proposed project and would have a similar demand for park and recreational facilities." CA State Parks is concerned that as the closest recreational opportunity to the East Bennett sites, residents' first choice would be Empire Mine SHP and the Bennett Street Grasslands in particular. Currently the Bennett Street Grasslands do not contain official trails and associated park infrastructure, and CA State Parks is concerned that an influx of adjacent residents could damage the ecosystem health without officially established infrastructure.
- Transportation/Traffic, Page 6-19: Increases in traffic and vehicle emissions locally on East Bennett Street could have significant impacts to the Bennett Street Grasslands at Empire Mine SHP such as park visitor enjoyment, visitor access and parking, wildlife, and adjacent vegetation communities.

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

5-J
CONT'D

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

Appendix B. Site Analysis Report

5-K

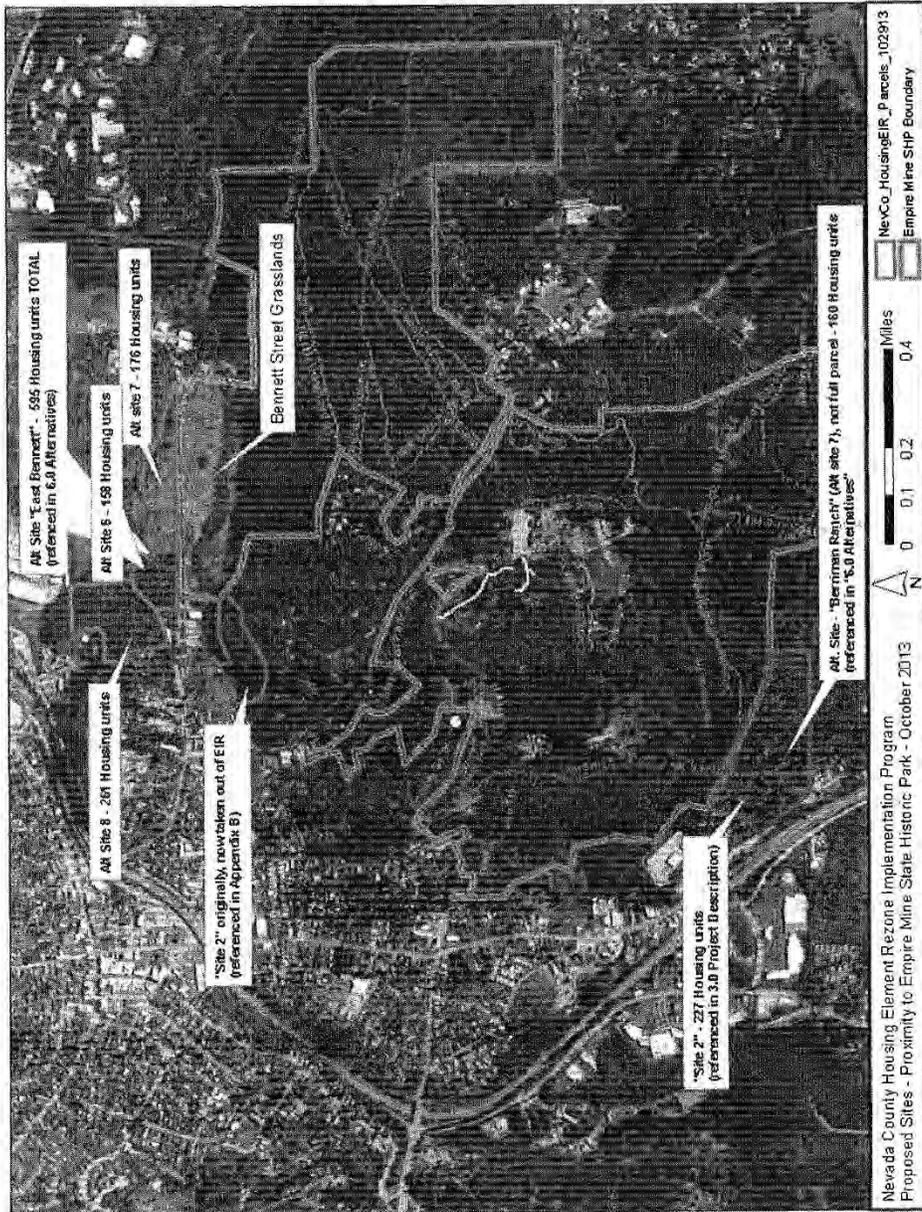
- Appendix A. Field Reports and Aerial Photos
 - Site 2 (APN 0927004) listed in Appendix B is located South of Bennett St. and east of Colfax Avenue, both south and west of the school bus yard along the South Fork of Wolf Creek. This is contrary to the main body of the draft EIR, which states that Site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

