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NEVADA COUNTY PLANNING COMMISSION
NEVADA COUNTY, CALIFORNIA

VERBATIM TRANSCRIPT OF PUBLIC COMMENTS REGARDING RINCON DEL RIO DRAFT EIR at the meeting of March 08, 2012, 1:30 PM, Board Chambers, Eric Rood Administration Center, 950 Maidu Avenue, Nevada City, California

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

STAFF PRESENT: Interim Planning Director, Brian Foss; Interim Principal Planner, Tyler Barrington; County Counsel, Alison Barratt-Green; Secretary, Janet Hayes

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PUBLIC HEARINGS:

I. EIR10-001 Rincon Del Rio Page 1, Line 22

Planning Commission Chair Jensen Opened the public comment period at 1:58 p.m. limit 3-4 minutes.

Art Rangel: Mr. Chairman my name is Art Rangel and I'm a resident, my address is 24511 Rodeo Flat Road, I've been working with a subcommittee of the Lake of the Pines Ranchos Community Service District. The Community Service District is responsible for, I'm going to ask you a question I hope this doesn't eat into my time.

Chair Jensen: I am going to

Art Rangel: it's responsible for the maintenance of the roads in Lake of the Pines Ranchos (LPR). We are requesting that you give us 20 minutes. We are a public agency, there are five members of that Board plus myself as a resident. Would you honor that request?

Chair Jensen: not right now, I want to hear from the general public first. I want everyone to have an opportunity if we have time at the end of the meeting I will allow you to speak.

Art Rangel: you will allow us to speak?

Chair Jensen: I will give you the time, yes.

Art Rangel: What if the public would rather we go first?

Chair Jensen: Chairman

Art Rangel: I understand, I understand you're the Chairman.

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48 **Chair Jensen:** I want to hear from the public. We want to hear from the public.

49

50 **Art Rangel:** We are the public sir, we are constituents within Nevada County for the Nevada
51 County, the District is integral entity in this project and we are only going to address impacts
52 associated with the District, the Lake of the Pines Community District. We are not going to
53 address other issues.

54

55 **Chair Jensen:** I am going to start right now and give you three minutes.

56

57 **Glen Fuller:** Mr. Chairman my name is Glen Fuller, I am a director on Lake of the Pines
58 Ranchos Community Service District and as Mr. Rangel indicated we are part of a sub-
59 committee. There are three of us here that have a unified presentation I would like it if all three
60 of us could talk. A little history about the Lake of the Pines Community Service District, the
61 subdivision LOP Ranchos was entitled in 1969. The Rancho roads were offered for dedication to
62 Nevada County but the County refused maintenance on the roads due to their substandard
63 condition. As a result the LOP Ranchos Community Service District was formed in 1982 to
64 provide road maintenance and improvements. In '83 the County and Road District entered into
65 an agreement whereby the Road District would assume liability for the roads, hold the County
66 harmless, and defend the County in the event of a lawsuit involving the roads. Now the County
67 requires that Rincon Del Rio (RDR) have a second emergency access road. The Road District is
68 concerned that this second emergency access connects to Rin...to Rodeo Flat, one of the
69 District's roads with an unlocked gate which would allow traffic. The draft EIR is inadequate
70 because it does not assess the impact of this unlocked gate or emergency access through the
71 Rancho Roads. The Road District is very concerned about the issues of liability, and
72 maintenance burden placed on the District as a result of this gate and emergency evacuation. Mr.
73 Art Rangel who's a certified city planner, who happens to live in the Ranchos on Rodeo Flat has
74 offered his services to our Road District, our road board to comment on the draft EIR. Mr.
75 Rangel's areas of concentration are city planning, economic development, and re-development.
76 He specialized in writing comprehensive General Plans part of the General Plan process includes
77 the preparation of EIR's which he has overseen. He also understands the relationship between
78 the General Plan and implementation tools such as zoning codes, development agreements, and
79 subdivision maps. He provides economic development advice to his clients. Mr. Rangel has
80 worked for six cities, over 26 years, including serving as Director of Community and Economic
81 Development. He finished his public sector career as a City Manager. Mr. Rangel has been a
82 municipal consultant since 2001 and I am pleased to present Mr. Rangel.

83

84 **Art Rangel:** Thank you Dr. Fuller. I'd like to start with the little bit of time that I have and just
85 giving everyone an orientation of the LPR. The red dash lines are the boundaries of the
86 Ranchos. The yellow lines are the local roads southernmost parcels within the Rancho. The
87 only access to the Ranchos is through Combie, which under the circulation element of the
88 General Plan is a minor arterial. You will notice this is Timber Ridge this is Rodeo Flat that
89 comes in and abuts the project and that is the issue that it concerns the District more than
90 anything. This is Table Meadow, goes around. If you take a look at this you will see that this is
91 essentially a closed loop system which is why in 1982 as Dr. Fuller said, the District at the time
92 entered into an agreement with the County, in which it indemnified the County for any accidents.
93 That is very important. Umm so what you'll see here is that unless you live in the Ranchos or

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Letter PC 1 Continued

94 visit somebody in the Ranchos or provide a service for someone in the Ranchos there wouldn't
95 be a reason why you'd come in here. Basically, Rodeo Flat significance here is this is a high fire
96 area. Winding roads going down on the other side of Rodeo Flat. Conditions of roads someone
97 else can speak to that since I don't have time just somebody trying to enjoy their neighborhood.
98 You can see there's no sidewalks, a rural environment. Issue, very important very narrow roads
99 17 ft. from here to here. Winding roads, this is Timber Ridge down as it approaches Combie.
100 Steep roads, power poles tend to be vertical, Timber Ridge and Rodeo Flat have gradings in
101 excess of 18 degrees. What happens when you have narrow roads steep roads and winding roads
102 even with slow traffic we have the occasional accident. What would have happened, had that
103 rock punctured the gas tank of this car and created a fire on Timber Ridge. We do live in a high
104 fire area. Now let's talk about the project as it specifically relates to this EIR. I'm not going to
105 go through the orientation because I don't have time. Basically there's 2600 single family
106 residences in this area. If you use the transportation engineers trip generation manual which is
107 the bible for traffic engineers you will find there is almost 25,000 vehicle trips in this area. More
108 importantly there are a lot of schools. There are three public schools, a high school, an
109 intermediate school, and an elementary school, private school, 700 teachers and students, and
110 other little schools in this area daycare and what not. Total there is 3,025 students and teachers
111 in this area. DarkHorse had 27,455 rounds of golf last year. Again this the traffic engineers
112 manual that is 661 average daily trips per day, by the way, I'm sorry no, the schools generate
113 6,617 average trips per day and the golf course averages 4, 043. Total in this area not including
114 things we did not count in here that is over 32,000 vehicle trips per day. The proposal here is to
115 leave this gate unlocked. Now the EIR claims there will be a guard there. Well we've had a lot
116 of things in this area, DarkHorse has huge problems, Higgins Corner is in litigation. I can't
117 remember the name of this one. What's to say that this project doesn't have problems years from
118 now and that guard disappears from the budget. The point is also if you're at DarkHorse it
119 doesn't take long to tell the golfers you can save 3 miles going this way, another words go
120 through this, through this unlocked gate. So this, when this officially happens, is these dash lines
121 will become thoroughfares going through the project out to Rincon. And that would violate the
122 agreement between the District and the County of 1983. Rincon Way, private road goes out
123 unlocked gates. The State Fire Code allows for unlocked gates. An unlocked gate will result in
124 substantial traffic on Timber Ridge and Rodeo Flat. 32,000 trips. Let say that only 1/3 of those
125 trips decided to take this route that I described, currently the average daily trips for Rodeo Flat
126 are under 400 average daily trips (adt). If only 1/3 of these trips went that way that's over
127 10,000 trips that 27X more traffic on these narrow, winding, steep, and substandard roads and
128 there is a lot of liability.

PC1-2
Cont.

129
130 **Chair Jensen:** Sir

131
132 **Mr. Rangel:** ok, I'd like 15 seconds then to speak as a citizen and not representing the District.

133
134 **Chair Jensen:** Ok

135
136 **Mr. Rangel:** In anticipation that we might be shut down on this I'd like to refer to that we have a
137 lot of people here that would like more information we are going to hand out some information
138 by the Nevada County Rural Right Coalition where they can go and see this presentation in its

PC 1 Continued

139 full. Thank you. Oh there is one last person that wants to speak and that's the other member of
140 the road committee and this is Dr. Nancy Bolton. Ms. Bolton.

141

142 **Chair Jensen:** And I will remind the public that we are going to have a vacant seat now so start
143 coming up, thank you.

144

145 **Nancy Bolton:** Good Morning, good afternoon, I'm Nancy Bolton I'm a member of the Board
146 the Lake of the Pines Ranchos CSD. This project has significant adverse environmental safety
147 and has financial impacts on our District. Our District Board has a fiduciary responsibility to
148 protect the roads, the safety, enhance the financial exposure of the property owners in our area.
149 In the Districts, the, draft EIR did not adequately address the environmental impacts on our
150 District particularly traffic safety and the resulting impact on our District. In the District's view
151 the only acceptable mitigation measures for these impacts are 1. A locked gate, that can only be
152 accessed by emergency personnel, with clearly defined emergency use, 2. In the case of an
153 emergency the District will require that the County assume all liability for the duration of the
154 emergency. The Rancho roads are substandard for the uses that are contemplated in this project.
155 As Art said there are, they are steep narrow, they are not adequate for the task that the project has
156 prescribed. Hence the County is being asked to grant exemptions. Granting of exemptions
157 significantly increases the safety and hence the liability issues of our District. We will not accept
158 liability for these exemptions. Therefore the County must assume all liability. In the event these
159 mitigations measures are not acceptable to the County then the District will be forced to consider
160 dissolution in both terms of maintenance and liability-over to the County. As a result instead of
161 homeowners within the Ranchos paying for maintenance and insurance taxpayers throughout
162 Nevada County would be paying those costs. The District's legal counsel will submit the
163 District's written response to the Draft EIR on or before March 20th for inclusion in the
164 administrative record. And in addition I would like to say that the District must be part of the
165 development agreement to insure its right for protection now and in the future. Thank you

166

167 **Chair Jensen:** Thank you. Next person.

168

169 **Mark Mills:** Good afternoon Mr. Chair, Commissioners, my name is Mark Mills; I reside at
170 24220 Timber Ridge Drive in Auburn California. I would like you to incorporate this testimony
171 as part of the public record and for my response to Rincon Del Rio draft EIR. Nevada County
172 has served as my primary residence since 1986 and since that time have posed no opposition to
173 any project in Nevada County. It's also important to note that I have no general objection to the
174 concept of the continuing care retirement community of Nevada County. I'm a retired semi-
175 conductor executive I have been involved in industrial building and development for the bulk of
176 my life. I'm pro entrepreneurial and pro growth, typically the EIR did not deal with economics
177 or failed economics clearly have a negative economic impact. Per CEQA environmental means
178 physical conditions that exist within the area that will be affected by a proposed project including
179 land, water, minerals, or xxx aesthetic or has aesthetic significance. Nevada County General
180 Plan section 2.1249 called for a five year economic plan with annual reviews. Unfortunately the
181 County does not have such plans with xx projects. We have to ask the question how can this
182 process work. Possibly the process we are involved in today process doesn't work and I think
183 it's very documental. DarkHorse, bankrupt, no performance bonds, an economic disaster for
184 those who bought homes there. Lawsuits are still pending. Winds Aloft, just off Combie Road,

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PC 1 Continued

185 the former Ann Armstrong property bankrupt, again no performance bonds, a bulldozed
186 wasteland, and clearly environmental damage. CEQA sets the path. Counties must follow.
187 Nevada County does not follow the State required General Plan instead it modifies the General
188 Plan to fit the project. Clearly the County appears to have no respect or use for its own General
189 Plan. It's time for the County to become serious about its future and maybe I can advise the
190 Attorney General's office to help the County find its way. Economic failure is negative
191 economic impact. Regarding fire, mitigation measure 3.8.7 call for the developer to generate
192 emergency evacuation plan with the community. This measure is so grossly incompletely
193 written it actually creates a major disaster. Can you imagine all the residents that Mr. Rangel
194 spoke about deciding we are going to run up Timber Ridge to get out of this fire with no master
195 evacuation plan? You have seen where 50 or 100 cars on Combie Road with Lake of the Pines,
196 at 4th of July is a disaster, I can't imagine even a 100 cars coming up Timber Ridge Road. How
197 many citizens will it take 1, 100, how many will have to die to point out that this fire road is not
198 appropriate? I request that the EIR is completely, incomplete in the sense that it needs a master
199 evacuation plan if it wants to pitch this xxx into the community. And it would be wonderful for
200 all of us so that we have Combie like estates we'd have everyone to take care of that. Lastly is
201 liability it has sort of been discussed but one thing that hasn't been discussed and was again
202 inadequate in the DEIR is an alternative for the entrance has not been proposed for this project.
203 We are talking about Rincon Way which is a private road we are talking about Lake of the Pines
204 Community Service District, which is for public use but privately maintained. There is property
205 that is located right in here between Rincon Way and the lower part of the corner, next to it, yes,
206 and that property is for sale. There is a sign up that says rural estates 268-5515 it is available and
207 that purchase or a lot line adjustment of that land would allow Rincon Del Rio to have a private
208 entrance that would heavily mitigate some of the traffic problems been talking about. Allow to
209 use Rincon Way as an emergency exit. That proposal would take care of liability issues for a
210 private roadway as far as the community service District it would allow the grandeur I think this
211 project needs to have a main entrance on Hwy 49. I think the applicant is serious about this
212 project a small investment to making sure this alternative entrance and exit is mandated that
213 would surely be a positive for all of us. I thank you very much for your time.

