

## **SECTION 3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR**

### **3.1 Introduction**

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

### **3.2 List of Commenters**

#### **State Agencies**

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

#### **Local Agencies**

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

#### **Local Organizations**

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

**Individuals**

Letter 15 Jake Creamer, November 8, 2013 and November 12, 2013

Letter 16 Todd Williamson

Letter 17 Christine Dickinson

Letter 18 Ralph Siblingstein

Letter 19 Gary Hammer

Letter 20 Bob Olsen

Letter 21 Frederick Morrill

Letter 22 Jory Stewart

Letter 23 Thomas Moreno

Letter 24 Brent Dickinson

Letter 25 Eric S.

Letter 26 Mark Frederick

Letter 27 Jeff and Susan George

Letter 28 Kim Williamson

Letter 29 Dale and Christine Meyer

Letter 30 Linda Marshall

Letter 31 David Bartow

Letter 32 Douglas and Shirley Moon, October 29, 2013

Letter 33 Lindsay Betz

Letter 34 Tim Robinson

Letter 35 David and Janet Evans

Letter 36 Thorgrun Odden

Letter 37 David Streeter

Letter 38 Jim Flaherty

Letter 39 Tony Moscini

Letter 40 Debra Duffer

Letter 41 Raymond Juels

Letter 42 Linda Fowler

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

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

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

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

### 3.3 COMMENTS AND RESPONSES

#### 3.3.1 Requirements For Responding To Comments On A Draft EIR

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

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

#### 3.3.2 Master Response to Comments

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

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

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

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

8. How many units will be on each site?

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

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

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

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

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

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

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<sup>1</sup> California Department of Housing and Community Development, *Incentives for Housing Element Compliance*, updated January 2009; [http://www.hcd.ca.gov/hpd/hrc/plan/he/loan\\_grant\\_hcompl011708.pdf](http://www.hcd.ca.gov/hpd/hrc/plan/he/loan_grant_hcompl011708.pdf)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In the case of the proposed project, the EIR is evaluating the potential effects on the physical environment of the development of high density housing on 18 selected sites in the unincorporated area of Nevada County. The selected topic areas of discussion are based on the CEQA Environmental Checklist provided in Appendix G of the State CEQA Guidelines<sup>3</sup>.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **3.3.3 Responses To Comment Letters**

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

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

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

Letter 1



Edmund G. Brown Jr.  
Governor

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



Ken Alex  
Director

RECEIVED

NOV 15 2013

Nevada County Community  
Development Agency

November 13, 2013

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

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

Dear Tyler Barrington:

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

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

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

1-A

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

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

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

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

Document Details Report  
State Clearinghouse Data Base

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

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

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

**Lead Agency Contact**

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

**Project Location**

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

**Proximity to:**

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

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

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

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

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

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

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

Letter 2

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

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

clear  
4/12/13  
E



Flex your power!  
Be energy efficient!

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November 6, 2013

NOV 07 2013

STATE CLEARING HOUSE

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

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

**Housing Element Rezone Implementation – Draft Environmental Impact Report**

Dear Mr. Barrington:

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

*Traffic and Circulation*

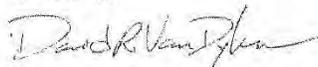
- 2-A | For the purposes of intersection control, please also consider the installation of a roundabout at the proposed realigned intersection of Town Talk Road/Triple Crown Road/Brunswick Road in lieu of a traffic signal. If this intersection is ultimately signalized as proposed in the DEIR, this traffic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

*"Caltrans improves mobility across California"*

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

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

Sincerely,



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

c: Scott Morgan, State Clearinghouse

*"Caltrans improves mobility across California"*

**Letter 2 – California Department of Transportation (CALTRANS)**

- Response 2-A** The comment requests that the County consider the installation of a roundabout at the proposed realigned intersection of Town Talk Road/Triple Crown Road/Brunswick Road in lieu of a traffic signal. The signalized intersection was determined to be the most efficient approach to control the intersection given that the properties are under different ownership, and it is not known when the project will be developed. A signalized intersection better supports an incremental buildout of the projects sites as the signals are easier to implement as the construction occurs. No changes to the EIR were made as a result of this comment.
- Response 2-B** The comment states that no new access would be allowed on SR 20 for Site 13. The EIR has been revised to address the access for Site 13. It is now assumed that Site 13 will take access from Site 10. The owner of Site 13 has an existing easement through the Site 10 property. The Final EIR has been revised to reference the County Land Use and Development Code (LUDC) Section L-II 2.7.11.C.8 which requires future developers to demonstrate that they have legal access to their property via a County maintained Road. Section L-II 2.7.11.C.8 states in part, “If a property does not have direct access to a County maintained roadway, it shall be the responsibility of the land owner or developer to provide written documentation as to their legal right to utilize and improve the road(s) that provide ingress and egress to the site, including secondary access if required, and that the road(s) meet the County minimum standards to serve the development proposed.”
- Response 2-C** The County will notify Caltrans with regards to changes in the Draft EIR consistent with the CEQA Guidelines

Letter 3



Central Valley Regional Water Quality Control Board

3 October 2013

RECEIVED

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11/12/13  
C

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

OCT 04 2013  
STATE CLEARING HOUSE

CERTIFIED MAIL  
7013 1090 0001 3130 2908

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

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

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

3-A

**Construction Storm Water General Permit**

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

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

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

REGULATED PAPER

Housing Element Rezone Implementation  
Program EIR Project  
Nevada County

- 2 -

3 October 2013

#### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

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

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/).

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

#### **Industrial Storm Water General Permit**

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

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

#### **Clean Water Act Section 404 Permit**

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

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

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

3-A  
CONT'D

Housing Element Rezone Implementation  
Program EIR Project  
Nevada County

3 October 2013

3-A  
CONT'D

**Clean Water Act Section 401 Permit – Water Quality Certification**

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

**Waste Discharge Requirements**

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

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

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



for Trevor Cleak  
Environmental Scientist

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

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

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

Letter 4

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

NAHC

001

STATE OF CALIFORNIA

Edmund G. Brown, Jr., Governor

**NATIVE AMERICAN HERITAGE COMMISSION**

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



October 14, 2013

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



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

Dear Mr. Barrington:

4-A

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

4-B

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

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

If you have any questions, please contact me at my email address: [rw\\_nahc@pacbell.net](mailto:rw_nahc@pacbell.net).

Sincerely,

Rob Wood  
Associate Government Program Analyst

CC: State Clearinghouse

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

NAHC

002

**TRIBAL CONSULTATION LIST**Nevada County  
October 14, 2013

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

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

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

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

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

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

**Letter 4 – Native American Heritage Commission**

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

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

Letter 5



State of California • Natural Resources Agency

Edmund G. Brown Jr., Governor

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

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

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NOV 12 2013

Nevada County Community  
 Development Agency

November 6<sup>th</sup>, 2013

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

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

To Mr. Barrington,

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

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

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

5-A

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

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

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

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

5-H

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

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

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

Sincerely,



Matt Green, Sierra Gold Superintendent  
Sierra District

cc: State Clearinghouse

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

Comments:

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

5-I

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

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

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

4.3 Aesthetics

• 4.3.1 Environmental Setting

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

5-I  
CONT'D

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

5-I  
CONT'D

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

4.4 Biological Resources

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

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

4.5 Air Quality

- 4.5-1 Short-Term (Construction) Air Quality
  - Construction Equipment and Worker Vehicle Exhaust, Pages 4.5-13 and 4.5-14 states that fugitive dusts, Reactive Organic Gases (ROG), NO<sub>x</sub> and PM<sub>10</sub> would be produced as a result of construction activities. This impact would remain “significant and unavoidable” even with the implementation of Mitigation Measure 4.5-1a, due to the scale of the project. This is a major concern of CA State Parks, as it relates to the health and safety of the visitors to and employees of Empire Mine SHP and could negatively affect park visitation in the short term.
  - Construction Odors, Page 4.5-14 states that odors associated with the operation of construction vehicles, particularly diesel exhaust “are not generally considered offensive”, would “occur during daytime hours only”, and would be “isolated to the immediate vicinity of the construction site and activity.” These impacts are considered to be “less than significant” due to the fact that they do not affect “a substantial number of people.” Daytime hours are when trails within Empire Mine SHP are most heavily recreated, and are used by a large number of residents and visitors. CA State Parks is concerned that diesel fumes created during construction activities could negatively impact user enjoyment of the Hardrock trail, which is located in close proximity to proposed Site 2.

4.11 Noise

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

5-I  
CONT'D

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

5-I  
CONT'D

4.14 Recreation

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

6.0 Alternatives

5-J

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

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

5-J  
CONT'D

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

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

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

5-J  
CONT'D

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

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

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

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

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

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

5-J  
CONT'D

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

Appendix B. Site Analysis Report

5-K

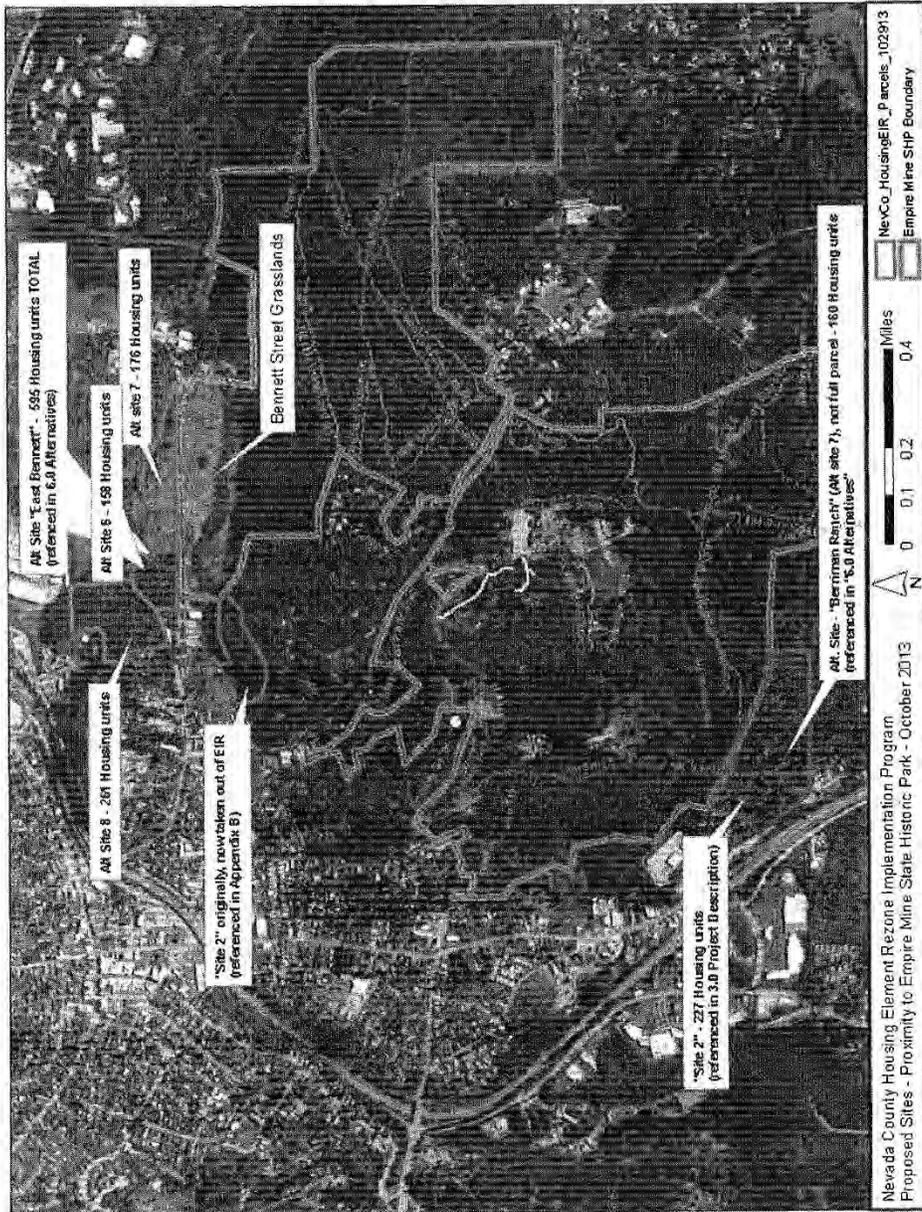
- Appendix A. Field Reports and Aerial Photos
  - Site 2 (APN 0927004) listed in Appendix B is located South of Bennett St. and east of Colfax Avenue, both south and west of the school bus yard along the South Fork of Wolf Creek. This is contrary to the main body of the draft EIR, which states that Site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

5-L

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

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

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



**Letter 5 – California Department of Parks and Recreation**

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

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

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

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

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

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

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

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

Letter 6



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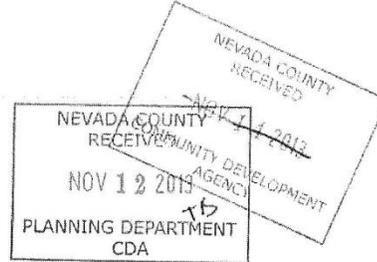
CITY OF GRASS VALLEY
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November 12, 2013

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



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

Dear Mr. Barrington,

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

1. Comments on the Draft EIR:

- 6-C a. All the significant and unavoidable (SU) impacts occur in the City SOI, a few SU impacts apply to the other areas of County (air quality, greenhouse gases, a couple of roads); however, the proposed changes result in the City bearing most of the unavoidable impacts. The City does recognize that almost any form of development in Western Nevada County will result in SU impacts on air quality and greenhouse gases. The DEIR does include some mitigation measures; however, specific projects should be subject to standard greenhouse gas mitigation measures used throughout the state and region.
6-D b. Page 2-5. Under section 2.2.12 – This section includes a statement that mitigation is proposed for replacement of sewer pipelines, but no mitigation is included in DEIR. Additionally, the DEIR does not provide a wastewater collection system capacity analysis as requested by the City in the Notice of Preparation (NOP). In response to the NOP, the City requested the EIR address the adequacy and capacity of the City's wastewater collection system to serve the proposed high density housing since the proposed densities were not anticipated in the City's General Plan or Sewer Master Plan.

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

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

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

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

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

6-O

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

**2. Comments on Policy and Land Use Conflicts:**

6-P

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

6-Q

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

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

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

**3. Policy Opportunities and Recommendations**

6-W

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

6-X

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

6-Y

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

6-Z

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

6-AA

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

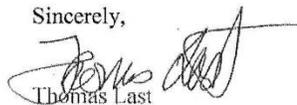
6-BB

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

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

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

Sincerely,



Thomas Last  
Community Development Director

**Letter 6 – City of Grass Valley**

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

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

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

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

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

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

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

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

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

Future demand for wastewater service is addressed in the City's General Plan and includes the Sphere of Influence Plan. The capacity of the plant can accommodate a service population of 21,000, the City's projected population within the Sphere of Influence over the next 20 years. The City Sphere of Influence Plan notes the current WWTP capacity has between 4,000 to 4,800 equivalent dwelling units (EDUs) available. It also notes that this capacity is expected to increase once the flows from the Newmont Mine are diverted to a private system, which is anticipated to be completed in 2014.<sup>4</sup>

The maximum yield for the proposed project sites within the City's Sphere of Influence, is a total of 1,478 units. Assuming a 0.71 EDU for multi-family units<sup>5</sup>, approximately 1,049

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

<sup>5</sup> County of Nevada

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Letter 7

**PENN VALLEY FIRE  
PROTECTION DISTRICT**

**Fire Chief**  
Gene Vander Plaats  
P.O. Box 180  
Penn Valley, CA 95946  
(530) 432-2630  
Fax (530) 432-4561  
[chief@pennvalleyfire.com](mailto:chief@pennvalleyfire.com)



**Directors**  
Kurt Grundel, Chairperson  
Bill Neville, Vice-Chairperson  
David Farrell, Director  
Rick Nolle, Director  
Bob Webster, Director  
[dhughes@pennvalleyfire.com](mailto:dhughes@pennvalleyfire.com)

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



Mr. Barrington:

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

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

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

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

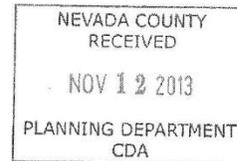
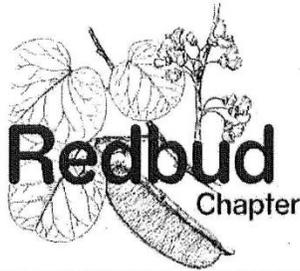
Thank you for your time.

**PROTECTING OUR COMMUNITY WITH PRIDE**

**Letter 7 – Penn Valley Fire Protection District**

- Response 7-A:** The proposed project would create a new zoning overlay and does not include any specific development on any of the proposed project sites at this time. Any future improvement or building plans submitted to the County for development would proceed through the County’s existing review process which requires review and approval from the appropriate fire protection agency, including the Penn Valley Fire Protection District for Penn Valley projects, the Higgins Fire District for Lake of the Pines projects, and the Nevada County Consolidated Fire District or Grass Valley Fire Department for Grass Valley Sphere of Influence projects and/or CALFIRE depending on what agreements might be in place at the time of development.
- Response 7-B:** The County concurs that the District will receive fees from AB 1600 for capital items. Mitigation Measure 4.13-1(a) requires the developer to provide written documentation that adequate fire response times are available prior to the issuance of a building permit. Because it is unknown when development would occur on these sites, the mitigation measure requires a review at the time the development is proposed to ensure that current response times and facilities are evaluated.
- Response 7-C:** The County concurs that an additional mechanism for funding may be required when future development occurs on these sites. Mitigation measure 4.13-1(a) has been revised to include the following statement: “The formation of an assessment district may be required to provide adequate public safety services.” The formation of an assessment district on the proposed sites, may be used to provide additional funds to the district to allow the District meet the required response times to serve future projects. This mitigation measure applies to all of the project sites, not just the Penn Valley sites.

Letter 8



## California Native Plant Society

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

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

November 12, 2013

Dear Mr. Barrington:

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

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

### General Comments

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

### Specific Comments

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

P.O. Box 2662, Nevada City, CA 95959

[www.redbud-cnps.org](http://www.redbud-cnps.org)

8-A

- 8-B

**Wetlands**

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

**Plant Community**

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

**Rare Plants**

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

P.O. Box 2662, Nevada City, CA 95959

[www.redbud-cnps.org](http://www.redbud-cnps.org)

- 8-E

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

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

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

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

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

P.O. Box 2662, Nevada City, CA 95959

[www.redbud-cnps.org](http://www.redbud-cnps.org)

8-J

*PennValley Area Parcels 11-17*

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

8-K

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

Sincerely,

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

And

Denise R. Della Santina  
President, Redbud Chapter - California Native Plant Society  
P.O. Box 2662, Nevada City, CA 95959  
ClearCreekNatives@gmail.com

P.O. Box 2662, Nevada City, CA 95959

[www.redbud-cnps.org](http://www.redbud-cnps.org)

**Letter 8 – California Native Plant Society – Rosebud Chapter**

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

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

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

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

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

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

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

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

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

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

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

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

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

Letter 9



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

October 1, 2013

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



RE: Housing Element Rezone Program Implementation

Dear Mr. Foss,

9-A

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

9-B

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

9-C

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

9-D

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

Sincerely,

Mike Mastrodonato  
President  
Penn Valley Area Chamber of Commerce

cc  
Hank Weston  
Ed James

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

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

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

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

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

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

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<sup>7</sup> County of Nevada, Penn Valley Village Focused Economic Development Study, September 2000

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

Letter 10

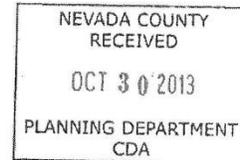


**Penn Valley Area Chamber of Commerce**  
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Penn Valley, CA 95946

*Historic Past...Dynamic Future!*

(530) 432-1802  
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October 29, 2013



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

**RE: EIR FOR HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM**

Dear Mr. Barrington:

10-A

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

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

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

10-B

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

10-B  
CONT'D

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

The study included the following goals:

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

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

10-C

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

**Major Policy Issues**

10-D

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

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

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

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

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

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

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

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

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

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

Very truly yours,

Penn Valley Area Chamber of Commerce  
 Atch.

## Attachment

**Comments on EIR/Rezoning of Housing Element**

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

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

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

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

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

***Concluding Comment***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Letter 11



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

*Historic Past...Dynamic Future!*

(530) 432-1802  
info@pennvalleycoc.org • www.pennvalleycoc.org

November 1, 2013

RECEIVED  
NOV 5 2013  
Nevada County Community  
Development Agency

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

**RE: EIR FOR HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM**

Dear Mr. Barrington:

11-A

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

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

We respectfully request you consider such an extension.