5-L

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

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

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



Letter 5 – California Department of Parks and Recreation

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

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

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

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

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

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

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

- Response 5-E:** The County does not concur with this comment. The proposed sites adjacent to the Empire Mine State Historic Park have been previously zoned for development. It is not the County's or adjacent property owners responsibility to ensure security or maintenance of the park.
- Response 5-F:** The County concurs with this comment. Pages 6-18 and 6-23 of the Draft EIR had been revised to state that development associated with Alternative 2 and Site 7 of Alternative 3 would be required to contribute to Recreation Mitigation Fee funding or other such fee program as determined by the County as a fair share payment for use of the Empire Mine State Park given those sites' proximity to the park.
- Response 5-G:** The project does not proposed mixed-use commercial development on any of the sites adjacent to the Empire Mine State Historical Park; however the County notes that any development adjacent to the Park would have to accommodate all fire clearing requirements on the project site.
- Response 5-H:** The County acknowledges and appreciates these comments. Please see Responses 5-F and 5-D.
- Response 5-I:** The County acknowledges and appreciates these comments. However, the property owner for Site 2 has elected to withdraw from the program. As such, development on Site 2 is no longer proposed any impacts associated with this site are no longer relevant.
- Response 5-J:** The County acknowledges and appreciates these comments. Please see Response 5-D above. Should the Board of Supervisors decide to pursue one of these project alternatives, additional studies would be required to evaluate the project specific impacts of placing the R3-RH zone over the sites. The comments from the State Department of Parks and Recreation (DPR) are noted, and if further action is taken on the properties discussed in Alternative 2 and Alternative 3, additional coordination between the County and DPR would occur.
- Response 5-K:** The site discussed in this comment was dropped from consideration before the initial site analysis report was completed. Another site was added in its place and the numbering of the some of the sites changed. Because a numerical labeling system for the sites was used, it made sense to continue to use Site 2 in order to maintain sequential numbering.
- Response 5-L:** The County concurs with this comment. The Site 2 identified in the Site Analysis Report (Appendix B of the Draft EIR) was not analyzed in the EIR and is not part of the proposed project. Any future development of the site would require additional study per the County's existing permitting process.

Letter 6



A CENTENNIAL CITY

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

125 East Main Street
Grass Valley, CA 95945

Building Division
530-274-4340
Planning Division
530-274-4330
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November 12, 2013

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



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

Dear Mr. Barrington,

6-A

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

6-B

6-C

1. Comments on the Draft EIR:

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

6-D

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

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- 6-E c. P. 2-15. MM 4.2-1: States the potential land use conflicts would be addressed through policy agreements between the two jurisdictions. The City requests this mitigation be more specific and include guiding principles for such an agreement. As written, it is too broad to constitute effective mitigation, and should be written to help guide this future unknown process.
- 6-F d. P. 4.2-13. Analysis of Policy 1.38. The analysis concludes that the project is consistent with the policy. The policy is under a County goal, and reiterated in a subsequent joint land use planning agreement between the City and County, that the jurisdictions will strive to achieve consistent land use designations within the Grass Valley Sphere of Influence. The policy specifically states the County land use maps will generally reflect the City's General Plan land use but may provide for less intensive land use in certain instances. The EIR needs to acknowledge that the proposed project will result in a land use conflict and that the conflict results in a significantly more intense land use (six times more residential units than planned for by the City General Plan). Therefore, the EIR should conclude the project is inconsistent with this policy.
- 6-G e. P. 4.13-7. 4th paragraph under City of Grass Valley - Note the Fire Department has a rating of 3 when last rated in 2013, vs. 4 in 2003.
- 6-H f. P. 4.13-8. Under wastewater – 1- There is no discussion or analysis of the sewer collection system as requested in the NOP and as noted in 1.b above. This is a potentially significant issue for Sites 3-9 and needs to be addressed. The Loma Rica Ranch EIR noted several needed upgrades to the wastewater collection system in this area of the City. Since the proposed project's increased dwelling units were not anticipated in the current collection system, it is likely that the collection system will be inadequate to serve the additional housing proposed. 2 - Also delete reference to "Glenbrook Sanitation District" since the district no longer exists.
- 6-I g. P. 4.13-5, 8, and 18. Under water supply, note that NID supplies water to portions of the City. Also note that the City could be the provider for Site 1.
- 6-J h. P. 4.13-16. Mitigation Measures 4.13-1a and 1c. What if the response from police and fire on the ability to serve is "no"? Development impact fees can be used for facilities and equipment. Sales and property taxes will provide some funding; however, the tax structure may not be adequate to fund the necessary service requirements for the proposed increase in housing and population. The mitigation must be clarified to address a possibility of a "no" answer. This may include the possible need to form an assessment district to fund certain services.
- 6-K i. P. 4.15-7. Grass Valley SOI Bicycle and Pedestrian Facilities. Note that the City has several other Class II facilities (along portions of W. Main, McCourtney Road, McKnight Way, Idaho-Maryland Road, and Sierra College Dr.).
- 6-L j. P. 4.15-44 and 45. City of Grass Valley- traffic policy discussion- Note that the City rescinded that policy in February 2012 and adopted a new one which is in Section 3 of the City's Improvement Standards. The EIR should rely on the current traffic policy.
- 6-M k. Mitigation Measures 4.10-1b, 2, 3. Add "and Public Works Department" after Planning Department to the text in parenthesis.
- 6-N l. Mitigation Measures 4.15-2 and 3. Since the mitigation applies to two intersections in the City, staff recommends the County consider modifying the mitigation as follows to achieve consistency with the approach taken by the City in the DEIR for the Southern SOI and with the City's traffic policy:

