

Letter 4

William Abbott
22595 Hidden Ranch Rd.
Auburn, CA 95602

RECEIVED

MAR 20 2012

Nevada County Community
Development Agency

March 8, 2012

To: Nevada County Planning Department
Attn: Brian Foss – Principal Planner
950 Maidu Ave>
Nevada City, CA 95949

Subject: Response to Rincon del Rio Draft EIR

Please add this correspondence as part of the public record and the administrative record related to the Rincon Del Rio project.

Noise

The draft EIR is inadequate because it does not address noise impact from the following specific outdoor activities/sites: skeet shooting, Club House, Event Lawn, Homestead Gazebo Site and Hilltop Recreation & Picnic Sites. Skeet shooting is advertised on the Rincon del Rio website at rincondelrio.com and the aforementioned recreational/entertainment sites are depicted in the applicant's Recreation Amenities Site Plan.

4-1

The EIR must analyze the noise impact from these specific recreational sources and assess whether decibel levels associated with related activities comply with the statement on page 3.11-33 of the DEIR "Predicted future on-site noise levels would not be projected to exceed the County's normally acceptable noise standard of 60 dBA CNEL/Ldn at proposed onsite land uses."

Note: Table 3.11-3 location 3 is incorrect. Location 3 as shown on the map is not Connie Court but rather Rodeo Flat Road.

Lighting

The draft EIR is inadequate because it does not quantitatively address the CEQA Guidelines Appendix G Thresholds of Significance Standard 4 "Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area."

In the DEIR Section 3.1 Aesthetics, Impact 3.1.3 states, "These new light sources could adversely affect adjacent areas with light spilling over and could contribute to skyglow conditions in the project area" but, subsequently concludes "this impact would be considered less than significant."

4-2

There is no empirical data to support this conclusion. Specifically, the photometric (lighting) plan prepared for the proposed project (Figure 2.0-9 in Section 2.0) does not

Letter 4 Continued

provide any luminaries' photometrical data, such as wattage or lumens. The lighting plan also did not include any data on duplex and cottage patio lighting such as flood lamps and interior lighting extrusion from windows.

In order to allow full public review of potential consequences from the proposed project, **Section 3.1** of the EIR must include:

- Luminaries' photometrical data, such as wattage, lumens and hours operation.
- Data on duplex and cottage patio lighting such as flood lamps and interior lighting extrusion from windows and their cumulative effect on light pollution.
- Confirmation that there is no lighting for evening pickle ball, tennis or other recreational activities, as the lighting plan does not indicate any.
- Confirmation that the 8 foot and 12 foot luminaries will be turned off at 11pm in accordance with The **Nevada County Chapter II of the Land Use and Development Code, Section L-II 4.2.8 Lighting, Standard D.9**, "Lighting shall be turned off between 11 p.m. and sunrise, except for those businesses operating during these hours or where a safety or security need is clearly demonstrated."

4-2
cont

If project applicant claims a safety or security need warrants full nighttime lighting, then this project is NOT suitable for the subject rural location. Hidden Ranch Estates, Lake of The Pines, Ranchos and other surrounding communities do not have street lighting. In keeping with the rural environment, this project also should NOT have street lighting.

Human Health/Safety

The draft EIR is inadequate because the mitigation measure to **Impact 3.8.7 Implementation of the proposed project would expose people and structures to significant hazards involving wildland fires** is not feasible given the project location, egress points and senior residents' mobility limitations. A single flow of traffic coming from the Ranchos, Lake of the Pines, Dark Horse, Hidden Ranch Estates and the Rincon del Rio Senior Facility cannot feasibly travel along Rincon Way and onto Highway 49 in a safe manner during an emergency evacuation. A master emergency evacuation plan for the project site AND surrounding communities should be prepared and included in the final EIR for both public and fire agency review and comment, in accordance with the **CEQA objective of "allow full public review of potential consequences"**.

4-3

In closing, the project scope and scale should be reduced to minimize environmental impacts. I encourage you to seriously consider Alternative 3, a downscaled version of the project, and raise the minimum age requirement from 55 to 65 years of age.

4-4

Bill Abbott
22595 Hidden Ranch Road
Auburn, CA

Letter 4 – William Abbott

Response 4-1: The comment states that the Draft EIR does not address noise that would be generated by skeet shooting or at the clubhouse, event lawn, homestead gazebo site, and hilltop recreation and picnic sites. While the project applicant's website may advertise skeet shooting as an activity in which residents could participate, it was not meant to describe skeet shooting as an on-site activity; "off-site activities" will be available to residents, organized through the on-site administration. The applicant does not intend to provide skeet shooting as an on-site activity (Creighton 2012). Regarding other activities on the project site, any activity occurring on the project site would be required to comply with maximum allowable noise standards established by the General Plan Noise Element and Chapter II, Section L-II 4.1.7, Noise, of the Nevada County Land Use and Development Code (see Draft EIR pages 3.11-12 through -13), which establish maximum noise levels and standards for evaluating potential noise impacts. Therefore, any event at the clubhouse, event lawn, homestead gazebo site, or hilltop recreation and picnic sites would be required to comply with noise restrictions established by the General Plan and the Nevada County Land Use and Development Code.

Response 4-2: The comment states that the Draft EIR does not adequately address CEQA Appendix G Guidelines related to introducing substantial sources of light and glare because the project lighting plan did not include photometric data for the project lighting or information on duplex/cottage and interior lighting. The comment also states that the Draft EIR should confirm that there is no lighting for recreational activities, and that the project would comply with Section L-II 4.2.8 of the Land Use and Development Code. Finally, the comment states that the project is not suitable for a rural location if it requires night lighting.

Neither the CEQA Appendix G Guidelines nor the Nevada County Code contain numeric standards for lighting, so photometric data requested by the comment would not necessarily provide information on whether the project would be consistent with the code or whether impacts would be significant. As noted on page 3.1-17 of the Draft EIR and on the project lighting plan, the proposed light fixtures would be approved by the IDA (International Dark-Sky Association). The IDA is an educational, environmental 501(c)(3) nonprofit that provides objective, third-party certification for luminaires that minimize glare, reduce light trespass, and don't pollute the night sky. In order to certify outdoor lighting, the IDA evaluates the photometric data of any luminaire submitted by its manufacturer. When the fixture is approved, the manufacturer receives a certificate and the Fixture Seal of Approval and may identify the light as IDA-approved (IDA website, <http://www.darksky.org/FSA>, accessed August 1, 2012). In addition, refer to Response 58-2, which notes that mitigation measure MM 3.4.2e would require that all illumination installed be affixed with glare shields and directed away from adjoining properties and roads. Using IDA-approved lighting, as well as requiring shielding of all illumination, would ensure that the new sources of light and glare introduced by the project would not be substantial or significantly adverse to night-time views in the area.