Very truly yours,

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

cc: Hank Weston, President of the Board of Supervisors

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

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

Letter 12



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

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November 17, 2013

RECEIVED

NOV 12 2013

Nevada County Community  
Development Agency

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

**RE: EIR FOR HOUSING ELEMENT REZONE IMPLEMENTATION  
PROGRAM**

Dear Mr. Barrington,

12-A

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

12-B

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

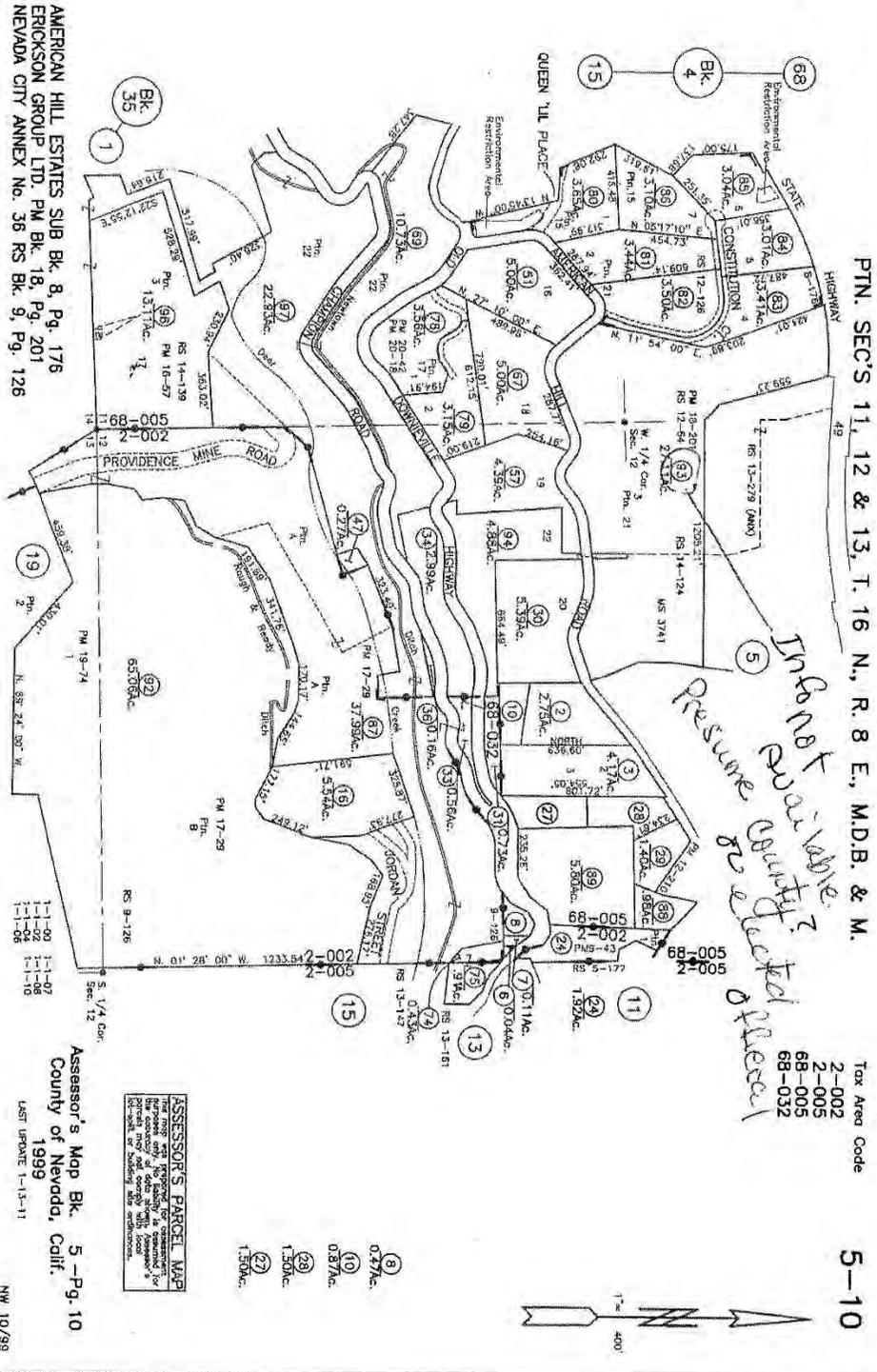
Very truly yours,

Edward R. James

Cc: Hank Weston, President of the Board of Supervisors

attach





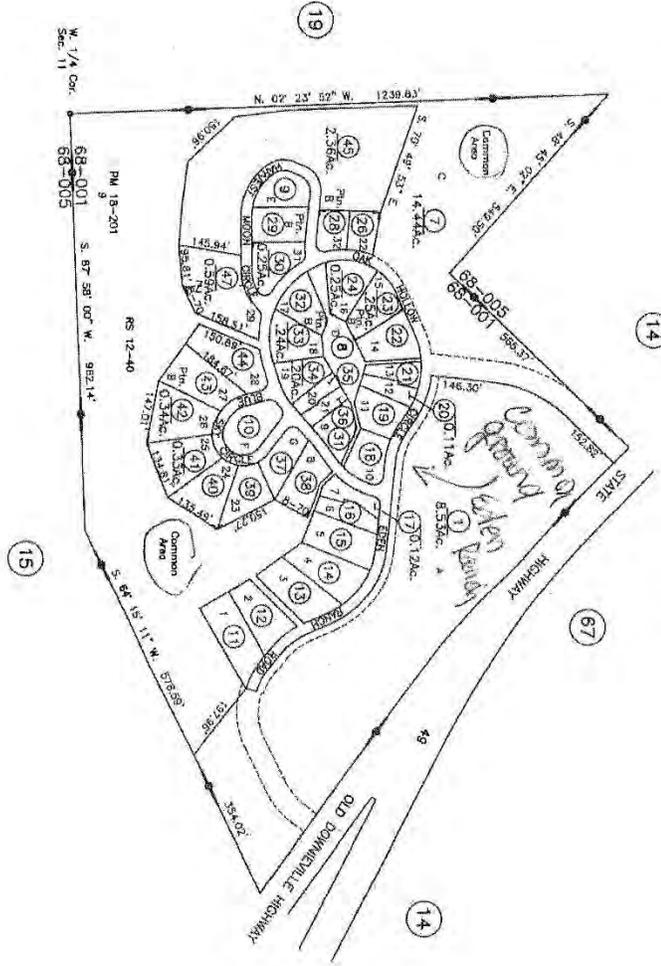


PTN. N.W. 1/4 SEC. 11, T. 16 N., R. 8 E., M.D.B. & M.

Tax Map Code  
68-001

4-20  
(Only Part)

- 8) 0'11Ac
- 9) 0'20Ac
- 10) 0'27Ac
- 11) 0'33Ac
- 12) 0'28Ac
- 13) 0'32Ac
- 14) 0'32Ac
- 15) 0'31Ac
- 16) 0'15Ac
- 17) 0'21Ac
- 18) 0'22Ac
- 19) 0'12Ac
- 20) 0'28Ac
- 21) 0'14Ac
- 22) 0'18Ac
- 23) 0'18Ac
- 24) 0'23Ac
- 25) 0'19Ac
- 26) 0'22Ac
- 27) 0'09Ac
- 28) 0'09Ac
- 29) 0'21Ac
- 30) 0'28Ac
- 31) 0'30Ac
- 32) 0'34Ac
- 33) 0'38Ac
- 34) 0'38Ac
- 35) 0'38Ac
- 36) 0'38Ac
- 37) 0'21Ac
- 38) 0'28Ac
- 39) 0'23Ac
- 40) 0'30Ac
- 41) 0'34Ac
- 42) 0'38Ac



EDEN RANCH UNIT No. 1 SUB. Bk. 8, Pg. 62  
EDEN RANCH UNIT No. 2 SUB. Bk. 8, Pg. 70

ASSESSOR'S PARCEL MAP  
This map is prepared by the Assessor's Office for the County of Nevada, and is subject to the provisions of the Nevada Revised Statutes, Chapter 213, and the County Ordinance No. 1998-01, which provides for the assessment of property for taxation.

Assessor's Map Bk. 4 -Pg. 20  
County of Nevada, Calif.  
1998  
LAST UPDATED 5-27-08  
NW 12/98

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

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

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

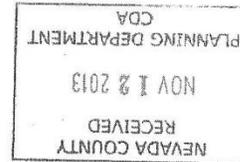
APN 04-140-64 is a privately owned lot adjacent to the City of Nevada City SOI boundary. There is an existing residence on the site and the owner has not expressed an interest in participating in the program.

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

Letter 13

Rural Quality Coalition

310 Nevada St.  
Nevada City, CA 95959



November 12, 2013

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

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

Dear Mr. Barrington,

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

Our comments follow:

**1. Section 4.2 Land Use and Planning**

13-A

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

13-B

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

13-C

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

**2. Section 5.12.11 Population and Housing Cumulative Impacts**

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

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

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

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

13-G  
CONT'D

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

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

13-H

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

**3. ReZone Sites**

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

13-I

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

13-J

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

13-K

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

Sincerely,

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

**Letter 13 – Rural Quality Coalition**

**Response 13-A** The County concurs with this comment.

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

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

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

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

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

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

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

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

Response 13-F The County does not concur that the project would result in significant impacts on population and housing. The California Department of Finance reports that as of January 1, 2013, the unincorporated area of County of Nevada and City of Grass Valley have populations of 65,375 and 12,657, respectively<sup>9</sup>. As such, with the addition of the a approximately 2,468 additional residents in the unincorporated area of Nevada County, and approximately 2,960 residents in the City of Grass Valley, the proposed project would not exceed any General Plan Growth Projection in either jurisdiction. However, the proposed densities for the project sites within the City's Sphere of Influence area are higher than what is considered in the City's current General Plan. As such, the project would induce growth within the City upon annexation of the properties into the City of Grass Valley.

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

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

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

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

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

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

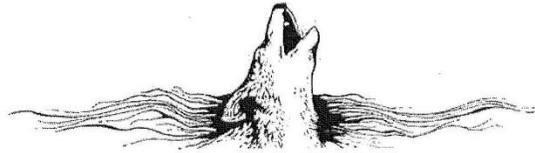
**Response 13-I** Landmark Oaks and Landmark groves are protected under the Nevada County Tree Preservation and Protection Ordinance. The preferred mitigation is avoidance through the establishment of an Environmentally Sensitive Area (ESA) or Non-Disturbance Area; however in some cases it is not feasible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

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

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

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

Letter 14



NEVADA COUNTY  
RECEIVED  
NOV 11 2013  
PLANNING DEPARTMENT  
CDA

**WOLF CREEK COMMUNITY ALLIANCE**

*"Grass Valley - A creek runs through it."*

11 November 2013

To the Honorable Nevada County Board of Supervisors,

14-A

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

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

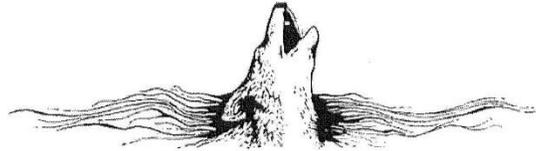
We are particularly concerned with the zoning changes described in Chapter 2.5.2 "EAST BENNETT ROAD SITES ALTERNATIVE". In this section, it is explained that "Sites 6, 7, and 8, which total 30.03 acres and 601 units, would be dropped from the program and no development under the RH Combining District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

14-B

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

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[www.WolfCreekAlliance.org](http://www.WolfCreekAlliance.org)



**WOLF CREEK COMMUNITY ALLIANCE**

*"Grass Valley - A creek runs through it."*

14-B  
CONT'D

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

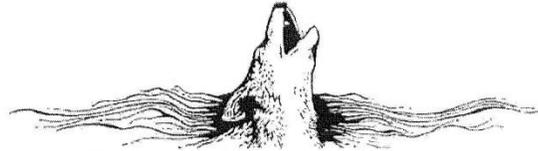
"In summary this property contains important elements of several ecosystems which it shares with Empire Mine State Historic Park. The meadow is likely to be the best example of what the Grass Valley area looked like prior to early development. Few low elevation montane meadows remain intact and this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

14-C

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

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**WOLF CREEK COMMUNITY ALLIANCE**

*"Grass Valley - A creek runs through it."*

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

Sincerely,

Jonathan Keehn, President

Wolf Creek Community Alliance

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Letter 14 – Wolf Creek Community Alliance

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

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

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

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

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

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

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

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

Letter 15

**Tyler Barrington**

---

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

Hi Tyler,

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

15-A

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

Best Regards,  
Jake Creamer  
530-575-5940

Date: November 8, 2013

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

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

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

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

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

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

**Public Services & Utilities:**

**Sewer:**

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

15-B

15-B  
CONT'D

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

15-C

**Police:**

15-D

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

**Fire:**

15-E

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

**Public Transportation:**

15-F

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

15-F  
CONT'D

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

**Economic Factors:**

**Lack of Jobs:**

15-G

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

**Environmental:**

15-H

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

**Public Safety:**

**Roadways:**

- 15-I

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

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

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

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

Jake Creamer

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

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

**Sources:**

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

15-O

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

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

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

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

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

Appendix B

Penn Valley's Percentage of Burden Calculation

Sources:

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

15-P

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

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

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

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

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

Appendix C

Penn Valley Population as Percentage of County Population Calculation

Sources:

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

15-Q

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

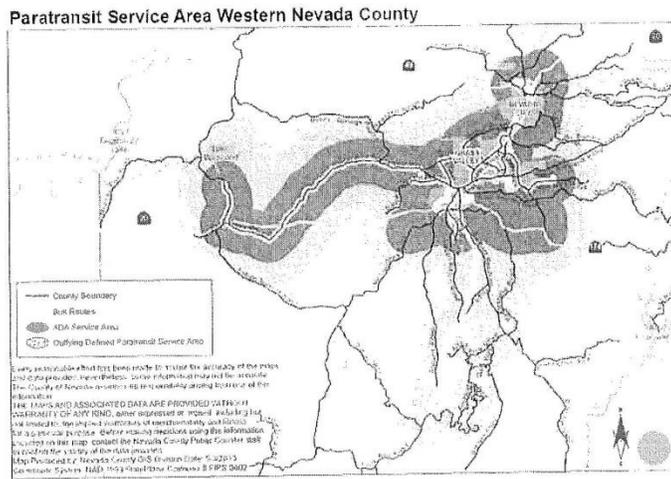
Appendix D

Western Nevada County Transit Service Area Map

Sources:

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

15-R



Letter 15 – Jake Creamer

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Letter 16

Date: November 12, 2013

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



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

CC: Supervisor Hank Weston

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

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

16-A

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

16-B

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

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

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

**Police:**

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

**Fire:**

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

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

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

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

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

**Environmental:**

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

16-B  
CONT'D

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

**Public Safety:**

**Roadways:**

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

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

16-B  
CONT'D

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

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

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

16-B  
CONT'D

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

**Recommendations:**

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

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

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

Todd Williamson

**Appendix A**

**Population Increase Calculation**

**Sources:**

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

16-B  
CONT'D

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

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

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

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

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

**Appendix B**

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

**Sources:**

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

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

16-B  
CONT'D

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

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

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

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

**Appendix C**

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

**Sources:**

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

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

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

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

**Letter 16 – Todd Williamson**

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

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

Letter 17

**Tyler Barrington**

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

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

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

Christine



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Name: Christine Dickinson

Agency/Group/Organization: Self

Mailing Address: 23718 Rosewood Road, Auburn, CA 95602

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

Phone Number: (916) 214-1122

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Comments:

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

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

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

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

EIR Public Review Comments  
Housing Element Rezone Implementation Program

by Christine Dickinson  
Page 1

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

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

Discrepancies I note in your EIR are as follows:

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

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



Photo 1: Site 16 Uphill Slope



Photo 2: Site 16/15 Downhill Slope

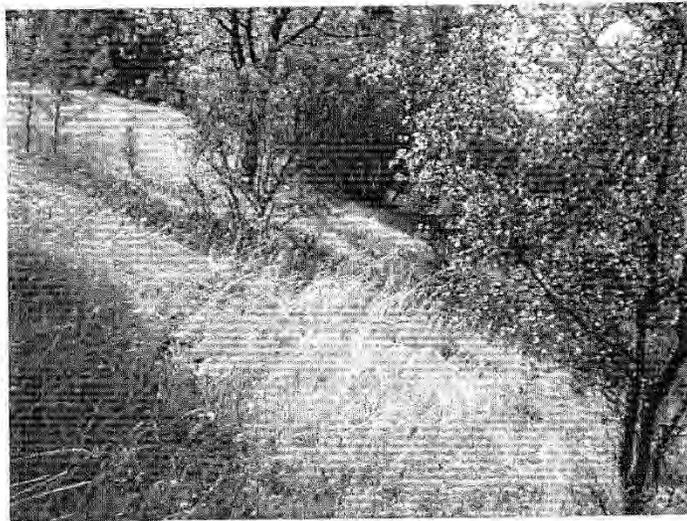


Photo 3: Site 16 Slope

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



Photo 4: Site 16 Wastewater Facility



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



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

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

Attachment 1: Site 15 Zoning

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

Attachment 2: Site 16 Zoning

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

17-T  
CONT'D

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

17-U

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

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

17-V

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

17-W

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

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

**Letter 17 – Christine Dickinson**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Letter 18

**Tyler Barrington**

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

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

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

(attached)

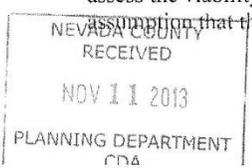
Thank you,  
Ralph Silberstein  
10505 Bragg Ave.  
Grass Valley, CA  
ph: 274-1604

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

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

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

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



18-F  
CONT'D

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

18-G

II. General comments.

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

Thank you,  
Ralph Silberstein

**Letter 18 – Ralph Silberstein**

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

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

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

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

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

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

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

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

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

Letter 19

**Tyler Barrington**

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

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

For your information regarding Housing Element Update.

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

Gentlemen:

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

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

Regards,

Gary Hammer  
Penn Valley

**AREA PLANS**

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

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

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

19-C  
CONT'D

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

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

19-D

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

19-E

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

General Plan Objectives

19-F

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

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

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

19-G | 2. Based upon the central themes, all land areas of the County are divided into "Community Regions" and "Rural Regions". In Community Regions balanced growth and development are encouraged.  
 The Penn Valley Village Center is a designated Community Region. The proposed rezone is not consistent with the goal of encouraging balanced growth and development in Penn Valley Community Region. Instead the proposed rezone will promote the saturation of high density housing in the community, without corresponding employment opportunity.

19-H | 3. Businesses look at the local income levels as part of their analysis when determining where to locate. A surplus of low-income units in Penn Valley will reduce income level data, thereby inhibiting the area's ability to attract viable commerce.

19-I | 4. "The actual growth in the decade from 2000 to 2010 for County population was around seven percent, drastically less than anticipated. Without the substantial population growth that was anticipated, the Land Use Goals, Objectives and Policies remain pertinent in 2013."...District 4 Supervisor Hank Weston, comments relative to "refreshing" the General Plan.

**SB244**

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

Community Impact

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

19-K  
CONT'D

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

19-L

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

19-M

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

19-N

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

19-O

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

**Letter 19 – Gary Hammer**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Letter 20

**Tyler Barrington**

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

Hi Tyler,

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

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

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

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

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

Thanks, Bob Olsen

**Penn Valley Area Sites**

**4.15 TRANSPORTATION AND TRAFFIC**

**Sites 10, 11, 13**

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

**Site 12**

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

**SR 20**

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

**THIS IS INCORRECT**

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

20-H

**Penn Valley Drive**

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

**4.15.2 STUDY LOCATIONS**

**Penn Valley Bicycle and Pedestrian Facilities**

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

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

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

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

20-I

4.15.5 REGULATORY SETTING

PENN VALLEY AREA SITES

*Sites 10, 11, 13*

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

20-J

*Site 12*

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

*Impact Analysis*

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

11. Pleasant Valley Road/ SR 20

12. Cattle Drive / SR 20

13. Penn Valley Drive/ SR 20

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

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

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

20-K

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

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

Mitigation Measures: No mitigation required. Really

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

4.2.1 ENVIRONMENTAL SETTING

SITE CHARACTERISTICS AND SURROUNDING LAND USES

*Sites 10 through 13 (Penn Valley Area)*

*Sites 10 through 13*

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

20-L

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

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

Sites 10 through 13

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

20-N |

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

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

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

**Impact Analysis**

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

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

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

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

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

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

20-P

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

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

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

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

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

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

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

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

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

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

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

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

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

**4.13 PUBLIC SERVICES AND UTILITIES**

**4.13.1 ENVIRONMENTAL SETTING**

**NEVADA COUNTY**

**Fire Protection and Emergency Services**

***Penn Valley Fire Protection District***

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

20-BB

**Sheriff's Protection**

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

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

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

20-CC

**Schools**

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

***Penn Valley***

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

20-DD

**Wastewater**

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

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

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

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

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

20-GG | **POTENTIAL IMPACTS AND MITIGATION MEASURES**

**Public Services**  
 4.13-1 THE PUBLIC SERVICE NEEDS OF THE PROPOSED PROJECT COULD RESULT IN SUBSTANTIAL

**ADVERSE IMPACTS.**

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

**Fire Protection and Emergency Services**

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

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

20-HH

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

20-II

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

20-JJ

**Emergency Water Supply System**

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

20-KK

**Police Protection/Sheriff Service**

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

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

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

20-PP

**Table 4.13-1  
Sewer Availability**

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

20-QQ

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

**Mitigation Measure:**

This mitigation measure applies to all sites:

4.13-2 Prior to approval of a Site Plan, grading plan, or any permit authorizing construction (or as part of the annexation request for Sites 1-9) for a property within the RH Combining District, the project developer shall to the satisfaction of the Director of the County Planning Department (or City of Grass Valley Planning Department for Sites 1-9):  
Provide written documentation that adequate sewer capacity is available for the proposed development. The project developer may provide written documentation that the wastewater treatment plant has been upgraded to increase capacity or a report from a registered civil engineer demonstrating that adequate capacity is available. If adequate sewer capacity does not exist, the developer will pay for WWTP upgrades to account for the additional effluent. The developer may develop a reimbursement agreement, if needed, to recuperate fair-share costs associated with other proposed developments nearby.

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

**Letter 20 – Bob Olsen**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Table 4.13-1  
Sewer Availability**

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

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

Letter 21

Frederick S. Morrill  
23049 Rosewood Rd.  
Auburn, CA 95602

Mr. Tyler Barrington  
Principal Planner  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959-9617

October 04, 2013

Re: Site 17: 57-270-06  
Housing Element Rezone Program



To Whom It May Concern:

My house (23049 Rosewood Rd. Auburn, CA 95602) is located immediately to the south border of the planned low income housing community – less than 100 feet.

This area happens to be a very sensitive environmental area:

The land where the proposed housing is to be located has a creek that runs through it. It floods on an annual basis – providing habitat for various forms of wild life.

Having lived immediately adjacent to the area, I have observed a variety of wildlife throughout the year.

21-A

- Raptors who nest in the area and raise their off spring.
- Owls who nest and raise their young in the fallen oak trees in the proposed area.
- Deer
- Wild Turkeys
- Ducks
- Geese
- To Name A Few.

Additionally, the area houses numerous ancient Oak Trees and numerous plant forms.

21-B

In addition to this proposed low income housing development, there is active construction immediately across Combie Road slightly to the east and north of this proposed development. The builder is in the process of building approximately 40 -50 densely situated housing units.

I believe that this proposed low income housing development in addition to the development in construction across the street just mentioned and the dense existing commercial establishments immediately across the proposed area will have a SIGNIFICANT NEGATIVE IMPACT ON THE WILDLIFE IN THE AREA.

21-C

My house is located immediately to the South of this planned "low to very low income housing" development. All the land in my immediate vicinity has been zoned for single housing units. The development of this low income housing complex will place the Southern border of this large complex immediately within less than 100 feet of my bedroom window, living room windows, and porch (see attaché description and maps).

This will significantly reduce the economic and intangible values of my hose and property.

21-D

When I purchased my house four years ago, I paid a market value that was based on zoning that provided the construction of single family homes, not that of a large complex containing "low to very low income" housing units (in your own words).