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214
215 **Chair Jensen:** Thank you

216
217 **Margo Donovan:** My name is Margo Donovan and I recently moved out of Alta Sierra. My
218 husband and I came up and were here for a short while and believe that if a project like Rincon
219 Del Rio had been in operation that would have definitely been an important factor in our decision
220 to stay in the area. Impact 3.1.1 states "the proposed project would not substantially alter scenic
221 vistas of the surrounding natural area including the Bear River corridor". Further impact 3.10.4
222 3.10.5 state " the project site is adjacent to numerous existing rural residences to the north and
223 west and the proposed project would not result in any significant increased land use
224 incompatibility since there is no scenic impact or land use incompatibility" why should a hand
225 full of a very vocal willful people be in any position to deny the senior citizens of the County the
226 opportunity to live where there are services provided to help us remain independent and live in
227 nature and neighborhoods that support physical activity and promote healthy successful aging.
228 As I said my husband and I probably would not have left the area if a development like this had
229 had been available to us.

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PC 1 Continued

231 **Chair Jensen:** Thank you

232

233 **Kevin Cookson:** Good afternoon Commissioner and the Board. My name is Kevin Cookson I
234 work for a company called XXX and Associates; I'm the insurance person for Rincon Del Rio. I
235 thought it would be important for the Commissioner and Commission to know the California
236 Dept of Forestry is responsible to map the areas of significant fire hazards. And the State
237 responsibility area based on fuels, terrain, weather and other relevant factors. These zones
238 referred to as the fire hazard safety zones defining application of various mitigation strategies to
239 reduce the risk associated with wildland fires. A small portion of the south eastern corner of
240 Rincon Del Rio site adjacent to the Ranchos is within a very high fire hazard severity zone. The
241 companies that issue homeowners insurance have taken such details into consideration when
242 issuing policies. New wildfire protocol for homeowners insurance may soon be requiring two
243 complete separate access points so fire equipment can respond from one way and homeowners
244 and other people can evacuate via another route. This means that when selling homes in the
245 Ranchos or Hidden Ranch Estates new buyers may have difficulty obtaining homeowners
246 insurance unless Rincon Del Rio egress road goes through and is constructed. Furthermore
247 without the egress road current policies may be cancelled or amended to reflect great adequacy,
248 risk retention, and/or law change to allow for a separate policy for them just to cover the
249 incidence of wildfire this would be similar to a flood or an earthquake policy.

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250

251 **Karen Abbott:** Hi my name is Karen Abbott and I have to read this because I can't speak like
252 very well this way. I have condensed it so I'm just going to expound on the points that I will
253 bringing up but in the interest of time I'm just going to give the points and then I'll have it in
254 writing copies to give everybody. Good afternoon Commissioners my name is Karen Abbott I'm
255 honored to represent Hidden Ranch Estates in south Nevada County. I'm speaking today on
256 behalf of Nevada County the community group Nevada County Rural Rights Coalition and
257 NCRRC of which I am a core member. Please include this testimony as part of the public and
258 administrative record regarding the Rincon Del Rio project. My Objective today is to give
259 numerous individuals in our coalition who though they are not able to attend today's
260 Commission meeting due to work or other personal obligations, desire to be included in the
261 Planning Commission's administrative process regarding the problematic Rincon Del Rio
262 project. There are many coalition members myself included who have not yet completed their in
263 depth research and analysis of the lengthy and what we consider extremely inadequate Rincon
264 Del Rio draft EIR. We do however intend to have our detailed comment letters regarding the
265 DEIR completed and delivered to the Planning department by no later than the close of business
266 the last day of the public comment period, March 20th. Those expansive letters will scrutinize
267 each section of the Rincon Del Rio Draft EIR and provide testimony regarding the numerous
268 inadequacies, inadequacies therein. I would like to synopsize the most relevant issues we will be
269 addressing within those letters so that pertinent information may be included today as part
270 today's official public testimony. Just to be clear this synopsis is not all inclusive of every
271 serious issue and concern that will be addressed by our coalition members regarding the
272 adequacy of the Rincon Del Rio EIR, and we reserve the right to discuss any and all relevant
273 topics in public forthcoming correspondence on or before the close of business March 20, 2012.
274 That said most relevant topics that we feel are not adequately addressed in the DEIR as follows:
275 And I did expand on these so there reasons why I've got them in here to make them clear like
276 when Mark was talking about that alternative egress that's something we've been working on for

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277 some time now. And actually we would like to include I think it would be safer to have four two
 278 exits out the back and two exits out the top of the front that were gated and safe as far as the fire
 279 access issue. But the issues are transportation and circulation, public services, utilities,
 280 population and housing, employment, cumulative impacts, alternatives aesthetics, noise,
 281 hazardous materials and human health, air quality, climate change and green house gasses, land
 282 use, and again there is just xxx just xxx. Our strongest point of contention with the Rincon Del
 283 Rio DEIR is that throughout the entire document serious environmental impacts and policy
 284 inconsistencies requiring thorough investigation are simply dismissed with the following
 285 verbiage. The proposed project is not consistent with the existing General Plan land use
 286 designation or zoning for the project site. However, the project proposes amendments to the land
 287 use map and text of the General Plan and the zoning map and text of the County's Zoning
 288 Ordinance in order to achieve consistency. Therefore, this impact is considered to be less than
 289 significant. If that presumptuous verbiage isn't alarming enough it is often followed with the
 290 caveat, while this Draft EIR analyzes any inconsistencies between the proposed project and the
 291 Nevada County General Plan pursuant to CEQA Guidelines Section 15125(d), the Nevada
 292 County Board of Supervisors would make the ultimate determination of consistency with the
 293 General Plan. The overriding theme through the DEIR appears to be it doesn't matter if the
 294 General Plan or Zoning Ordinance inconsistencies with the project we'll just change all those
 295 pesky conflicting laws to suit our personal agenda and then presto no mitigation required. How
 296 can such flagrant circumventions of numerous carefully crafted laws guidelines and policies be
 297 so lackadaisically presented as expert testimony by the PMC consultant throughout the legal
 298 document. We find the situation unconscionable. It's important that you understand that the
 299 members of the Nevada County Rural Rights Coalition are not opposed to sensible growth and
 300 development anywhere in our beautiful County nor are we opposed to the idea of the high
 301 density Rincon Del Rio CCRC project. What we are opposed to is that urban scale project being
 302 built in the proposed very low density rural location and that it's not just because it will be in our
 303 backyard but because it will be in Placer County's backyard rather than closer to Nevada
 304 County's core where high density urban development such as this should be located for many
 305 fundamental and legitimate reasons. In summary we as good citizens rely on our public officials
 306 and all of you and Mr. Scofield over there to follow the laws of the land Nevada County's
 307 General Plan and guiding policies thereby insuring the protection of our County's rural lands
 308 from exploitation and wanton development. We expect that you will hold the PMC consultant to
 309 task with regard to acknowledging legitimate environmental impacts and providing legal logical
 310 mitigation of the various DEIR inadequacies we will address during the administrative process
 311 and if lawful mitigation to serious impacts are unable to be achieved we trust that you will reject
 312 the Rincon de Rio project as currently proposed and seriously consider less impacting
 313 alternatives. Thank you for your undivided attention today and for your serious consideration of
 314 the matters brought forth in this testimony.
 315
 316 **Chair Jensen:** Thank you very much
 317
 318
 319 **Brenda Heckes:** Good afternoon my name is Brenda Heckes and I live at 7835 Mears Drive in
 320 Auburn CA and I recreate with my horses in both Auburn and Nevada County. Impact 3.12.1
 321 notes that there are 176 new residents would be possible assuming 2.42 people per unit. Under
 322 the existing General Plan designation and zoning. Please note the number used in the

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PC 1 Continued

323 environmental impact report does not include the probability of allowable secondary quarters
324 that could easily double this already conservative number. Thank you

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Cont.

325
326 **Martin Mortensen:** Planning Commission I am happy to be here today my name is Martin
327 Mortensen and I live at 24040 Timber Ridge Drive within the Lake of the Pines Ranchos. I
328 moved to Nevada County June of 1985 and have lived at this address ever since. I would like to
329 address the Nevada County ordinance that requires unlocked fire gates for emergency access.
330 This Nevada County ordinance is in direct contrast to the State Fire Code that allows for locked
331 emergency access gates. Section 3.108 of the ICC California Fire Code Title 24.9 allows for a
332 locked gate provided that "electric gate can be equipped with a means of opening the gate by the
333 fire department personnel for emergency access". Section 503.6 of the California fire code also
334 allows for locked gates. If the County can ask for a road standard exemption from its own
335 standards it can also approve an exemption from its own fire codes that requires unlocked gates
336 allowing a locked gate that can only be opened by fire personnel would be consistent with State
337 fire codes. This Nevada County policy change requiring fire gates to be unlocked presents a
338 major concern to the EIR as it pertains to the traffic study. An unlocked gate is a controlled
339 roadway and therefore by definition is a thoroughfare. With an emergency fire gate being
340 unlocked a new traffic study is required concerning all through traffic for both egress and ingress
341 from Hwy 49 and Rincon not limited to DarkHorse, Combie Estates, Forest Lake Christian
342 School, Lake of the Pines, and Lake of the Pines Ranchos and would breach the 1983 Lake of the
343 Pines Ranchos Community Service District and Nevada County's agreement which was talked
344 about earlier. Therefore litigation is being requested, a new traffic study is being requested that
345 considers all through traffic for at least or at least addresses the complete control of emergency
346 fire access. No one except for the Fire Dept should have access to the locked gate. A remote
347 access solution from the Knox Box System company will provide the safest evacuation access
348 out of the area in case of emergency through a locked gate. Several solutions such as central
349 lock, key secure or master file security systems are available to control the Knox Box Key
350 System. These master key retention units provide accountability with an audit trail giving the
351 date time and user id for each key release. Knox also offers a remote administration program for
352 these units and could be used to open the gate remotely from the emergency accesses by the
353 Higgins Fire Dept or CDF. The road exception is one of twelve deviations from the Nevada
354 County codes and policies requested from Rincon Del Rio project. The DEIR is inadequate
355 because it does not analyze the potential traffic from an unlocked gate at the terminus of Rodeo
356 flat Road. Stating that a sign will take care of the problem is not, does not constitute analysis.
357 While the DEIR claims there will be a guard at the gate to the Del Rio entrance there is no
358 guaranty that if the development begins to fail as did DarkHorse, Higgins Market, Place Winds
359 Aloft, and other developments throughout the County that this guard option may disappear with
360 the budget. In conclusion the proposed unlocked emergency access gates will have the following
361 potential impact; without a controlled locked gate significant injury and loss of life due to
362 unregulated traffic or non-County compliant private roadways will be a source of major liability
363 to the Lake of the Pines Ranchos property owners and Nevada County. Thank you for your time.

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364
365 **Chris Rauwendaal:** Good afternoon I'm Chris Rauwendaal I live in the Lake of the Pines
366 Ranchos, on Rodeo Flat. I would like to give you a brief presentation on some road studies that
367 have been done on the roads in LOPR so that we all have a good understanding of the issue. The
368 first study that was done was by Cramer engineering in 1984. They conducted rates of speed

PC 1 Continued

369 limit study the report was sent to the CSD to Hank Nugent and the findings of this report was
370 that the roads structural section was too thin to determine the weight limit using normal road
371 design formulas. The design options that were proposed to satisfy traffic index 3.5 which is
372 minor residential serving 35 to 50 lots. The designs for 9 ton axle loads one was 1.5 ac which is
373 asphalt concrete with a 3" class 2" AB aggregate based on top of the existing aggregate base.
374 The other proposal was a 2" AC pavement with 1.5" class 2 AB to existing AB. Also it was
375 proposed that subdivisions should post a 25 miles per hour speed limit because of several short
376 radius curves in the community. Also a 15 mph warning sign to be posted at the very severe
377 curve adjacent to lot 132. Next study was done by Holdrege and Kull Consulting Engineers and
378 Geologists this report was June 25, 2008 revised September 09, 2008. Recommendations here to
379 do a pavement rehabilitation and also for some portions it would require complete removal and
380 reconstruction of the structural section. The assumption was made here that only minor traffic
381 would have access to residential streets of the Lake of the Pines Rancho area. Also the
382 recommended installation of a 70 ft long 12 inch in diameter corrugated metal pipe xxx. The
383 findings here were that Rodeo Flat and particularly the upper portion which is the most critical
384 part of the evacuation route has minimal ac ¾" and also very minimal aB which very much
385 substandard. Nevada County minimal structure standard call for a 2" ac and a 6"ad aggregate
386 base. So the aggregate base is insufficient by a factor of 12 which is ridiculous. So there are
387 numerous filled areas that need total structural section replacement and ditches are needed to
388 direct water away from the pavement. There are three basic causes of failure for asphalt concrete
389 failure; one is traffic, one is water, damage by poor drainage and aging by evaporation over time
390 and this results in cracks. We had a major project in our neighborhood bringing in water and the
391 heavy truck traffic that was associated with this caused major damage to Rodeo Flat and Timber
392 Ridge Road. Portions of these roads required complete reconstruction of structural sections.
393 This was a portion of 5200 sq ft. this was performed by Hansen Brothers the cost included
394 removing existing roadway material, replacing the 6" base rock , topping with 3" of asphalt and
395 the cost was \$4.46 per sq. ft. for a total of \$23, 192. The total length of roads in LOPR is 10, 000
396 ft. the total area is about 180,000 sq. ft. We have reconstructed so far 5,200 sq. ft of that, less
397 than 3% of the total length of the roads. If we would need the total reconstruction it would cost
398 as much as \$800,000 which is a substantial amount of money. Much more than the LOPR
399 residents can carry. We have now 400 average day trips through the Rodeo Flat Street. The
400 projected increase with an open gate will increase this to over 10,000. And as Mr. Rangel noted
401 this an increase of almost 27X which is huge it's an enormous increase and also this will require
402 an update to local class 1 road to major collective rural road. If they have an unlocked gate xxx
403 this would make the road a regional emergency access road and one of the requirements of such
404 a road is that it has to be reduce emergency travel distance by one mile or greater. The reality is
405 that the Rodeo Flat evacuation route is longer, steeper, narrower and more winding than a
406 primary access road xxx. These are some pictures of the condition of the road. You can see very
407 rugged major portions have eroded away same over here you can see extensive cracks in the road
408 surface and this is the reality so the conclusions that I would like to draw from this is that the
409 LOPR roads do not meet standards for existing traffic and certainly do not meet standards for
410 significant increases in traffic as much as 27X. If this would happen costly upgrades would be
411 necessary and the community services District should not and cannot carry this burden and also
412 at this point I think it is very important that a peer review of the traffic generation and
413 distribution component of the EIR be conducted.
414

PC1-16

PC 1 Continued

415 **Chair Jensen:** Thank you. Just a minute...at this point I would like to know how many people
416 here are here to talk about the traffic going out on Rodeo Drive. Ok. My comment was going to
417 be that we would like to hear about other things also. So go ahead.