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Furthermore, any lighting provided for recreational activities would be required to comply with the standards set forth in Land Use and Development Code Section L-II 4.2.8, which would minimize off-site light impacts. For a discussion regarding land use compatibility issues, the comment that the project is not suitable for a rural location if it requires night lighting is referred to Impact 3.10.4 of the Draft EIR.

Response 4-3: The comment states the Draft EIR is inadequate because traffic flowing from the Ranchos, Lake of the Pines, Dark Horse, Hidden Ranch Estates, and Rincon del Rio cannot feasibly travel on Rincon del Rio Way during an emergency, and an emergency evacuation plan for the entire area should be included in the Draft EIR. See Master Response 2.

Response 4-4: The comment states preference for Alternative 3 and requests that the minimum age for the project be raised to 65. The comment is noted.

Letter 5

March 19, 2012

Mr. Brian Foss, Planner
Nevada County Planning Department
County of Nevada
950 Maidu Avenue
Nevada City, California

Mr. Foss:

My name is Joyce Ash and my property is located at 24278 Timber Ridge Drive.

Please add this correspondence and any attachments as part of the public record and the administrative record related to the Rincon del Rio project. This correspondence addresses serious issues and concerns regarding the Rincon del Rio project and the adequacy of the Draft Environmental Impact Report (DEIR) and should be included as part of the County's administrative process in the event a court action occurs.

I am very concerned about the environmental issues, excessive traffic and unsafe roads as outlined within this DEIR. Below, I have listed my major concerns (but certainly not ALL-my neighbors have covered many other areas of concern) regarding this project and I hope that you, the Planning Commission and then the County Board of Supervisors will address these issues prior to implementing any approvals of the Rincon Del Rio Project.

Two years ago I left my suburban home in Yuba City and invested in the property located at 24278 Timber Ridge Drive in the Lake of the Pines (LOP), Ranchos. I bought in the LOP, Ranchos in Nevada County because of the acreage (I can live with my horses on my property where my house is located), the equestrian trails (with access out my back fence), and the area's quiet, rural character.

1) Traffic and Circulation Issues - Mitigation as outlined in the DEIR is inadequate within Traffic Study (3.14.3).

The DEIR *Traffic Study*, Impact 3.14.1 says: "Development of the proposed project could cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system surrounding the project site...." The DEIR goes on to say: "This impact is considered less than significant."

There will be a major increase in traffic and safety issues around the project site on Rincon Way, as well as on Rodeo Flat Road and Timber Ridge Drive. The equestrian trails cross over our private roads in the Ranchos making it necessary to ride our horses on various parts of the roads. The proposed project will increase traffic making it dangerous and will disturb our rural lifestyle. Further, the LOP Ranchos Road Community Services District roads, and Rincon Way are privately owned and not built or maintained to County standards as outlined in the County's General Plan.

5-1

1

Letter 5 Continued

2) Environmental Issues- Public Services and Utilities- The DEIR does not address the Ranchos Equestrian trails and is therefore inadequate - how will there be coordination and/or an integrated trail system?

There are 22+ miles of equestrian trails in the LOP Ranchos, some trails require the riders/horses cross over our narrow, private roads for connectivity. The Ranchos Equestrian trails are not acknowledged in the DEIR-there is no cooperation or coordination of the activities related to trails.

Objective 5.5 of Chapter 5 Recreation of the Nevada County General Plan says: "Cooperate with other public and private entities providing recreation activities to coordinate activities in the County and eliminate duplication of recreational services...." And Objective 5.6 says: "Implement a comprehensive, and where possible integrated, county-wide trail system."

The DEIR says in Section 3.13.7 Parks and Recreation under Section: 3.13.7.2 says:"Element D of the County's Non-Motorized Transportation Master Plan conceptually addresses rural recreational trail facilities with the purpose of formalizing a comprehensive and where possible, integrated countywide trail system..."

5-2

3) The Project is Inconsistent with the Nevada County General Plan- The project is too large and requires 10 amendments to the General Plan. This project should not be allowed to continue at its proposed location.

The Nevada County General Plan serves as the overall guiding policy document for the unincorporated areas of Nevada County. The proposed project needs to limit the development to its current zoning (72 3-acre parcels) and so there is no re-zoning. The Board of Supervisors will make the ultimate determination of consistency with the General Plan and need to make decisions that protect and support the citizens who invest in Nevada County. Citizens depend on Nevada County's General Plan and on the Board of Supervisors to adhere to that plan.

5-3

The reason I relocated was to live in a rural, equestrian environment. I made this move to get away from people, noise, cars, lights, and traffic. The project does not keep with the rural character of the area. Rincon Del Rio is a great project but it is in the wrong location.

5-4

Respectfully,

Joyce Ash
24278 Timber Ridge Drive
Auburn, CA 95602

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter 5 – Joyce Ash

Response 5-1: The comment refers to emergency access via Rodeo Flat Road. See Master Response 1.

Response 5-2: The comment states that the Draft EIR is inadequate because it does not address cooperation or coordination of activities related to trails, specifically equestrian trails in the Lake of the Pines community. The comment asks how there will be an integrated trail system and stated that there was no coordination or cooperation regarding trails.

While the lack of trail coordination is not considered a significant physical environmental effect, it should be noted that the Draft EIR acknowledges that there are a “number of other recreational facilities are located within the BRRPD area that are not owned by the district. Most notable are the various facilities and neighborhood parks in the Lake of the Pines community, the Alta Sierra and Dark Horse golf courses, and the sports fields and multipurpose rooms at the local schools” (page 3.13-34 of the Draft EIR). The trails and other facilities located with the Lake of the Pines are not public facilities. The General Plan objective referenced in the comment does not require the owners of private trails/park facilities to cooperate regarding the planning or connectivity of trails/park facilities that are not intended for public use and that are not located on public property.

Furthermore, the proposed walking trails and soft surface trails are intended to be self-contained and would not provide any connection to existing off-site trail systems. The proposed recreation facilities on the project site have been sized to meet the needs of on-site residents and avoid the need for them to leave the site. As such, the proposed project would not result in any physical impacts to trails or other public facilities. Therefore, no change to the Draft EIR is required.

Response 5-3: The comment states that the project is too large and requires ten General Plan amendments, which makes it inconsistent with the General Plan. See Master Response 3.

Response 5-4: The comment supports the project in a different location. The comment is noted.

Letter 6

Brian Foss

From: John Beal [johnbeal@kemet.com]
Sent: Monday, March 19, 2012 3:00 PM
To: Brian Foss
Subject: RINCON DEL RIO DRAFT EIR - COMMENTS

Dear Sir

My name is John Beal and I'm a 20 year resident of the Ranchos living on Rodeo Flat Rd. There as so many reason why this project is a wrong fit for this location and you have seen this all. The only reason for this project to go through is money. And please do not let that be the deciding factor in making and intelligent decision. Please put me down as 100% against this project and all the problem that it will bring to our perfect neighborhood.