Sincerely

 10-04-2013  
Frederick S. Morrill

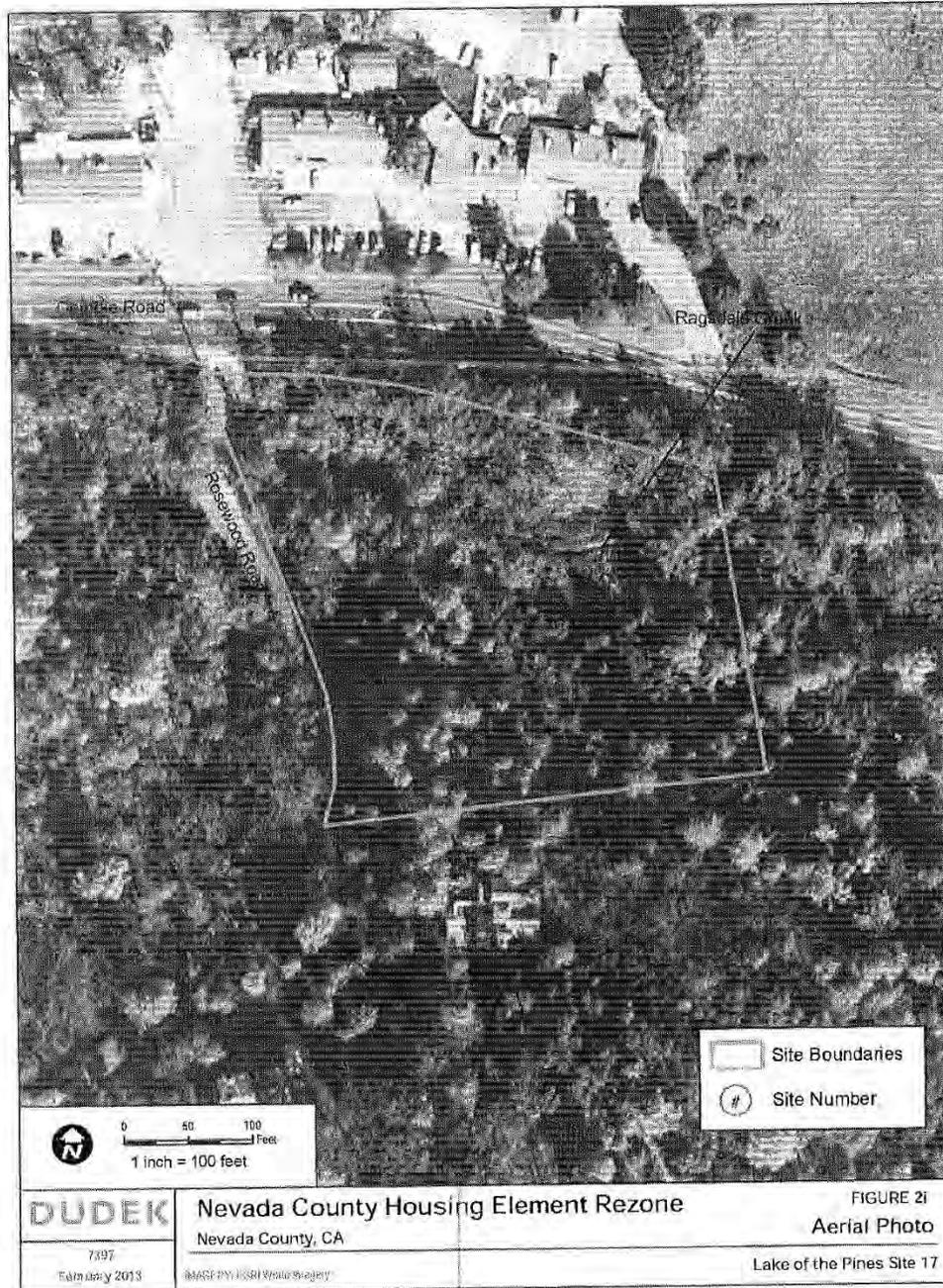
dominated by interior live oak with scattered California black oaks. A mixed chaparral community occurs in the central portion of the site, likely the result of defined past disturbances on this parcel. Dominant species observed in this small chaparral community include whiteleaf manzanita, buckbrush, yerba santa (*Eriodictyon californica*), coyote brush (*Baccharis pilularis ssp. consanguinea*), and coffeeberry. The remainder of the site supports a low density mixed blue-oak foothill pine community. On Site 16 this habitat is characterized by a low density mix of tree species interspersed with groups of shrubs and non-native annual grasslands. Representative tree species in this community include interior live oaks, foothill pine, and ponderosa pine. Representative shrubs include whiteleaf manzanita and poison oak. No defined hydrologic features were noted on Site 16.

#### Site 17

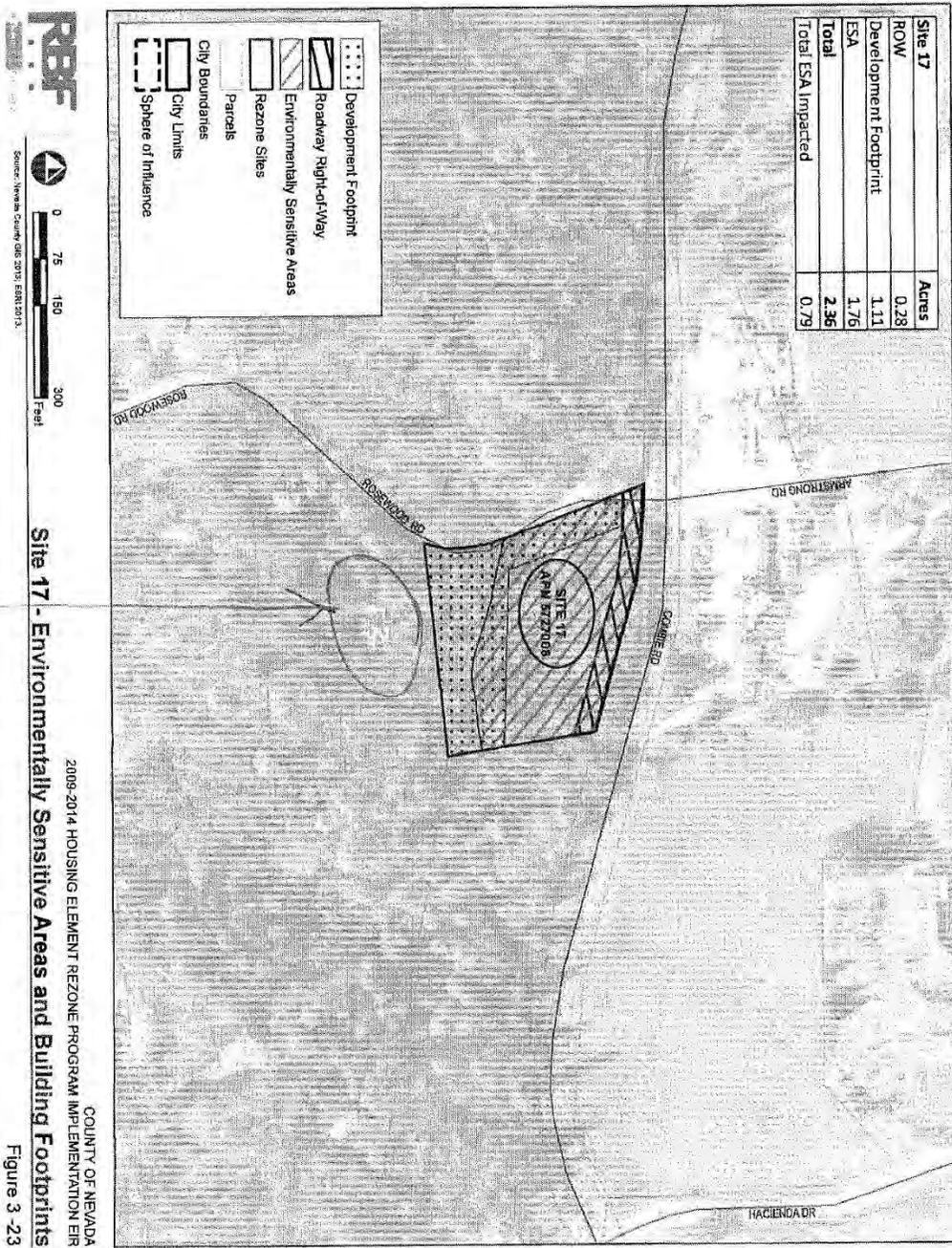
Site 17 is an undeveloped, densely vegetated parcel. The site slopes moderately to the north down to Ragsdale Creek, and bisects the site east-west along the site's northern boundary and supports a dense foothill riparian corridor. Ragsdale Creek is the only substantial hydrologic feature on the site. Himalayan blackberry, willows, and valley oak are dominant species in the riparian corridor on this site. The remainder of the site supports a densely wooded montane hardwood community of mostly smaller diameter trees. California black oak is the dominant species in this community, with interior live oak as a subdominant species and valley oak intergrading along the riparian corridor. Canopy cover of this woodland is 90 - 100 percent, qualifying the woodland onsite as a Landmark Grove. Scattered ponderosa pine and foothill pine also occur. Site 17 is bound by single family residential property on the south, Rosewood Road and undeveloped land to the east, undeveloped land to the west, and commercial development across Combie Road to the north.

#### Site 18

Site 18 is adjacent to the Hole 6 green of the adjacent Darkhorse Golf Course, which abuts the site on the north and east. Single family residential development and open space are east and south of the site. A small knoll occurs within the southern half of the site and the site slopes moderately away from this high point in all directions. A rock outcrop occurs at the high point of the site. Vegetation onsite is split between two plant communities. The southern half of the site supports a montane hardwood woodland community in which blue oak is the dominant species, and interior live oak and California black oak also occur. Trees on this site are generally of larger diameter and well-spaced. Some large diameter blue and black oak specimens grow on this property and likely meet County criteria for Landmark Oak status. The canopy cover in this oak woodland is 80 to 90 percent, which exceeds the County's criteria for a Landmark Grove. Understory throughout this site is primarily non-native grasses and forbs. Species recorded in the understory include gray ripgut brome, dogtail grass, blue wildrye (*Elymus glaucus*), mule ears (*Wyethia helenoides*), whiteleaf manzanita, arrowleaf balsamroot (*Balsamorhiza sagittata*), crimson clover (*Trifolium incarnatum*), and yellow star tulip (*Calochortus monophyllus*). The northern half of the site supports a Sierran mixed forest community and is dominated by well-spaced, mature ponderosa pines. No significant hydrologic features occur on this site, though a small ephemeral drainage occurs in the northwest portion of the property. Stormwater entering this drainage traverses through the site to the northeast.



*MT PROPERTY*



2009-2014 HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION EIR  
 Site 17 - Environmentally Sensitive Areas and Building Footprints  
 Figure 3-23

**Letter 21 – Frederick Morrill**

**Response 21-A** The comment refers to Site 17 in the Lake of the Pines area. The County acknowledges that Ragsdale Creek traverses this site as having sensitive oak woodland habitats. Figure 3-23 of the Draft EIR shows that the majority of the site has been designated as an Environmentally Sensitive Area (ESA) due to the presence of the Ragsdale Creek and the adjacent riparian habitat. Mitigation Measure 4.4.3b requires the developer of Site 17 to prepare a formal wetland delineation to determine the extent of the wetland area. Mitigation Measures 4.4-2b and 4.4-2c require the developer to prepare preconstruction plant and animal surveys before final development plans are approved. Mitigation Measure 4.4-5 requires the developer of Site 17 to prepare an oak woodland management plan for the protection of sensitive oak woodlands onsite.

**Response 21-B** The County does not concur with this comment. The Draft EIR includes a cumulative analysis that evaluates the cumulative effect of the Higgins Market Place, Cascade Crossing (project referenced), and Rincon del Rio projects (See Table 5-1). A discussion of cumulative biological impacts is provided in Section 5.25 of the Draft EIR. Implementation of mitigation measures in Section 4.4 would ensure that impacts to sensitive and high value habitats, such as riparian zones and wetland, and to special status species of wildlife and plants would be less than significant.

**Response 21-C** The County concurs that the properties adjacent to Site 17 are zoned for single family residential development. However, there is an existing mix of development in the surrounding area. Across Combie Road is commercially zoned property, and to the west on Combie Road are parcels with residential zone with a Mobilehome Park Combining District, Office Professional, and more commercial development at the intersection of Combie Road and SR 49. With regards to development on the site, the Regional Housing Need (RH) Combining District requires the following: “Development proposes shall undergo a Design Review process and public hearing at the Planning Commission limited to design issues only. No discretionary permit is necessary for the density or use of the site.” (LUDC Section L-II 2.7.11.C.5). This will ensure project design is consistent with surrounding area, western Nevada County Design Guidelines and the design criteria established by the Higgins Corner Area Plan. Furthermore, the existing zoning for Site 17 has Scenic Corridor (SC) and Site Performance (SP) Combining Districts which will remain. The SC combining district requires future development, “To protect and preserve the scenic resources of areas which are adjacent to highways and roads which have been identified as having high scenic quality and requiring protection for the benefit of residents and visitors.”<sup>15</sup> This protection is implemented through the preparation of a Scenic Corridor Analysis that is prepared by the developed and reviewed and approved by County Staff. The SP combining district provides “for refinements in the site development standards and/or the permitted uses in the base zone district with which the SP District regulations are combined.”<sup>16</sup> As such, site development standards for the site would be adjusted on the site to account for physical constraints such as Ragsdale Creek and sensitive habitats above and beyond the development restrictions created by the ESA designations.

**Response 21-D** Please see Master Responses #5 and #6.

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<sup>15</sup> County of Nevada Land Use and Development Code, Section L-II 2.7.7

<sup>16</sup> County of Nevada Land Use and Development Code, Section L-II 2.7.8

Letter 22

Jory Beyer Stewart, AICP  
 Planning, Zoning, Environmental Review

RECEIVED  
 NOV 12 2013  
 Nevada County Community  
 Development Agency

November 7, 2013

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

RE: Draft EIR Nevada County Housing Element Rezone Program Implementation

Dear Tyler;

Thank you for the opportunity to submit comments on the proposed Draft EIR for the Housing Element Rezoning Implementation. In addition to my personal interest in the rezoning, I have been asked by the Penn Valley Area Chamber of Commerce to review the EIR and discuss their concerns. There are several areas that we think the EIR could be improved to fully disclose potential adverse impacts to the small village of Penn Valley. Our comments are specific to the proposed rezoning of parcels numbered 10, 11, 12 and 13 in the current draft EIR.

22-A

Inconsistency with existing plans. We believe the most important issue for the EIR to address is the inconsistency of the proposed rezoning of parcels 10 and 11 from commercial and parcel 13 from IDR to residential high density with the Penn Valley Village Focused Economic Development Study. This study, adopted by the Board of Supervisors September of 2000, identifies parcels 10 and 11 as vacant and underutilized commercial and industrial parcels (Figure 4 of the study) that are important to the future creation of jobs and tax base for Penn Valley and Nevada County as a whole. The EIR discusses the potential loss of Business Park (a designation we know is abundant in Nevada County) as a reason to exclude the East Bennett option (see page 6-16 Draft EIR) yet the EIR does not address the loss of commercial opportunity in Penn Valley due to the proposed rezoning of parcels 10 and 11, nor does it discuss the loss of the IDR options for parcel 13. The EIR should identify the loss of economic opportunity and potential increased tax base from these three parcels as an issue and potentially include dropping them from consideration in the Alternatives section of the EIR. It cannot be emphasized enough how important retaining these parcels for future commercial opportunity is to the Chamber. The Chamber has identified a possible synergy between the three parcels that could allow for a larger planned development that could provide a number of goods and services, job growth, as well as a mix of housing as a component of the development. Parcel 13 becomes critical to this scenario because of the exposure, sans access, to Hwy 20. The exposure could allow traffic along Hwy 20 to see what goods and services are available in the village of Penn Valley. Please address this critical issue in the EIR so that it may be considered by the Planning Commission and Board of Supervisors before they make a decision on the rezoning of these parcels.

22-B

Infrastructure deficiencies. The second issue that we do not feel the EIR adequately addresses is the increase of affordable residential units in an isolated rural village, Penn Valley, that has been identified

<p>22-B CONT'D</p>	<p>by the Department of Water Resources as a "Disadvantaged Unincorporated Community" for purposes of SB 244 compliance. The EIR should address the inconsistency of adding additional residential units especially that of potentially low-income, to an area considered to lack access to certain basic infrastructure. Adding people instead of adding tax base only acts to worsen this condition by creating long-term inefficiencies in funding improvements that will serve the area as a whole. This is inconsistent with the policy objectives established by the State legislature in the enactment of SB 244 and this inconsistency should be addressed in the EIR.</p>
<p>22-C</p>	<p>Related to the paragraph above is the issue of wastewater treatment and treatment capacity. The Penn Valley Wastewater Treatment Plant is discussed in the draft EIR on page 4.13-5. The EIR states that the current treatment plant is under a cease and desist order from the Central Valley Regional Water Quality Control Board due to a number of deficiencies. A proposed pipeline to connect this treatment plant with that of the Lake Wildwood plant is identified as the remedy yet there is no discussion of when this might occur, how the current waiting list for EDU's (Equivalent Dwelling Units) will be accommodated via this new connection, and if there will be capacity for the new units proposed along with existing approvals not yet built. Lastly, there is no discussion of whether or not this capacity can be discharged from the expanded Lake Wildwood plant without considerable upgrades and whether or not these upgrades are funded.</p>
<p>22-D</p>	<p>I believe that HCD does not require that infrastructure be in place in order for a jurisdiction to designate a parcel high-density residential. However, the concern of the Chamber is that vacant parcels viable for commercial development will be held "hostage", so to speak, if they are down zoned to residential that may never be feasible due to limited wastewater treatment capacity. The potential loss of this economic opportunity to Penn Valley is not adequately addressed by the EIR. The EIR should disclose the issues of treatment capacity for Penn Valley so that if there is a capacity issue the decision makers can weigh what is better for Penn Valley in the long run; potential commercial development or parcels zoned for high-density residential that may never be built.</p>
<p>22-E</p>	<p><u>Traffic Circulation.</u> The third concern has to do with the access to parcel 13. The EIR assumes access to Hwy 20 across from Cattle Drive (page 3-61). Then on page 4.15-49, the EIR discusses a landscaped-berm for noise attenuation that would prohibit access to Hwy 20. The EIR needs to clarify this discrepancy and address any changes to circulation that may be a factor depending on what access is viable. If the Hwy 20 access across from Cattle is chosen, the EIR should address the likelihood that this could occur by getting preliminary comment from CalTRANS on whether or not this access is feasible. Feasibility of an intersection at Cattle is greatly reduced due to the proximity of the signalized intersection of Spenceville Drive and Hwy 20 less than a mile away.</p>
<p>22-F</p>	<p><u>Willing participant.</u> The fourth concern is that having to do with the policy decision of the Board to reject parcels if the property owner did not indicate a desire to participate. This policy summarily eliminates numerous opportunities that provide the most feasible solution to provide affordable housing in the context of existing services and job availability thus addressing the jobs/housing balance policies of the Housing Element itself. The concern has been stated to be simply that the Board does not wish to act on its "police power" due to the controversy that would ensue. The EIR, as a full disclosure document, should address the use of "police power" and eminent domain so that the Board clearly understands what its authority is and what, if any, consequences would occur if they were to act on a parcel with a non-willing property owner. The EIR should also address those sites summarily rejected to evaluate the feasibility of those sites as well as the likelihood that they are more consistent with existing policies of the General Plan and Housing Element.</p>

22-G

Socioeconomic impacts. In closing, affordability of housing is not just the cost of the rental. In fact, the cost of the rental is only a small factor in affordability. Affordability comes from placing housing in the appropriate context. If the unit is close to public transit (that runs at a frequency that allows a person to use it for commuting to work) or better yet; allows the resident to walk to work, to the market, to school or the local park, it becomes far more affordable because a first or second vehicle does not have to be maintained by the household. By putting affordable units in a rural village context like Penn Valley where there are few opportunities for jobs, no local grocery, infrequent transit availability and limited access to social services and health care, we are isolating a population that has very little in the way of resources. These areas become susceptible to blight and a high volume of incident calls, as can be seen in the attached CFS Event Report from the Nevada County Sheriff's Office for the Broken Oak development in Penn Valley. The EIR really does not discuss these socioeconomic issues or the greater context of what is being attempted here, which is the provision of affordable housing opportunity and lifestyle...not just units. The EIR should discuss the potential opportunities gained by conducting a socioeconomic impact assessment of the project in order to determine the best fit for the location of affordable housing. After that is completed, I think we would have a much better idea of what parcels truly meet affordability objectives.

22-H

From me and the Penn Valley Area Chamber of Commerce thanks again, Tyler. Keep up the good work and we look forward to seeing you in future meetings.

Sincerely,



Jory Stewart  
19948 Valley Vista Way  
Penn Valley, CA 95946  
530-432-9363  
[spotteddogfarm@att.net](mailto:spotteddogfarm@att.net)



Ed James  
Penn Valley Area Chamber of Commerce  
17422 Penn Valley Drive  
Penn Valley, CA 95946  
[erjames@hughes.net](mailto:erjames@hughes.net)

**Letter 22 – Jory Stewart**

**Response 22-A** The County does not concur with this comment. The Penn Valley Village Focused Economic Development Study is not a land use document with a substantive mandate for the County of Nevada. Please see Response 9-B. The County does not concur that the project would remove opportunities for commercial development in Penn Valley. Please see Master Response #3 regarding the retention of existing zoning in Penn Valley. Furthermore, the existing General Plan land use designation on Site 13, is Urban Medium Density (UMD) at 6-units per acre. Site 13 is designated PD “Planned Development” with UMD (26 ac.) and Open Space (8ac.) reflecting this designation applies to a larger set of properties, as Site 13 is approximately 20 acres. As such, this site is already slated for higher density residential than rural residential, although not as high of a density as the R3 designation. Site 13 is not designated for commercial or industrial use.

The EIR has been revised to eliminate the access from SR 20 to Site 13. Please see Response 2-B.

**Response 22-B** The County does not concur with this comment that Penn Valley lacks access to certain basic infrastructure. The Draft EIR evaluates the project’s impact on existing infrastructure and public services in Section 4.13. The County applied for and is in the final approval stages of receiving a \$1.3M CDBG Grant and a State Revolving Fund loan in the amount of \$5.1M from the Regional Water Quality Control Board to complete extend the sewer main from Penn Valley to the Lake Wildwood treatment plant and complete associated upgrades to the plant. If funding is received, this project is expected to occur in the next 2 to 4 years. The anticipated expansions would allow for a greater range of areas where high density housing could be located and would assist the County in achieving its goals of providing a range of housing options.

As a Disadvantaged Unincorporated Community (DUC) it is likely there will be a need to provide a variety of housing types for all income segments of the population. This project would assist in provide higher density options that are limited not only in Penn Valley but throughout the unincorporated area. This new housing would likely serve an existing need in the community and accommodate future population growth.

Please see Master Response #4 regarding the developers’ responsibility to provide the needed infrastructure. The County does not concur that the project is inconsistent with SB 244.

Pursuant to the requirements state law, SB 244 (CA Government Code Section 65302.10 et sec.), the County of Nevada updated the Land Use Element of the General Plan in compliance with the state law. This action was approved by the County Board of Supervisors in January 2014.

The implementation of Government Code Section 65302.10 played a major factor for the County in initiating the update process of the Land Use Element. Based on the parameters set forth in Government Code Section 65302.10, five Legacy Communities have been identified within Nevada County, including Penn Valley<sup>17</sup>. As required by state law, the

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<sup>17</sup> Legacy Communities are defined as geographically isolated communities that have been in existence for over 50 years, and where the median household income is 80% or less than the statewide median household income. In accordance with state law, the County has identified the following communities as legacy disadvantaged unincorporated communities (Legacy Communities): North San Juan, Penn Valley, Rough and Ready, Soda Springs and Washington. (CA GC 65302.10(a))

new Land Use Element language includes an inventory of the service and infrastructure needs of the five identified Legacy Communities.

Additionally, the new Land Use Goal 1.9, Policies 1.9.1 and 1.9.2 and Program 1.9.1 include an analysis of service and infrastructure needs and potential funding sources available. While the new language identifies service and infrastructure needs in the Legacy Communities, it is strictly part of a policy document that does not alter the potential build out rate of those areas. The recognition of needs based on the Legacy Community analysis does not result in specific project implementation measure being undertaken. The establishment of policies for compliance with Government Code Section 65302.10 does not, in itself, create significant impacts on housing. As such the County found that a less than significant impact would result from the adoption of the Land Use Element update, and no mitigation is required.