418
419 **Marge Privara:** My name is Marge Privara I live in Meadow Vista in Placer County and ever
420 since I heard about this project I have been very interested in spending the latter years of my life
421 living there. So I have followed it since its pretty close conception. I'm an interested party. I
422 just wanted to say that the impact in the EIR 3.13.1.1 is not clear. It states "implementation of
423 the proposed project will not result in the need for additional or expanded fire protection
424 facilities and will not, but then it includes an extraneous word could result in decreased fire
425 protection service levels. Which is correct will not or could? Got that? And further since the
426 RDR will have on staff 24/7 EMTs capable of executing fall and return services the burden to
427 fire stations throughout the County will be reduced as a result of seniors in the County relocating
428 to a centralized safe medically supervised location. And that's all.

PC1-17

429
430 **Chair Jensen:** Thank you very much

431
432 **Mary Schubauer:** Hello my name is Mary Schubauer and I have lived in the area for about 51
433 years. This is a long time and I have seen a lot of changes. I too am excited about the Rincon
434 Del Rio and I am going to address one of the issues there. The impact 3.2.3 implementation of
435 the project would not result in the conversion of prime farmland. Farmland of statewide
436 importance or unique farmland. Impact 3.2.2 goes on to note the majority of the project would
437 remain undeveloped and some agricultural uses are proposed as part of the project. Any impact
438 is less than significant and needs no mitigation. I want to congratulate Rincon Del Rio for
439 realizing the social, mental, physical rewards gardening can provide to seniors. I wish to urge
440 the project to modifying equipment and tools to suit the needs of older people also the edible
441 gardens should be located in a safe and accessible space and some of the raised beds should be
442 positioned outside the proposed farm area and closer to the village green so assisted living
443 residents can participate more easily. Thank you

PC1-18

444
445 **Len Ramirez:** Hello Council my name is Len Ramirez I'm the owner of Ramirez rattlesnake
446 removal, recognized Rattlesnake Corporation in the state of California since 1985. This is with
447 regards to talk about rattlesnakes; we'll break this up a little bit.

448
449 **Chair Jensen:** Thank you

450
451 **Len Ramirez:** Impact 3.4.10 indicates the implementation of the proposed project that can
452 create hazards for the project site residents as a result of interacting with poisonous or dangerous
453 wildlife on the site and requires the posting of rattlesnake warnings. Record for PMC
454 rattlesnakes are not poisonous they never have been they are venomous, there is a big difference.
455 The purpose of environmental impact report is to assess the possible negative impacts that a
456 proposed project may have on the environment. Impact 3.4.10 indicates hazards for the project
457 site residents created by the environment, is backwards. I have been in the rattlesnake removal
458 business in northern California area for 27 years and have been featured on National Geographic
459 as well as numerous local media outlets and as an expert on rattlesnakes and rattlesnake removal.
460 I do not kill rattlesnakes; rather I relocate them to non-populated areas. Rattlesnakes are a fact of

PC1-19

PC1 Continued

461 the state of California. Posting some signs will really not help. All the Rincon Del Rio residents
462 will need annual training on how to avoid rattlesnake encounters. I would also conduct an
463 annual spring and fall round-up to reduce the natural occurrence. Common sense precautions
464 basically eliminate the problem but this again is not an impact that Rincon Del Rio project is
465 having on the environment. Rattlesnakes have perfect vision up to 18" after that it starts to
466 diminish so posting signs will have little or no value. So if we are going to do something about
467 this lets use big block letters. That's it, thank you.

PC1-20

468
469 **Chair Jensen:** Thank you very much

470
471 **Gerry Lindgren:** Good afternoon my name is Gerry Lindgren I live on 10251 Rincon Way and
472 one of the six residents that actually live on the street. I want to speak to the impact of 3.14.9
473 which is in the report that states Hwy 49 and Rincon Way intersection would not be expected to
474 have any cueing issues under the future plan project conditions. Now I have studied the plan and
475 I've studied the Rincon Del Rio transportation plan and I'm convinced that the development will
476 not xxx a troubling amount of traffic on Rincon once construction is complete. I currently work
477 with seniors in a majority of my real estate business transactions I sell mobile homes at mobile
478 home parks everything in Auburn and on that side of the County line are all senior parks. So I
479 work the majority with seniors. Just this last week I sold a home in Edgewood mobile home
480 park which is a senior park. The seller moved into the Oaks Senior living facility in Auburn.
481 The great thing about these types of facilities including the Rincon Del Rio project is that they
482 have buses that take residents to and from the facility to grocery stores Drs. Offices, and other
483 retail establishments and then bring them back. Thus eliminating for each resident to even own
484 an automobile. A very small percentage of the residents at the Oaks in Auburn and the facilities
485 like Auburn Ravine Terrace senior living in Auburn have their own transportation. As a matter
486 of fact if the local neighbors including myself in our community were to take advantage of the
487 car pooling and shuttle service that are going to be offered along with the onsite walking trails
488 and future activities that are also planned it is my opinion the traffic on Hwy 49 could be
489 significantly reduced. Because statistically 90% of residents that will be living in Rincon Del
490 Rio project like the other communities that I just spoke about will come from within 30 miles
491 gathering them into one location should reduce the number of cars and transit bus trips not
492 increased any. The number of elderly drivers on Hwy 49 would most likely be reduced not
493 increased. The project plans create an impressive environment in my opinion that lends itself to
494 onsite activities shopping for residents that will also reduce the need to make unplanned daily
495 trips out of the community. All in all the project seems to bring more positives to the community
496 and into the County than it does negatives and I believe that it's a needed project for our elderly.
497 Thank you.

PC1-21

498
499 **Chair Jensen:** Thank you

500
501 **Connie Davis:** Hello my name is Connie Davis I'm Jerry's neighbor, Hi Jerry. Anyway I've
502 been listening to all this talk of safety and it really amazes me. I don't know if anyone has been
503 out and even looked at this property. It is in the middle of a huge oak forest. If you go and my
504 property is west and south of this project along the property line. If you go across on Angelique
505 and look at my house in the summer, I have a three story house; you cannot see it because of the
506 trees. It is a thick densely populated oak forest. Now these small entrances and exits that they

PC1-22

PC-1

507 are showing you they would be lucky to get 50 people out of there if there was a fire. Because
508 we are south and west we're the direction the wind comes from. And you've got 10-15 minutes
509 to get out if there's a forest fire. And you know fires here are very common and dangerous
510 because the oaks burn so fast and they are so thick there and I keep thinking well they're going
511 to put 400 old people in there at least with all the people to take care of them and who knows
512 how many that will be on this tiny place what happens if they can't get out and now they are
513 telling me they're going to lock them in. They're going to have gates on the roads but what
514 happens if the gates fail, what happens if there is no one there to open it. Then you'd be lucky,
515 like I said to get 50 people out. They will never, ever, ever, evacuate that many old people from
516 this area. This is the wrong place for the wrong thing. If they want to house the elderly and I
517 think it's a wonderful project they have got to find some place that safe for them to be. There is
518 going to be no safety for them there at all.

PC1-23

519
520 **Chair Jensen:** Thank you

521
522 **David Kirk:** My name is David Kirk I live at 24031 Timber Ridge Drive; I live on the new
523 proposed fire/highway exit for Rincon. I believe the EIR study did not address me or my family
524 or any other family up and down Timber Ridge Drive or Rodeo Flat when they did their EIR
525 study of doing this fire road. If they are only using 45 acres of this large property to build this
526 complex I foresee another and another of its kind being built. All these changes to the General
527 Plan are adopted in the EIR study or for this project. What is going to keep them from building
528 another one next to it and another one next to that or a gentlemen down the road that has a few
529 acres being able to build another big complex once you change all these stipulations in the
530 General Plan. Something someone else brought up if no one down in the Rincon area owns cars
531 how are they going to get out during a fire. Are there going to be enough buses standing by at all
532 times to evacuate all these people that don't own cars. That is going to be big problem. How are
533 they going to get these buses up and down my very steep winding road after coming up a very
534 steep road from their project to begin with? How am I going to get out if I've got 50 buses going
535 down my road how am I expected to get in or out to save my family? As a licensed plumber
536 contractor 22 years I have had the opportunity to go down to the sewer treatment plant and talk
537 with a worker down there and he said that this project would put their facility at a maximum
538 peak usage and that they would definitely have to do more building on their site to accommodate
539 this and the new proposed shopping center that's going down the road at 49 & Combie
540 intersection. I didn't see anything in the EIR study talking about what the impact would be on
541 making this plant larger and larger to accommodate all these small cities that they want to build
542 within our rural community. I moved to this are because it was rural I' like to see it kept rural. I
543 think that's what I came to stay.

PC1-24

544
545 **Chair Jensen:** Thank you

546
547 **Kathy Sherman:** Hello my name is Kathy Sherman and I live on Table Meadow Road in the
548 Ranchos and I would like to address the issue of having an unlocked gate that could possibly be
549 to a uh the Ranchos Road becoming a thoroughfare . You saw the pictures of the narrow
550 winding steep roads you saw pictures people walking on those roads with their dogs I saw at
551 least one of those, what you don't see are sidewalks, we don't have any and yet these roads are
552 used extensively for the residents there to walk and we have an extensive hiking and equestrian

PC1-25

PC1 Continued

553 trail system which crosses these roads at several different places and we need to walk along the
554 roadway along the shoulder of the roads sometimes on the pavement to access the different
555 sections of the trails. And I believe that having an unlocked gate there could lead to a major
556 safety issue for all the residents in the neighborhoods who walk their dogs walk their children
557 and are out there with strollers and riding horses, who I don't know most of you might not know
558 that we cannot always direct horses sometimes traffic has to allow for our horses and allowing
559 heavier traffic through there I really believe will result in people getting hurt and possibly killed.
560 Thank you.

PC1-26

561
562 **Chair Jensen:** Thank you. Just one moment I notice there's people leaving if you don't get said
563 today what you want to say you have the right to put it all in a letter send it to the County staff so
564 even if you come up and make a comment and you don't feel you completely or clearly stated it
565 you can always write it in by March 20th. Thank you, go ahead.

566
567 **Jean Kelley:** Good afternoon my name is Jean Kelley and I live in Meadow Vista, I have lived
568 there for 23 years and I have been involved with nursing homes, assisted living homes, for all
569 these years I go and visit them and so Rincon Del Rio when I learned about it has really gotten
570 piqued imagination of a beautiful place it would be for some of these people including myself
571 someday and by providing an egress road this project very much improves the fire circulation.
572 Additionally fire hydrants, irrigated grown cover trail crews removing underbrush and dead trees
573 all reduce fire danger for the entire area. As noted on page 3.8.18 of the draft EIR there is
574 currently only one evacuation route out of the Rancho Combie corridor area. All emergency
575 evacuations and response for the area is currently funneled through Combie Road.
576 Implementation of this project would provide additional emergency only roadway and the
577 mobility of fire submission and emergency response and law enforcement vehicles during an
578 emergency. Rincon Del Rio improves implements of the County's evacuation plans and the
579 emergency operators plan. My home was burned down in July 28, 1999 and I cannot describe
580 how it feels to have what feels like your entire life go away. In my opinion this project should
581 go forward if for no other reason than the increased fire protection it provides for the entire area.
582 Thank you

PC1-27

583
584 **Chair Jensen:** Thank you

585
586 **Angela Davis:** Hi my name is Angela Davis and I live on Connie Court which is right next to
587 the facility. I wanted to state that we are not talking about a mobile home park and we are not
588 talking about a elderly theme park where everyone gets to grow old and be happy we are talking
589 about a continuous care facility which means as you get older and become more disabled you
590 cannot move yourself. Therefore I would contest that the EIR does not present um is not
591 efficient or present information enough to handle disabled people How you are going to
592 evacuate them in an emergency situation and what's required actually and the amount of traffic.
593 Thank you.