6-N
CONT'D

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

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

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

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

6-O

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

2. Comments on Policy and Land Use Conflicts:

6-P

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

6-Q

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

- 6-R b. County Policy 1.36 states that GPAs should be approved to create balanced growth. The proposed densities for residential development clustered in one area (Sites 3-9) do not meet that balance test. These high concentrations in one area will strain public services. The County and City General Plans both currently mix land uses throughout the SOI to achieve a good balance of housing types and densities in walking distance to jobs, retail and office services. The proposed GPAs for Sites 3-9 will disrupt the anticipated and planned for growth pattern and sustainable balance that both General Plans attempt to achieve.
- 6-S c. Conflicts with County GP policy 1.38 – The policy states that the County General Plan should generally reflect the City General Plan, but in some instances a “less intensive” land use may be more appropriate. This proposed plan does the opposite; it increases the intensity. Currently the City and County plan for a maximum of 492 dwelling units on the 61.5 acres on Sites 3-9. The proposed GPA would allow up to 1,230 dwelling units there. The City does not believe a concentration of over 60 acres of High Density Residential meets many of its goals and policies as expressed in the General Plan, nor does it meet the intent of several County policies. Therefore, the City suggests dispersing this cluster by placing the HDR areas in other locations in the City’s SOI as noted in section 3 below.
- 6-T d. County Policy 1.40 – This policy states that the County will cooperate, “to the extent feasible” as it pertains to planning in a city SOI. Since the County has embarked on this effort, the City has consistently stated it wishes to cooperate with the County and has offered suggestions on alternative sites rather than one large cluster of HDR (Site 3-9). While the DEIR did address other sites in the alternatives analysis, the City believes those alternative sites are more appropriate and the City will support the County’s effort to amend the General Plan to increase residential clusters on other properties as noted in section 3 below. The City will also work with the County on additional public outreach in support of the alternative sites.
- 6-U e. County Objective 1.22 and policy 1.43 – Discuss an equitable distribution of revenues. The City has significant concerns with the large cluster of HDR in Sites 3-9 since high density residential is much more costly to provide services, particularly as empirical evidence demonstrates within the low and very low income housing projects in the City.
- 6-V f. The memorandum of understanding (MOU) between Nevada County and Grass Valley states the intent of the MOU is to minimize land use conflicts in the City’s SOI. Section III A of this MOU establishes the review procedure for joint planning and cooperation. The proposed HDR creates significant inconsistency between the two General Plans. The policy agreement proposed in MM 4.2-1 should include parameters for an agreement. This may include a modification of Procedure 3 in the MOU, a more specific process and options to address the transfer of housing units per GC 65584.07 where an inconsistency has been created as a result of this project, and a clear understanding that Grass Valley contains a significant portion of affordable and subsidized housing in the region and that this fact needs to be addressed at a more regional level (i.e. spread equally around the County). Most importantly, there needs to be an understanding that Grass Valley does not have an unlimited ability to absorb a majority of high density housing for western Nevada County into the future. The City has a limited infrastructure and service capacity. Specifically, the City’s infrastructure has been planned to accommodate a certain level of development and does not have unlimited capacity to absorb a majority of