6-1

John and Rosi Beal
24455 Rodeo Flat Rd
Auburn CA 95602

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3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter 6 – John & Rosi Beal

Response 6-1: The comment expresses opposition to the project. This comment is noted.

Letter 7

Debra A. Brown

24278 Timber Ridge Dr.

Auburn, Ca. 95602

(530) 613-4562

March 14, 2012

Mr. Brian Foss, Principal Planner

Nevada County Planning Department, County of Nevada

950 Maidu Ave

Nevada City, Ca. 95969

Dear Mr. Foss,

Please incorporate this correspondence as part of the public record, the administrative record and as part of the Nevada County's Draft Environmental Impact Report. It should be included as part of Nevada County's administrative process in the event of a court action related to the Rincon Del Rio (RDR) Draft EIR and the Rincon Del Rio project.

Ref: EIR 10-001 The Nevada County General Plan services as the overall guiding policy document for the unincorporated areas of Nevada County. The summary below identifies those specific areas of the Rincon Del Rio Draft EIR study which I believe are flawed, incomplete, not addressed in the EIR and not in keeping with Nevada County General Plan.

Nevada County has served as my primary residence since July 2009. I move specifically to my residence, which is in the Lake of the Pines Ranchos specially for the rural community lifestyle, ability to have the horses on the property and to access the 20 plus miles of horse trails throughout the Ranchos. I believed in the Nevada County General Plan and the plan would be abided by. When the pressure from big developers is allowed, projects such as RDR are poised to grown into a project no longer recognized as originally submitted. I believe in growth and I have no objections to the property being developed per the current guidelines of the General Plan. It is the type of development I object to. If the RDR project had been disclosed while purchasing the house, I **would have not** purchased the property under any circumstances.

7-1

I own a home in a beach community, which is part of the City of Long Beach. If I wanted to live in or by an urban community such as RDR, I would be residing in Long Beach not in the Lake of the Pines Ranchos.

7-2

Letter 7 Continued

I am very familiar with multi-level care facilities as my parents purchased into Valle Verde Retirement Community in Santa Barbara, Ca. over 10 years ago. I visit my mother on a monthly basis. I am one of the people adding to the additional traffic in the area, adding to the increase of lights from my car, and require a parking spot at the Valle Verde Retirement Community. I have been impressed with how the Santa Barbara Planning Commission has required Valle Verde to answer and address many concerns to a proposal to increase the number of cottages at the Valle Verde. My hope I that the Nevada County Planning Commission will take a similar process and procedure in considering the RDR project. I am not opposed to such communities as my parents reside in one but I do oppose the location of RDR in a rural community, which is in direct opposition to the Nevada County General Plan.

7-2
cont.

****Project does not address Nevada County General Plan Objective 5.5 to coordinate future parks and trail planning with other responsible agencies.**

Policy 5.11 Cooperate with other public or private entities providing recreation activities and to coordinate such activities.

Mitigation Requested: There is no mention in the Draft EIR study of the miles of citizen made and maintained horse trails located throughout the Lake of the Pines Ranchos (LOPR). The LOPR horse trails are linked at certain points to Rincon Way in order for Rincon Way residents to access the trails. The EIR study should address the impact on the horse trails in LOPR and the access trails located in the Rincon Way area if RDR is built.

7-3

Potential Impact: Significant since there is a liability issue and health/safety issues related to the increase of traffic which ultimately endangers the horses and riders in the vicinity of RDR. The EIR study should address the liability issues as well as the health/safety issues to horses and riders if RDD is built.

****Project does not address Nevada County General Plan Objective 5.6 to implement a comprehensive, and where possible integrated, countywide system.**

Policy 5.14 Provide a county incentive program which encourages retention of private open space.

7-4

Mitigation Requested: There is no mention in the Draft EIR study of how the RDR will encourage the retention of the privately developed and maintained horse trails (open space) in the LOPR. The EIR study should address how the RDR project will support the maintenance and possible growth of the LOPR horse trails to the RDR project area. There is no mention of the how the equestrian (horse and riders) safety will be addressed with the increase in automobiles and other vehicles on the current road structure or who will assume liability if and when a horse and rider are injured due to increase traffic from RDR.

7-5

Letter 7 Continued

Both General Plan Objectives 5.11 and 5.14 interfaces with Impact 3.10.1 and 3.10.2, which addresses the rezoning ordinances, which includes the addition many businesses located at RDR and within the rural communities of LOPR and Rincon Way. The land is zoned RA-3-PD for single-family homes not for commercial land. Businesses bring traffic and the EIR does not address how the increase of traffic due to the building of RDR and the inclusion of businesses will be addressed as it relates to the equestrian trails, safety issues and liability related to the horses and riders.

7-6

Potential Impact: Significant since the roads were not build or maintained to county standards which will result in injury and loss of life to horse and riders due to the increase traffic with the building of RDR and the incorporation of businesses into the RDR project.

****Impact 3.9.6** The project site is located within the dam failure inundation (flood) areas for both dams and levees. Failure of any of these dams or levees could result in inundation of portions of the project site. There were no mitigation measures in the EIR as a flood is considered to be less than significant per the EIR document. I would strongly disagree that a flood is considered to be less than significant and strongly recommend data be collected from counties who have experienced floods and have put into place emergency plans due to floods.

7-7

Mitigation Requested: The EIR must address how the possibility of failures of the dams or levees which should include an evacuation plan, notification of an emergency, emergency support kits etc. There are neighboring counties in California that have had dam and levee failures (Sutter County, Yuba County, Sacramento County) and the plan should use the expertise of these other counties into the EIR document.

Potential Impact: Significant, as any flood can cause loss of life and damage to property and livestock. There is no emergency plan address in place specifically due to a flood.

****MM 3.8.7 Call for an Emergency Evacuation Plan for the Rincon Del Rio Project Incomplete and Flawed.**

MM 3.8.7 states: The project applicant shall prepare and emergency evacuation plans for the project site. The plan shall address methods of notifying and evacuating all residents, guests, and employees in a safe and efficient manner in the event of an emergency, including but not limited to vanpooling, transport of residents under nursing care and identification of an emergency meeting location.

7-8

This Mitigation Measure is grossly incomplete as written.

Mitigation Requested: The EIR study must address the health and safety of the potential residents of RDR in case of an emergency. Per the language in the EIR, the plan shall address methods of notifying and evacuating all residents, guests, and employees in a safe and efficient manner in the event of an

Letter 7 Continued

emergency, including but not limited to vanpooling, transport of residents under nursing care and identification of an emergency meeting location.