PC1-28

594
595 **Chair Jensen:** Thank you. Do we have anyone else?

596
597 **Marty Koulax:** My name is Marty Koulax I live on Table Meadow, 25748 Table Meadow
598 Road. I and just wanted to say something about the fire department water and sewer resources.

PC1 Continued

599 Impact 3.13.1 states they will need to double the staff to meet the requirements and its going to
600 be funded by projected sales tax and fees this is for the fire department they will have to have
601 double the staff to 24/7 staff. And yet the fees or only to be used for facilities or equipment not
602 staff. And most if any sales taxes will be collected by Placer County as most of the closest
603 facilities are down in Auburn. The fire fighters will have to place long before than vacancies are
604 filled on the project and if the project should fail as did others, our community would still have
605 the burden of funding the extra staff and extra sewer and everything else that would go along
606 with the project. It has a negative impact on the water and sewer both financially and
607 environmentally. I have read the DIR and have many more concerns that seem to be
608 inadequately addressed within it. It would take hours to point out the inconsistencies in which
609 the conclusions were obtained when the conclusion was less than significant impact. Nevada
610 County General Plan land use guidelines and zoning codes were established for the specific
611 reason of stopping a project like this. Disregarding or manipulating them for the purpose of
612 pushing this project through is an injustice to the people that those codes were meant to protect.

PC1-29

PC1-30

613
614 **Chair Jensen:** Thank you very much

615
616 **Hank Stoffel:** Well good afternoon my name is Hank Stoffel I live on Rodeo Flat I have an
617 awful lot of talk about traffic, roads, locked, and padlocked gates and so on. My curiosity is
618 about the noise pollution. I haven't heard a word about that yet in EIR or anyone else. When I
619 moved into this place I heard birds every morning all day long. Owls, I suppose every birdsong
620 now will be replaced by a siren. Because old people living are always calling the hospital or the
621 sheriff or someone I hear more sirens now on my property and no more birds. So my concern is
622 that whenever we do these EIR's let's talk about noise pollution as well. You know it's
623 interesting that human beings need peace and tranquility they don't need more traffic and
624 especially the sound of sirens. So I will leave you with that with that thought when you do an
625 EIR let's talk about noise pollution as well as all the other things you include. Thank you

PC1-31

626
627 **Chair Jensen:** Thank you

628
629 **Bill Abbott:** I thought that would be a good lead into my comment my name is Bill Abbott I
630 live on Hidden Ranch Road adjacent to the proposed project. My topic is noise. The draft EIR
631 is inadequate because it does not address the noise impact from the following specific outdoor
632 activities. Skeet shooting, the clubhouse, event lawn, homestead gazebo, and hilltop recreation
633 and picnic site. If you are wondering where I got the skeet shooting it's from their elaborate
634 website which I wasn't next door I'd swear it was already built and operating. The EIR must
635 analyze the noise impact from these specific recreational sources and assess whether their noise
636 levels comply with statement on page 3.1.33 of the DEIR predict the future ongoing noise level
637 will not be projected to exceed the County's normal accepted noise standard of 60 decibels at
638 proposed onsite land use. Thank you.

PC1-32

639
640 **Chair Jensen:** Thank you

641
642 **John Chase:** Hello my name is John Chase I live at 19470 Oak County Road is Grass Valley
643 which is in the south county off of Magnolia. I'm a retired electronics executive however I have
644 been farming in Nevada County active farming on my property for the last 17 years. I like to

PC1 Continued

645 address impact 3.10.4 which notes that the project site and surround area are characterized by
 646 scattered large log rural residences and large amounts of open space including both natural areas
 647 and grazing land. The County’s General Plan land use and development code and the western
 648 Nevada County design guidelines encourage the use of clustered development as a means to
 649 minimize public health and aesthetic concerns. Reduced dependence on automobiles reserve
 650 open space environmentally sensitive area and support grazing forest management and crop
 651 production. In general provide for the maintenance of a rural quality of life and protection of
 652 environmental resources. Specific to the project site the clustered development approach ensures
 653 that the view from adjacent properties remains a large open grange land with existing vegetation.
 654 Based on these findings alone I believe that this project should go forward as an example to be
 655 emulated by future projects.

PC1-33

656
 657 **Chair Jensen:** Thank you

658
 659 **Blake Hinman:** Commissioners I appreciate the opportunity to be here today and express
 660 myself. My name is Blake Hinman I live off Chaparral Drive in Penn Valley. I am a landscape
 661 architect and I have done over 30-40 different senior projects throughout the State of California.
 662 Small scale 27 units XXX infill projects to large scale projects like 2000 units xxx. This is a
 663 great project and I would like to talk about it a little bit. Rincon Del Rio includes residential and
 664 associated support uses and from a land use perspective will not conflict with adjacent land uses
 665 which are also residential in nature. No development is proposed in the sites most north portion
 666 allowing for a greater buffer between proposed development and the existing homes to the south,
 667 to the north excuse me. The rural character of the site will also be enhanced with the addition of
 668 landscaping throughout the developed portion of the site. The landscaping will be designed to
 669 incorporate areas of native vegetation and would utilize native and adapted plant material. These
 670 project features are intended to foster compatibility and minimize conflicts with the adjacent land
 671 uses as well as reduce fire danger. All this planning attention to detail does not come cheap. It
 672 could have been avoided by the applicant I’m not certain that the neighbors in the area near the
 673 project understand how hard the applicant has put together their effort, money, and resources to
 674 have this project become a reality. In addition they could have subdivided this project into 72
 675 separate lots I like the fact that they consolidated all the units on to one side of the 215 acres and
 676 thus saving approximately 80% of the space into open space. As comparison I have been just
 677 hired for a new project in Calaveras County which consists of 3,200 acres of that 22 there are
 678 going to be 2200 homes on the project a resort two golf courses a high school a and two other
 679 elementary school and various parks. About 80% of the entire site will be graded. This site
 680 leaves 80% open space and keeps the residential on the good side of the project. Thank you for
 681 your time.

682
 683 **Billie Prestel:** Good afternoon, thank you for letting us all come together and express ourselves
 684 over this project. My name is Billie Prestell and I live at 10210 Rincon Way. My husband and I
 685 and my mother in-law that lives 10204 Rincon Way are in direct line of anything that happens
 686 back there at this project. And I would like first to address the aesthetics in the above or in the
 687 DIR states that the proposed project does not fall under the California Scenic Hwy program
 688 CSHP because the project cannot be seen from the street. We contend to indicate that once the
 689 intersection at SR49/Rincon Way is completed the proposed improvements will radically change
 690 the existing intersection into a major intersection destination and drastically change this scenic

PC1-34

PC-1 Continued

691 rural setting to an urban one. And No longer fall under the purview of the CSHP. I would like
692 the DEIR to address that in one way or another with some kind of rendering what they expect
693 the intersection to look like I would like to see that. They have other very nice renderings for the
694 town village on the project. I'd also like to address the lighting. They say that the lighting from
695 the proposed contra project will be less than significant. This phrase is used over and over again
696 as Ms. Abbott earlier eloquently expressed how we feel about that. We live on Rincon we see
697 the cars, in the evening we see the cars come we'll see the cars go 24/7, 365, not just the cars but
698 we will hear the emergency vehicles service vehicles. Umm... we believe that none of this is
699 less than significant to anyone, on Rincon Way or anyone else that comes in contact with this
700 project. Transportation of course we have already talked about I won't bore you with that and
701 the unlocked gates. It is very significant though on Rincon way because we are very concerned
702 about getting out of our driveway once this project is done. And because of the age of the
703 population that is targeted and the intersection we are concerned about that also and the safety.
704 On a personal response the beautiful rural area is beautiful because the General Plan keeps it that
705 way. RDR will change the rural landscape forever. Their traffic their sirens their service
706 vehicles street lights their buses special events all contribute to the urban existence. Street lights,
707 sidewalks, buses, service vehicles, all belong in city limits. We choose to live in the
708 unincorporated area for a reason. It is unincorporated. What guaranty can the County give the
709 proposed project RDR will be completed as presented. None. I don't have a lot of faith. We
710 believe in growth, we have no objections to the property being developed. It is the type of
711 development we object to. The area has zoning of 3-acre parcels let them build homes on 3-acre
712 parcels. The proposed emergency gates won't talk about. The intersection and that's it.
713
714 **Joyce Ash:** My name is Joyce Ash and I live at 24278 Timber Ridge Drive in the Ranchos. And
715 I would like to comment a little bit more about the lighting. The draft EIR is inadequate because
716 it does not quantitatively address the CEQA guidelines appendix G thresholds of significant
717 standard for creating resource "create a new source of substantial light xxx which would
718 adversely affect day or night time views in the area. The EIR section 3.1 aesthetics impact 3.1.3
719 states "these new light sources could adversely affect adjacent area with light spilling over and
720 could contribute to sky glow conditions in the project area". But subsequently concludes " this
721 impact would be considered less than significant threes no empirical data to support this
722 conclusion specifically the fed metric lighting plan prepared for the proposed project figure 2.0-9
723 in section 2.0 does not provide any luminaries photometrical data such as wattage or lumens.
724 The lighting plan also did not include any data on duplex or cottage patio lighting such as spread
725 lamps and interior lighting extrusion from windows. In order to allow for public review of
726 potential consequences from the proposed project Section 3.1 of the EIR must include
727 luminaries, photometrical data such as wattage lumens and hours of operation stay duplex and
728 cottage patio lighting such as spread lamps and interior lighting extrusion from windows under
729 cumulative effect on light pollution. Confirmation that there is no lighting for evening pickle
730 ball, tennis or other recreational activities as the lighting plan does not include any and confirm
731 that the 8 ft and 12 ft luminaries will be turned off at 11 p.m. in accordance with Nevada County
732 chapter 2 of the land use and development codes section L24.2.8 lighting standards D.9 which
733 says lighting shall be turned off at between 11 p.m. and sunrise except for those businesses
734 operating during these hours and where safety or security need is clearly demonstrated. If the
735 project applicant claims a safety or security need warrants full night time lighting then this
736 project is not suitable for the rural location. Hidden Ranch estates, the Ranchos, and other

PC1-34
Cont.

PC1-35

PC1-36

PC1-37

PC1-38

PC1 Continued

737 surrounding communities do not have street lighting and keeping with the rural environment
738 should also not have street lighting. Thank you.

739

740 **Chair Jensen:** We have two seats, so keep em full.

741

742 **Keoni Allen:** Good afternoon my name is Keoni Allen and I'm a resident of rural Nevada City
743 and I have been sitting here listening to an awful lot of very heartfelt comments and I thought it
744 may be significant to state the obvious what I believe is the most significant thing that really
745 hasn't been brought forward yet and that is the simple fact that the this Draft EIR appears to have
746 no significant impacts. And I just think that is a testament to the quality of the application you
747 have in front of you and I think that is significant in of itself. Thanks

PC1-39

748

749 **Chair Jensen:** Thank you

750

751 **Mike Moule** I live in Lake of the Pines Ranchos for the last 25 years up on Rodeo Flat Road and
752 I am not going to talk about Rodeo Flat Road. I have a variety of concerns about the Draft ERA
753 from Rincon Del Rio project I will address just a few of these issues. On page 3.14-17
754 intersection LOS standards of significance one and two impact 13.4.2 following implication of
755 the proposed project the State Route 49 Rincon Way intersection will meet level of service
756 standards and would not meet the peak hour single warranty, uh warrant therefore the impact
757 would be less than significant. The way I understand that statement is there is going to be no
758 signal at the intersection of Hwy 49 and Rincon Way. I have read the impact and don't
759 understand how they can come to the conclusion like that when the amount of traffic travelling
760 on Hwy 49 is traveling at a speed of 65 miles a hour. That particular intersection is very
761 dangerous to get out of particularly if you are headed south. The amount of time and effort to
762 cross over two lanes of northbound traffic and try to merge into the so called suicide lane is
763 absolutely nerve racking at best. Now given the nature of the project that is for the elderly,
764 people of elderly age, I know I'm getting there, have a less reaction time than say someone of 45.
765 Can you imagine the impact of that kind of activity going on in that highway when you have
766 35,000 cars a day by the ERA's own statement. I find it hard to believe that under any
767 circumstances that you can allow an additional 1,000 cars a day to be exiting that route and not
768 put a signal on there. In addition the draft ERA does not address the future project concerns

PC1-40

769 Phase I, Phase II, or Phase III. It's a total build out of the project as proposed in the ERA or
770 Rincon Del Rio website what will the totals of projected traffic trips on Rincon and Hwy 49 be at
771 the conclusion of the build out. In addition Rincon Road not needing widening as stated on
772 pages 3.14-21 are adequate emergency access impact 3.4.5 and it reads as follows: consistent
773 with the County General Plan an emergency operation plan primary emergency access to the
774 project site would be provided via state route 49 as xxx by Rincon Way. The proposed project
775 includes a petition for exception from Rincon Way easement as an existing 30ft. wide road
776 which does not meet the County 50 ft. easement standard. This proposed exception would not
777 affect the ability of emergency vehicles to access the project site in event of an emergency. The
778 way I understand that is that they are not going to widen Rincon Way. I find these statements
779 outrageous. When you add a 1,000 vehicles per day on Rincon Way considering one out of
780 every six would be some form of commercial vehicle including large semi trucks and trailers
781 making deliveries considering the commercial scope of the project not requiring the project to
782 improve or widen the road will create a hazard not only for the new occupants but for existing

PC1-41

PC1-42

PC1 Continued

783 residents. Along the same line about Rincon Way 3.14-21 paragraph that reads it should be
784 noted that visibility etc and in the next sentence it reads furthermore the management of roadside
785 vegetation within the right of way is the responsibility of the vicinity property owners as Hidden
786 Ranch Road and Rincon Way are private roads. I question this statement as I am not sure the
787 County will require the road to become public changing the General Plan rezoning lot size to
788 multiple use commercial even if the road remains private I question whether the adjacent
789 property owners are aware of the imposed responsibility to keep the right of way clear. Keeping
790 a 30ft wide inadequate road clear will not resolve the fact that the road is not 50 ft. wide to the
791 County General Plan specifications. I question whether they, the residents are willing to accept
792 the liability of an additional 500 to 1000 trips a day added to their homeowners insurance
793 coverage. Will 1,000 trips a day impact the private homeowners insurance? This is not
794 addressed. If the project proceeds the County should at least make sure that the developer brings
795 the road up to code in which 50 ft. in minimum the road visibility carry no liability in regards to
796 the road. In other words the County should take on the road as theirs. I believe that because of
797 the imposition and the amount of profit that can be made by the developers the road should be
798 the developer's responsibility and should be brought up to the County's General Plan
799 requirements of a 50 ft. wide road and all liability insurance requirements should be the
800 responsibility of the developers.
801 Thank you.