6-V
CONT'D

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

3. Policy Opportunities and Recommendations

6-W

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

6-X

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

6-Y

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

6-Z

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

6-AA

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

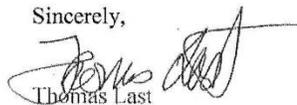
6-BB

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

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

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

Sincerely,



Thomas Last
Community Development Director

Letter 6 – City of Grass Valley

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

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

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

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

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

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

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

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

In 2000, the [Waste Water Treatment Plant] WWTP capacity was expanded to treat up to 2.78 mgd, with 7.6 mgd capacity for peak flows. The plant has been improved to a secondary treatment plant providing preliminary treatment, primary clarification, trickling filter/solids contact process for secondary treatment, filtration for effluent polishing, and disinfection with ultraviolet light. The WWTP is permitted to discharge to Wolf Creek an average dry weather flow of not to exceed 2.78 million gallons per day (gpd), or 7.6 mgd for peak flows, and currently receives an average flow of 1.72 mgd.

Future demand for wastewater service is addressed in the City's General Plan and includes the Sphere of Influence Plan. The capacity of the plant can accommodate a service population of 21,000, the City's projected population within the Sphere of Influence over the next 20 years. The City Sphere of Influence Plan notes the current WWTP capacity has between 4,000 to 4,800 equivalent dwelling units (EDUs) available. It also notes that this capacity is expected to increase once the flows from the Newmont Mine are diverted to a private system, which is anticipated to be completed in 2014.⁴

The maximum yield for the proposed project sites within the City's Sphere of Influence, is a total of 1,478 units. Assuming a 0.71 EDU for multi-family units⁵, approximately 1,049

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

⁵ County of Nevada

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

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

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

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

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

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

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

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

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

- Response 6-J** The County concurs that additional funding for public services may be required. Mitigation measure 4.13-1((a) and (c)) have been revised to include the following statement: “The formation of an assessment district may be required to provide adequate public safety services.”
- Response 6-K** The EIR has been revised to reflect this change. This change did not add any significant new information that resulted in new impacts or increase the severity of any previously identified impacts.
- Response 6-L** The EIR has been revised to reflect this change. This change did not add any significant new information that resulted in new impacts or increase the severity of any previously identified impacts.
- Response 6-M** The EIR has been revised to reflect this change. This change did not add any significant new information that resulted in new impacts or increase the severity of any previously identified impacts.
- Response 6-N** The County has reviewed and considered the proposed mitigation language and has incorporated portions of the document into Mitigation Measures 4.15-2 and 4.15-3.
- Response 6-O** The County has reviewed and considered the suggested language. The mitigation currently states that the developer and City should enter into a reimbursement agreement for improvements costs. The mitigation language has been modified to clarify that an assessment district could be considered as a cost sharing mechanism.
- Response 6-P** The County acknowledges and appreciates this comment and will address these comments in working to develop policy agreements as part of Mitigation Measure 4.2-1. The County acknowledges that any policy agreement would have to be approved by the City Council. As such, the potential impact is determined to be significant and unavoidable even with the mitigation because the County Board of Supervisors does not have jurisdiction over the City Council.
- Response 6-Q** The County acknowledges that the proposed density is higher than what the City currently has proposed, which is why Mitigation Measure 4.2-1 is included in the EIR.
- Response 6-R** Please see Response 6-F above.
- Response 6-S** The County acknowledges and appreciates this comment. The County concurs that the project would increase the existing allowable density on Sites 3-9. The County identified the proposed properties based on their feasibility for high density residential development, proximity to existing services, and the willingness of property owners to participate in the program, all of which were critical components mandated by the County Board of Supervisors. The EIR does contain project alternatives which allow for the dispersion of some of the units along Brunswick Road which will be considered by the Board of Supervisors when considering the merits of the program.
- Response 6-T** The County acknowledges and appreciates this comment. As noted in the Response 6-S above, the County identified the proposed properties based on their feasibility for high density residential development, proximity to existing services, and the willingness of property owners to participate in the program, all of which were critical components mandated by the County Board of Supervisors. The EIR does contain project alternatives which allow for the dispersion of some of the units along Brunswick Road which will be considered by the Board of Supervisors when considering the merits of the program.

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

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

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

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

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

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

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

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

Letter 7

**PENN VALLEY FIRE
PROTECTION DISTRICT**

Fire Chief
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Bob Webster, Director
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Date: November 12, 2013
To: Tyler Barrington
Principal Planner, Planning Department
Nevada County
From: Gene Vander Plaats *[Signature]*
Fire Chief
Penn Valley Fire Protection District
Subject: High Density Housing, Penn Valley Area



Mr. Barrington:

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

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

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

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

Thank you for your time.

PROTECTING OUR COMMUNITY WITH PRIDE

Letter 7 – Penn Valley Fire Protection District

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

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

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