The Land Use update process considered the RH combining District because pursuant to Government Code Section 65583.2, the 2009-2014 Housing Element was approved by the Board of Supervisors (May 2010) with policy language specifying the sites rezoned to accommodate unmet housing needs would allow for a minimum density of 16 units per acre (Housing Element Programs HD - 8.1.3 and HD-8.1.4). This exception to residential density emphasizes that this density exception is extremely limited but is required for internal consistency within the General Plan as well as the County Land Use and Development Code Section L-II 2.7.11: Regional Housing Need Combining District which was adopted in 2011 and allows for a minimum of 16-units per acre when necessary to accommodate an unmet Regional Housing Need Allocation.

For the reasons listed above, the County is consistent with the requirements of SB 244 and no conflicts have been identified and no further analysis is required.

**Response 22-C** The County concurs that Penn Valley wastewater treatment plant is under a cease and desist order and that completion of an extension to the Lake Wildwood plant is unknown. The County does not concur that the EIR does not evaluate the impacts. The analysis on page 4.13-17 of the Draft EIR notes that currently sewer availability is limited for both Penn Valley and Lake Wildwood. The Draft EIR proposes a mitigation measure that the future developers are responsible for ensuring that adequate facilities are available. However, the EIR notes that potential impacts remain significant and unavoidable because of the unknowns of future sewer availability and the unknowns regarding the feasibility of a single developer being able to make the facility improvements. Please also see Master Response #4 regarding the developers' responsibilities codified in the County Land Use and Development Code.

**Response 22-D** The County does not concur with this comment. The project will not result in a loss of economic opportunity to for Penn Valley. Please see Master Response #3 and Response 9-C. The issues regarding wastewater treatment capacity are provided in the Draft EIR on page 4.13-17 – 18.

**Response 22-E** The EIR has been revised to reflect that access is not permitted off of SR 20. Please see Response 2-B. Additionally, the Final EIR had been revised to remove the statement regarding the landscaped berm. A landscaped berm is not proposed as part of the project.

**Response 22-F** The County does not concur with this comment. Please see Master Responses 1 and 2. The issues of police powers and eminent domain are not CEQA issues and not relevant to the EIR. The EIR addresses the physical environmental impacts associated with the

proposed project sites. The Board of Supervisors initiated the project objectives and chose not to include non-willing property owners.

Regardless of the directive to work with willing property owners, the County would still be looking at sites in Penn Valley, Lake of the Pines, the Grass Valley Sphere of Influence (SOI). It is very likely that the same sites would be identified, especially in the Penn Valley and Lake of the Pines areas because these are the undeveloped sites that met the primary requirements for inclusion in the project. The following site selection criteria are provided in Section L-II 2.7.11.B.2 of the County Land Use and Development Code (LUDC):

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

- a. Generally, the site must be identified by the County to satisfy the Regional Housing Need as outlined in L-II 2.7.11.B.1 above. A private landowner however, may apply for the RH designation if the landowner has received concurrence from the Board of Supervisors, prior to submitting an application for rezone, that the rezoning of the site to add the RH overlay is necessary to meet a Regional Housing Need.
- b. The site is currently undeveloped or it can be demonstrated that the site is underdeveloped.
- c. The site is of adequate size and shape to allow for the reasonable development of residential housing at the minimum densities required under Standard L-II 2.7.11.B.3.
- d. The site has ingress and egress on a County maintained road or can be connected to a County maintained road pursuant to Standard L-II 2.7.11.C.8.
- e. The site is in or within a reasonable walking distance to a Community Region or Village Center, as shown on the General Plan Land Use Maps, which has access to schools, services, fire protection and jobs.
- f. The site is located on or is within reasonable walking distance to a public transit route.
- g. The site is within or can reasonably be annexed into an existing sanitary sewer district and public water district.
- h. The anticipated residential development can be sited to avoid major environmental hazards and/or constraints including but not limited to wetlands, watercourses, floodways, steep slopes, geologic hazards, archaeological resources, sensitive habitat areas, and airport noise and safety zones that limit density.

If the County has chosen not to work with willing property owners, there would not be clustering opportunities on Brunswick Road sites in the Grass Valley SOI. The sites would likely be spread out and the project impacts would be spread out as well. It is possible that the County would potentially consider sites the Nevada City and Truckee SOIs. However, it would not remove the Penn Valley or Lake of the Pines areas from consideration because these are unincorporated areas of the County that have a mix of developed and designated

uses, have existing infrastructure, and some transportation opportunities. The Penn Valley and Lake of the Pines areas meet the site selection criteria listed above; including having commercial cores with available public water and sewer, and being within community regions as identified by the County General Plan. Other more rural or remote areas of the unincorporated County do not have existing public water and sewer infrastructure and are not within community regions that have a mix of developed and planned uses such as commercial, business park, or office professional uses.

Locating all or most of the sites within a city SOI does not always benefit the needs of unincorporated population because the sites within the SOI will eventually annex into the city. Unless mutually acceptable RHNA transfer agreements can be made, the availability of these sites are lost to the County. Therefore, it is important that the County provide a balance of sites both within and outside of city SOIs.

The discussion of project alternatives that are determined to be infeasible do not require further discussion pursuant to CEQA Guidelines 15126.6(a).

**Response 22-G** The County does not concur with this comment. Given the rural nature of unincorporated area of Nevada County as a whole, the number of locations where community services, infrastructure, and employment opportunities all exist around one site are limited. However, while one particular site is unlikely to meet all of the criteria it is an effective method for comparing sites and eliminating sites that meet the fewest number of criteria. Please see Master Responses #2, #5, #6, and #7.

The Penn Valley Area is a community region, with a commercial core that has some available services within walking distance of the proposed Penn Valley sites including:

- a small market;
- salons;
- bank;
- a hardware store;
- several options for restaurants/cafes;
- gas station and auto repair stores;
- financial planning;
- churches;
- veterinary services; and,
- other commercial services that are available

The Penn Valley area includes a separated pedestrian and bicycle path runs on the northern side of Penn Valley Drive from Western Gateway Park east to just east of Pheasant Lane where it crosses to the south side of the Penn Valley Drive. The path continues east to Spenceville Road where it continues in both north and south directions. The path is within 0.25 mile of Sites 10-13. With regard to transit opportunities

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

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

Because of the existing access to all of these services within walking distance of the proposed Sites 10 – 13, Penn Valley is a good location for the high density housing. However, beyond what is immediately available in the Penn Valley Village Center, the Lake Wildwood Commercial Center, located just 3 miles northwest of the Penn Valley Village Center with additional commercial services. Another 1.5 miles north along Pleasant Valley Road from the Lake Wildwood Commercial Center is the Lake Wildwood Shopping Center which contains additional services such as a medical office, dental office, a pharmacy, and additional banking opportunities.

The City of Grass Valley is located approximately 16 miles to the east, approximately a 10-minute drive with additional services available. Given the existing services, existing commercial development and infrastructure (roads, sewer, water, fire service) that are available in Penn Valley, the locating potential sites in the area satisfies the site selection criteria for the for the RH Combining District discussed in Response 22-F above.

**Response 22-H** The County does not concur with this comment. Please see Response 22-G and Master Response #5

Letter 23

RECEIVED

NOV 5 2013

Nevada County Community Development Agency

October 30, 2013

Tyler Barrington
Principal Planner
Nevada County Planning Department
950 Maidu Avenue, Suite 170 Nevada City, CA 95959

Dear Sir:

I wish to introduce myself as a resident of Penn Valley since 1977 and a retired Professor of Accounting and Information Technology for over 38years. I attended your presentation at the Church in Penn Valley concerning the rezoning of parcels in our community to Low Income, High Density Residential Housing. I attentively listened to the presentation of the EIR Study for the Project's effects on Penn Valley. At the end of your discussion, you requested that those who had concerns about the study and program should put them in writing and forward them to you.

23-A

Below I have listed a number of items within the EIR in which I disagree or at a minimum find fault. Throughout the EIR you have sited constraints and concerns to the project and then propose mitigation measures to alleviate them. In these measures the EIR utilizes to same Fees and Taxes derived from the program construction and ongoing tax collections to mitigate these constraints. The same dollars are spent over and over again. In addition other mitigation measures are assumed to take place in the future where no existing firm plans for implementation exist and no funding source is assigned. (ie. Sewer systems, potable water supply, flood control etc.) I will point out these short comings below.

Description of Penn Valley EIR pg 3-33

Penn Valley, an unincorporated community, is located in the western portion of Nevada County, six miles west of the City of Grass Valley. Penn Valley has a "small town" feel with a population of approximately 1,621 but approximately 12,000 people consider Penn Valley home. In recent years, Penn Valley has developed a new post office, fire station, performing arts pavilion, a small affordable sub-division, and a 42-unit affordable apartment complex.

23-B

This is a completely inaccurate and at minimum a deceptive portrayal of this community. While Penn Valley is six miles west of Grass Valley with a small town feel and a 1621 population the rest of the description is deceptive or inaccurate. The vast majority of the 12,000 people who call Penn Valley their home reside in Lake Wildwood, a fully occupied 3000 lot development approximately two miles away from down town Penn Valley. This gated community has for over 30 years expressed its desire to separate itself for Penn Valley, going as far as to unsuccessfully request a separate zip code and Post Office to permit addressing itself as the Community of Lake Wildwood. Of the 12000 mentioned over 9000 reside within this development. This leaves the true residents of our village to slightly more than 3000. The village center where the Rezoning Program would introduce up to over 200 high

23-B  
CONT'D

density, low-income housing units, possibly containing in excess of 1000 new residents. would dramatically alter the nature of our community. The only public service provided within our community is the Penn Fire Department. All other services such as Law Enforcement and other governmental programs are supported elsewhere in the county. The increase in population proposed would stress the village's ability to locally meet the needs of our residence. Nowhere in the EIR is there a mention of the effects on our locally funded Western Gateway Park. Increasing the immediate population by 40% would put great stress on this facility and what it provides. Our community prides itself on the recreational opportunities provided by our Park. We offer numerous festivals and concerts every year and provide other activities such as weddings, day use picnic facilities, fishing, a large Frizbee Golf Course and two children play equipment areas. Contained within the park bordering on one of the propose High Density Facilities, are three Baseball Parks used by residents from the age of 5 to 85. The Park also provides recreation for people from outside our village, supporting the needs of people from throughout Nevada and surrounding counties. Almost all of our residents take advantage and support or local recreation opportunities of the Western Gate Park. This local treasure would most likely be over burdened by the increase population caused the Rezoning Proposal.

23-C

23-D

In addition to other glaring omissions within the EIR there is no discussion of our Nevada County, Penn Valley Village Center Area Plan, adopted January 25, 2000. With the exception of being listed in a Reference List of Documents , pg 9-2, there is no reference to its description of our community and designation of the parcels effected by this program. These parcels are designated in the Village Plan as Commercial and Light industrial. This provides for future expansion of productive community businesses to employ current and future residents. The residential zoning described in the EIR to replace these commercial designations offer no future benefit to our community only further consumption of limited services. The Village Plan was created through the input of local businesses and residents to document and validate our future expectations for this community. The complete ignoring of its contents and provisions smacks of a forced downward implementation of a detrimental design proposed by individuals who do not have to live with its effects. Having lived in this community for more than 35 years and raised a family here, I, like most of my neighbors, have watched our children forced to leave our community because of a lack of opportunities. The Rezoning Plan with its replacement of commercial parcels with a nonproductive government supported citizenry, would eliminate the possibility of future economic growth and doom future families to the same dispersion.

**2.4.5 Public Services and Utilities pg 2-8**

23-E

On page 2-8 of the EIR the document notes the current Waste Water inadequacies of the Penn Valley Sewer system and states " As described in Section 4.13 (Public Services and Utilities), future development within the proposed project sites would result in the following direct and cumulative significant and unavoidable impacts:

The Proposed Project could result in a determination by the wastewater treatment provider that it has inadequate capacity to provide for the project's projected demand in addition to the provider's existing commitments.

The County has established sewer capacity service requirements for development within its jurisdiction. Without proposed improvements to existing WWTPs there would not be sewer service available for the proposed project Sites 10 through 18 and the proposed project would

result in potentially significant impact.”

**Pg 4.13-5 Penn Valley Wastewater Treatment Plant**

The Penn Valley Wastewater Treatment Plant (PV-WWTP) is located south of the community of Penn Valley. The Penn Valley collections system conveys septic tank effluent from individual septic tanks through a network of force mains to the PV-WWTP. The PVWWTF serves 347 active connections and was historically permitted monthly average dry weather flow limit of 89,700 gallons per day. The treatment facility consists of aerated lagoons, a storage reservoir, and 33 acres of pasture land for spray irrigation.

Due to deficiencies with the current PV-WWTP, including inadequate pond size and surface discharge area and discharge violations, the PV-WWTP is currently operating under a cease and desist order (CDO) issued by the Central Valley Regional Water Quality Control Board (CVRWQCB). The CDO limits monthly average dry weather inflow to 60,000 gallons per day until facility improvements are made or another means of sewer treatment is developed.

Upon the completion of a Facilities Improvement Design Report (FIDR) in December 2011, the construction of a pipeline from Penn Valley to the Lake Wildwood WWTP was determined to be the most cost-effective way to address the CDO. In April 2012, the Nevada County Sanitation District Board of Directors approved Resolution No. SD12-06 approving pursuit of a State Revolving Fund loan to construct a pipeline from Penn Valley to the Lake Wildwood WWTP. **However, as of the preparation of this EIR, the pipeline has not been constructed and there is not sufficient capacity at the Penn Valley Wastewater Treatment Plant to serve those project sites (Sites 10-13) within the Penn Valley Wastewater Treatment Plant service area.**

These two citation from the EIR both point to the inadequacies of the Penn Valley Sewer and both refer to Mitigation Measure 4.13-2. The following is that measure

Mitigation Measure:

This mitigation measure applies to all sites:

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

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

23-E  
CONT'D

- 23-E  
CONT'D
- Level of Significance After Mitigation: Significant and Unavoidable. This impact remains significant because it is unknown what the capacity of the wastewater treatment facilities would be at the time of project construction. It is also unknown if completion of the required wastewater facility improvements would be feasible for a single project developer. Furthermore, the County does not have jurisdiction over the timing of when wastewater improvements would occur within the City of Grass Valley.
- Mitigation measure 4.13.2 as stated is pure supposition and fiction since its solutions do not exist now nor are they ever likely to exist. The Lake Wildwood Association has made no recommendation for this proposal and no current or future cost estimates have been published. As stated above “the County does not have jurisdiction over the timing of wastewater improvements”, and for the County to impose rezoning which would require such improvements, would be unrealistic and bordering on incompetence. This factor alone should eliminate the possibility of the implementation of the Rezoning Program for site 10 through 13.
- 23-F
- 4.10-7 THE PROPOSED PROJECT COULD EXPOSE PEOPLE OR STRUCTURES TO A SIGNIFICANT RISK OF LOSS, INJURY OR DEATH INVOLVING FLOODING, INCLUDING AS A RESULT OF THE FAILURE OF A LEVEE OR DAM.  
Level of Significance Before Mitigation: Potentially Significant Impact.  
Impact Analysis
- This section of the EIR discusses the fact that Parcel 10 – 13 in Penn Valley are within a FLOOD PLAIN. The authors propose a solution to this problem in Mitigation Measure 4.10-1a on pg 4.10-20 of the EIR. The Measure proposes nothing in the way of protecting current surrounding residences, the proposed High Occupancy Structures or any future upstream residences which may be affected. The measure solely dictates that any development is within the flood plain is designated a Environmentally Sensitive Area (ESA) and therefore must comply with rules for such areas. There is not concrete requirement for the protection of any structure or terrain now or in the future, other than the protection of ESAs. For the county to implement a plan without any true protective and clearly defined mitigation requirements is pure recklessness and would leave the county in jeopardy for future legal action in the event of flood losses. This possibility should eliminate Site 10-13 from consideration in this rezoning program.
- 23-G
- 2.6 AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED pg 2.14  
2. A resident from the Broken Oak Court neighborhood in the Penn Valley area questioned whether more high density housing was needed or appropriate in that area. Only ONE!!!
- As mentioned in the EIR under Controversy and Issues to be Resolved, only one letter was received questioning the need for High Density Housing in our community. There is a possible reason for what appears to be a lack of concern on the part our residents. As you stated, only those who lived within 500 feet of the propose rezoned parcels were informed my mail. This is **LUDECRIS**. The limited notification of a few people who boarder the proposed rezoned parcels, is effectively little or no notification. It makes one think that this program is trying to have a low or no profile in the effected communities, and thus avoid Controversy and Issues to be Resolved. To make matters worse, while only a few of our residents were notified, a clock was running on limited Comment Period which will expire in twelve days ending the time when dissatisfied citizens of Penn Valley could voice their concerns over this insufficient and incomplete EIR. I along with many who voiced their opinion on

23-G CONT'D | this matter, demand an extension to this Comment Period to provide us with the time to make and organize formal opposition.

**5.1.2 CONCLUSION pg 5.2**

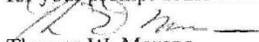
23-H | The Conclusion arrived at in the EIR states the program would provide limited economic growth, specifically pointing to the City of Grass Valley. No mention is made of the economic impact on the small rural community of Penn Valley. As mentioned at the out set of this letter, the introduction of a 40% increase in population, dependent on government, from outside our local area, would be both an economic and social disaster, disrupting the fabric of an intimate community. The program would eliminate the possibility of future economic growth for our downtown area and foster a permanent dependent class by replacing the only Commercial and Light Industrial Zoning within our small neighborhood.

To showcase the complete lack of understand of the effects of this Rezoning Action, the Conclusion ends with a final statement. “. Finally, the obstacles to growth removed by the project would be necessary to accommodate the proposed housing opportunities. Nonetheless, no growth-related impacts beyond the environmental impacts discussed in Chapter 4 of this EIR are anticipated. “

This displays the utter ignorance and indifference of the creator of this plan as it effects Penn Valley.

In conclusion, I am completely and inalterably opposed the Rezoning Plan as it pertains to Penn Valley. This opinion is not limited to the reasons stated above, but is fostered by the notion that the actions suggested represent the uncaring and ham handed abuse of distant government, who is incapable of truly understanding the needs and future hopes of small communities such as Penn Valley.

I request that you reply to this letter and answer the various points that I have listed above. I thank you for your prompt consideration and response.

  
 Thomas W. Moreno  
 18609 Biladeau Lane  
 Penn Valley, CA 95946

**Letter 23 – Thomas Moreno**

**Response 23-A** The County does not concur with this comment. Any future development associated with the proposed project would be developed at the expense of the future developers, including all building and mitigation fees. No tax dollars would be used for the development of the project. Please see Master Response #4.

**Response 23-B** The County does not concur with this comment. The selection of suitable housing sites was not related to the population size of the community, but on the suitability of that community to support a high density housing development. Please see Response 22-G. Public Services and Utilities are discussed in Section 4.13 of the Draft EIR. Please see Master Response #4 with regard to the developers' responsibilities to ensure adequate water and sewer infrastructure is in place prior to development. Please see Response 7-C regarding the mitigation measure for fire and Sheriff protection services.

**Response 23-C** The County does not concur with this comment. Western Gateway Park is discussed in Section 4.14 of the Draft EIR. Mitigation Measure 4.14-1 requires the developers of sites in the unincorporated area, including Sites 10-13 to pay County recreation fees to offset the increased use on County parks. Recreation fees are paid pursuant to AB1600. The fees are used to fund Recreational Capital Improvement projects that increase recreational opportunities. Below is a list of recreational improvement projects that have been funded in whole or in part by County recreation fees:

- Trail Improvements at Hirschman Pond Property
- Picnic Tables and Shade Structures at Mautino Park
- Oak Tree Community Park Renovation Project (rehabilitate ball fields, restroom, and add new picnic tables)
- Kahrs Activity Flooring at Miners Foundry
- Acquisition of new parklands (Sugarloaf Mountain)
- Performing Arts Lighting Project at Grass Valley Veterans Memorial Building
- Accessible Playground Surfacing Improvements at Pioneer Park
- Condon Park Community Building New Parking Lot

**Response 23-D** The County does not concur with this comment. Please see Response 9-B.

**Response 23-E** The majority of this comment is text from the Draft EIR. The County concurs that the project would result in significant and unavoidable impacts on existing waste water treatment facilities. The analysis on page 4.13-17 of the Draft EIR notes that currently sewer availability is limited for both Penn Valley and Lake Wildwood. The Draft EIR proposes a mitigation measure that the future developers are responsible for ensuring that adequate facilities are available. However, the EIR notes that potential impacts remain significant and unavoidable because of the unknowns of future sewer availability and the unknowns regarding the feasibility of a single developer being able to make the facility improvements. Please also see Master Response #4 regarding the developers' responsibilities codified in the County Land Use and Development Code.

**Response 23-F** The County does not concur with this comment. Mitigation Measure 4.1-1a states that structures on Sites 10 and 13 must avoid the floodplain ESA. However, should a structure such as a crossing or bridge be required for access to Site 13, then as stated in Mitigation Measure 4.10-1a, "Should development within the floodplain ESA be required, then the developer shall obtain a discretionary use permit for any development within the floodplain and a ministerial management plan for any development within the floodplain 100 foot

setback.” The encroachment into the floodplain would require the developer obtain a Conditional Use Permit from the County. The use permit review by County staff would ensure that any development within the floodplain was designed to not impede or impair the flow of water within the floodplain.

**Response 23-G** The County does not concur with this comment. The County did receive letters from the public during the Notice of Preparation comment period, including letters from residents of Penn Valley. For both the Notice of Preparation and Notice of Availability of the Draft EIR, the County met the distribution requirements of the California Environmental Quality Act and the County’s own internal policies for public notification. The Notice of Availability was published in the local newspaper, and notices were sent to adjacent property owners up to 500 feet, exceeding the County’s normal 300-foot distribution. While the County has met and gone beyond its statutory noticing requirements, it has agreed to extending the noticing of future public comment periods and meetings to include other residents outside of the noticing requirements to ensure the public has an opportunity to participate in the public process. Additionally, the County held three public comment meetings, one in each of the proposed areas, during the public review period. The public comment on the Draft EIR was for 60 days which exceeds the standard 45-day review period required by CEQA and County Policy. The public review period ended as scheduled on November 12, 2013.

**Response 23-H** The County does not concur with this comment. Please see Master Responses #2, #3, #5, and #6. With regard to impacts related to growth inducement, the Draft EIR concludes that while the project itself may result in an increased population and could result in the extension of some public utilities, such as sewer pipelines, project as a whole would not indirectly result in substantial growth in other areas as a result of the project. For example, the project would not result in other properties to develop at densities higher than what it currently planned, because the RH Combining District only affects the proposed sites. Should another property owner wish to increase the density on their project site, a separate discretionary permit and review under CEQA would be required from the County of Nevada.