PC1-43

802
803 **Chair Jensen:** Thank you very much. Anybody else like to speak?

804
805 **David Kirk:** Can I say one more thing?

806
807 **Chair Jensen:** Just a minute let's make sure everybody's got a chance

808
809 **Kim Thompson:** My name is Kim Thompson I live at 10198 Rincon Way I'm the first house
810 on Rincon. I appreciate all the comments that have been said. Most of them are included in my
811 letter that I turned in to your clerk there. But I do want to address children in the neighborhood.
812 Rincon Way and Hwy 49 intersection is also the bus stop for our neighborhood children. Older
813 children wait on our road along with other parents with younger school age children in their cars
814 parked on Rincon Way. The bus traveling south on Hwy 49 actually turns left onto Rincon Way
815 backs up on the side road there loads the children then pulls back out onto Hwy 49 turning right
816 heading north. The backed up traffic from Rincon Del Rio will cause traffic jams or worse
817 accidents and injuries. I also would like to ...I'm blank so I guess I'm done.

PC1-44

818
819 **Chair Jensen:** Thank you

820
821 **David Kirk:** David Kirk 24013, 24031 Timber Ridge I had talked with a worker down at the
822 sewer treatment plant I forgot to bring this up earlier. About the running of the sewer line up to
823 Rodeo from this complex, this project through a pumping station Rodeo and then down Timber
824 Ridge Drive. I didn't see anything about how the roads would get repaired or whether it would
825 be brought up to today's standards if they were going to tear up our roads to bring their sewer
826 line down. I was also questioned who pays for everything, he says the expansion of their plan
827 would have to be paid by somebody and he said that would mainly be people who are already
828 using the plant so fees would go up as far as using your waste for LOP, for Ranchos, anyone who

PC1-45

PC1 Continued

829 is on the city sewer system. He also said that we are now in this area we are all on septic
830 systems and when they run the new sewer line down up and around our area they may be
831 required without an option to hook up to the new sewer line and abandon the existing septic
832 systems we now own. Being a plumber I know the minimum cost of this on almost any average
833 home is going to be around \$10,000. The EIR obviously does not talk about my money that I
834 need because it's environmental but I think it's something that should be talked about.

PC1-45
cont.

835
836 **Chair Jensen:** Thank you,

837
838 **Mark Mills:** unknown

839
840 **Chair Jensen:** Oh, ok, real quick. I didn't mean you had to run.

841
842 **Mark Mills:** Thanks Mr. Chairman I just want to expound a little bit on two items that I didn't
843 feel I had time to talk about initially. And they have been touched on briefly but one of them is
844 the clubhouse the 14000 sq fit clubhouse on the event lawn I was a member of the hundred year
845 old nonprofit Sacramento organization I won't do the name of it but we had a 4,000 sq ft
846 clubhouse and an event lawn and we could easily handle 400 people in on weekends and west
847 Sacramento county would tell you that they did not like the traffic that was generated from the
848 events. So I think the DEIR is extremely incomplete in the sense that it talks about a clubhouse
849 and event lawn but never deals about events, bands, noise of bands, contractors, support
850 equipment, light and anything that could go on with those events. So by the event lawn and the
851 clubhouse itself having no description of the activities that they plan on taking care of and it
852 would be a profit center for the facility clearly, the traffic study has to be flawed because we are
853 not considering that and the noise levels have to be flawed and I thank you very much.

PC1-46

854
855 **Chair Jensen:** Thank you

856
857 **Todd Juvinall:** Tod Juvinall speaking as an individual I live outside of Nevada City I'm
858 lifelong resident of the community. I've read a lot of EIRs in my day as you have as well and the
859 one thing that perhaps the community does not know is that the County gets the money from the
860 proponent and goes and hires the consultant so there is an arm's length strategy there to keep the
861 viability of the document to be less contestable. But in this particular case its very complex,
862 complex situation. I think what I see is that there are only a couple of three things I see that are
863 perhaps to be mitigated to the degree that might satisfy these folks. I'm pretty confident that the
864 consultant for the County in this particular case will work that out with response to comments. I
865 read the document and I saw most of the issues about the environments were pretty well taken
866 care of. There are not too many yellow legged frogs and red foxes and things like that. But all
867 these other issues I have seen over the years in our community people work them out. If it's a
868 good idea it'll make it if it's not a good idea it won't make it but I understand the concern of the
869 neighbors. But I think the environmental document if for those environmental issues. The rest
870 of the things like the entitlements or the use permits and all the other things will come down the
871 road and the entitlements will be voted on numerous times by you and the Board of Supervisors.
872 So there is going to be lots of attempts or places that people can voice their concerns about those
873 issues over time but today I think the issue is the environment. I'm looking forward to the
874 response to comments. The document is very very complex and very very articulate I believe in

PC1-47

PC1 Continued

875 the way I've read it and I'm fairly confident that the consultant did a very good job. There are
876 some things that perhaps the community has brought up that might need a little more
877 clarification but overall I think the document is a very good one. Thank you.

PC1-47
cont.

878
879 **Chair Jensen:** Thank you

880

881 **Art Rangel:** May I follow up.

882

883 **Chair Jensen:** Yes you may.

884

885 **Art Rangel:** Speaking of that issue um you know I too have reviewed and still do environmental
886 Impact Reports. I have been a Planning Director I understand the issues involved here and I tell
887 you, I got to tell you, I just couldn't believe this document when I saw it. Let's first talk about
888 the emergency evacuation plan for which was discussed to some degree. But again what is
889 paramount here is that the draft EIR does not even consider the traffic going through this gate.
890 and so as it relates to an evacuation plan how did the analysis come up that an access way on
891 Rodeo Flat was identified without any kind of analysis of that access. In order to do this
892 properly you'd have to do a comprehensive emergency evacuation plan for all of the area. I
893 mean to arrive at just one access is false hope to the people that live in the Lake of the Pines
894 gated community, and DarkHorse. If they are being told this is going to be sufficient and the
895 EIR doesn't even address it, I can understand why it didn't address it. Because you know you
896 look at all these impacts and now you need to signal it on Hwy 49. The issue of, even though the
897 County going through and amending its codes and General Plan policies to fit the project when
898 you look at it there's so many inconsistencies and other General Plan policies but that's a
899 discussion for yet another day. The last thing I have to say is this that the draft environmental
900 impact report is much too inadequate and the exceptions to the California environmental quality
901 act the law are much too numerous to cover in this presentation. The draft EIR is terribly
902 inadequate. I know that the County has very high turnover, you recently lost County Counsel,
903 you recently lost the Planning Director, I know you have County Counsel now to my knowledge
904 you've not yet hired anyone to replace the planning director no new staff. Issues that should be
905 addressed in this EIR there are many and they are very complex. The County has hired an
906 environmental consultant to prepare the draft EIR so responsibility of that consultant to prepare
907 an EIR consistent with State law that's the California Environmental Quality Act but it goes
908 beyond that this is responsibility of County staff to review the consultants work for thoroughness
909 and accuracy. That requires a lot of time and a lot of expertise I know I've been there. With all
910 due respects to County Staff it's my belief as a Planner that the County staff not only does not
911 have the adequate time to address the EIR but does not have the expertise as well and as a result
912 do ask for a peer review. Peer review to respond to look at the comments the public brought
913 forward and respond to those comments. Thank you.

PC1-48

PC1-49

PC1-50

914

915

916 **Margaret Mason:** Hello my name is Margaret Mason and I have property uphill from this
917 proposed project, across the canal and I wasn't going to speak because I'm not much of a speaker
918 I'm a better writer and I do reserve my right to add something all of this in writing. But a few
919 speakers ago a gentlemen that was speaking of the event lawns situation and the clubhouse that
920 made my ears go up because in my very rural place, I like to say, the land that I have has been in

PC1 Continued

921 my family for right about 100 years now so I have seen about half of that time and a lot of
 922 changes but all in all we have kept a lot of our flavor of being a rural place and I really hope we
 923 can continue to but when I'm out in on my land which I've, which my family has tried to
 924 preserve the rural feeling and the habitat for animals and all that every now and then I hear this
 925 tremendous noise that goes on all day long and I'm thinking what is this where am I and then it
 926 turns out that I'm across the street from, across the canal, across the canyon from the Youngs
 927 who have a bullhorn going and there's I don't know what they are doing but they are doing it
 928 very loudly with a bull horn and karaoke and all that and it never really occurred to me but if
 929 there are going to be events that go on, on this property outside of the individual residences of
 930 these people anyone who lives in the river canyon will understand that the sound is a very tricky
 931 thing. You can, it just bounces all around in all kinds of way and it is amplified. And that
 932 alarms me very much. Along with the lady earlier that was speaking of the light pollution, I'm
 933 very concerned about that as well and I do I understand that we are talking about the EIR here
 934 and I looked in that document for that to be addressed well and I didn't feel it was addressed
 935 well. As she mentioned there isn't any mention that there is going to be enforcement of lights
 936 being turned off. And what about the bleeding out of the residences what about the fact that in
 937 the areas of the complex where intense care is needed there will have to be lights on all night
 938 inside the buildings to take care for these people. And I do agree that this is a wonderful project
 939 and I can see that a lot of effort has been put in appreciate the environmentally conscious efforts
 940 that the architect spoke of but I, one last thing I would like to say is I also being this close and
 941 uphill from them I am very worried about fire. The trails, I love the idea of the trails initially
 942 because I like the idea of keeping open space but I got to thinking these trails are not going to be
 943 well supervised either all the vegetation is going to be taken out so that it won't have to be
 944 supervised so that if someone drops a cigarette or a bottle there won't be a fire and in that case
 945 it's not really going to be preserved space or it will be left alone with trails and it will become a
 946 big fire hazard for me uphill from them and for all the Ranchos and all the community a fire
 947 hazard. I have heard people say yes but the extra fire access is going to be an improvement in
 948 our situation with fire danger. I don't think all told, I don't agree with all that. I think that all
 949 told there are far more fire dangers here and I just anyway all these things that I have mentioned
 950 I think the EIR needs to address more fully. Thank you.

PC1-51

PC1-52

PC1-53

951
 952 **Chair Jensen:** Thank you

953
 954 **Brian Warren:** My name is Brian Warren and the land owner in front of the Youngs that faces
 955 the freeway. And all the folks here have their concerns about traffic and fire. I was just going to
 956 say a couple of things about this particular County Commission, you folks. I've done small little
 957 lot splits in Placer County. I just completed one here a few years ago now in Nevada County and
 958 I will tell you what I've found comparing this County to Placer and Sacramento you guys are
 959 actually very forward thinking. A lot of these folks might not know this but you just passed an
 960 ordinance last season about fire sprinklers in new buildings. So I don't know if anybody knows
 961 that rule these are going to all be sprinkled buildings so when we talk about fire hazard I think
 962 it's going to be a moot point in terms of buildings burning up and also the other thing about my
 963 parcel and their parcel this NID canal runs right parallel to us its totally accessible, I myself have
 964 10,000 gallons of water to supply through my whole property on an independent system from the
 965 main water system. So I know you guys will do the x's and o's that I don't know if the
 966 community knows how thorough you guys are and this is again the first report that has been

PC1 Continued

967 issued there will be more but me when I first heard it like a lot of the residents I was a little
968 hesitant but after you read the EIR report and you understand the concept to me is my goodness
969 you can't help read read the document if you haven't read the brochure yet when you are reading
970 the brochure you're like my goodness I could see myself living here very easily. So, to me it
971 appears to be a positive development not only for local residents, but I think you might find the
972 people want this kind of facility are going to line up quickly and they are going to fill up I think
973 it's a positive project at this point from what I can see. But again that's going to be your
974 determination to see whether it's viable or not. That's all I wanted to say.