MM 3.8.7 does not address the specific types of transportation required by residents in a nursing facility. Many of these residents will be wheelchair bound, or confined to hospital beds and many will have significant secondary health issues such as blindness and hearing loss. State law must evacuate such residents evacuated to like facilities that are able to address the specific health needs of the residents.

The DEIR does not address the specific requirement that like facilities be made available in the general area for evacuation of these residents.

Potential Impact: Significant loss of life to both residents of RDR but the surrounding residents of LOPR and Rincon Way along with the loss of livestock.

Mitigation Requested: The plan must address where the residents of the nursing home facility will be housed in a like facility due to a emergency with the same type of services provided to them due to their needs and/or disabilities. The plan must address the specific types of transportation required to meet the needs of the nursing home residents. Using vanpooling will not be appropriate or meet the needs of the residents who are bed bound and how many vans will be required to meet the needs of the residents in wheelchairs or required to use other types of transportation such as scooters, walkers etc.

There is no mention of how and where the livestock will be evacuated in livestock trailers. The impact of the additional cars, vans, and emergency vehicles on the roads will impact the ability to evacuate livestock. This should be addressed in the EIR study.

Potential Impact: Significant Also, there is no master evacuation plan for the south county. The needs of the residents a RDR along with the fact there is no evacuation plan, places a high risk fact on we the residents. A master evacuation plan must be developed and incorporated in the DEIR study.

****MM 3.13.7.2 call for the Non-Motorized Transportation Master Plan for the Rincon Del Rio and the surrounding area in the Lake of the Pines Ranchos is Flawed and Incomplete.**

The proposed project would not contribute to the deterioration of existing park facilities and was Less than Cumulatively Considerable (LCC) and no mitigation measures required.

Mitigation Measure: Again, there is no discussion in the EIR study of the impact of the RDR project on the current equestrian trails that run through LOPR and are connected to trails to the Rincon Way community. The equestrian trails were developed by and maintained by the LOPR and Rincon Way residents.

Potential Impact: There is significant

7-8
cont.

7-9

Letter 7 Continued

****Mitigation Measure to the Nevada County General Plan**

As stated throughout the EIR study for RDR project, the Nevada County General Plan serves as the overall guiding policy document for the unincorporated areas of Nevada County. The EIR study finds that the RDR project conforms to the General Plan because of the General Plan amendments requested. It should be the other way around where the RDR project conforms to the General Plan without requesting amendments. The Rincon Del Rio project is requesting ten project entitlements or revisions to the General Plan. If the Planning Commission and ultimately the Board of Supervisors approves the project as presented, the General Plan has no authority and ultimately is just a piece of paper which is meaningless.

Throughout the EIR study the phrase “the project proposes”. What, if any guarantee is there that if the project is approved as presented, the developer is required to implement the “the proposals”? The Nevada County Planning Commission and Board of Supervisors approved other projects such a Dark Horse and Winds Aloft, which went under even though there was an EIR studies conducted. This area is zoned of 5-acre parcels; let the Young’s build homes on 5-acre parcels. Imagine my surprise when it came to my attention that the Young’s property had been zoned to 3-acre parcels. No one in the surrounding areas was notified of the re-zone, and is curious as to why we were not notified? It is clear that there is a history with the Planning Commission and Board of Supervisors of approving poorly planned communities, which have gone under leaving us in the South County with white elephants. PLEASE do not do the same with RDR and leave us with another white elephant.

7-10

Debra A. Brown

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter 7 – Debra A. Brown

- Response 7-1:** The comment generally expresses opposition to the project. This comment is noted.
- Response 7-2:** The comment references additional traffic, lights from cars, and parking at a retirement facility in Santa Barbara and expresses a desire that Nevada County “take a similar process and procedure in considering the RDR project.” This is not a comment on the adequacy of the Draft EIR, and no response is required. The comment also notes the project is in opposition to the General Plan. See Master Response 3.
- Response 7-3:** The comment states the Draft EIR fails to address trails in the Lake of the Pines and that there would be health and safety issues for horses and riders due to increased traffic in Lake of the Pines. The liability issue raised in the comment is not a physical environmental effect; therefore, it is outside the scope of the EIR. Refer to Master Response 1 regarding the potential for increased traffic in Lake of the Pines via Rodeo Flat Road. Based on the Draft EIR traffic analysis, there are no significant traffic volumes or operational impacts expected to occur in the Higgins/Lake of the Pines area (see Section 3.14 of the Draft EIR, pages 3.14-35 and -36).
- Response 7-4:** The comment states the Draft EIR should address how the project will support maintenance and growth of Lake of the Pines horse trails and references General Plan Policy 5.14 regarding retention of open space. The referenced policy does not explicitly state or imply any requirement of projects to maintain adjacent private facilities. With regard to open space, the proposed project would include 163 acres of undeveloped open space. The commenter is also referred to Response 5-2.
- Response 7-5:** The comment refers to emergency access via Rodeo Flat Road. See Master Response 1.
- Response 7-6:** The comment refers to emergency access via Rodeo Flat Road. See Master Response 1.
- Response 7-7:** The comment disagrees with the conclusion in the Draft EIR regarding flood impacts due to dam failure, but provides no data to suggest why the conclusion in the Draft EIR is incorrect. Therefore, no response is required. While the consequences of a flood are serious, as expressed in the comment, the conclusion in the Draft EIR is based upon the low probability of a dam failure but does not attempt to minimize the significance of flooding.
- Response 7-8:** The comment states that Draft EIR mitigation measure MM 3.8.7 is incomplete because it does not address the specific types of transportation required to evacuate residents from the project site. See Master Response 2. The County requires no evacuation plans for livestock.
- Response 7-9:** The comment claims there would be degradation of Lake of the Pines Ranchos trails that have been developed and maintained by private residents of the Lake of the Pines and Rincon Way communities. See Response 5-2 above. In addition, as the trails being referenced in the comment are

privately constructed and maintained on private property, the overall usage and capacity of these trails is not known. However, the proposed trails and other recreation facilities on the project site have been sized to meet the needs of on-site residents and avoid the need for them to leave the site; the project is intended to be self-contained in regards to most recreational opportunities. There is currently no access to off-site trails on the project site and none will be provided by the project. The trails, and associated recreational opportunities and scenic value, offered on the project site and the neighboring trails are very similar – there is no reason to assume that the project site residents would leave the extensive trails on the project site to utilize the nearby Lake of the Pines trails. This is especially true given that 25 percent of the on-site residents will require special care and are unlikely to participate in equestrian activities while the remaining independent living residents would not have regular access to equestrian activities because there are no stables on the site. As such, the proposed project would not result in any physical impacts to trails or other public facilities located off-site.