Letter 24



RECEIVED  
NOV 07 2013  
Nevada County  
Development  
Community  
Agency

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM  
ENVIRONMENTAL IMPACT REPORT

**EIR PUBLIC REVIEW COMMENTS**

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

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Name: BRENT DICKINSON

Agency/Group/Organization: ROSELWOOD RD RESIDENT

Mailing Address: 23718 ROSELWOOD RD AVORN CA 95602

Email Address: BRENT@TC-ASSIST.COM

Phone Number: (916) 416-4764 (CELL)

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Comments:

- SEE ATTACHED -

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Send To: Tyler Barrington, Principal Planner  
Nevada County Community Development Agency  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959  
Telephone: (530) 470-2723  
Email: [tyler.barrington@co.nevada.ca.us](mailto:tyler.barrington@co.nevada.ca.us)

Lake of the Pines – sites 15 (APN 5727002) & 16 (APN 5727003)

My property is located on the western half of the southern border of identified site 16

- 24-A | Sites 15 & 16 page 3-34

What is the building code regulations pertaining to construction beneath high tension power supply lines?
- 24-B | 2.5.2 page 2-11: East Bennet Road Sites Alternative

This proposed alternative single handedly covers nearly all of the objectives of the increased high density/low income housing needs for the county. All while keeping the increased population as close to needed amenities/infrastructure as possible. I understand that the EIR was written and constrained to only consider consenting property owners and that the identified owners of the properties in the Alternative 2 were not consenting.
- 24-C | 2.5.4 page 2.12-2.13 Reduced Development Alternative

You specify that Site 14 could be removed from the EIR due to the physical constraints of a mature blue oak woodland covering approximately 80% of the property, and also being a hillside slope requiring grading and manufactured slope which would be visible from SR49. I would contend that at a minimum Site 16 would also require grading and manufactured slope due to the fact that it is adjacent to my property with has a large section which is deemed as undevelopable due to slope characteristics which carry over through my north boundary line and onto site 16. This manufactured slope condition would require removal of most of the mature forested area, and would be easily visible from SR49. Site 16 also has a large area of mature oaks (unsure of species).
- 24-D | Sites 15 & 16 current land use designation is Industrial, proposed overlay zoning is Urban High Density with a proposed minimum density of 16 dwelling units per acre. (Table 3-2, page 3-35).
- 24-E | Sites 15 & 16 currently zoned as IDR-SC-SP (maximum density of 15 dwelling units total for both sites), proposed change to R3-RH or PD-RH (minimum density of 16 dwelling units per acre). Existing zoning allows for 15 units total between sites 15 & 16, the new proposed change will now allow 369 units (80 for site 15, 289 for site 16 per Table 3-4, page 3.38). This is a 2360% increase in dwelling units which will be located in close proximity to and easily visible from my home.
- 24-F | Per paragraphs for sites 15 & 16 (page 3-61), the entirety of both sites are assumed to be within the development footprint. I find this very difficult to believe, as a large portion of my lot (which borders the western end of the southern boundary of site 16) has been deemed as undevelopable due to slope conditions, which would at a minimum carry over partially to site 16.

Table 4.2.1

- 24-G

Goal 1.1 Promote and encourage growth in *Community Regions* while limiting growth in *Rural Regions*. I fail to see how placing over 300 dwelling units in a rural area accomplishes this. While these sites do fall within what could be considered the Lake of the Pines Community Region, the exact sites are squarely within a Rural Region, bordering lots that are zoned Residential/Agricultural. This appears to be in direct conflict of limiting grown in a rural region. The Lake of the Pines Ranchos community is specifically deeded as an Equestrian community (with 22 miles of riding trails). Placing what amounts to urban development on both sides of this area effectively negates any rural hold it has.

**Objective 1.1:** Define and maintain a distinct boundary between *Rural* and *Community Regions*. The placement of these two sites (and sites 14, 17 and 18) do not define and maintain a distinct boundary between rural and community regions, in fact, it effectively blurs the boundary, altering the existing rural region into a more community region.
- 24-H

Pages 4.3-6 & 4.3-7 Visual Setting and Character  
The view descriptions laid forth for sites 15 and 16, appear to imply that visually (specifically viewed from the south), forested land obscures the sites. This is not true. I can easily see a large portion of site 16 from my front porch without any extraordinary measures.
- 24-I

Page 4.8-7: Groundwater Conditions  
Further development of site 16 could potentially disrupt my water source (well, located on the western end of my property, approximately 200' in elevation below my home). Disruption of my water source could potentially render my home unlivable, as insufficient water would be available. The development of site 16 would be in addition to the negative impact of the already approved development of the Higgins marketplace located in front of the storage facility on Woodbridge (directly west of sites 15 & 16), and to contain a grocer (presumably a Safeway or Raleys at this time) as an anchor tenant. Costs to rectify this, should it come to fruition, should not be borne by me the home owner, as the situation would not have been of my own creation.
- 24-J

Paragraph 4.10-2, Page 4.10-22  
*THE PROPOSED PROJECT WOULD NOT SUBSTANTIALLY DEplete GROUNDwater SUPPLIES OR INTERFERE SUBSTANTIALLY WITH GROUNDwater RECHARGE SUCH THAT THERE WOULD BE A NET DEFICIT IN AQUIFER VOLUME OR A LOWERING OF THE LOCAL GROUNDwater TABLE LEVEL.*

This may be true when taken as single development (specifically sites 15 & 16), however, due to location of my site, I will also be impacted by the development of the Higgins Marketplace. When taken together, the development of both sites 15/16 and Higgins Marketplace is likely to negatively impact the aquifer my well is sourced by (soul source of water for my home). NID does not service my home, and I am neither willing nor financially capable of having NID service my address. This report does not take into account additional developments that have already been approved which will add to the impact in my immediate vicinity.
- 24-K

Page 4.13-5: Lake of the Pines Wastewater Treatment plant  
According to the EIR, the waste treatment is insufficient in capacity to service the additional load which would be placed on it with the addition of the DU that will be added on sites 14-18. I do not believe the

- 24-K  
CONT'D

report full takes into account the now building Cascade Crossings , approved Rincon del Rio, approved Higgins Marketplace and the existing Higgins shopping area anchored by CVS (due to the potential loss of the current small scale waste treatment currently facility located on site 16). See also table 4.13-1, page 4.13.17.
- 24-L

Traffic on Combie Rd. would be highly negatively impacted at both Higgins Rd and Rosewood Rd. The only alleviation would likely be a signal light located at Higgins Rd, in front of Cascade Crossing, and at Rosewood/Armstrong . The addition of this number of traffic lights would further negatively impact the flow of traffic in an area already in poor shape per your own study (LOS of F for Rosewood/Armstrong intersection of Combie)
- 24-M

Personal observations:  
I have already verbalized this some of my concerns in the two meetings held thus far (public meeting on 10/10 and community meeting on 10/28). Too few people in the affected area were notified. When notifying surrounding residents, many of which live on parcels that fully encompass the 300-500 feet surrounding area for notification, the end result is very few residents are notified. I requested that any further notifications sent out should require that the entirety of the Rosewood Rd residents be notified, and due to the impact for the area, I would go as far as to strongly recommend that all residents within 1/2 to 3/4 mile of any site under consideration for a zoning overlay of this nature be notified also. In fairness, I believe that the other site locations for Penn Valley and Grass Valley also be expanded to fully encompass nearby residents in a like manner as the Lake of the Pines area.
- 24-N

I know the EIR is does not take into account the economic impact to the area, however I have deep concerns that property values will be negatively impacted, potentially to a very large degree. People looking to move into a rural area are not looking to move to a rural area to only end up being beside the population density proposed, and specifically on the adjacent parcel(s). Should my wife and I decide to sell our home to move, we would be faced with an even more difficult time attracting an appropriate buyer, and with the proximity of the high density housing, would likely be unable to obtain a fair value.

I did not move to a rural area to simply have the county (or state) force me to have neighbors in close proximity resembling a city neighborhood. I don't mind neighbors...I just don't want them on my proverbial doorstep.
- 24-O

High density, low income housing should be located much closer to the required amenities and infrastructure than could be reasonably provided in the Lake of the Pines area (closer to the city centers where the needed amenities/infrastructure). You specify that the location would provide close proximity to jobs (walking distance)...what jobs? There are very few entry level type jobs in the immediate area. You specify mass transit would be provided by the bus system that connects Lake of the Pines area to both Auburn and Grass Valley. Unless multiple routes were added, how would mass transit be able to contend with the additional 3000+ residents in the area? (this number is including Cascade Crossing and Rincon del Rio. Unless you are anticipating a negligible increase in ridership, which then begs the question, how many of these low income families are envisioned as actually working in the area?
- 24-P

During the Community meeting for the Lake of the Pines area, it was asked what the costs of applying the overlay zone are, and if these costs were going to be borne by the owners of the identified

24-P  
CONT'D

properties. If I understand the response, the county would forgive the costs associated with the zone overlay. This is in effect a preferential gift (potential bribe) to the current owners of the targeted properties. With 18 sites having been targeted, this is a forgiveness of nearly \$120,000 (number based on the response that a rezone request required a minimum \$6,000 deposit to begin the consideration of a rezone – which is not guaranteed). Should one of the identified properties be purchased and the new owner did not want the new overlay zoning, he would then be required to pay the costs to begin the consideration of removal of the overlay zone. My understanding is that the request to remove the overlay would likely be denied though, with the new owner forfeiting the cost amount required to begin the overlay zone removal.



Brent Dickinson  
23718 Rosewood Rd  
Auburn, CA 95602

**Letter 24 – Brent Dickinson**

**Response 24-A** No private development is allowed within an easement for power lines. Please see Response 24-E below.

**Response 24-B** The East Bennett Road alternative was included as an alternative to address potential impacts associated with developing a large cluster of development along Brunswick Road within the Grass Valley SOI. The East Bennett Road Alternative was developed as an option to remove some of the proposed units on Brunswick Road and locate them on East Bennett Road. Please see Response 22-F.

**Response 24-C** The geotechnical report (Appendix G of the Draft EIR) prepared for the project identified Site 16 as having moderate slope of approximately 20 percent. The County's Land Use and Development Code (LUDC) Section L-II 4.3.13 defines steep slopes as those areas with a slope (gradient) of 30% or greater. Per the LUDC development in areas of steep slopes is restricted. Any future development on these sites would be subject to review and approval of a site plan review and grading plan by County staff.

With regard to visual impacts, Sites 15 and 16 do not have the same visibility from SR 49 and are located a greater distance from the roadway than Site 17. Additionally, the existing zoning for Sites 15 and 16 has Scenic Corridor (SC) and Site Performance (SP) Combining Districts which will remain. The SC combining district requires future development, "To protect and preserve the scenic resources of areas which are adjacent to highways and roads which have been identified as having high scenic quality and requiring protection for the benefit of residents and visitors."<sup>18</sup> This protection is implemented through the preparation of a Scenic Corridor Analysis that is prepared by the developed and reviewed and approved by County Staff.

Site 16 does have Blue Oak-Foothill Pine Woodland which differs from blue oak woodland (found on Site 14) by having a greater proportion of foothill pines intermixed with blue oak and interior live oak. Mitigation Measure 4.4-5 requires the developers of sites with oak trees to prepare an oak woodland management plan for the protection of sensitive oak woodlands onsite.

**Response 24-D** It should be noted that the General Plan Designation for Sites 15 and 16 is Planned Development: Urban High Density (15 units per acre). The zoning is IDR-SC-SP, see responses 24-C and 24-E.

**Response 24-E** The County does not concur with this comment. As noted in Response 24-D above, the existing general plan designation identified the properties as Urban High Density (15 units per acre). The current zoning designation is Interim Development Reserve – Scenic Corridor Combining District – Site Performance Combining District (IDR – SC – SP). As such, the existing land use designations reflect an intention to have a transitional land use between the commercial areas around Higgins Marketplace and the surrounding residential uses. The site is designated Planned Development: Urban High Density (PD-UHD) (15 DU). The UHD designation allows for 15 dwelling units per acre. Site 15 is 5-acres in size and under the UHD designation would allow for 75-units, as a result of the proposed project this density would be increased to 80-units. Similarly Site 16 is 18.12-acres in size and under the UHD designation would allow 271-units, as a result of the proposed project

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<sup>18</sup> County of Nevada Land Use and Development Code, Section L-II 2.7.7

the density would be increased to 289-units. As discussed in Response 24-A, the power line easement that transverses the site is not a developable area.

To demonstrate how an easement or other physical or regulatory constraint can affect the aggregate (or net) density of a site, Figure 3-12 of the Final EIR has been revised to provide a conceptual building footprint and is located as Exhibit 1 to this comment letter. For purposes of responding to this comment, the existing power line easement has been delineated from the aerial photo and removed as developable area with regards to the density calculation. Additionally the setbacks for both sites have been identified (30-foot from interior yard and rear yards, 20-foot from front yard) to minimize the overall development footprint on the sites. While these setbacks do not affect the density calculations, they do further demonstrate how regulatory constraints affect the building envelope.

To calculate the new aggregate density, the easement and setback areas have been subtracted from the development footprint area. The developable area of Site 15 would change from 5 acres to 4.4 acres a difference of 0.6 acres. The developable area of Site 16 would change from 18.12 acres to 11.81 acres; a difference of 6.96 acres. The figure also shows a portion of Site 16 east of the power line easement and the eastern property line as a non-development area. Due to the restrictions of the power line easement and the setbacks, a triangular shaped area with a mature woodland, and no offsite access is all that remains in this portion of the site. Given these physical constraints it is assumed this area would not be developed.

The aggregate density for Site 15 would become 70 units (10 units fewer than proposed) and the aggregate density for Site 16 would become 189 units (100 units fewer than proposed) The two sites together would have approximately 200 fewer units than what is proposed under the conservative estimate of the project. This calculation does not take into account requirements for driveways, parking, water detention basins, etc., that could further reduce the number of units constructed. The resultant density would be less than what would be achievable under the current PD designation

**Response 24-F** Please see Responses 24-C and 24-E.

**Response 24-G** The County does not concur with this comment. Please see Response 24-E. There is an existing mix of development in the surrounding area. Site 14 has a current zoning designation of Office Professional. Across Combie Road from Site 17 is commercially zoned property. Site 18 is located within the Dark horse development, the Site 18 property was designated for high density and affordable housing.

**Response 24-H** The description of views onto Sites 15 and 16 on pages 4.3-4 and 4.3-5 describe existing offsite views onto the property. The description notes that exiting views include those of the existing woodlands.

**Response 24-I** Proposed development pursuant to the RH Combining District would be served by the public water system from the Nevada Irrigation District (NID) and would not use groundwater. The proposed units would be connected to the public sewer system and would not utilize septic systems. Surface water runoff will have to meet County requirements enforced through the review of a project specific hydrology report required in Mitigation Measure 4.10-1c. The report will verify expected pre- and post-project stormwater volumes from the proposed development, projected peak storage capacity of detention basins, and percolation characteristics of the soil. The developer will be required

to demonstrate that the surface water runoff controls could effectively treat the anticipated pollutants expected from the development. Development of the Higgins Marketplace would have to meet the same County requirements. As such, no impacts to the existing groundwater has been identified.

**Response 24-J** Your comment is noted. Please see Response 24-I above. Cumulative impacts, including those from Higgins Marketplace were discussed in Section 5.2 of the Draft EIR. Implementation of the proposed project would not require homes on Rosewood Road to connect to the NID system.

**Response 24-K** The County does not concur with this comment. Please see Master Response #4.

**Response 24-L** The County concurs that the existing level of service at the Rosewood/Combie Road intersection currently operates at LOS F during the peak hour. Developers on Sites 14 through 18 would contribute to traffic mitigation improvements that would improve the traffic operations at SR 49 and Combie Road and Combie Road at Higgins Road. The traffic improvements at this intersection include installing additional turn lanes at SR49/Combie Road and a traffic signal at Combie Road/Higgins Road. Improving the operations at these intersections would improve the flow of traffic along the Combie Road roadway segment because the traffic flow would be controlled which would improve operations the Rosewood/Armstrong/Combie Road intersection.

**Response 24-M** For both the Notice of Preparation and Notice of Availability of the Draft EIR, the County met the distribution requirements of the California Environmental Quality Act and the County's own internal policies for public notification. The Notice of Availability was published in the local newspaper, and notices were sent to adjacent property owners up to 500 feet, exceeding the County's normal 300-foot distribution. While the County has met and gone beyond its statutory noticing requirements, it has agreed to extend the noticing of future public comment periods and meetings to include other residents outside of the noticing requirements to ensure the public has an opportunity to participate in the public process. One example is the County has agreed to notice all residents whose property's access is off of Rosewood even though they are beyond distances that would normally be noticed. Similar criteria will be applied to other sites in Lake of the Pines, Penn Valley and the Grass Valley SOI areas.

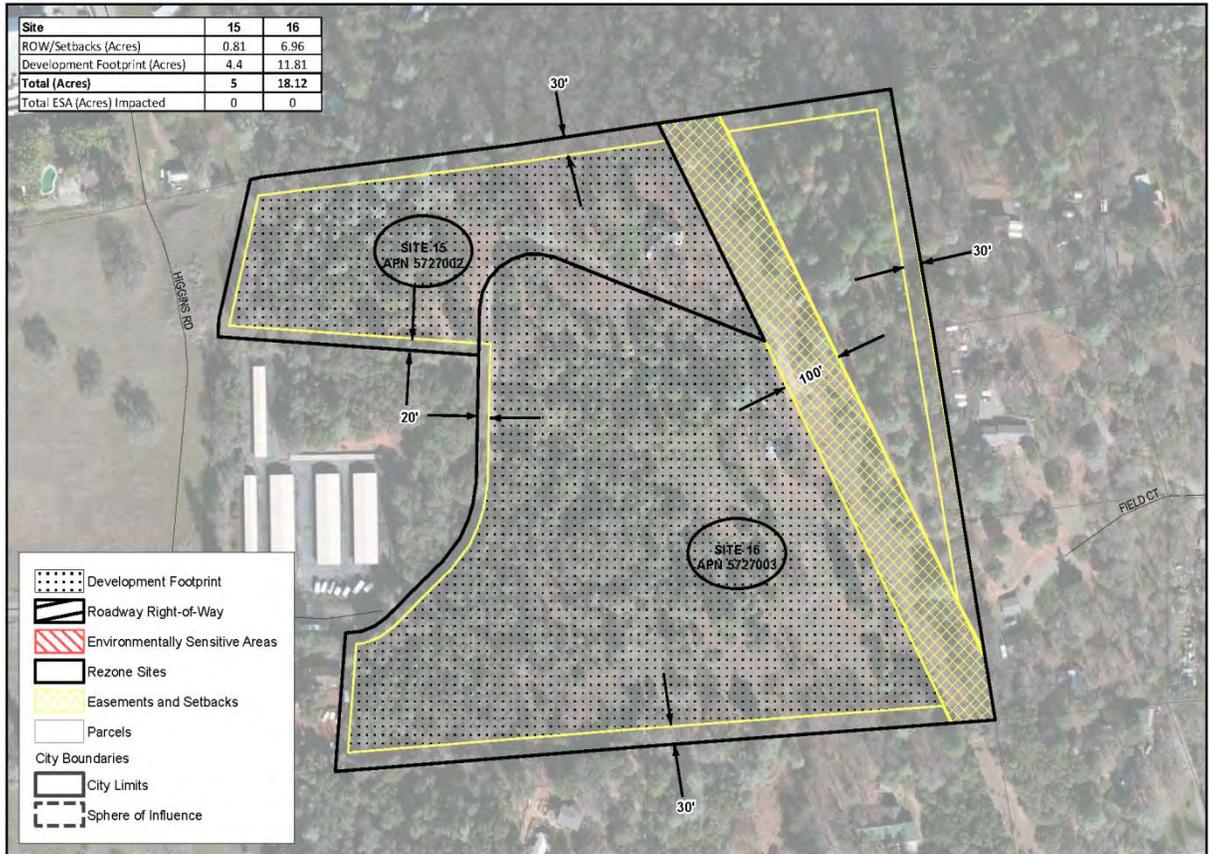
Additionally, the County held three public comment meetings, one in each of the proposed areas, during the public review period. The public comment on the Draft EIR was for 60 days which exceeds the standard 45-day review period required by CEQA and County Policy.

**Response 24-N** Please see Master Response #5.

**Response 24-O** Please see Master Response #2 and #7.

**Response 24-P** Please see Master Response #1. The property owners are not financially involved in the process and it is the Board of Supervisors will make the ultimate decision as to which sites are included in the RH Combining District.

Exhibit 1 – Revised Figure 3-12 Showing Power Line Easements and Setbacks.



Letter 25

**Tyler Barrington**

**From:** ds33452@hushmail.com  
**Sent:** Monday, November 11, 2013 1:21 PM  
**To:** Tyler Barrington  
**Subject:** Regarding rezoning in Penn Valley



Hello, Regarding rezoning in Penn Valley,

25-A

I went to the Penn Valley meeting at the 7<sup>th</sup> Day Adventist Church meeting, and am disappointed to hear that it sounded like under the threat of not receiving money, some people in the local government are submitting to what may be called a 'state mandate' when it was very clear by show of hands of near if not all who showed up that they were against the intensive-housing projects from occurring in Penn Valley where there appears no need for them other than maybe by a few who are looking to benefit financially or are pro-urbanization in this rural, connected-to-the-land/nature-area.

Briefly as a reminder, labeled as a Nazi war criminal, Adolph Eichmann stated when asked along the lines of what made it so easy for him and his men to send so many people to their deaths, he replied it was their language, which he called 'amtssprache', or bureaucratic language; a language that denies personal choice and responsibility, versus owning that in every moment we are choosing to take a specific action. The language of 'should, must, have-to, ought, can't'. "Why'd you do it?" 'Superiors orders', 'It's the law', 'I'm only doing my job', etc. Doing things because of an order or under threat of not receiving funds does not serve people, it is simply an act of submission like a slave who has no choice in the first place, and if the people do actually have a choice, it is an act of giving up any choice to a few that deem 'what's best' for the masses.

25-B

I'm guessing that the parameters of addressing the weaknesses along the lines of the Environmental Impact Report are much more narrow than what the average person would consider a detrimental effect on their surrounding social and physical environment. In fact, it may not address the human social environmental impact at all, even though this is equally as important an issue as if streams will become polluted and species die-off. The EIR may 'aim' to address issues such as sewage and drain capacity, potential toxin input, and impact on 'some' known local animal and plant species, but, does it look into social effects of unsustainable population influx, introduction of groups of people unfamiliar with the local region or culture in terms of needs for a quality of social community, cooperation, and trust; or does it address issues such as a human environmental carrying capacity for living in harmony with surrounding resources without degradation for many generations plus?