975
976 **Chair Jensen:** I can see a couple of people trying to get out of their chair.

977
978 **Marty Koulax:** I like to say a couple more words if I could

979
980 **Chair Jensen:** Just real quick

981
982 **Marty Koulax:** the whole thing is that this isn't just a project that's going to appear and be full
983 up with adults or elderly it's going to take decades to get this place up and going or by then it
984 will be a ghost town like all the other failed properties around here. I mean it's a nice project
985 and everything and it really is but it would be more suited closer to facilities that would benefit
986 Nevada County and not where everything is going to benefit Placer. I just think there are so
987 many better places for a place like this than that.

988
989 **Chair Jensen:** Thank you

990
991 **Karen Abbott:** I have just a tiny little follow up

992
993 **Chair Jensen:** tiny little follow up. And if anybody else has some more stuff to add to their
994 comment all they have to do is put it in a letter and send it to the County and you've got until
995 March 20th to do it.

996
997 **Karen Abbott:** And I have copies of my letter to give all of you later too.

998
999 **Chair Jensen:** Thank you

1000
1001 **Karen Abbott:** Just listening to everybody and I have got a lot of points in my letter it's going to
1002 be super long my NOP letter was 15 pages long and it was quite expansive so this is ten times
1003 that probably because it's such a detailed document. But a couple of items that are in it and I just
1004 want to bring them out so there in the public record because we've been talking about it the 72
1005 homes that its currently zoned for the EIR addressed the alternatives and it didn't really address
1006 the 72 homes adequately enough in my opinion because xxx planned development and clustering
1007 things like that it wasn't really mixed use at the point they did it because there's perk issues
1008 down there so they couldn't split it up three equal acre parcels for the 72 so they had to go in and
1009 re-design they could do the 72 home clustered environment just like this a senior environment
1010 and with the senior density bonuses that they would be able to get from the County they could
1011 probably get up to close to what it we be for the double lots that the one lady talked about where
1012 they could double it because of the mother in-law house now days. So they could probably get

PC1-54

PC1 Continued

1013 up to close to 130 nice senior residences whether they be cottages or duplexes or four plexes
1014 even a little apartment complex and they still have that 14,000 sq. ft. white elephant up there they
1015 use for the clubhouse and they could put some those smaller businesses in that and make it a
1016 little less impactful to the rural area and they wouldn't have to add all that superfluous text to the
1017 General Plan that's going to cumulously effect the entire county and pop these things right in
1018 there. I'm hoping that the EIR can address those alternatives that way for 72 homes and it would
1019 come out more better suited for that location than even the downsized one. Which the
1020 downsized they would maybe just raise the age limit to 65 instead of 55 that could cut down on a
1021 lot of more mobile seniors that are actually going to contribute to traffic and all that stuff we
1022 have been talking about because they say theres not going to be any cars but theres 540 parking
1023 spaces, so that's the contradictory stuff all through the environmental impact report its really
1024 hard to decipher figure out what is going on out there. So I'm just hoping they will listen to our
1025 comments and we are going to have some very detailed ones and it's not all negative there is
1026 positive input we want to be safe we don't want to destroy our rural county

PC1-54
cont.

PC1-55

1027
1028 **Chair Jensen:** Thank you

1029
1030 Seeing no one else coming forward we are going to bring it up to the Planning Commission to
1031 see if the Commissioners have anything.

1032
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1038

Motion carried on a roll call vote XX/XX

1. Discussion of upcoming Planning Commission meetings

2. Announcements (Informational Items Only)

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

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There being no further business to come before the Commission, the meeting was adjourned at XXX p.m. to the next meeting to be held on XXX, 2012, in the Board of Supervisors Chambers, 950 Maidu Avenue, Nevada City.

Passed and adopted this XXX day of XXX, 2012.

Brian Foss, Interim Ex-Officio Secretary

PC1 Continued

1 **COMMISSIONER SMITH'S VERBATIM COMMENTS 3/8/12 -- RINCON DEL RIO**
2 **DEIR**

3 **Chair Jensen:** Thank you

4
5 Seeing no one else coming forward we are going to bring it up to the Planning Commission to
6 see if the Commissioners have anything.

7
8 **Commissioner Smith:** I have comments, thank you. Can you hear me? You mean I have been
9 quiet all this time and I didn't have to be? I'm limiting my comments to a couple of sections on
10 the EIR I have not hit every point, it's awfully long. And I'm going to start by telling you that as
11 my, a career, 25 years as a planner I've had two main jobs. One was processing mining permits
12 and preparing EIR's for mining permits, so I look at land uses in terms of drainage, erosion
13 control, and runoff. I use to run these numbers out, you know I wasn't the engineer, but I had to
14 make sure everything was set for the engineer that I worked for. And the other job I had was
15 working on this General Plan for 5 years. So I'm ah, it took a long time. It's very confusing
16 because it deals with local; it's a local, locally created General Plan. It was put together by 200
17 people on a multitude of committees, as well as staff and letters from the Attorney General and
18 there was you know a lot of controversy about it and a lot of that had to do with the way it is put
19 together. So it took a long time for me to understand it. I know that this has been a difficult time
20 for the Planning Department for the past couple of years they've had several long time senior
21 staff members retire, you've had staff cuts, two changes in Planning Directors, and I don't know
22 how long this project has been in the pipe on this within the changes of staff I know things can
23 you know "I can't do this anymore, this is now your project, things just get passed on down the
24 road." So I know all lot of things and consultants, everything can be overlooked and I don't
25 mean to insult anybody by my comments but because of my background these are where my
26 comments are focused and I'm trying to cut this down a little bit more. Umm, I'm going to start
27 with geology, umm, two geologic reports prepared for this project umm the latest one was
28 Acacia Civil Engineers, July 2011. Site construction activities that occur in rock areas is noted
29 in the Lumos which was the first study done in 2007 report may require pre-ripping and blasting
30 or a combination of both. That's because it's in a soil type that only has about two feet of soil
31 and the rest of it is rock. So they're anticipating both reports anticipate having to blast in order
32 to get especially the utilities in. And that is going to be a noise impact as an enormous cost
33 impact but it says specifically grading and utility construction in these conditions can be
34 considerably more expensive than the same activities with deep soil cover. I, umm, that is also,
35 um, I'm sorry yeah. So then in the EIR it states that those reports require or state that they
36 recommend design level geotechnical work, which is getting down and actually taking a look at
37 where the soil is and so but mitigations doesn't include that so I guess they are relying on a
38 building permit or something to cover the recommendations from the geotechnical reports but
39 traditionally that's included as a mitigation and it's not in this so at least I think it ought to be
40 covered and I also think that the blasting ought to be addressed in that even those they're
41 construction activities it's going to be noisy and you don't know how much blasting is going to
42 be required and one of them says that oversize material the Lumos study says oversize material
43 greater than 8 inches will be generated disposal or reduction of this material will be required. So
44 the on and off site estimates for grading I don't think are going to be very accurate because there
45 needs to be more geotechnical work these reports were only like 4 pages long. So I have a lot of
46 concern about, but the impacts are of construction umm and also the road impacts the grading

PC1-56

PC1 Continued

47 and emergency road access all of that is part of the project under CEQA and the impacts to the
48 roads that also was commented on earlier are not included in the EIR. They are going to have to
49 trench down 2 to 4 feet along the side of the road or are they going to repave all of the roads and
50 also NID has had a lot of problems with traffic you know they've got that project up there and
51 they've got people watching traffic well not so much traffic up there probably but those kinds of
52 issues were in the NID EIR and created a lot of controversy as they tried to finally get through
53 the project. So the actual impacts, what's going to happen to the people that live there while this
54 trenching goes on and how the traffic issues are going to be handled should probably be included
55 in the EIR. I reviewed the grading and drainage plans they show, the emergency access road
56 crosses slopes of more than 30%. So the County requires something about that there's only a
57 report in there a two page report stating that you know erosion control and it will be re-vegetated
58 but, given the fact that the mapping showed that the soil type was the same on the 30% slopes as
59 in the area where they want to put where they're going to be doing the rest. Are they going to
60 have to blast that road in? That's just something I think ought to be addressed. Because the
61 scale was so difficult I went on line to try to read the scale but just everything got pixilated as I
62 tried to blow it up and so I couldn't see everything. But I did manage to count some of the
63 contour lines and cuts and fills as well as a retaining wall in the development area it's self. And I
64 counted a 10 ft. change so within the development area there's going to be 10 ft retaining walls,
65 and there is going to be 10 ft of cuts on the access road and 10 ft of fill and I think we need to
66 know more about this especially given the soils. So I have a little problem with that and perhaps
67 the consultants can discuss that a little bit more it seems a little deficient. OK yeah, so cause I
68 covered the blasting and the ground vibration from the blasting ought to be included as well.
69 Then I took a look at the hydrology and the drainage plan is part of the grading plan shows all
70 the runoff staying on site I think but there were no drainage calculations. Now Caltrans in
71 responding to this project wrote three letters and in each letter they ask for the drainage
72 calculations, and the County Public Works I think it was requested twice to have the drainage
73 calculations, and they are not in the EIR and the scale is so difficult once again to deal with that
74 you can't but there's no runoff report and it's a simple 45-acres of land that's going to be
75 converted to urban use so it ought to be pretty easy to apply the rational method and figure out
76 how many more cubic feet of water is going to be generated in a storm. I know that they have
77 proposed 11 storm retention basins but there is no way to know how those are going to be and
78 they are also shown draining into a pond, the culverts come out of the retention basins and they
79 drain down into the pond. We don't know the maximum capacity of the pond and that should be
80 included. It's a 3-acre pond if it's 5 ft deep, I don't know, we don't know how big the pond is,
81 but that's going to be 5 times 3 so that gives you 15-acre feet of water. How much more is going
82 to come into that pond? It says that the drainage report and associated drainage study will be
83 reviewed by County staff to ensure that the adequate capacities to manage anticipated storm
84 water drainage on the site will prevent any on or off site flooding. But if 11 ponds aren't big
85 enough it's going to impact how the whole development pattern might change. So I'd like to see
86 the numbers I think that people, I'm sure other engineers are looking at this. Now another issue
87 that comes up is that flood zone A comes up to what appears to be the foot of the dam. The dam
88 is 30 ft. high it comes up to the foot of the dam. Um the EIR consultant, oh this is not mean and
89 nasty or anything they referenced the wrong FIRM map they referenced the farmland mapping
90 instead of FEMA. The project is on 775E not 77O. Page 3.9 states that there is a 26% chance
91 of flooding over the life of a 30 year mortgage in flood zone A. It also says that the earthen dam
92 on the project is not currently regulated by the division of dam safety. In the event of a failure of

PC1-56
cont.

PC1-57

PC1-58

PC1-59

PC1-60

PC1-61

PC1 Continued

93 the onsite dam so we've got all of this water coming from 48 acres coming into this pond which
94 is full right now. It is given that the topography of the site that the water would flow southward
95 into the Bear River page 3.95. It says 3.9-22 impact 3.96 but because the project does not
96 propose any structures other than recreational structures the dam will flow into the Bear River.
97 The project therefore the project would not expose people or structures or significant loss, injury,
98 death, involving flooding as a result of the onsite dam and therefore the impact would be less
99 than significant and no mitigation is required. There's a, there's a bridge Caltrans has that bridge
100 right down the way and I don't think that dam failure is a less than significant impact and
101 because it's not included in the EIR it really, really, really, troubles me that this is a public health
102 and safety issue that potentially could be significant if it's not included in the EIR. I know that
103 this County may not ask for drainage calculations but because they were requested 5 times to be
104 included in the EIR I was really surprised not to see them. I'm also not clear about whether there
105 are 3 EDUs or not. That thing goes around and around and around and around on the alternative
106 3 of the alternative sections states that the development of the original 72 dwelling units could
107 not be served by the Lake of the Pines waste treatment system because, so alternative 3 is the
108 original development. That could not be served by Lake of the Pines waste water system
109 because there's not enough EDU's for the residential element with no commercial component of
110 the project you know so why can't 72 units be served when a project of this size can be served.
111 There's you know letters that came in response to request for comments that state that there
112 aren't the EDUs. I know a lot of them are in reserve and they are not being used but the plant
113 has said that it's up to capacity and then the EIR kind of talks about how it's not, so I need to
114 have that discussion clarified there's 280 EDUs for 345 units but they don't include any of the
115 commercial activities on site as part of the necessary EDUs. Now the bottom floor of the first
116 section where the village center is, the total square footage of that little village center is 218,000
117 sq. ft. the bottom floor doesn't have housing, I just cut it in half that's 100,000 sq. ft. of
118 commercial area administrative area and all of that but um should be included in the EDU
119 calculations. Um and it's not. So 280 EDUs for 345, I, I don't know some of them are 3
120 bedroom units. I don't know it seems to me that there needs to be, are there other CCRCs that
121 this project can be compare with to say in order to feed 400 people we need this amount of food
122 delivered, we need this amount of you know, they use a lot of water, they don't use a lot of
123 water, I am not the expert in this but I do feel that the commercial activities, you know there's
124 going to be one bathroom in each store. They've got two restaurants proposed an ice cream
125 shop, a florist, a bank, a library, and a lot of uses that are probably going to need EDUs and those
126 uses ought to be included. On the alternative analysis figure 5.03 shows the off-site alternative
127 and it's about the same size as the project on Armstrong Road that has been graded out and
128 there's nothing there and so I think, and it has EDUs. So perhaps that would be a good site to
129 analyze for the off-site uses. Now having said that, um, the General Plan Amendment proposed
130 for this project to me the General Plan amendment is the project. I'm a planner that's just the
131 way I see it. Um, the General Plan is divided; the County is divided into community regions and
132 rural regions. Community regions are delineated on the General Plan specifically and everything
133 not in a mapped community area is in a rural region so the proposed project is in a rural region.
134 Community regions have villages and higher density development specifically within the
135 delineated areas as shown on the General Plan map so these are actually maps. So the SDAs and
136 PDs, Planned Developments, were also created but according to the footnote on the density chart
137 on page 1-31 of the General Plan not to be developed at increased densities. I'll read this, there,
138 I'll just read it. Population and dwelling units density within special development areas and

PC1-61
cont.