Response 7-10: The comment notes the number of General Plan amendments included as part of the project. See Master Response 3. The comment also expresses concern that the proposed project, like other projects in the county, could fail to be constructed due to financial reasons “even though there was an EIR... conducted.” The EIR is intended to disclose potential physical environmental effects of a project; an EIR does not guarantee the ultimate approval or construction of a proposed project.

Letter 8

17483 Wolf Mountain Road, Grass Valley, CA 95949

March 19, 2012

Virginia Brunini

Nevada County Planning Commission
Road Center
950 Maids Ave.
Nevada City, CA 95949
RE: Rincon del Rio

This week's Temi Magazine features "Ten Ideas That Are Changing Your Life," and you have before you one of the finest examples of "niche aging" where active retirees can grow old alongside others who share their interests.

Rincon del Rio is an exceptional opportunity for me seniors in the county to enjoy a thoughtfully designed Continuing Care Retirement Community - a dream come true.

Our County has much to gain in serving the needs of our aging population, helping our economy and providing a happy future for seniors who love Nevada County, and want to be able to comfortably "age in place" in this beautiful setting.

Sincerely,
Virginia Brunini

8-1



Letter 8 – Virginia Brunini

Response 8-1: The comment expresses support for the project. This comment is noted.

Letter 9

C. E. "Butch" Chamberlain
23006 Hidden Ranch Rd
Auburn, CA 95602

March 18, 2012

Mr. Brian Foss
Nevada County Planning Department
County of Nevada
950 Maidu Avenue
Nevada City, CA 95959

Re: Rincon Del Rio Project

Dear Mr. Foss:

Please add this correspondence as part of the public record and the administrative record related to the Rincon Del Rio project. I am offering these comments as the Road Committee Chairman for the Hidden Ranch Road Home Owners Association (Front).

The first 12 property owners at the beginning of Hidden Ranch Road are responsible for the maintenance and upkeep of approximately the first 1,000 lf of Rincon Way and the road adjacent to their properties. This is a private road and is the responsibility of the 12 property owners. Nevada County refused to accept the road at the time of its development. I was told by the county that they still reserved the right to take over the road if they chose to do so.

With that being said, I was expecting to find something in the DEIR that addressed the impact to the owners of the private road leading to the Rincon Del Rio project. There is nothing indicating that the developer will be required to upgrade the road to handle the increased traffic, or have any responsibility for the road whatsoever. Nor has the county indicated that it will take over the road and raise it to county specifications. At this point, with nothing being addressed in the DEIR, am I to assume that the 12 property owners of the Hidden Ranch Home Owners Association will continue to be responsible for the maintenance and upkeep for a road that now feeds a commercial enterprise?

9-1

There is an inherent risk to all private road owners for the liability associated with the public having access to their roads. Rincon Del Rio will increase our exposure to those liabilities fifty fold. This is unacceptable!

The mere fact that the DEIR states that "**cumulative traffic impacts** appears as **less than cumulatively considerable**" is, and will be, proof that the DEIR is providing misleading information. Any council person using the current DEIR as the basis for his or her decision is doing so with a predetermined agenda, rather than a desire to understand the true impacts to the community.

9-2

By profession, I am a Project Manager for a major hotel company. I have been developing hotel projects for the past 20 years. Each of our projects would take approximately two years to get

9-3

Letter 9 Continued

through the approval process and usually about six months to build. In the beginning, we dealt mostly with the planning department. The public meetings considering our projects usually consisted of a few neighbors that did not want a hotel in their neighborhood. As always, the planning department would demand upgrades for roads, intersections, sewer line extensions, water line upgrades, curbs, sidewalks, etc. If the company owners wanted to build a hotel on that site, they would have to accept the financial responsibility for all of the mitigation required. Sometimes the burden for those mitigations was so high that the project would not be profitable, and the project would be shelved. It was always interesting to me that the city council and planners were very seldom concerned about the burden to the developer, because another company would eventually come along and be willing to install the curbs, gutters, sewer line extensions, stop lights, etc. And all of these things would get paid for by the developer; at no cost to the county, and surely no cost to the neighbors.

9-3
cont.

When EIR's became required for just about every commercial project, the ability to get through the system became even more complicated and, generally, quite a bit more expensive. Again, if the company owners felt that the project still had merit, the mitigations were met and the project built.

WHAT IN THE WORLD IS GOING ON HERE? I find little or no mitigation requirements for this project. How can that be?

I have had EIR's for small hotel projects that were more concise, thorough, and to the point. The Rincon Del Rio project is more involved and has more impact on the surrounding community than any hotel I have built. Therefore, the competence of the DEIR is, and will be, in question now, and in the future. If a member of the community has an issue with the Rincon Del Rio project and they can see that their concerns are addressed fully and fairly in the DEIR, then they may be less belligerent. As it stands now, I see a lot of resistance building against this project.

9-4

It is my belief that DEIR's of like projects will be brought forward and compared in the full light of day with the Rincon Del Rio DEIR. It is also my belief that the Rincon Del Rio DEIR will be found lacking, and open the door for peer review.

I expect the council to postpone decisions regarding this project until it has a true and legitimate DEIR that addresses the concerns of the Hidden Ranch Road Home Owners Association and conforms to the existing Nevada County general plan and to SEQA.

Sincerely,

C. E. "Butch" Chamberlain

Road Committee Chairman: Hidden Ranch Road Home Owners Association
Senior Project Manager: Hanford Hotels Inc. Newport Beach, CA
Owner: Chamberlain Construction Inc. Auburn, CA

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter 9 – C. E. “Butch” Chamberlain

- Response 9-1:** The comment states there was nothing in the Draft EIR regarding upgrades to the private road providing access to the project site. The Draft EIR does address improvements to Rincon Way. The reader is referred to page 2.0-51 in the Project Description (Draft EIR Section 2.0), which states, “Rincon Way would be improved to meet the County’s road standards within a 30-foot-wide public roadway and utility easement. The 30-foot-wide easement would include two 10-foot vehicle travel lanes.”
- Response 9-2:** The comment states that the public having access to private roads increases liability to the owners in the area. As stated on page 2.0-65 of the Draft EIR (see Section 2.0, Project Description), the project would include a Road Maintenance Agreement between the applicant and the County which will provide a legal description of all properties that have the right to use Rincon Way and Rodeo Flat Road, the way that responsibility for repairs is to be shared by the parties, how the costs for repairs will be incurred by the parties, and the consequences for non-participation in the maintenance. Liability related to use of private roads is not a physical environmental effect and is not a topic addressed in the EIR.
- Response 9-3:** The comment provides the commenter’s background and experience with the EIR process as it relates to hotel projects. See also Response 9-2.
- Response 9-4:** The comment expresses general dissatisfaction with the Draft EIR, but provides no specific comments regarding its inadequacy. This comment is noted. County staff considers the Draft EIR adequate and in compliance with CEQA.