25-C

Urbanization of valuable farmland of statewide importance: Did you know that much of Penn Valley is on 'Farmland of statewide importance' and a little as 'prime farmland'? High quality farmland is somewhat rare to come by in Nevada County, and according to the history of use of land in Grass Valley where it even has more 'Prime farmland', it has over time consistently been developed upon, covered in houses, buildings, concrete, and asphalt. Is this the aim, practice, and effect of the use of Environmental Impact Reports,

- 25-C  
CONT'D | statements, and then the cost passed on to tax payers that were opposed to the development? And the cost for the process of 'mitigation' thereafter that was mentioned as a possible action course for when the opposed development later adversely affects the social and natural environment with sewage or toxin spills, increased traffic, and increased crime?
- 25-D | Concern for the current sewage capacity not able to handle these future unwanted projects, requiring people to pay more out of their pockets for an 'upgrade' was brought up at the meeting. Some agreed that they were almost done paying for 'upgrading' the sewage system years ago, and the question was asked if now will they need to pay more to follow the will of this intensive housing 'State mandate'?
- 25-E | Environmentally sensitive areas appeared in shaded in red on the maps during the meeting. It appeared to me that there was so much sensitive area I was confused on how to even put apartment complexes there without it adversely affecting the surrounding environment, especially as time passes. That sounds like an environmental impact I would not want to risk.
- 25-F | The saying "Build it, and they will come" reminds me of people once enjoying their current connected-to-nature, rural settings, only to have an influx of more people that won't end up with enough personal space to meet their needs and support a nurturing environment for their ultimate enjoyment of life. This will most likely end up in the declining quality of life of the local residents and feeling more dissatisfied with time.
- People love this area because of their connection with the land in a way that works with it, as opposed to colonizing it at the social and environmental expense for monetary gain.
- With housing influx exceeding the lands' sustainable carrying capacity, culture changes away from working-with and dependence on local natural sustainable resources, to outside dependence for once local resources, and hand-outs. Sometimes this can occur quickly, and sometimes this is like the frog in the warming to boiling water where years or decades pass, sometimes without awareness.
- Does this issue come down to money, or concerning quality of life, and meeting universal human needs? Sometimes, if not often, the former is under the guise of the latter.
- Does this issue come down to outside dictation by people not connected to local region, and motivated by money?
- 25-G | Following 'State mandates' and 'economic planning': the inevitable acceleration toward urbanization, and problems that go along with that. Does an Environmental Impact report report on these issues? And once it is 'reported', does the 'report' have any bearing on whether the project will proceed, or are 'planners', and some people involved in the government simply required to 'report' on it?
- 25-H | Sometimes I wonder about the motivations behind a bigger picture. My expression here is intended to stimulate thought regarding ones' own actual connection to life, to stimulate personal thought, curiosity, and action toward independence, from what appears to be akin to a slave-like mentality and way of life, even if it is in tiny, everyday actions to boycott at first in your everyday life as best you know how; and third, to dissuade the few voting for the many (how did we get so far off track) from following the will of a few participating in 'state or federal governance' (it was set up that they work for the people, not the other way around) thinking they know what is best for others, even if it is delivered with economic threats to withdraw their seat.

You can reply to me at [ds33452@hushmail.com](mailto:ds33452@hushmail.com), sincerely Eric S. of Penn Valley, California

**Letter 25 – Eric S.**

**Response 25-A** The County acknowledges this comment. The comment however is not at variance with the content of the EIR and therefore, no further response is required.

**Response 25-B** Public services and utilities, including sewer capacity are discussed in Section 4.13 of the Draft EIR. Biological resources, including impacts to wetlands and plant and animal species are discussed in Section 4.4 of the Draft EIR. Surface water runoff is discussed in Section 4.10 of the Draft EIR. Please see Master Response #5 regarding the potential social and economic issues. The County agrees with this comment that the EIR addresses the physical impacts of the environment and does not evaluate social or economic impacts. Please see Response 22-B regarding the County’s efforts to address socio economic impacts in Penn Valley by identifying the Penn Valley area as a Disadvantaged Unincorporated Community.

**Response 25-C** None of the of the project sites are located on soils identified as Farmland of Statewide Importance or Prime Farmland. None of the project sites support any kind of agricultural activity. Most of the project sites are undeveloped and are not surrounded by existing development and non-agricultural uses. As such the project does not result in any conversion of Farmland of Statewide Importance or Prime Farmland. Approximately 6.5 acres of Site 13 is designated as “Farmlands of Local Importance (FLI).” The County Land Use and Development Code (LUDC) Section L-II 4.3.4 requires a management plan for non-agricultural projects on land with this designation. The purpose of the management plan is to encourage avoidance, which the project does through the placement of Environmentally Sensitive Areas over a portion of the site. However, the agricultural potential for the site is limited as the area designated as FLI is located adjacent to Highway 20 (including areas within the Caltrans Right of Way), and other existing developed uses. Further, the existing zoning designation on the site is PD (UMD 26ac OS 8ac) and not conducive to agricultural uses. For these reasons, potential impacts to FLI lands are less than significant.

The EIR does identify mitigation measures for those impacts that have been identified as potentially significant. The future developer of each of the sites will be responsible for the implementation, and any costs associated with the implementation, of the mitigation measures which are enforced by the County. The enforcement will occur as future developers submit grading plans, site plans, and building permits and must demonstrate that the applicable mitigation measures have been satisfied. The Draft EIR does include mitigation measures for sewer connections, traffic impacts, and water quality design features to minimize pollutants from flowing offsite with surface water. No potential impacts from toxin spills have been identified.

**Response 25-D** Please see Master Response #4.

**Response 25-E** The comment refers to the Environmentally Sensitive Areas (ESAs) identified for the project sites and shown in Figures 3-15 through 3-24 of the Draft EIR. The ESAs show the areas where future development is restricted in order to avoid and minimize impacts to sensitive resources. The enforcement will occur as future developers submit grading plans, site plans, and building permits and must demonstrate that the proposed development has avoided the ESAs. The Nevada County Land Use and Development Code does permit some encroachment into an ESA, if a Management Plan prepared consistent with Section L-II 4.3.3.C is approved by the County prior to Building Permit Issuance.

**Response 25-F** The County acknowledges this comment. However the comment is not at variance with the content of the EIR and therefore, no further response is required.

**Response 25-G** The Draft EIR evaluates land use compatibility and consistency with the relevant goals and policies of the General Plans for Nevada County and City of Grass Valley in Section 4.2 of the Draft EIR. The EIR is prepared as an informational and disclosure document to the public and to the decision makers. For this project, the ultimate decision making body is the Board of Supervisors. If the Board of Supervisors approves the project, the Mitigation Monitoring and Reporting Program (MMRP) is approved with the project. The MMRP become the document in which future development pursuant to the project must comply. Enforcement of the mitigation measures will occur as developers submit future project design plans (e.g., grading plans, site plans, building plans) for review and approval. The developer must demonstrate that the applicable mitigation measures have been satisfied prior to the developer receiving approved plans or permits.

**Response 25-H** The County acknowledges this comment. However the comment is not at variance with the content of the EIR and therefore, no further response is required.

Letter 26

November 7, 2013

Tyler Barrington, Principal Planner  
County of Nevada  
Community Development Agency  
Planning Department  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959

RECEIVED  
NOV 12 2013  
Nevada County Community  
Development Agency

EIR FOR HOUSING ELEMENT REZONE IN PENN VALLEY

My name is Mark Frederick and I am retired from United States Department of Fish and Wildlife Services (USFWS) and United States Department of Agriculture (USDA) as a Wildlife Biologist and Disease technician working over 31 of service in Alameda, Butte, Los Angeles, Nevada, Riverside, San Bernardo, San Luis Obispo and Yuba Counties.

Penn Valley is not Alameda, Los Angeles, Butte or Yuba County; Yuba County has Linda, Olivehurst or Marysville. They have low-income areas within the county; crime rates are higher in those areas. There are several irrigation districts with ditches that lead water to Reclamation District 784 that maintains levee and pumps that pump water into Feather River.

26-A

I have gone visited the three (3) sites in Penn Valley, mostly looking at sites 10, 11 and 13. In Penn Valley we have a drainage problem in some areas, with decomposed granite under the surface of the soil, ranging from three (3) to 10 feet in some areas along with large boulders. Every year we get a very heavy rain that causes Squirrel Creek to rise over it banks. Last year it was on December 2, 2012. The mobile home park next to the Tack Room off Penn Valley Drive had a number of residents evacuated from their homes due to Squirrel Creek and Clear Creek going over its banks flooding a few homes. Water levels raised over 23 inches around two homes. In past years, the residences in that area have been evacuated on both sides of the creek. In Butte County I have seen higher water flows and flooding when they built the Chico Mall just east of Highway 99, and built new subdivisions just to the east of the Mall. Mosquito levels also increased in the late spring through the fall.

**Comments on EIR Attachment**

- 26-B

Page 3-61 EIR states site 13 assures two wetland crossings to be made for access, and that traffic assess will be made off of Highway 20?  
 Comments- Will the US Fish and Wildlife Service sign off on these crossings? (Beale AFB works with USFWS on their wetlands). Will the Army Corps of Engineers approve working so close to Penn Valley's major drainage for the area, and Caltrans approve another intersection so close to Penn Valley Drive and Pleasant Valley Drive?
- 26-C

Page 4.3-15 EIR refers to scenic vistas  
 Comments- Adverse effect if sound walls are constructed along Hwy 20? Has California Department of Fish and Wildlife been contacted about this Black Tail Deer Migration area?
- 26-D

Page 4.4 Replacement of oak trees on site?  
 I did not see anything on replacement of trees removed. When they are replaced, trees of two to four years old should be used not seedlings. There are nurseries that can supply them.
- 26-E

Page 4.4-27 Special-Status Wildlife  
 Comments- Missing are Beaver, River Otters, Muskrats, Mink, Bear and Mountain Lion.  
 I and other wildlife specialists and Nevada County Agriculture Biologists have seen the above species. The California quail population has dropped to very low levels since the early 90's, due to new growth in low elevation scrub and mixed chaparral habitats, Feral cats and the Red Fox in the East Bay, Freemont and Union City areas have preyed on quail for years until the quail population was eliminated.
- 26-F

Page 4.4-19 I did not see anything that covers winter rains and flooding of property on Site 13.  
 Comments-  
 When looking at Squirrel Creek from Rough and Ready Road past the shell gas station to Western Gateway Park, I noticed many areas that will easily flood due to the bends in the creek. There are many low areas where when heavy rains like December 2, 2012 Squirrel Creek and Clear Creek crested its banks and the creek

26-F  
CONT'D

width was over 100 feet wide, going straight instead of following the normal creek bed. In the mobile home park 11 residences were evacuated with water levels over 23 inches according to the mobile home manager. Squirrel Creek is like Hutchinson Creek and Best Slough in Yuba County off Highway 65 south of McGowan Parkway. (You can check with Yuba County Water Agency who funded me for several years.) Both Penn Valley's Squirrel Creek and Yuba County's creek flood regularly and these areas are in the flood plane and the residence must pay for flood insurance. If any large subdivision were built in this area, the flooding would increase five or six times due to years of experience of watching this happen.

Due to all these circumstances, I cannot support this proposal for Penn Valley.

Sincerely,



Mark Frederick  
10680 Devonshire Circle  
Penn Valley, CA 95946  
530-432-1739

cc: Hank Weston, Chairman of Nevada County Board of Supervisors  
Doug Donesky, Nevada County District Planning Commissioner

**Letter 26 – Mark Frederick**

**Response 26-A** Section 4.10 of the Draft EIR evaluated potential hydrological impacts from Squirrel Creek on Sites 10 and 13. The 100-year floodplain was placed within an Environmentally Sensitive Area (ESA). Mitigation Measure 4.10-1a states that structures on Sites 10 and 13 must avoid the floodplain ESA. However, should a structure such as a crossing or bridge be required, then as stated in Mitigation Measure 4.10-1a, “Should development within the floodplain ESA be required, then the developer shall obtain a discretionary use permit for any development within the floodplain and a ministerial management plan for any development within the floodplain 100 foot setback.” The use permit review by County staff would ensure that any development within the floodplain was designed to not impede or impair the flow of water within the floodplain.

**Response 26-B** Potential impacts to wetland are discussed in Section 4.4 of the Draft EIR. Mitigation Measure 4.4.3b requires the developer of Sites 10 and 13 to prepare a formal wetland delineation to determine the extent of the wetland area. The developer is also required to demonstrate that they have acquired the applicable permits from the US Army Corps of Engineers, the Regional Water Quality Control Board, and the California Department of Fish and Wildlife. Please see Response 2-B regarding Site 13 access onto Highway 20.

**Response 26-C** No sound walls are proposed on Site 13 along Highway 20. The California Department of Fish and Game was sent a copy of the Draft EIR and technical appendices during the public review period.

**Response 26-D** Oak trees and Oak woodlands are protected under the County’s Tree Protection Ordinance. As such, avoidance of oak trees and oak woodland is the required mitigation through the establishment of Environmentally Sensitive Areas (ESAs). The ESAs require avoidance unless avoidance is infeasible. If avoiding oak trees or oak woodlands is not feasible then a management plan is required. Mitigation Measure 4.4-5 in Section 4.4 of the Draft EIR requires a management plan to be prepared if oak woodlands are impacted as a result of the proposed development. The Management Plan provides different options for oak woodland mitigation that range from onsite preservation (avoidance), enhancement of degraded oak woodlands, or paying in lieu fees into a County approved fund used to purchase and preserve comparable oak woodland communities in the region. Pursuant to Section L-II 4.3.15.C.3 of the County’s Land Use and Development Code:

A Management Plan shall be prepared by a certified arborist, registered forester, qualified biologist or botanist, or landscape architect. Said Plan shall evaluate the impact of the project on defined trees and groves and recommend project modifications that avoid or minimize impacts. Emphasis shall be placed on protecting groups of trees rather than individuals. Defined trees that must be removed shall be replaced on an inch for an inch replacement of the removed tree(s). The total of replacement trees shall be required to have a combined diameter of the tree(s) removed. The Plan shall provide for the long-term maintenance of the replacement trees.

**Response 26-E** The animals listed in the comment are not included in the list of special status species because of their low likelihood to occur on the project sites due to lack of suitable habitat or suitable foraging areas. The species listed in the comment were not identified in the California Natural Diversity Data Base as being special status species requiring protection. Sites are adjacent to existing development including roadways. None of the 18 projects

sites have been identified as a wildlife corridor area. Mitigation Measures 4.4-2b and 4.4-2c require the developer to prepare preconstruction plant and animal surveys before final development plans are approved.

**Response 26-F** Please see response 26-A.

Letter 27

18581 Jayhawk Drive  
Penn Valley, CA 95946

November 6, 2013

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

RECEIVED  
NOV 07 2013  
Nevada County Community  
Development Agency

RE: DRAFT EIR HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION

Dear Mr. Barrington,

27-A | It is our understanding that Nevada County is required by the State Department of Housing and Community Development to accommodate the future development of high-density housing and it is important for Nevada County to fulfill the requirement. In response to the state the County is proposing changes to the General Land Use and Zoning Designation for 18 selected properties to Urban Hi Density/hi density residential zoning and add the Regional Housing Need Combining District, including approximately 40% of the total need being located in Penn Valley. While this may solve the state requirement, the direction abandons important elements of sound community planning and has significant potential to negatively impact Penn Valley on multiple levels.

27-B | The importance of planning how each of Nevada County's communities grows and incorporates a housing and jobs balance cannot be overlooked. The Regional Housing Need Assessment presented by the Planning Department lists "Promoting an improved intraregional relationship between jobs and housing" as an important County objective. The proposed rezone would isolate a population that needs jobs without the costs associated with a long commute. At this time Penn Valley is able to offer very little job opportunities and not nearly enough to even marginally support the number of units/increased population in the Penn Valley Village Center. Thus the proposed rezone project will fail to provide the safety net to a population that needs both reduced housing expense and a job that is nearby.

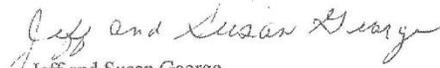
27-C | The County of Nevada bifurcated the Penn Valley area into two communities, the Penn Valley Village Center (south/west) and the Lake Wildwood side of Penn Valley (north/east) of HWY 20. The application of US Census data and SB244 criteria resulted in the Penn Valley Village Center being designated a "disadvantaged unincorporated legacy community (DUC). This designation verifies that the Village Center already has a disproportionately high share of households in lower income categories as compared to the countywide distribution of households in that category. Adding to this population is not consistent with Regional Housing Need Assessment objectives and places an additional burden on a community that is already struggling to grow economically. Businesses look at the local income levels as part of their analysis when determining where to locate. A surplus of low-income units will further reduce income levels thereby further inhibiting the area's ability to attract viable commerce and jobs.

27-D

Furthermore, the County will be challenged to accommodate the support services most often required by the low-income population, if that population is isolated in a rural area of the County. With an increase in high-density low-income units, more emergency, law enforcement, fire and other services will be required without a commensurate increase in the tax base. These services will either fall short of serving the community or will necessitate additional costs to the entire community in order to support increases generated by a population that is unable to help offset the additional expense. Will the County be able to adequately service this area given the reduction in revenues over the last few years and the State's propensity for realigning services back to the Counties?

We have studied the proposed rezone project and believe the issues raised at by the Penn Valley community are of valid concern. While the proposed project may satisfy the State requirement to accommodate the future development of high-density housing, it fails to incorporate sensible planning practices that will serve both current and future residents of Penn Valley, regardless of their income level.

Sincerely,

  
Jeff and Susan George

**Letter 27 – Jeff and Susan George**

**Response 27-A** Please see Master Response #1 regarding why the County is proposing the project. The County does not concur that the project includes approximately 40% of the total units in Penn Valley. Please see Response 10-D. The County does not concur that the project abandons sound community planning or results in significant impacts to Penn Valley. Please see Response 22-G regarding why sites in Penn Valley are appropriate for the proposed project.

**Response 27-B** Please see Master Response #2. The distance between Penn Valley and the City of Grass Valley is approximately 10 miles or less which is a commute that many current residents of Penn Valley and Lake Wildwood make on a daily basis. Please see Response 22-G regarding the services available in the Penn Valley area.

**Response 27-C** Please see Response 19-E.

**Response 27-D** The County does not concur with this comment. Please see Response 22-G. Please see Master Response #4 and Response 10-NN regarding the future developers' responsibilities to provide required infrastructure and to ensure adequate fire and sheriff services are available to accommodate the future development.

Letter 28

**Date:** November 11, 2013

**From:** Kim Williamson  
18403 Siesta Drive  
Penn Valley, CA 95946



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

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

Thank you, Tyler Barrington for the recent presentation regarding the Environmental Impact Report (EIR) for the Housing Element Rezone Program. I have grave concerns along with other the Penn Valley residents regarding the changes purposed in the EIR.

I have called Penn Valley home since 1970, growing up in Penn Valley going to school in our small Ready Springs School I have seen many changes over the years. The laid back safe and friendly community is rare. It is these wonderful qualities that brought my family here to Penn Valley and will be lost with the proposed zoning changes contained in the EIR.

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

**Public Services & Utilities:**

**Sewer:**

28-A

As mentioned in the EIR report Penn Valley's sewer treatment plant has already been flagged for deficiencies by the Water Quality Control Board who has issued a cease and desist order. Penn Valley Wastewater treatment facility has a plan in the works: however, I doubt there enough capacity to increase the level to develop sites (9-12). We have current residents with houses that were built in the early 60 whom are still on septic systems that desperately need to be on the sewer system. Their current septic systems are breaking down or deteriorating, thus, adding pullulates to the water runoff in the area that flows into our drinking water, lakes, rivers, and streams but yet we are worried about bringing new residents/apartments on board and forgetting the current residents. I would much rather see any increase in sewer capacity used to offer the existing residents not currently on the sewer system the option of being able to move off their older polluting septic systems; rather than being used on any new high density development.

28-A  
CONT'D**Police:**

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

**Fire:**

Another potentially public service that could suffer is the Penn Valley Fire Protection District (PVFPD). The PVFPD like most of the other government services in the area have already had to find ways to trim their budgets as taxes and fee revenue has decreased. It is difficult to see how this vital public service will be able to handle a proposed 52% increase in its population size if these four sites (9-12) were to be developed as R-3 housing.

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

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

The majority of the people in the area already have to commute up to Auburn, Grass Valley, or Nevada City areas to find work. Over the years we have had successful business such as: True Value hardware store, the Tack Room, and Blue Cow Deli restaurants. However, a vote to approve these rezoning changes for the Penn Valley area will be crippling the Penn Valley area of any future commercial development as you will be removing all of the available commercial zoning in the heart of Penn Valley's town center. Given that there aren't many currently available jobs in the area, and a vote in favor of these changes would be removing all our communities' ability to develop jobs in the future. We need businesses, jobs in Penn Valley not future commercial development being taken from us.

28-A  
CONT'D**Environmental:**

Development of any size does have an impact to our local environment regardless of the amount of migrating factors deployed. Any increases in water runoff for the four sites (9-12) proposed for the Penn Valley area will contain new pollutants which will flow directly into Squirrel Creek. Squirrel Creek also runs through Western Gateway Park which is Penn Valley's only public park and sits immediately downstream from the proposed sites. What guarantees can be given to the community and business owners that if these sites are developed as R-3 housing with 16 units an acre that there would not be any negative impacts to the local environment and park downstream from the sites?

**Public Safety:****Roadways:**

We prefer our rural country roads, and our big two lane streets; over the larger three or more lane roadways. The only signal lights in town are on the highway. These four proposed sites would all need to feed off Penn Valley Drive, as already mentioned in the EIR that it is unlikely that CalTrans will allow access to site 12 from Hwy 20. Haven worked for Public works widening of this road would require the removal of our recently installed bike trail that runs from the intersection of Spencerville Road and Penn Valley Drive to Western Gateway Park. This is a great asset to our families and our community. The current EIR states that this road would not require widening, but does it take into account a 52% population increase? The newly installed bike trail crosses from one side of Penn Valley Drive to the other. If the roadway was to be widened what would happen to this new bike trail? Where would it be moved to given that it's presently located in the road easements of the properties along its route?

As mentioned above in this letter these zoning changes will remove all of our available commercial zoned land resulting in a negative economic factor on the area as a whole; as well as severely limiting any future economic development projects for the Penn Valley area. As was brought up in the community meeting held in October the idea that these sites might not be developed for many years into the future was and is a complete lie as was admitted at the meeting by county staff. Sites 9, 10, and 12 are already owned by an LLC with the intention of developing the sites immediately if the rezoning is approved. We implore you not to go through with these purposed zoning changes.

Thank you for your consideration to this important issue,

Kim Williamson

**Letter 28 – Kim Williamson**

**Response 28-A** The contents of this letter are the same as Letter 15. Please see the responses to Letter 15 regarding the comments raised in this letter.

Letter 29

RECEIVED

NOV 12 2013

Nevada County Community  
Development Agency

November 7, 2013

Nevada County Planning Dept.  
950 Maidu Avenue  
Nevada City, CA 95959

Re: Penn Valley Re-zoning plans

Dear Sirs,

29-A | We are writing to express our opinion regarding the recent discussions of rezoning Penn Valley with more high density housing. As business and homeowners in this community we strongly oppose this proposed plan to develop low cost housing in Penn Valley. The original plan called for commercial, business retail and industrial issues for the lots in question in downtown Penn Valley. This community needs jobs and businesses, not more low income housing.

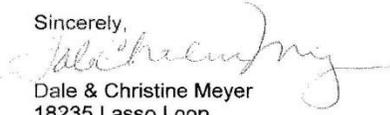
29-B | We are concerned the proposed rezoning will not only eliminate the opportunities to create more jobs in this community, but further stress the public services in the area. The low income apartments on Broken Oak (which we also opposed) have already resulted in more crime and fire service calls. We do not have the Sheriff's or Fire Department's presence to handle more service calls.

29-C | We also do not understand with the current discharge water issues how more high density housing can be built. There are already not enough EDU's available and these lots are in the "pink zone" and should not be on septic systems either. The system is already overwhelmed in it's current state and does not need to be taxed further.

29-D | We are requesting that the Planning Department and the County Board of Supervisors take into account the concerns and opinions of the residents who will be directly affected by this decision. We are not a dumping ground for the county. If you must build these types of units, build them in the "city" where work and transportation is more available. We bought our home and business in this community because of it's lack of apartments and big city problems. It's a lovely rural area with large parcels of open land and that's how it should remain. Placing low income housing a rural setting, you are not accounting for a greener environment. Lack of services (grocery stores, drug stores, physicians, etc.) means more gas consumed in order for these residents to obtain services. There is no viable transportation system to get these people to the services they will require.