PC1-62

PC1-63

PC1-64

PC1 Continued

139 planned developments shall conform to the densities for which land use designations shown on
140 General Plan land use maps for each specific special development area or planned development.
141 Now the EIR proposes for to add except for CC&Rs at the end of each one of these requirements
142 that would impact their project. I really have trouble with that being consistent with the overall
143 theme of the General Plan which is keeping the rural areas rural and the community areas where
144 the more intensive development happens. Um, for instance if only phase 1 and 2 and 3 I think
145 are implemented because they get caught in this economic environment that we're in then they
146 didn't need this General Plan amendment because the existing community somebody else
147 brought it up could be developed right there as it is, without a General Plan Amendment. Ten of
148 the 22 areas now there needs to be a full on analysis of General Plan Amendments. The County
149 is amending the General Plan those amendments are county-wide and therefore it's a county-
150 wide project it needs to be advertised county-wide. The people up in North San Juan need to
151 know that one of those projects could go up in their area, and I'll bet they don't know, because
152 everything is being included as part of the Rincon Del Rio project. Ten of the 22 areas noted in
153 the EIR available for this zoning and general plan change are in rural regions and adding except
154 for CCRC's to policies that conflict with the proposed projects really makes me uncomfortable
155 and um I think that the review of consistency throughout you know this has to be consistent with
156 the whole document you are making a major change to the theme of the General Plan. You're all
157 of the sudden allowing more dense uses in rural areas and that's not the way the General Plan is
158 um as it was worked out with all the trouble that they had however many years ago. The
159 Housing Element only discussed potentially creating a new zoning designation for CCRC not a
160 General Plan Amendment. So the only requirement from the State is for the county to look at
161 CCRCs and make a zoning ordinance change, not revising the structure of the General Plan.
162 Um, I had something else but I think I've lost it and I've talked enough. Thank you very much.
163

**PC1-64
cont.**

PC1-65

164

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter PC1 – Various Speakers

- Response PC1-1:** The comment states the LOP Road District is concerned with the unlocked gate at Rodeo Flat Road, emergency access through the Ranchos roads, and issues of liability and maintenance burden placed on the Road District as a result of the gate and emergency access. The commenter is referred to Master Response 1 and Response 9-2.
- Response PC1-2:** The comment notes there are steep and winding roads in the Rodeo Flat area, and an unlocked gate at Rodeo Flat Road would provide thoroughfare to Rodeo Flat Road and Timber Ridge. See Master Response 1.
- Response PC1-3:** The commenter requests a locked gate at Rodeo Flat Road which can only be accessed by emergency personnel and that the County assume liability during an emergency. The commenter goes on to say that granting exceptions to roadway standards significantly increases the safety and liability issues of the LOPR CSD, and the County must accept those liabilities; and states that the LOPR CSD must be part of the development agreement. See Master Response 1.
- Response PC1-4:** The comment states that the Draft EIR did not deal with economics or failed economics having a negative economic impact. A Draft Economic Analysis of the Proposed Rincon del Rio Senior Housing Project in Nevada County, California, was prepared by Applied Development Economics in May 2009, as referenced on page 3.12-4 of the Draft EIR (see Section 3.12, Population, Housing, and Employment). This document is part of the administrative record and provides a detailed analysis of the economic effects of the proposed project. As noted in Response 3-32, economic effects are not considered physical effects on the environment subject to review under CEQA.
- Response PC1-5:** The comment states that mitigation measure MM 3.8.7 is grossly incompletely written and creates a major disaster because residents could go up Timber Ridge to get out of a fire with no master evacuation plan. The commenter is referred to Master Response 2. In addition, as noted in Draft EIR Section 3.8, Hazardous Materials/Human Health, page 3.8-22, preparation of an emergency evacuation plan for the project would be required prior to occupancy.
- Response PC1-6:** The comment suggests, due to liability issues, that the project use a vacant property to provide primary access to the project site and allow Rincon Way to provide emergency access. The commenter is referred to Responses 3-21, 3-37, 9-2, and 21-6.
- Response PC1-7:** The comment expresses support for the project. Comment noted.
- Response PC1-8:** The comment notes that the secondary emergency access the project would provide to the surrounding area would provide a benefit in terms of obtaining homeowners insurance coverage in the future. The comment is noted.
- Response PC1-9:** The comment states that many of the Nevada County Rural Right Coalition members have not yet completed their analysis of what they consider an extremely inadequate EIR. This comment does not state specific

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

inadequacies of the document. County staff considers the Draft EIR adequate in compliance with CEQA.

Response PC1-10: The comment states it would be safer to have a total of four emergency access points, with two at the back and two at the front. The commenter's opinion is noted and forwarded to the decision-makers for their consideration.

Response PC1-11: The comment states that the issues are transportation and circulation, public services, utilities, population and housing, employment, cumulative impacts, alternatives, aesthetics, noise, hazardous materials and human health, air quality, climate change and greenhouse gases, and land use. These environmental issues are addressed in the Draft EIR in Sections 3.1 through 3.14.

Response PC1-12: The comment states that throughout the entire document serious environmental impacts and policy inconsistencies are simply dismissed because the project proposes amendments to the General Plan and Zoning Ordinance in order to achieve consistency. The referenced text appears in Draft EIR Section 3.10, Land Use, and refers only to plan consistency. The Draft EIR does not state that potential physical impacts of the project would be reduced or eliminated by amending the General Plan and/or zoning. The commenter is referred to Master Response 3.

Response PC1-13: The comment requests that legitimate environmental impacts be acknowledged and that legal local mitigation be provided to address the various Draft EIR inadequacies identified during the administrative process. The comment also requests that the project be rejected and less impacting alternatives considered if project impacts cannot be mitigated. The comment expresses an opinion of overall inadequacies of the Draft EIR, but provides no specific inadequacies. County staff considers the Draft EIR adequate in compliance with CEQA.

Response PC1-14: The comment states that the number of residents allowed (176) under the existing land use designation does not include the probability of allowable secondary quarters that could double the conservative number provided in the analysis. This comment is stating that the increase in population on the project site as analyzed was conservative. Comment noted. The physical environmental effects of the increase in population on the project site are addressed in the Draft EIR.

Response PC1-15: The comment states that the gate at Rodeo Flat Road should be locked and a Knox Box Key System would solve access problems. The commenter opines that a statement in the Draft EIR that a sign will take care of the problem does not constitute analysis. The commenter is referred to Master Response 1. The comment regarding the Knox Box Key System is forwarded to the decision-makers for their consideration.

Response PC1-16: The comment states concern with the unlocked gate at Rodeo Flat Road and states that the evacuation route is longer, steeper, and narrower than the primary access. The commenter is referred to Master Response 1.

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Response PC1-17: The comment states Impact 3.13.1.1 is not clear because it states that it will not result in the need for additional or expanded fire protection facilities but could result in decreased fire protection service levels. The impact statement on page 3.13-4 of the Draft EIR (Section 3.13, Public Services and Utilities) states, "Implementation of the proposed project will not result in the need for additional or expanded fire protection facilities and will not result in decreased fire protection service levels." The County believes the impact statement is clear.

Response PC1-18: The comment is in regard to Impact 3.2.2 and 3.2.3 and congratulates the project for realizing the social, mental, and physical rewards that gardening can provide to seniors and requests the project modify equipment and tools to suit the needs of older people and locate edible gardens in a safe accessible location. The comment is noted. No response is required.

Response PC1-19: The comment states that rattlesnakes are not poisonous, as stated in the Draft EIR, but are venomous. Commenter is correct; rattlesnakes have venom that is hemotoxic. The Draft EIR, however, does not refer to rattlesnakes as poisonous. The Draft EIR discusses rattlesnakes in the context of "poisonous or dangerous animals." The Draft EIR considered rattlesnakes as potentially "dangerous wildlife," as discussed on page 3.4-50.

Response PC1-20: The comment expresses the opinion that posting signs will not really help with rattlesnake encounters and that all residents will need annual training on how to avoid rattlesnake encounters. The comment recommends annual spring and fall roundups to reduce the natural occurrence. The comment is noted and forwarded to the decision-makers for their consideration.

Response PC1-21: The comment states the opinion that facilities like the one proposed reduce the need for seniors to drive, because they provide alternative transportation for them; therefore, traffic will be reduced on SR 49. The commenter believes the project brings more positives than negatives to the community. The comment is noted.

Response PC1-22: The commenter states they have a three-story house that is not visible because of the densely populated oak forest. This is not a comment on the adequacy of the Draft EIR. The commenter is referred to Draft EIR Section 3.1, Aesthetics, for a discussion of potential visual effects of the project.

Response PC1-23: The comment states concerns regarding evacuation during a fire. The commenter is referred to Master Response 2.

Response PC1-24: The comment expresses concern regarding additional facilities like this one being built in the area and evacuation using buses. The General Plan amendments proposed for the project only include an amendment to the General Plan diagram for the proposed project; no other site would be designated to allow for the development of a CCRC. Consequently, any CCRC proposed in the future would require its own amendment of the General Plan Land Use Diagram and that project would require its own environmental document, which would disclose physical environmental effects that would result from a CCRC at that particular location. The commenter is referred to Master Response 2 regarding emergency access.

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Response PC1-25: The comment expresses concerns with putting the wastewater treatment plant at maximum peak usage and states that the facility would have to be expanded, which, the comment claims, the Draft EIR does not address. The commenter is referred to Responses 27-4 and 34-13. The proposed project would be within the design capacity of the wastewater treatment plant and would be required to fund the project's fair share of the addition of membranes at the plant (see Draft EIR Section 3.13, Public Services and Utilities, mitigation measure MM 3.13.5.1 on page 3.13-27). No additional evaluation of the impacts associated with the expansion of the wastewater treatment plant is necessary.

Response PC1-26: The comment states concerns with the unlocked gate posing major safety issues. The commenter is referred to Master Responses 1 and 2.

Response PC1-27: The comment states that the project would improve the condition for the area with respect to emergency evacuation and expresses support for the project. The comment is noted.

Response PC1-28: The comment states that the Draft EIR does not present enough information regarding the handling of disabled people during an emergency and questions the amount of traffic. See Master Response 2 regarding emergency evacuation and traffic during an emergency.

Response PC1-29: The comment states that the project will require a doubling of staff and the fees are only to be used for facilities or equipment, not staff, and most of the sales taxes will be collected by Placer County. The commenter is incorrect. Impact 3.13.1 cites the CAL FIRE Fire Captain/Deputy Fire Marshall stating that the project would require *additional staffing* at Station 21 as well as potentially an additional engine to maintain adequate service levels, not double. The proposed on-site EMT personnel noted in the Project Description (see Draft EIR Section 2.0) would also reduce demand on the Higgins Fire Protection District. According to the Draft Economic Analysis of the Proposed Rincon del Rio Senior Housing Project in Nevada County, California, prepared by Applied Development Economics in May 2009, approximately 45 percent of the sales tax revenue would be captured within Nevada County.

Response PC1-30: The comment states that the General Plan land use guidelines and Zoning Code were established for the specific reason of stopping a project like this, and disregarding or manipulating them to approve this project is an injustice to the people. The commenter is referred to Master Response 3.

Response PC1-31: The comment expresses general concern about noise pollution. Noise impacts of the project are address on pages 3.11-20 through -34 of Draft EIR Section 3.11, Noise.

Response PC1-32: The comment states that the EIR does not address noise generated by skeet shooting, the clubhouse, event lawn, homestead gazebo, and hilltop recreation and picnic site. The commenter is referred to Response 4-1.

Response PC1-33: The comment states that the project's clustered development approach ensures the view from adjacent property remains a large open rangeland

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

with existing vegetation, is in support of the project, and is of the opinion it is an example to be emulated by future projects. The comment is noted.

Response PC1-34: The comment states that the SR49/Rincon Way intersection improvement will radically change the existing intersection into a major intersection destination and drastically change this scenic rural setting to an urban one. As noted in Draft EIR Section 3.14, Traffic and Circulation, page 3.14-20, the proposed project would fund restriping of westbound Rincon Way to include dedicated left and right turn lanes in order to provide positive guidance for motorists queuing along Rincon Way. See Response 47-1.

Response PC1-35: The comment expresses concerns regarding lighting impacts, but does not specify any inadequacy of the Draft EIR. The commenter is referred to Responses 14-6 and 58-2.

Response PC1-36: The commenter states residents would see cars and hear emergency vehicles along Rincon Way. The comment does not address the adequacy of the Draft EIR. The comment is noted and forwarded to the decision-makers for their consideration.