Letter 10

To: County Board of Supervisors/*Planning Dept.*

From: John Chase

19470 Oak County Road

Grass Valley, Calif.

Re: EIR report for Rincon Del Rio project

Impact 3.10.4 notes the project site and surrounding area are characterized by scattered large-lot rural residences and large amounts of open space including both natural areas and grazing land. The county's General Plan, Land Use and Development Code, and the Western Nevada County Design Guidelines encourage the use of cluster development as a means to minimize public health and aesthetic concerns, reduce dependence on automobiles, preserve open space and environmentally sensitive areas, support grazing, forest management, and crop production, and generally provide for the maintenance of a rural quality of life and protection of environmental resources. Specific to the project site, the cluster development approach ensures that the view from adjacent properties remains of large open-range land with existing vegetation. Based on these findings alone, I believe this project should go forward as an example to be emulated by future projects.

10-1

Respectfully Submitted on March 8, 2012



3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter 10 – John Chase

Response 10-1: The comment expresses support for the project, specifically with regard to the benefits of clustered development. This comment is noted.

Letter 11

Brian,

I live at 24950 Connie Court. I have read through the EIR and found that the pertinent issues presented by my neighbors have not been addressed in the document. It surprised me that there was still a push for the project in this area.

I did not attend the meeting last year because I am in a wheelchair and could not get in. It did not occur to me that access to the meeting is required by law.

I have been in the wheelchair for 30 yrs. I know the following to be true. It takes me at least 5 minutes to load my wheelchair into the van, tie the wheel chair safely in, seat belt, and close the ramp. That does not include the time required to dress me and get me into the wheelchair if it is at night. That would take an additional half hour. If I am in the tub add an additional 10 minutes to get me out of the tub. How in the world are they going to load that many disabled people in a safe amount of time in an emergency situation especially at night? Just last year I was on my way to the Auburn Faith emergency room when I accidentally drove off the ramp getting into my van. We had to find my brother to help my husband get me back in the chair and put the electric wheelchair in an upright position.

Nevada County Bus Transit already requires me to cross highway 49 to catch the bus at Gautier heading for Auburn because loading me on the bus is time consuming and they might miss their transfer time at the Nevada street transfer station. Also, they state that crossing 49 to pick me up on Rincon takes too much time. Can you imagine what would happen if my wheelchair stalled for any reason in the middle of highway 49? Sometimes if I accidentally hit a rock or lose balance I fall forward in my chair and am unable to sit myself upright. This makes it impossible for me to drive my chair and I'm stuck. How many people are there going to be in wheelchairs and unable to escort themselves? How many of the buses they are supposedly providing are going to have wheelchair ramps? In an evacuation situation are these 43 employees going to escort all those residents out. Who will be responsible for evaluating the people that live there and their disabilities?

The idea of them having only 43 employees is ludicrous. I hire two people just by myself. I have a nurse and a house cleaner. This does not include the work my husband does for me. Without him and my family I would need 24 hr. care. The amount of traffic and people they have estimated is nowhere near close to reality.

About six years ago there was a fire down on 49 by Combie Road. Hwy. 49 was so congested traffic was backed up a mile past Lone Star Road. No one would let me off Rincon onto highway 49. I finally forced my car into the northbound traffic, merged into the left lane, and turned around on 49. Consequently I received a ticket. If there was a fire behind me who is to say they're going to let me off the lane.

My brother had his birthday January 4. That same day the Young's had a party next door for realtors. It was so crowded on Connie Court a woman tried to get around a car in front of her by driving off the road. She subsequently got stuck. Pictures are attached. We wondered where our guests were. They were stuck behind her. It took a long time for them to tow her car off the road.

11-1

11-2

Letter 11 Continued

I didn't see our children mentioned anywhere. I know there are lots of children that walk to the bus stop to catch the school bus. Where are there sidewalks?

11-3

Since they don't take care about the important points are they going to care that the lights from their buildings are probably going to shine into two of my bedroom windows?

11-4

I think one of the letters said it best. They would rather cater to the desire of one couple with money and make money than the welfare of the community.

Angela Davis

Letter 11 Continued



3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter 11 – Angela Davis

- Response 11-1:** The comment expresses concern about the evacuation of project residents in the event of an emergency. See Master Response 2.
- Response 11-2:** The comment regarding a driver driving off the road and getting stuck is not a comment on the adequacy of the Draft EIR.
- Response 11-3:** The comment notes there are no sidewalks for children to walk to the bus stop. The proposed project would not generate school-age residents and thus would not increase the number of students walking to the bus stop. County road standards do not require sidewalks, and the project does not propose sidewalks on Rincon Way. However, the project would improve Rincon Way from its current condition and would include a 2-foot shoulder that would provide improved conditions for pedestrians and vehicles.
- Response 11-4:** The comment expresses concern that lights from the project would shine into the commenter's bedroom. As discussed on Draft EIR page 3.1-17, the proposed project would be required to comply with Nevada County Land Use and Development Code, Section L-II 4.2.8, Lighting, which establishes standards to provide for efficient, safe, and attractive outdoor lighting while minimizing nighttime light pollution and energy waste. The code requires all outdoor light fixtures to be "fully shielded to prevent the light source or lens from being visible from adjacent properties and roadways." Thus, while some light would be generated on site, compliance with the Land Use and Development Code would ensure that light would not be directed toward any nearby uses, including the commenter's residence.

Letter 12

Ray and Connie Davis
24950 Connie Court
Auburn, CA 95602

March 16, 2012



Nevada County Planning Department
Brian Foss: Principal Planner
950 Maidu Ave.
Nevada City, CA 95949

Re: Draft EIR – Rincon del Rio Project

Dear Mr. Foss:

Please add this correspondence and any attachments as part of the public record and the administrative record related to the Rincon del Rio project. This correspondence addresses serious issues and concerns regarding the Rincon del Rio project and the adequacy of the Draft EIR and should be included as part of the County's administrative process in the event a court action occurs.

Our family has owned this rural property for thirty two years. We have gone through the dry seasons with apprehension, sometimes the temperature solidly over 100 and the grounds so dry they are cracking. The dry seasons run from about Aug thru Dec or whenever the rainy season starts. We are above the canyon which hosts the Bear River. Our property is South West of and adjacent to the very rural Rincon del Rio property. Our house is around 500 yards from the existing 14,000 sq ft residence, the proposed Rincon del Rio "clubhouse." The winds come out of the South West and run up the canyon. This is the Canyon on which the Youngs' current residence (Rincon del Rio clubhouse) is perched. The clubhouse and the majority of the proposed building site is within minutes of being devoured and destroyed by any out of control wildfire. This property is located in the middle of a dense oak forest. Our fire insurance was increased because of their opinion that this rural property is a fire hazard location. During the summer many young people hang out along this river and many fires are started for their night time parties. The chances of a fire starting here is much higher than any property away from the recreational draw of river property.