In conclusion, although we live in an unincorporated area of Nevada County, we are voters in this county and our objections and voices should be heard.

Sincerely,



Dale & Christine Meyer  
18235 Lasso Loop  
Penn Valley, CA 95946  
(530)432-5977

**Letter 29 – Dale and Christine Meyer**

**Response 29-A** Please see Master Responses #3 and #6. It should be noted that the RH Combining District regulations allow property owners to decide what type of housing they will build on any site that is rezoned. Future development will be based on market conditions. The overlay zone was structured this way to provide the greatest amount of flexibility for creating a variety of housing types based on the need of the community at the time that the sites are actually developed.

**Response 29-B** The project does not propose to displace or remove any existing development that currently offers employment. Please see Master Response #2 and #3 regarding jobs related to the project and the potential retention of commercial zoning on Sites 10 and 11. Potential impacts to public services and utilities are evaluated in Section 4.13 of the Draft EIR. The project proposed mitigation measures to address potential impacts on fire and Sheriff services. Please see Response 10-NN.

**Response 29-C** Please see Master Response #4 regarding future developers' responsibility to ensure adequate sewer service is available at the project site prior to development. None of development proposes to use septic systems. All project sites would be connected to the public sewer system. Nevada County Sanitation District No. 1 has recently secured funds to complete improvements to the wastewater collection system in Penn Valley and construct a 4.3 mile pipeline to the Lake Wildwood Wastewater Treatment Plant. Upon the completion of the pipeline in late 2014, the new wastewater disposal system would be able to more efficiently accommodate the Standby EDU's allowing for appropriate build-out in the Penn Valley service area.

**Response 29-D** Please see response 22-G that describes the existing conditions that makes development with the RH Combining District a compatible use in Penn Valley. Please see Response #6 regarding low income housing.

Letter 30

Tyler Barrington, Principal Planner  
Nevada County Planning Department, 950 Maidu Avenue, Suite 170 Nevada City, CA 95959  
Telephone: (530) 470-2723 Email: [tyler.barrington@co.nevada.ca.us](mailto:tyler.barrington@co.nevada.ca.us)

RECEIVED  
NOV 12 2013  
Nevada County  
Development Community

Please reconsider re-zoning sites 10, 11 and 13 in Penn Valley Center.

30-A | If done correctly the addition of housing and residents to Penn Valley should improve the economy and vitality of the community. But if the wrong sites are developed it will cause long term harm to the community, its economy and the environment.

To Penn Valley, small things matter. A short sidewalk/bike trail did a great deal to enhance Penn Valley Drive and Penn Valley Center. Taking commercial land away from Penn Valley center could do a great deal to harm our very small commercial center and community. Projects must be done in Penn Valley in a way that will attract people and business to the area.

30-B | It must be kept in mind that Penn Valley is already disadvantaged and does not have the retail and commercial appeal of Grass Valley and Nevada City. The proposed sites will further disadvantage Penn Valley. These sites do not serve the individuals moved here, the community as a whole or the intent of the requirement to provide affordable housing. It is bad for the environment to place high density housing in Penn Valley without supporting the local retail, services and employment opportunities.

**Site 10 & 11 C2**

30-C | Sites 10 and 11 are next to and behind the Post Office in the heart of Penn Valley Center. This is the commercial land that needs to provide the business, services and jobs for the people you would like to move in. It is essential to our community. You cannot say that a site has potential for employment opportunities and retail when the commercial land is the very land you are re-zoning.

**Site 13 IDR**

30-D | This site is highly visible from Route 20 and is the public face of Penn Valley. High density housing on this site will depress the appeal of Penn Valley to both commercial and future housing development. Grass Valley and Nevada City have established commercial and retail areas. Penn Valley is struggling to get its share of retail and employment opportunities. It is critical that this highly visible land is developed appropriately. The current plan will do more to scare away businesses and further reduce Penn Valley as a destination. Again it makes no sense to move people here and discourage retail and employment at the same time. For the sake of both the environment and the economy, the goal should be to encourage a self-sufficient community with a balance of housing, retail, services and employment.

Thank you for your time.

Linda Marshall, Penn Valley, CA



**Letter 30 – Linda Marshall**

**Response 30-A** The County acknowledges and appreciates this comment. Please see Master Response #3.

**Response 30-B** The County does not concur with this comment. Please see Master Response #2, Master Response #3 and Response 22-G.

**Response 30-C** The County does not concur with this comment. Please see Master Response #3.

**Response 30-D** The County does not concur with this comment. Site 13 is not currently zoned for commercial uses, and the project would not displace any existing commercial uses. There is no evidence that high density housing would discourage retail uses in the Penn Valley area. The County concurs that self-sufficient communities with a balance of housing, retail, services, and employment are preferred. Please see Response 22-G.

Letter 31

**Tyler Barrington**

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**To:** Brian Foss  
**Subject:** RE: Penn Valley Rezoning

**From:** David Bartow [mailto:d.bartow@yahoo.com]  
**Sent:** Tuesday, October 29, 2013 8:43 AM  
**To:** bdofsupervisors  
**Subject:** Penn Valley Rezoning

31-A | I am writing you to express my concern regarding the proposal for rezoning downtown Penn Valley. I am a local contractor that bids on federal and state housing projects. A lot of the projects I work on are for low income housing through Nevada, Sutter Regional Housing Authority. I get to see the kinds of communities the low income housing create. This is not an area suitable for low income housing.

31-B | If the low income housing is brought into Penn Valley it will not only lower the quality and safety of the local community but it will also prove to be an area that can not sustain the kind of jobs these people need. The community dose not have any sort of jobs that will accommodate families that need jobs and assistance in trying to find local work. Penn Valley has very little bus traffic and no taxi cabs to allow for transportation back and forth to jobs in the larger city. Paying a taxi cab from Grass valley or Yuba City is a large portion of a days pay to go round trip.

31-C | If we allow the low income housing to move in to Penn Valley we provide a situation that people will be dependent on the government for life. The lack of jobs and affordable rentals or houses will make it so the low income families will be forced to stay in the houses and not have the chance to move up.

31-D | The Penn Valley community is primarily a commuter, ranching and retirement community. The retired people have moved up from the surrounding cites to retire and have invested into the high cost of homes in order to feel safe and enjoy the local community with out living in the large city. The younger generations move to the area for safety and are willing to make the long commute off the hill for work. As for the ranching families they are primarily hard working families that enjoy the community and still have to commute to the city for work.

I vote no for rezoning down town Penn Valley  
David Bartow  
530-559-1184

**Letter 31 – David Bartow**

**Response 31-A** The County does not concur with this comment. Please see Master Response #6 and Response 22-G.

**Response 31-B** The County does not concur with this comment. Please see Master Responses #2 and #6. The County does not concur that transportation opportunities are not available in Penn Valley. Nevada County administers a door-to-door paratransit service for persons with disabilities for trips within the Grass Valley/Nevada City area and nearby communities. The service is provided by Gold Country Telecare, a private non-profit organization, under a contract with the County of Nevada. All paratransit vehicles are equipped with wheelchair lifts and other accessibility features.

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

**Response 31-C** The County does not concur with this comment. Please see Master Response #6. There is no evidence that residents of high density housing would be dependent on government for life. Please see Master Response #2.

**Response 31-D** The County acknowledges and appreciates this comment. However, the comment is not at variance with the content of the EIR and further response is required.

Letter 32

**Tyler Barrington**

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**From:** Doug and Shirley <moon.henry1@gmail.com>  
**Sent:** Tuesday, October 29, 2013 8:43 PM  
**To:** Tyler Barrington  
**Subject:** EIR Public Review

Dear Mr. Barrington,  
We attended the meeting in Penn Valley this evening and wanted to thank you for presenting the information as well as you did. We left at 7:15pm; long enough to obtain quite a lot of information.

We would like to address the fact that we believe the whole EIR process is flawed.

32-A

Out of the 80 sites originally identified as suitable as these types of projects, the county should have selected the sites that were best suited to this high density type of development. That is, areas with the proper infrastructure, services, retail, transportation, Fire and Police; not RURAL horse country.

Thank you for your time and attention to this important matter.

Sincerely,  
Douglas and Shirley Moon  
11889 Kingbird Ct  
Penn Valley, CA 95946  
530-205-9554

**Letter 32 – Douglas and Shirley Moon**

**Response 32-A** The County does not concur with this comment. The County does not concur that the EIR process is flawed. The EIR was prepared consistent with the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000 et seq.), and the *CEQA Guidelines* (California Code of Regulations [CCR] Title 14, Section 15000 et seq.). Please see Master Response #1 regarding the site selection process and Responses 10-NN and 22-G.

Letter 33

**Tyler Barrington**

**From:** Lindsay <missionaryhere@aol.com>  
**Sent:** Tuesday, November 12, 2013 1:44 PM  
**To:** Tyler Barrington  
**Subject:** Rezoning Concerns



To Mr. Barrington,

- 33-A Thank you for taking the time to read this email. As I'm sure you have heard and seen, I have also called and written a letter regarding the potential rezoning in Penn Valley. I want to reiterate again, as I have in these three messages as well as at the meeting, how much I am opposed to the rezoning. Seems like all of Penn Valley is. This is our home, and rezoning threatens so many of the qualities we love about Penn Valley: the low crime rate, the scenery, the small population, etc. We are not an urban area. We are a rural area, and we love that. High density urban housing does not belong here. Especially when one of the parcels surrounds the water treatment plant. No one gets a good deal on that! We don't want a huge increase in low income housing, and I doubt anyone wants to live in a smelly field.
- 33-B At least one parcel is on an "environmentally sensitive" area, but it seems as though that doesn't matter anymore. And the number of proposed housing units will stress our current resources: everything from sewers, roads, employment, law enforcement, schools, everything. We're already stretched in all these areas in Penn Valley. We can't handle this many more people.
- 33-C Please, remember there are families here wanting to raise their kids in a beautiful, safe town. Please, please consider what we've all been telling you. Please do not move forward on this housing. The only reason I've really heard to move forward on it is because the state says so, and they've designed this mandate for places like L.A. We are not L.A. We have a community, and we need to stand up for it.  
Please read the letters, the emails, and listen to the calls.  
Please listen to our people and our families.  
We won't stop fighting this.

Thank you.

-- Lindsay Betz  
P.O. Box 696  
Penn Valley, CA, 95946

[MissionaryHere@aol.com](mailto:MissionaryHere@aol.com)

**Letter 33 – Lindsay Betz**

**Response 33-A** The County does not concur with this comment. Please see Master Response #6. The County does not concur the proposed project would adversely conflict with the low-crime rate, the scenery, or the small population.

**Response 33-B** The Environmentally Sensitive Areas (ESAs) are identified for the each of the project sites that have sensitive resources and are shown in Figures 3-15 through 3-24 of the Draft EIR. The ESAs indicate the areas within the project sites where future development is restricted in order to avoid and minimize impacts to sensitive resources. The enforcement will occur as future developers submit grading plans, site plans, and building permits and must demonstrate that the proposed development has avoided the ESAs.

Mitigation Measure 4.1-1a states that structures on Sites 10 and 13 must avoid the floodplain ESA. However, should a structure such as a crossing or bridge be required for access to Site 13, then as stated in Mitigation Measure 4.10-1a, “Should development within the floodplain ESA be required, then the developer shall obtain a discretionary use permit for any development within the floodplain and a ministerial management plan for any development within the floodplain 100 foot setback.” The encroachment into the floodplain would require the developer obtain a Conditional Use Permit from the County.

Please see Master Response #4 and Response 10-NN regarding the future developers’ responsibilities to provide required infrastructure and to ensure adequate fire and sheriff services are available to accommodate the future development.

**Response 33-C** The County does not concur with this comment. Please see Master Response #1 regarding the County’s purpose for proposing on the project.

Letter 34

**Tyler Barrington**

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**From:** Valorie Wilcock  
**Sent:** Tuesday, November 12, 2013 8:05 AM  
**To:** Steven DeCamp; Brian Foss; Tyler Barrington  
**Subject:** FW: Penn Valley re-zoning

**From:** Tim Robinson [mailto:reicatshop@yahoo.com]  
**Sent:** Sunday, November 10, 2013 6:18 PM  
**To:** CommunityDevelopment  
**Subject:** Penn Valley re-zoning

Hello Steve,

34-A

I would like to express my concern about the lack of information being given to the community of Penn Valley regarding the high-density low-income housing projects being planned. I am a lifelong resident of Penn Valley. I cannot ignore what is about to happen. Please note my objection. I understand the state is requiring all to have a particular amount of low income housing. Penn Valley cannot be the main solution to this requirement.

I am not against those in poverty but I am against what this kind of housing brings. I used to be for the low income apartments until I have witnessed what it has done to this community. It is not all bad but there is enough bad that I don't want any more of it.

Tim Robinson  
10760 Baker Downs Rd  
Penn Valley, CA 95946  
530-432-4234 h  
530-265-5844 w  
530-559-5633 c

**Letter 34 – Tim Robinson**

**Response 34-A** The County does not concur with this comment. Please Response 10-D.

Letter 35

**Tyler Barrington**

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**From:** Valorie Wilcock  
**Sent:** Tuesday, November 12, 2013 8:07 AM  
**To:** Tyler Barrington; Brian Foss; Steven DeCamp  
**Subject:** FW: High Density Housing Proposals

-----Original Message-----

From: David Adams [mailto:ctrarcht@nccn.net]  
Sent: Monday, November 11, 2013 8:17 PM  
To: Tyler Barrington  
Cc: Hank Weston; doug.donesky@co.nevada.ca.us; mike@ministoragepennvalley.com; CommunityDevelopment  
Subject: High Density Housing Proposals

Dear Tyler Barrington, County of Nevada Planning Department,

35-A | I would like to protest the recent selection of thirty-some acres in Penn Valley for potential high-density housing development. First, not enough advance notice was given to concerned and adjacent residents before the community meeting last Tuesday night.

In addition, the increased density of population (over 2000 new, mainly low-income residents in such a small, rural town), increased automobile traffic (more than 1,000 trips daily), and need for new services (e.g., police and fire) could be devastating for such a small town and would greatly decrease the quality of life that we who live in Penn Valley value above all when we invested in our own properties here.

35-B | I am further concerned about the loss of both potential commercial sites and heavily wooded land (with accompanying detrimental affects to existing wildlife and creek water quality).

35-C | It seems clear that the kind of rezoning and development fostered at the state level for such changes is directed at much more populous urban areas and is obviously out of place in small, rural communities like Penn Valley. Please reconsider your plans.

Thank you for your consideration,

David and Janet Adams  
14487 Burlington Parkway  
Penn Valley, CA 95946

**Letter 35 – David and Janet Evans**

**Response 35-A** The County does not concur with this comment. Please see Response 10-D regarding the number of units proposed in the Penn Valley Area. Please see Response 10-NN regarding fire and sewer service.

With regards to traffic, as shown in Tables 4.15-9 and 4.15-10 of the Draft EIR, the proposed project does not reduce the level of service at any of the intersections in Penn Valley below the threshold of minimum level of service. Table 4.15-1 provides an explanation of the different levels of service. More specifically, the level of service only changed for two intersections in Penn Valley. The intersection of SR 20/Penn Valley Road went from an existing LOS B to LOS C which is an acceptable level of service for Caltrans as noted on page 4.15-45 of the Draft EIR. The other intersection to have a change in Penn Valley is the intersection of Penn Valley Drive/Broken Oak Court. As an unsignalized intersection, this intersection would change for LOS A to LOS B. LOS B does not exceed the County's minimum level of service threshold of LOS D. For these reasons, potential traffic impacts on intersections in Penn Valley are considered less than significant and no mitigation is required.

**Response 35-B** Please see Master Response #3. Potential impacts to wildlife are addressed in Section 4.4 of the Draft EIR. None of the 18 projects sites have been identified as a wildlife corridor area. Mitigation Measures 4.4-2b and 4.4-2c require the developer to prepare preconstruction plant and animal surveys before final development plans are approved. Please see Response 15 regarding water quality impacts.

**Response 35-C** Please see Response 22-G regarding the existing conditions that make the proposed housing units compatible with the surrounding Penn Valley Area.

Letter 36

**Tyler Barrington**

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**From:** THORGRUN ODDEN <thorgrun@sbcglobal.net>  
**Sent:** Tuesday, November 12, 2013 3:20 PM  
**To:** Tyler Barrington  
**Cc:** Hank Weston  
**Subject:** RE-Zoning

Principle Planner,

I am one of the un-fortunate people to have received a letter stating that my residence will be impacted by the proposed re-zoning of land that is next to my home.

36-A | I am a retired General Contractor and have extensive background in zoning and building situations from past experience. Saying this, I find that the re-zoning of a mostly rural land to R-3 zoning to be extreme. I have lived here in Penn Valley for seven years and have watched the lack of police and fire budgets as it impacts my safety. We have a real situation with petty crime and theft and frankly a poorly covered patrol area for Penn Valley. Most times there is no police coverage here at night. I have personally had petty theft, trespass and lately an attempt at stealing my vehicle, which cost me \$1000.00 in repair bills.

36-B | I have seen this before in Santa Cruz County, Ca. with re-zoning and under staffed police and fire and also ill prepared infrastructure, only to be laid at the tax payers later in the form of bonds for sewer and road assessments.

Frankly, I think it is time to say no to those that mandate from Sacramento as to just what we do in our own counties. If that means a fight with the State, so be it.

Sincerely,

Thorgrun Odden



**Letter 36 – Thorgrun Odden**

**Response 36-A** Please see Responses 10-NN 22-F and 22-G and Master Response #5.

**Response 36-B** Please see Master Response #4 regarding the developers responsibilities for ensuring adequate water and sewer facilities are in place prior to construction. The project does not propose any form of bonds or sewer or road assessments. Please see Response 10-NN.

Letter 37

**Tyler Barrington**

**From:** dgstreeter@aim.com  
**Sent:** Saturday, November 09, 2013 9:45 AM  
**To:** Tyler Barrington  
**Cc:** Hank Weston; Planning  
**Subject:** EIR Penn Valley Proposed Rezoning

Dear sir;  
 This message is in response to the EIR for the proposed Housing Rezoning in Penn Valley. I am strongly opposed to the proposal for the following reasons.

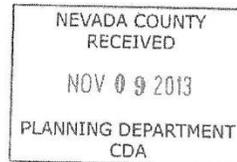
37-A | 1. As pointed out by our PV CofC representative Ed James, The project sites proposed for rezoning to R-3 in Penn Valley are in direct conflict with what was proposed in the Penn Valley Focused Economic Development Study adopted by the County Board of Supervisors in 2000. The EIR completely ignored the Plan which results in a Significant Unavoidable Impact With No Effort to Mitigate. Penn Valley needs more jobs, and the proposed rezoning eliminates the opportunities to increase employment and bring in good paying jobs to the community.

37-B | 2. Developing low cost housing at 16 units per acre will further stress public services such as schools, sheriff, fire and other critical services which were negatively affected during the past few years of recession.

37-C | 3. The resultant increased population to the area will not be supported by local employment for the reasons of point 1 above, and will therefore not minimize the need to commute, which is, in itself, a serious environmental impact.

The proposal therefore does not foster economic growth as recommended in the EIR and is therefore opposed for the reasons given.

Sincerely,  
 David G. Streeter  
 20301 Middle Keystone Court  
 Penn Valley, CA 95946



**Letter 37 – David Streeter**

**Response 37-A** The County does not concur with this comment. Please see Response 9-B and Master Response #3.

**Response 37-B** The County does not concur with this comment. Please see Responses 10-MM and 10-NN.

**Response 37-C** Please see Master Response #2.

Letter 38

**Tyler Barrington**

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**From:** Jim Flaherty <jim@jchristopherco.net>  
**Sent:** Friday, November 08, 2013 4:30 PM  
**To:** Tyler Barrington  
**Subject:** Zone change

38-A | Hi Tyler,  
Please pull us out of the high density rezone program for our property located at APN 29-350-12.  
We are interested in a C-3 zoning for that property we would be looking at the adjacent property for your program if possible. Please contact me so we can confirm the correct potential parcel for the high density housing use that you're looking for if you wish. Thank you again and sorry for the miscommunication.  
Sincerely,  
Jim Flaherty  
Ridgecrest

Sent from my iPhone



**Letter 38 – Jim Flaherty**

**Response 38-A** The commenter is the property owner of Site 2 of the proposed project. The County has agreed to withdraw the property from the project. As a result of the late withdrawal, references to Site 2 and the analysis of the potential impacts of the rezoning/development of Site 2 are still included within the EIR. Site 2 will not however be included as one of the sites that will be considered for rezoning as a part of this project.

Letter 39

**Tyler Barrington**

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**From:** tony moscini <moscini@att.net>  
**Sent:** Friday, November 08, 2013 5:44 PM  
**To:** Tyler Barrington  
**Subject:** Re Zone Penn Valley

39-A

This Message is in EXTREME PROTEST OF Rezoning Penn Valley. I have lived here for my entire 39 years. The apartments on Broken Oak have started to destroy Our great town. EIR (Environment) is the key word. I attended Ready Springs K-8. Now Ready Springs is an unsafe/unfit Environment for My two children to learn in. The money that The County will continue to lose as Are properties continue to decline will eventually become greater than the WELFARE MONEY Your trading Our Town for. !7110 Ladino Ave. Too far away to be notified. Look @ a map and tell Me thats Too far Thanks Tony



**Letter 39 – Tony Moscini**

**Response 39-A** Please see Master Responses #5 and #6. The Notice of Availability of the Draft EIR was published in the local newspaper, and notices were sent to adjacent property owners up to 500 feet, exceeding the County’s normal 300-foot distribution. The County notes that the commenter’s property is beyond the 500-foot noticing area. While the County has met and gone beyond its statutory noticing requirements, it has agreed to extend the noticing of future public comment periods and meetings to include other residents outside of the noticing requirements to ensure the public has an opportunity to participate in the public process.

Letter 40

**Tyler Barrington**

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**From:** Debra Duffer <debra@dldfarm.com>  
**Sent:** Thursday, November 07, 2013 9:23 PM  
**To:** Tyler Barrington  
**Cc:** Hank Weston  
**Subject:** Questions about draft EIR

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

Mr. Barrington,

Please accept the following comments to the Draft Environmental Impact Report for the County of Nevada Housing Element Rezone Program Implementation of September 2013.

First, thank you for holding the public meeting in Penn Valley on October 29, 2013.

40-A | The potential results of the proposal of rezoning to allow for the implementation of high density housing on four sites in Penn Valley places an undue burden on a very small community that is very rural in character. The impact on the infrastructure and the increased burden on local fire, emergency response and law enforcement services would be significant. What is the economic impact on local services of adding high density housing? Have any studies been done to address that concern?

40-B | There are few jobs in Penn Valley. How far would you expect residents of a high density housing project likely travel for work? That sounds like additional impact on the infrastructure.

40-C | Using sites that are currently zoned commercial could potentially limit future expansion of Penn Valley's commercial center. Or cause any future commercial growth to select parcels that are not as close to the existing commercial center. What is the potential impact of that limitation to a small community?