Response PC1-37: The comment expresses concern about driveway access on Rincon Way with increased traffic and traffic safety. The comment does not address the adequacy of the Draft EIR. The comment is noted and forwarded to the decision-makers for their consideration.

Response PC1-38: The comment states that the Draft EIR does not quantitatively address CEQA Guidelines Appendix G (creating new source of lighting) and states that there is no empirical data to support the conclusion in Impact 3.1.3. The commenter is referred to Response 11-4. According to CEQA Guidelines Section 15064.7, a threshold of significance is an identifiable quantitative, qualitative, or performance level of a particular environmental effect. With regard to lighting, Nevada County Land Use and Development Code, Section L-II 4.2.8, Lighting, establishes the performance standards for lighting, but quantitative lighting plans are not required per Nevada County Land Use and Development Code, Section L-II 4.2.8. Thus, the impact discussion relies upon compliance with applicable codes, rather than a quantification of light for the project, which would provide no information regarding the potential significance of the impact.

Response PC1-39: The comment states that the Draft EIR appears to have no significant impacts and that they think that is a testament to the quality of the application. The comment is in support of the project and does not require a response; however, it should be clarified that the Draft EIR does identify significant and unavoidable impacts, which are summarized on page 6.0-4.

Response PC1-40: The comment states that they find it hard to believe that an additional 1,000 cars a day exiting the SR 49/Rincon Way intersection does not warrant the need for a signal. As noted in Draft EIR, Section 3.14, Traffic and Circulation, page 3.14-10, the proposed project would generate 969 daily trips to and from the project site; therefore, the statement that 1,000 cars a day would be exiting the SR 49/Rincon Way intersection is incorrect. The distribution of trips onto SR 49 is summarized in Table 3.14-4 on page 3.14-11 of the Draft EIR.

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Methodology used to analyze signal warrants is provided on page 3.14-12 of the Draft EIR.

Response PC1-41: The comment states that the Draft EIR does not address the future phases of the project. As noted on the page 2.0-34 (see Draft EIR Section 2.0, Project Description), the Draft EIR considers buildout of the project, which includes ten phases of development.

Response PC1-42: The comment states that they understand the project is not going to widen Rincon Way and that the exception to the County 50-foot easement standard is outrageous. The commenter is referred to Response 60-1.

Response PC1-43: The comment questions whether the property owners are aware of the imposed responsibility to keep the right-of-way on Rincon Way clear and whether the residents are willing to accept the liability of an additional 500 to 1,000 trips a day added to their homeowners insurance coverage. The comment also contends that the County should maintain the roadway. The commenter is referred to Response 60-1. Impacts on homeowners insurance are not physical impacts of the project and not required by CEQA, but the concern is forwarded to the decision-makers for consideration.

Response PC1-44: The comment expresses concern with school bus access and children's safety at the SR 49/Rincon Way intersection. See Response 48-11. Project improvements to Rincon Way would improve its overall safety and operation. The commenter is also referred to Draft EIR pages 3.15-20 and -21 for traffic hazard analysis of the project.

Response PC1-45: The comment questions how the roads would get repaired with the installation of the sewer lines and who will pay for the improvements. The comment goes on the question whether the existing septic systems will be required to pay to connect to the new sewer line. Any work done within the right-of-way is required to be repaired. Off-site pipeline construction must ensure that no unstable or erodible slope conditions are created and that storm water quality is addressed (Nevada County Land Use and Development Code Section L-V19.3B). See Response 3-21 regarding the costs of repairs to the roadway. The sewer line to be installed would serve the proposed project. Regarding connection to a sewer line, per Nevada County Land Use and Development Code, Section L-VI 1.7, Connection to Public Sewer System, connection to a public sewer system is required for all new construction when the public sewer system is within 200 feet of the property boundary. See also Response 27-4.

Response PC1-46: The comment states the Draft EIR is extremely incomplete in addressing events, bands, contractors, support equipment, and lights, and anything could go on with events at the clubhouse or event lawn and the traffic and noise impacts associated with use of those facilities. As noted in Draft EIR Section 2.0, Project Description, page 2.0-34, the clubhouse would be used by residents and prospective residents and would include common areas, pool, terrace, pool bar, exercise room, library, wine cellar, kitchen, theater, bathrooms, a staff suite, and four lodging suites that would serve as lodging for prospective residents. As noted on page 2.0-26, text changes to the County Zoning Code require outdoor recreation or gathering areas,

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

particularly those that may generate significant noise and/or light and glare, to be located to minimize intrusion on neighboring properties. The proposed text changes to the Zoning Code and the various components of the project are included in the project analysis throughout the Draft EIR. The commenter is referred to Response 3-24.

Response PC1-47: The comment states that there will be several opportunities for the public to voice concerns, and the commenter is looking forward to the response to comments. The commenter also stated the EIR consultant did a very good job. The comment is noted.

Response PC1-48: The comment states concerns regarding Rodeo Flat Road not being analyzed as an access way when it is an identified emergency access route. The commenter is referred to Master Responses 1 and 2.

Response PC1-49: The comment states that the County is amending its codes and General Plan policies to fit the project. The commenter is referred to Master Response 3

Response PC1-50: The comment states that the Draft EIR is inadequate and the exceptions to the CEQA are too numerous to cover in the presentation. The commenter does not specifically identify any inadequacies of the environmental document; therefore, no response is required. The opinions are forwarded to the decision-makers for their consideration. County staff considers the Draft EIR adequate in compliance with CEQA.

Response PC1-51: The comment expresses concern with noise generated along the river canyon. The comment does not refer to any inadequacy of the Draft EIR. It is forwarded to the decision-makers for their consideration. Noise impacts to area residents and biological resources is addressed in Sections 3.4 (Biological Resources) and 3.11 (Noise) in the Draft EIR.

Response PC1-52: The comment expresses concern regarding lighting being turned off and being left on all night in areas where intense care is required. The commenter is referred to Response 14-6.

Response PC1-53: The comment expresses concern with the fire hazards the proposed trails will bring and states they do not agree that the extra fire access is going to be an improvement. The commenter's opinions are forwarded to the decision-makers for their consideration.

Response PC1-54: The comment states the existing 72 residents allowed under the existing land use were not adequately addressed in the alternatives and they could actually fit 130 nice senior residences and use the existing residence for commercial uses. The commenter's opinion is noted for the record and forwarded to the decision-makers for their consideration. See also Response 3-3.

Response PC1-55: The comment states that the project could be downsized by raising the age limit in the project from 55 to 65, which would reduce traffic impacts and other impacts. The comment also states there is an inconsistency in the Draft EIR regarding the 540 parking spaces, but provides no further information. The Draft EIR parking impact analysis is considered adequate. The comment

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

regarding raising the age limit in the project is noted and forwarded to the decision-makers for their consideration.

Response PC1-56: The comment expresses concerns with noise impacts associated with blasting of bedrock. The commenter is referred to Response 3-18 regarding noise impacts associated with blasting. The comment also states that recommendations from the geotechnical report are typically mitigation in an EIR. The project applicant would be required to comply with all applicable state and County geotechnical and grading regulations. No significant geologic stability issues have been identified with the project.

Typical construction blasting activities can reach intermittent levels of approximately 94 dBA L_{max} at 50 feet, which is similar to that of other construction equipment and activities as analyzed in the Draft EIR. Therefore, noise generated by construction-related blasting would not exceed construction noise levels disclosed in the Draft EIR. The Draft EIR found short-term construction-generated noise to have a potentially significant impact. Implementation of mitigation measure MM 3.11.1(a), Draft EIR page 3.11-22, would prohibit construction activities, which would include blasting activities, during the more noise-sensitive nighttime hours. With implementation of mitigation measure MM 3.11.1(a), noise generated by construction-related activities would be considered less than significant.

Response PC1-57: The comment states concerns with traffic caused during sewer improvements and that the EIR should address those concerns. Temporary construction traffic delays are likely to occur; however, County roadway construction and safety standards require that on-going access be provided to adjacent properties.

Response PC1-58: The comment states the EIR should address whether there is blasting required to construct the emergency access road. It is not known at this time whether blasting would be required to construct portions of the emergency access road. See Response PC1-56.

Response PC1-59: The comment states that more information is needed regarding the 10-foot retaining walls and 10 feet of fill on the access road given the soils. As discussed in Section 3.7 of the Draft EIR, any grading, including cuts and fills, on the project site would be regulated by both the CBSC and the Nevada County Land Use and Development Code. Furthermore, as shown on the preliminary grading plans for the project, the 10-foot retaining walls would be located within the development area and will not be in public view. As the location and associated site disturbance of walls, cut and fill slopes are shown on the preliminary grading plan, and as the safety and development of site grading and walls and cut and fill slopes are adequately addressed by existing regulations as identified in the Draft EIR, the County believes that sufficient information has been provided to show that these project components would not result in significant environmental effects.

Response PC1-60: The comment states that ground vibration from blasting should be addressed in the EIR. The commenter is referred to Response 3-18 regarding potential blasting and ground vibration impacts.

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Response PC1-61: The comment states that more information on capacity of the storm retention basins is needed, because the proposed retention basins would drain to the existing pond, which has limited capacity. The project does not propose to direct water from retention basins to the existing pond. As noted in Impact 3.9.4 on page 3.9-20 of Draft EIR Section 3.9, Hydrology and Water Quality, "...drainage facilities will direct runoff to water quality treatment facilities such as infiltration trenches and/or retention ponds prior to returning to sheet flow to connect to natural swales located on the project site." Impact 3.9.4 also discloses that proposed drainage improvements would be reviewed by County engineering staff to ensure the project has adequate capacity to manage anticipated stormwater drainage on the site and to prevent any on- or off-site flooding. A preliminary drainage analysis has been completed for the project and is adequate detail for the purposes of environmental review provided in the Draft EIR.

The comment also states that dam failure (of the on-site pond) upstream of a Caltrans bridge is troubling. The commenter is referred to Response 61-11 regarding potential dam failure. The dam has been in place for over 20 years and has not failed during major storm events that have occurred during its existence. Inspections by geotechnical engineers have not identified any issues with the dam (Creighton 2012).

The comment states that Figure 3.9-1 references farmland mapping as its source; Figure 3.9-1 has been revised to reference the appropriate source.

Response PC1-62: The comment expresses confusion on how Alternative 2 could not be served by the existing wastewater treatment plant because there are not enough EDUs (equivalent dwelling units) for the residential element but the proposed project could be served. Page 5.0-28 of the Draft EIR (Section 5.0, Project Alternatives) discloses that Alternative 2 would require modifications at the plant, as would the proposed project. Therefore, even though Alternative 2 proposes less development and would impact the capacity of the wastewater treatment plant to a lesser degree than the proposed project, impacts would still be potentially significant given that the capacity of the treatment plant is already exceeded. Any development under Alternative 2 would be required to fund its fair share of additional membranes at the Lake of the Pines Wastewater Treatment Plant. The comment also questions whether EDUs associated with the ground-floor uses of the Village Center have been accounted for. Appendix 3.13-A calculates EDUs associated with the employees of the project, which includes those in the Village Center. To the extent that the Village Center is used by residents and their guests, the wastewater demand would have already been accounted for in the residential calculations.

Response PC1-63: The comment states that Figure 5.0-3 shows a site that would be a good site to analyze for the off-site uses. The comment is noted. See Response 3-3 regarding project alternatives.

Response PC1-64: The comment notes that the General Plan states that Planned Developments and Special Development Areas are not to be developed at increased densities and that land use and population densities shall conform to the densities of land use designations shown on General Plan land use maps for

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

each specific SDA or PD. The commenter has expressed the opinion that the project is not consistent with the overall theme of the General Plan, which is keeping the rural areas rural and the community areas where the more intensive development happens. The comment is noted. As noted in Master Response 3, consistency with the overall theme would be the responsibility of the Board of Supervisors.

Response PC1-65: The comment states the General Plan amendments are countywide and need to be advertised countywide and that the Draft EIR needs to include a full analysis of the General Plan amendments. Regarding countywide advertisement, the Notice of Availability was posted in *The Union* on January 20, 2012. *The Union* is a "newspaper of general circulation," consistent with Public Resources Code Section 21092(b)(3)(A). As discussed in Response PC1-24 above, the policy amendments do not include changes to General Plan designations at any other location in the county, including those 22 areas identified in the Draft EIR. Those sites were disclosed as possible sites for CCRCs based on their zoning of PD or SDA. Prior to any development of a CCRC at any of the locations identified in the Draft EIR, the County would be required to prepare an environmental document consistent with CEQA, which would include noticing and opportunity for the public to comment on that specific proposal. Therefore, contrary to the comment, the proposed project does not deprive the public of an opportunity to comment on other CCRCs within the county, because none would be allowed upon approval of the proposed project and any future proposal would be required to comply with CEQA.

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REFERENCES

- EIA (Energy Information Administration). 2005. *Residential Energy Consumption Survey*. <http://www.eia.doe.gov/emeu/recs/recs2005/c&e/summary/pdf/tableus8.pdf> and <http://www.eia.doe.gov/emeu/recs/recs2005/c&e/summary/pdf/tableus9.pdf>
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- CEC (California Energy Commission). 2006. *Redefining Estimates for Water-Related Energy Use* <http://www.energy.ca.gov/2006publications/CEC-500-2006-118/CEC-500-2006-118.PDF>.
- Creighton, 2012. Creighton, Dale, SCO. *Memorandums – Rincon del Rio Comments on Special Events and Rincon del Rio Comments to EIR Responses*. July 9 and 17, 2012