12-1

In the past, community planners have determined that the property use which was reasonable for this rural area was one residential property per five acres of land. This was reasonable in their view and has been shown to be reasonable to one who has lived here for thirty years. Already the subject rural property has been questionably rezoned to a denser one residential property per three acres of land. Now the Rincon del Rio developers are trying to persuade the County Planners that over 400 elderly people can be

12-2

Letter 12 Continued

reasonably and safely housed in this same designated low density rural property. People not in a situation of 72 families as currently zoned, but rather a situation of a community of 400 people, many of which will be disabled, infirmed, Dementia/Alzheimer's laden and unable to take care of themselves on a daily basis, let alone during any type of disaster situation. The community will be totally dependent upon minimally paid employees to risk their own lives while seeing to the safety of these helpless elders.

12-2
cont.

The area is paved with twisting single laned roads that have been designed for single family five acre rural properties. They were not designed for heavy population traffic use. They would have to be upgraded, and to the cost of whom? The developer? The County? The local tax payers? If there were even a single accident along either the ingress road or the egress road during an emergency any form of evacuation would be impossible. This is hilly land with many trees and the single lane roads are impossible to circumvent for rescue. Rescue equipment would not be able to get in or out and the death of many seniors and possible surrounding neighbors would occur. Who is willing to accept the responsibility for this kind of a disaster? Who will be held liable? The developer? The County? The neighborhood property owners? The tax payers? Our fire district (Higgins) is not equipped nor manned for the rescue effort that would be required for the rescue of 400 people (many immobile) within the minutes they would have to manage this massive rescue mission. They are however prepared and equipped to protect the original decision, 72 single family residences, one residential property per three acres of land.

12-3

Any *objective* evaluation would prove that the initial County Planners were correct in their decision about per capita population. After attending the March 8th EIR meeting at the County I was astonished that they presented electrical maintenance appliances as a reason to approve this project. The developers gave a presentation showing they would be using electrical yard tools. While the use of electric machines over gas run machines may make a minimal difference regarding impacts on the environment, the overall scale of this project makes this area inappropriate for such extreme population congestion and would be a maximum impact on the environment. Trees would have to be destroyed to widen the roads and make water areas vulnerable. I'm speaking of the required road areas beyond the project property that would have to be changed to make the County roads appropriate for the new heavy duty traffic load. The traffic to and from this area would be increased by a thousand vehicles daily on this road alone. If you don't drive to facilities for product or services they must be brought to you. The County Road Report stated that over a thousand vehicles would be on this road daily. Over four hundred residents would require at least as many additional individuals to provide gardening care, facility maintenance, food provisions, and Health and Welfare individuals, etc.

12-4

Noise pollution would go from one family to the noisy crowd pollution of a small city, causing local wild life to be disturbed and possibly driven out of this area. We have coyotes, deer, mountain lions, bears, and many other animals locally that should be protected from the negative population impacts that would be caused by this urban project being built in this rural area.

12-5

Letter 12 Continued

The previous County Planners used good reason and careful thought when establishing the five acre per family law which is intended to prevent this wounding of the environment. I feel the increase in profit to the individuals promoting this project would soon come at a cost to the people and animals left behind. In my opinion, any approval of this misguided effort to make a personal gold mine out of this Nevada County wilderness would be a repeat of the unwise revenue desperate decisions of the past. We wish to keep what is rural, rural. Please consider our request to reject the Rincon del Rio project as currently proposed and instead seriously consider less environmentally impacting alternatives.

12-6

Sincerely,


Ray and Connie Davis

cc. Ed Scofield – District 2 Supervisor
Nevada Union Newspaper
Auburn Journal Newspaper

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter 12 – Ray & Connie Davis

- Response 12-1:** The comment notes the potential for wildfire on the project site. Wildfire risk is discussed in Draft EIR Section 3.8, Hazardous Materials/Human Health.
- Response 12-2:** The comment references safety of the project residents during an evacuation. See Master Response 2.
- Response 12-3:** The comment asks who would be responsible for the cost of upgrading the roads for primary and emergency access. The project developer would be responsible for the cost of upgrading the roads as described in the Project Description (Draft EIR Section 2.0). The comment also questions the ability of emergency responders, specifically the Higgins Fire Protection District, to access the site in the event of an emergency. See Master Response 2.
- Response 12-4:** The comment states that construction of roads for the project would require the removal of trees and “make water areas vulnerable.” Impacts on trees are addressed in Section 3.4, Biological Resources, of the Draft EIR, and potential effects on water resources are addressed in Sections 3.4, Biological Resources, and 3.9, Hydrology and Water Quality. The comment also notes the number of vehicle trips that would be generated by the proposed project. Traffic-related impacts, including increases in trips caused by the project, are addressed in Section 3.14, Traffic and Circulation, of the Draft EIR.
- Response 12-5:** The comment states the noise from the project would be comparable to a small city and that this noise would affect wildlife. The noise generated as the result of operation of the proposed project is discussed in Draft EIR Section 3.11, Noise, pages 3.11-23 through -31. The Draft EIR found that with mitigation measures identified for the project, operational noise would be reduced to acceptable levels identified in the County General Plan. It should also be noted that some of the noise sources identified for the project would be typical of noise sources in a rural residential area, such as tractors, pool equipment, air conditioners, and landscape equipment. Effects of noise on wildlife are addressed in Draft EIR Section 3.4, Biological Resources, in Impacts 3.4.2 and 3.4.3, pages 3.4-33 through -41. With mitigation included in the Draft EIR, noise generated by the project would have no more effect on wildlife than other development in the project vicinity.
- Response 12-6:** The comment opines on the economics of the project. As identified under CEQA Guidelines Section 15131, economic or social effects of a project are not considered significant environmental effects subject to review under CEQA.

Letter 13

Impact 3.1.1 states, "The proposed project would not substantially alter scenic vistas of the surrounding natural area, including the Bear River corridor." Further Impact 3.10.4 and 3.10.5 state, "... the project site is adjacent to numerous existing rural residences to the north and west and the proposed project would not result in any significant increased land use incompatibility." Since there is no scenic impact or land use incompatibility, why should a handful of very vocal people be in any position to deny the senior citizens of the County the opportunity to live where there are services provided to help us remain independent and live in nature and neighborhoods that support physical activity and promote healthy, successful aging? 13-1

Marys Donovan
125 Rishell Dr.
Recent former resident of
Alta Sierra
Oakland Ca

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter 13 – Margo Donovan

Response 13-1: The comment generally expresses support for the proposed project. The comment is noted.

Letter 14

Brian Foss

From: mcdye [mcdye@genesisprocess.org]
Sent: Monday, March 19, 2012 9:35 PM
To: Brian Foss
Subject: Rincon Del Rio

Michael Dye CADC , NCAC II
25363 Rodeo Flat Rd.
Auburn Ca. 95602
Tel/Fax 530 269-1072
Email. mcdye@genesisprocess.org
Web. www.genesisprocess.org

Subject: Re: March 8, 2012 hearing on Rincon Del Rio project

March 20, 2012

To the Nevada County Planning Department

Re: Rincon Del Rio Project

Please add this correspondence to the Rincon Del Rio (RDR) project. This correspondence addresses issues and concerns regarding the RDR project and the adequacy of the DRAFT EIR and should be included as part of Nevada County's administrative process in the event a court action occurs.

We adamantly oppose the Rincon Del Rio Project
When we purchased our property at the end of Rodeo Flat happy it was a dead end road. We also looked at the map of LOPR to make sure there would not be a major development nearby.

14-1

We are alarmed that you are now considering major changes General Plan for Nevada County that are needed to allow the Rincon del Rio (RDR) project. By making these changes to the General Plan you open up the entire county to similar challenges to the General plan.

We are concerned that RDR will be a fire hazard for our community. We oppose Rodeo Flat being used as a fire exit for so many residents. Having a fire exit for RDR in the direction of the prevailing winds and going uphill could create a disaster. The best way out LOP and Dark Horse would be by way of Wild Iris Lane and the old bridge to Combie in Meadow Vista. The best way for RDR would be a second exit to 49. This evaluation of Rodeo Flat Rd should be addressed properly and mitigated.

14-2

The noise of ongoing emergency vehicles, maintenance workers and all the other services needed for this type of community will create a deadly hazard on hwy 49. None of these issues were properly addressed in the DEIR and should be mitigated.

14-3

Letter 14 Continued

The RDR community needs to be near medical services. Not out in the country where ambulances, paramedics frequent visits will affect the rural neighbors. The communal center, restaurants, etc. will create other disturbances as well as additional car trips to RDR. All these matters need to be mitigated.

14-4

We also have a concern about the sewer line plan to come up Rodeo Flat Rd. This will certainly create a safety hazard for us. It will also create dust pollution and noise pollution. We believe that RDR should go along 49 which is not privately owned and paid for. This would also eliminate the pump house up on the hill creating noise pollution. No alternative was offered and I believe it should be looked into. Again this should be mitigated.

14-5

Additional concerns are Light pollution. This should be mitigated.

14-6

It was noted that very few of the proponents of this project at the public hearing came from Nevada County. Please be aware that you are representing Nevada County residents. Please take this letter in consideration and represent us Nevada County residents. Sincerely, Catherine Dye

Cathy Dye
25363 Rodeo Flat Rd.
Auburn Ca. 95602
Tel 530 269-1072
Email cadye@genesisprocess.org

Letter 14 – Cathy Dye

- Response 14-1:** The comment states approval of the General Plan changes included in the proposed project would open the County to similar challenges to the General Plan. If the proposed project is approved, the General Plan amendments included in the project would also be approved, creating a General Plan designation for continuing care retirement communities to be operated in the county. However, the General Plan amendments proposed for the project only include an amendment to the General Plan diagram for the proposed project site; no other site would be designated to allow for the development of a CCRC as part of this project. Any future proposed CCRC project would require an amendment to the site's land use designation to PD-CCRC, similar to the process for any zoning or General Plan designation change to any other zoning district or General Plan designation. Such an entitlement would require CEQA review, the process for which would include opportunity for public review and comment.
- Response 14-2:** The comment suggests a second exit on SR 49 instead of the proposed emergency access via Rodeo Flat Road. The comment is noted.
- Response 14-3:** The comment states that noise from emergency vehicles, maintenance workers, and other services generated by the project would create a deadly hazard on SR 49. There is no evidence to suggest that noise or traffic generated on SR 49 by maintenance workers and other services needed by the project would create any additional hazard in the project vicinity or anywhere on State Route 49. Draft EIR page 3.14-20 identifies no traffic safety or line of sight issues associated with State Route 49 and Rincon Way.
- Response 14-4:** The comment states the project needs to be near medical services and that services provided to the residents would result in auto trips to the project site. As discussed on page 2.0-35 in Draft EIR Section 2.0, Project Description, the project would provide on-site nursing, two EMT personnel on site at all times (24/7), and contract physicians providing geriatric care for the residents within the project. The on-site EMT personnel are capable of handling most fall incidents and can make diagnostic assessments as to whether the patient needs to be transferred to a medical facility. Regarding trips generated by services to the project, those trips are addressed in Draft EIR Section 3.14, Traffic and Circulation.
- Response 14-5:** The comment states the sewer line in Rodeo Flat Road would create dust and noise and the sewer pump station would also generate noise. The generation of particulate matter (dust) during construction is addressed in Draft EIR Section 3.3, Air Quality, in Impact 3.3.1, pages 3.3-14 through -19. As discussed on page 3.3-18, the project would be required to prepare a Dust Suppression Control Plan and an Off-Road Construction Equipment Emission Reduction Plan in accordance with Northern Sierra Air Quality Management District (NSAQMD) Rule 226 and mitigation measures MM 3.3.1a through MM 3.3.1d. With implementation of these measures, effects of particulate matter (dust) during construction of the sewer line would be reduced to below NSAQMD thresholds, which would be considered a less than significant impact. Noise associated with sewer pump stations is discussed in Draft EIR Section 3.11,

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Noise, on pages 3.11-23 and -31. As discussed in the Draft EIR, sewer pump stations must be designed so that operation noise levels at nearby noise-sensitive receptors would not exceed applicable Nevada County noise standards (mitigation measure MM 3.11.3). Design measures may include, but are not limited to, selection of low-noise-generating equipment, incorporation of equipment shielding and enclosures, and use of sound-rated doors and vents. With these measures, noise associated with the sewer pump station would be reduced to a less than significant level.

Response 14-6: The comment states light pollution should be mitigated. As discussed in Draft EIR Section 3.1, Aesthetics, in Impact 3.1.3, page 3.1-17, light and glare impacts would be reduced to less than significant levels through compliance with Nevada County Land Use and Development Code, Section L-II 4.2.8, Lighting, which requires the use of low-intensity lighting, the strategic placement of landscaping, and proper shielding techniques to assist in reducing nighttime lighting levels. The code establishes standards to provide for efficient, safe, and attractive outdoor lighting while minimizing nighttime light pollution and energy waste. In addition, the code requires all outdoor light fixtures to be “fully shielded to prevent the light source or lens from being visible from adjacent properties and roadways.”