40-D | I understood you to say at the meeting that any mitigation required would go outside the county. If three of those four sites in Penn Valley require some mitigation why did you choose them? Why not choose sites that did not require mitigation? Especially since our county would not receive any benefit from said mitigation?

Thank you for the opportunity to present my comments.

Debra Duffer  
14040 Parsons Drive  
Penn Vally, CA 95946

**Letter 40 – Debra Duffer**

**Response 40-A** Please see Response 10-NN and Master Responses #4 and #5.

**Response 40-B** Please see Master Response #2.

**Response 40-C** Please see Master Response #3. Future commercial growth would occur in areas that are zoned for commercial uses; which in Penn Valley, is the area around the village center.

**Response 40-D** The County does not concur with this comment. Mitigation for impacts associated with the project would stay within the County. One exception may be for oak woodland mitigation if credits were purchased in a mitigation bank located outside of the County. In those cases, the mitigation locations are based more on availability of mitigation banks within the same eco-region rather than within a political boundary. Most of the proposed sites are undeveloped and require some mitigation as a result of the development. Most development on any of the sites under the existing zoning would require mitigation given the biological resources located through the project area.

Letter 41

**Tyler Barrington**

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**From:** Raymond Juels <rpjuels@sbcglobal.net>  
**Sent:** Thursday, November 07, 2013 1:05 PM  
**To:** Tyler Barrington  
**Subject:** EIR PUBLIC REVIEW COMMENTS

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

Brian:

It is the purpose of this EIR Public Review Comments submittal to set forth our comments as follows:

- 41-A | (1) The proposed zoning changes for Penn Valley are flawed in that the public safety, health and welfare services are currently inadequate without the addition of the proposed higher density housing
- 41-B | (2) Penn Valley's pastoral character would forever be lost if such a proposal is implemented
- 41-C | (3) How will the new residents of the proposed high density housing development find employment in this city of very limited business places.?
- 41-D | (4) How will the additional Public services that would be required by the high density residents be funded?
- 41-E | ((5) A minimum of 16 units per acre as proposed would result in an overcrowding of Penn Valley's existing highways, streets, parking and would overwhelm our public services.....

Thank You for the opportunity to express our extreme concerns with this proposed zoning change.... We have many other concerns regarding the bad outcomes which would result from this unwelcomed and totally flawed proposal.....

Raymond P. Juels,  
Susan E. Juels  
18572 Hummingbird Drive  
Penn Valley, CA 959  
Cell: 530 575-0046

**Letter 41 – Raymond Juels**

**Response 41-A** The County does not concur with this comment. No evidence that the public safety, health and welfare services are inadequate has been identified or that the proposed project would result in significant impacts. Please see Response 10-NN regarding mitigation to ensure adequate fire and sheriff service in the project areas.

**Response 41-B** The County does concur with this comment. Please see Response 10-EE.

**Response 41-C** Please see Master Response #2.

**Response 41-D** Please see Master Response #4 and Response 10-NN regarding the future developers' responsibilities to provide required infrastructure and to ensure adequate fire and sheriff services are available to accommodate the future development.

**Response 41-E** The County does not concur with this comment. Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. Future developers would be required to provide parking spaces in accordance with the County's Land Use and Development Code. This would be enforced through the County's site plan review process which would occur prior to construction. Please see Master Response #4 and Response 10-NN regarding the future developers' responsibilities to provide required infrastructure and to ensure adequate fire and sheriff services are available to accommodate the future development.

Letter 42

**Tyler Barrington**

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**From:** Linda Fowler <linda4738@att.net>  
**Sent:** Sunday, November 10, 2013 6:43 AM  
**To:** Tyler Barrington  
**Cc:** Planning; Hank Weston  
**Subject:** rezoning Penn Valley

42-A | I am a resident of Penn Valley. Our 2 lane roads are fine for  
th traffic on them now. Pour the number of cars that are potentially  
in the units proposed, (and these people will need transportation as  
grocery, Medical, jobs and entertainment of all sorts) are up or down  
highway 20. Penn Valley is rural, which means that we do not have  
Police, Medical and services close. Our sewer system is barely adequate.  
Our roads-(2 lane) are very narrow, no verge for walking, except  
the "bike" path, which is between Spenceville Road, and Highway 20  
at Pleasant Valley Road.

42-B | Nevada County is not the place for low income housing.  
There are no employment opportunities here-what do you do with all  
of the young people? They need to be in an area where there are  
companies that can employ them, and they need transportation to get  
to the opportunities. Doesn't it sound logical to give these people a real  
chance. We had a chance, do not doom them to being indebted to  
the State. Which, by the way can not afford any more people who  
cannot survive without some means of support.

Thank You, Linda Fowler  
530-432-3492



**Letter 42 – Linda Fowler**

**Response 42-A** The County does not concur with this comment. Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. No impacts to the existing bike path were identified. Please see Master Response #4 the future developers' responsibilities to ensure required sewer and water infrastructure are available to accommodate the future development. Please see Responses 22-F and 22-G.

**Response 42-C** The County does not concur with this comment. Please see Master Responses #2 and #6. Please see Response 22-G regarding the availability of services in the area.

Letter 43

**Tyler Barrington**

**From:** Jon Stewart <greatscot3@hotmail.com>  
**Sent:** Sunday, November 10, 2013 3:20 PM  
**To:** Tyler Barrington  
**Subject:** Extremely concerned



Dear Tyler

I am writing to you to plead with you to vote NO on rezoning Penn Valley for the purposes of building low income, high density housing.

I want to offer direct testament to what can happen to a community and even more than that a region, especially one like Penn Valley/Grass Valley/Nevada City.

Our family has owned a home in Penn Valley since 1987 and I owned a home on Bethel Island California which is adjacent to Oakley CA and Brentwood CA.

Oakley was a rural farming town known mostly for agriculture (almonds) and its proximity to the California Delta. Anecdotally, hardly anything bad or horrific ever happened in Oakley. The town used to be mostly quiet and friendly.

43-A

Oakley CA city council, in waves of 120 units, approved rezoning and section 8 housing appeared almost overnight. Also almost overnight, Oakley got slammed by a massive infusion of graffiti, vandalism, shootings, stabbings, armed robberies, rapes, property thefts, gang activity, drug dealing, garbage dumping and calls for police intervention at area schools. In my opinion, Oakley and the neighboring cities were destroyed and their property values certainly diminished.

One thing to remember, if a person thinks such a housing fiasco will not affect them because they are rural and perhaps outside city limits, the wealth of community destruction and criminal activity is far reaching. Perhaps if one has a siege mentality, lives in a fortified bunker and never ventures into town, they will be lightly affected. If a person enjoyed being a part of that community, after section 8 the community was gone forever.

The percentage of police services provided to section 8 related calls in Oakley increased to over 80% and this statistic does not reflect all services required outside section 8 "communities" proper but for section 8 residents. These minimum numbers don't lie.

43-A  
CONT'D

If this housing development goes forward, the Penn Valley that people really love will disappear in the blink of an eye. For those of us that have already witnessed firsthand such community destruction and have fled from it, it is especially alarming. NIMBY? OF COURSE THIS IS! Unashamedly and absolutely!

Do we really want Oakland, Detroit or Los Angeles instead of Mayberry?

I am begging you, please don't destroy the whole Penn Valley region by voting yes for a few government bucks. It will be the very worst moral and financial decision you ever made.

PLEASE VOTE NO ON THIS REZONING.

Thank you and very very sincerely, Jon Stewart and Family (Penn Valley)

**Letter 43 – Jon Stewart**

**Response 43-A** The County acknowledges this comment. However, the comment provides an editorial discussion regarding the author’s opinion of past experiences and is not at variance with the content of the EIR, and therefore, no further response is required.

Letter 44

**Tyler Barrington**

---

**From:** Wittler, Paula <paula.wittler@zoetis.com>  
**Sent:** Monday, November 11, 2013 3:29 PM  
**To:** Tyler Barrington  
**Subject:** Penn Valley Re-zoning

Dear Tyler Barrington,

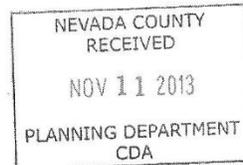
44-A | My email today is in regard to the possible/proposed re-zoning of Penn Valley for high-density housing. I realize the Environmental Impact Report takes many things in account....but I believe our Penn Valley community businesses were NOT considered and they should have been.

44-B | I completely disagree with the re-zoning because our community is not equipped to handle and/or employ these prospective new residents. The re-zoning belongs in another community, not a rural community that does not have the transportation, the jobs, nor the infrastructure to handle the influx of people.

As a Penn Valley resident, I want economic development NOT just new housing.  
Please consider this comment to NOT go forward with the project.  
Thank you.

Paula Wittler  
Equine Business Manager

P: (916)802-2300 F:(866)590-4323  
[paula.wittler@zoetis.com](mailto:paula.wittler@zoetis.com)  
Visit our Facebook page: [facebook.com/egstable](https://www.facebook.com/egstable)



**Letter 44 – Paula Wittler**

**Response 44-A** The County does not concur with this comment. Please see Master Response #3.

**Response 44-B** The County does not concur with this comment. Please see Responses 22-F and 22-G.

Letter 45

**Tyler Barrington**

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**From:** David Adams <ctrarcht@nccn.net>  
**Sent:** Monday, November 11, 2013 8:17 PM  
**To:** Tyler Barrington  
**Cc:** Hank Weston; doug.donesky@co.nevada.ca.us; mike@ministoragepennvalley.com; CommunityDevelopment  
**Subject:** High Density Housing Proposals

Dear Tyler Barrington, County of Nevada Planning Department,

I would like to protest the recent selection of thirty-some acres in Penn Valley for potential high-density housing development. First, not enough advance notice was given to concerned and adjacent residents before the community meeting last Tuesday night.

45-A

In addition, the increased density of population (over 2000 new, mainly low-income residents in such a small, rural town), increased automobile traffic (more than 1,000 trips daily), and need for new services (e.g., police and fire) could be devastating for such a small town and would greatly decrease the quality of life that we who live in Penn Valley value above all when we invested in our own properties here.

I am further concerned about the loss of both potential commercial sites and heavily wooded land (with accompanying detrimental affects to existing wildlife and creek water quality).

It seems clear that the kind of rezoning and development fostered at the state level for such changes is directed at much more populous urban areas and is obviously out of place in small, rural communities like Penn Valley. Please reconsider your plans.

Thank you for your consideration,

David and Janet Adams  
14487 Burlington Parkway  
Penn Valley, CA 95946



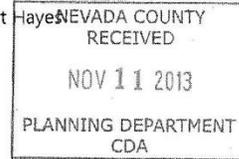
**Letter 45 – David and Janet Evans**

**Response 45-A** This comment letter has the same text as Letter 35. Please see the Responses to Letter 35 in response to the comments provided in this letter.

Letter 46

**Tyler Barrington**

**From:** Sharon Loucks <sbloucks17@aol.com>  
**Sent:** Monday, November 11, 2013 10:56 PM  
**To:** sbloucks17@aol.com; Tyler Barrington; Planning; Janet Hayes  
**Subject:** Re: Penn Valley



Mr. Barrington:

I have several more questions:

- 46-A | 1. What is the background regarding the Housing Element Rezone Programs ... and why is Nevada County "out of compliance" with state regulations?
  - 46-B | 2. How were the sites determined?
  - 46-C | 3. What is the current zoning for each of the sites?
  - 46-D | 4. Who owns each of the sites?
  - 46-E | 5. What plans do the owners have for the sites?
  - 46-F | 6. What is meant by extremely low income housing?
  - 46-F | 7. How is the level of outcome of Mitigation efforts determined?
  - 46-F | 8. What is the cost of Mitigation and who pays for it?
  - 46-F | 9. Would Nevada County be in violation of property owners' rights to approve building when there is a Significant and Unavoidable impact in Air Quality, Green House Gases, Waist Water, Water Supply, and Traffic?
- Sharon Loucks

-----Original Message-----

From: Sharon Loucks <sbloucks17@aol.com>  
To: tyler.barrington <tyler.barrington@co.nevada.ca.us>; planning <planning@co.nevada.ca.us>; janet.hayes <janet.hayes@co.nevada.ca.us>  
Sent: Mon, Nov 11, 2013 11:19 am  
Subject: Penn Valley

November 11, 2013

Principle Planner  
Nevada County community Development Agency  
950 Maidu Ave., Suite 170  
Nevada City, CA 95959

Dear Mr. Tyler Barrington:

I must first recognize that I was unable to attend the Rezoning Meeting in Penn Valley last week. Along with my neighbors, I have a long list of questions and concerns. I understand that we have until Nov. 12 to comment on the proposed Rezoning in Penn Valley.

- 46-G | The magnitude of this proposal is hard to conceive in Penn Valley. Penn Valley currently has a population of 1,621 residents. The zoning proposal would potentially include 16 low-income

46-G  
CONT'D | residences per acre on 60 acres. The current residences have an average 3 family members each. Doing the math, the population of Penn Valley would increase by 2,880 almost tripling the population in one zoning change. This would greatly increase the need for all services: water, power, police, public transpiration and fire (which is currently operated by volunteers). Also it would strain water, power, roads etc. while creating an unimaginable increase in traffic within a few miles.

46-H | Penn Valley also has the highest poverty rate in Nevada County. Ready Springs School has a 74% Free and Reduced Lunch rate. This means that three out of four students live in poverty. The low income housing, by definition, would have 100% of its residence living in poverty. The inclusion of these homes would most likely increase the poverty rate to 90%. This quality would magnify the need for police, transposition and social services.

46-I | Penn Valley currently has one elementary school and one charter school. Ready Springs Elementary School currently services 203 and Vantage Point Chart has 75 students. The new homes would potentially increase the elementary enrollment to over 350 students. While the school would receive Developer Fees, this drastic increase in students would change the family atmosphere of the campus, which is highly valued in the community. The planning that would be needed to double the number of teachers and staff while adding six to ten more classrooms, would be overwhelming.

Your next step should be to listen to community members and do everything you could to help them. As a public agent that is your job.

46-J | Also I wonder why we only have a week to respond, what are the next steps and when is the next Planning Commission meeting?

Sincerely,

Sharon Loucks  
Rough and Ready  
[sbloucks17@aol.com](mailto:sbloucks17@aol.com)

**Letter 46 – Sharon Loucks**

**Response 46-A** Please see Master Response #1.

**Response 46-B** The current zoning for each of proposed sites is shown in Table 3-3 of the Draft EIR. The project sites are owned by individual property owners. Table 3-3 has been revised in the Final EIR to include corrections to the existing zoning designations to some of the project sites.

**Response 46-C** Please see Master Response #8. Individual site plans were not reviewed as a part of this project and future development will be dependent upon market conditions at the property owners discretion regarding future plans for each site.

**Response 46-D** The term extremely low income is used by the State Department of Housing and Community Development to define people or families whose income less than 30 percent of the median income level. The number varies by county and size of household. More information can be found at State Department of Housing and Community Development's website: <http://www.hcd.ca.gov/hpd/hrc/rep/state/incNote.html>.

**Response 46-E** The amount and type of mitigation will vary by site and be dependent on the ultimate design of the proposed projects. In all cases the future developers will be responsible for implementing and paying for any mitigation costs and related improvements. Enforcement of the mitigation will be the responsibility of the County and will occur prior to construction or building permits, depending on the nature of the mitigation.

**Response 46-F** The County would not be in violation of any owners rights by approving the project. The conclusions of the EIR are for informational and disclosure purposes to inform the public and decision makers (i.e., the Board of Supervisors) of the potential effects on the physical environment as a result of the project. The EIR does disclose that there are some significant and unavoidable impacts associated with the project. Significant and unavoidable impacts are permitted under California Environmental Quality Act if the decision making body (i.e., the Board of Supervisors) adopts statements of overriding considerations. These overriding considerations are used to determine that there are social and economic benefits associated with the project that would warrant approving a project even with the significant environmental impacts.

**Response 46-G** The County does not concur with this comment. The project proposes to rezone approximately 33 acres on four sites in the Penn Valley area. Please see Response 10-D. Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. Please see Master Response #4 and Response 10-NN regarding the future developers' responsibilities to provide required infrastructure and to ensure adequate fire and sheriff services are available to accommodate the future development. Please see Response 10-D regarding the proposed aggregate density calculations for the Penn Valley area.

**Response 46-H** The County does not concur with this comment. Please see Master Responses #5 and #6. It is likely there will be a need to provide a variety of housing types for all income segments of the population. This project would assist in providing higher density options that are limited not only in Penn Valley but throughout the unincorporated area. This new housing would likely serve an existing need in the community and accommodate future population growth.

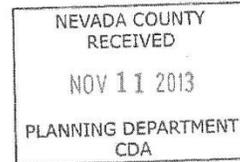
**Response 46-I** Your comment is noted. Please see Response 10-H. There is no evidence that additional students at the elementary school would change the family atmosphere on campus.

**Response 46-J** The County provided a 60-day public review period for the EIR which exceeds the state minimum review period of 45-days. The Planning Commission hearing has not been set but is expected in the first quarter of 2014.

Letter 47

**Tyler Barrington**

**From:** Nadeane Diede <nadeane@gmail.com>  
**Sent:** Monday, November 11, 2013 10:58 PM  
**To:** Tyler Barrington  
**Cc:** Hank Weston; Planning  
**Subject:** EIR Presentation to Penn Valley Community.



Mr. Barrington,

Thank you for your presentation of the EIR to our Penn Valley community on October, 29.

47-A | As a resident of Penn Valley for about a year and a half, I have become interested in the future of Penn Valley. I have become quite concerned about the information in this EIR. This EIR proposes to eliminate prime retail and business parcels to accommodate low income housing. Once these parcels are rezoned to residential use, they are nearly impossible to regain for business use.

47-B | Since moving here, I have heard numerous times on KNCO, reports of local officials lamenting the inability of this county to keep sales taxes local rather than going to adjacent counties. As I have gotten acquainted with the area, I have found that most local retail businesses are mainly "tourist shops" catering to discretionary spending rather meeting everyday needs. I'm not talking about adding Wal-mart or other big box stores. I'm talking about quality stores with a variety of goods which reflects the needs and tastes of its local community.

Every community has a need for some low-income housing, for those just beginning their careers, for seniors, and for people just down on their luck for a while. But this high-density housing plan is not a suitable plan.

Low-income housing of the density proposed here becomes a sort of "warehouse" for low-income people with an address easily identified and somewhat stigmatized as low-income by the local community. This was evidenced at the EIR meeting when reference was made to an existing multi-unit address already here in Penn Valley.

In researching past actions in regard to the growth of Penn Valley, I have found the following information:

- 47-C |
- The project sites proposed for rezoning to R-3 (16 units per acre) in Penn Valley are in conflict with what was proposed in the Penn Valley Focused Economic Development Study adopted by the County Board of Supervisors in 2000. This Plan (termed the Village Plan) called for commercial, business, retail and industrial uses in the Penn Valley Village. The Board of Supervisors adopted this plan in order

- 47-C | to provide guidance for future development of the Penn Valley Area. I could find nothing to indicate
- CONT'D | this plan has been updated or changed.
- 47-D | • The Board of Supervisors' site selection criteria for this EIR was also flawed, which resulted in 42% of
- 47-E | • the County's State mandated housing being located in Penn Valley. This is a large county. No need to
- 47-F | • concentrate this mandate in one community.
- 47-G | • Developing low cost housing at 16 units per acre will further stress public services such as schools,
- 47-G | • sheriff, fire and other critical services which were negatively affected during the past few years of the
- 47-G | • Great Recession.
- 47-G | • Penn Valley needs more jobs. The proposed rezoning eliminates the opportunities to increase
- 47-G | • employment and bring in good paying jobs to the community.
- 47-G | • The Penn Valley area should be allowed to develop as recommended by the Village Plan, which states
- 47-G | • that "opportunities exist for business park, light manufacturing for firms providing components for high
- 47-G | • tech manufacturing, as well as office based businesses in software development and internet
- 47-G | • applications".

47-H | The above points: the previously approved Village Plan, the need for more jobs, and quality of life for Penn  
 47-H | Valley residents should take precedence over the development of any high density housing project for low-  
 47-H | income housing in this rural setting, which, as currently proposed does not benefit any of our residents, not even  
 47-H | the proposed low-income residents.

While the EIR presentation is concerned with environmental issues, the above stated points become a part of the fabric of the proposal when the flaws of each require costly mitigation and are overwhelmingly contained in this one small part of this large county. Please reconsider and eliminate this entire proposal with an eye to finding more suitable parcels not concentrated in our community.

Thank you for your consideration and concern.

Nadeane Diede  
 Oak Meadow Road

**Letter 47 – Nadeane Diede**

**Response 47-A** Please see Master Response #3

**Response 47-B** Please see Master Response #6.

**Response 47-C** Please see Response 9-B.

**Response 47-D** Please see Response 10-D.

**Response 47-E** Please see Master Response #1, and Responses 9-B, and 22-F.

**Response 47-F** Please see Master Responses #2 and #3.

**Response 47-G** Please see Master Response #3 and Response 9-B.

**Response 47-H** Please see Responses 47-C through 47-G in response to the points raised in this comment.

Letter 48

**Tyler Barrington**

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**From:** Rosemary <rgrosemary@aol.com>  
**Sent:** Tuesday, November 12, 2013 5:16 PM  
**To:** Tyler Barrington  
**Subject:** Rezoning Penn Valley

I didn't stay for the meeting in Penn Valley although I was one of the first to arrive. "Over flow crowd" an understatement and I thought it safer to excuse myself and instead read about the meeting in the newspapers. Besides, we weren't assembled there to vote.

48-A | First, I concede that Nevada County could use more housing. It's such a beautiful place to live but keep in mind the infrastructure of this small town and the traffic congestion already present on Penn Valley Drive and around the town center. Would be great to not turn town proper into another Grass Valley/Auburn Hwy. 49 and La Barr Meadows fiasco or have to tear out the bike/pedestrian trails and put in more traffic signals and a center turn lane to accommodate more automobiles.

48-B | Will the State have money available to build new traffic lanes and post speed limit signs that make sense around the town's hub of business? Rezoning close to hwy 20 may work out better if it is inevitable. Hope not.

**Rosemary aka Mama Rosa**   
**[rgrosemary@aol.com](mailto:rgrosemary@aol.com)**

**Letter 48 – Rosemary**

**Response 48-A** The Draft EIR evaluates potential impacts on public services and utilities (including sewer and water service) and traffic in Section 4.13 and 4.15, respectively. Please see Master Response #4. The project does not propose to replace any bike or pedestrian paths or install any traffic signals in Penn Valley.

**Response 48-B** Any traffic improvements requires as a result of the project would be the responsibility of the future developers to pay for and construct, however none are proposed for Penn Valley.

Letter 49

**Tyler Barrington**

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**From:** Al Witt <nctpwitt@gmail.com>  
**Sent:** Tuesday, November 12, 2013 9:25 PM  
**To:** Tyler Barrington  
**Cc:** Planning; Hank Weston  
**Subject:** Penn Valley "Project"

Dear Sir/Ma'am,

49-A

I wish I could send you a properly formatted letter deserving of the gravity of the situation. I cannot, so I just wanted to at least give you my input as a Penn Valley citizen. Please do NOT allow this to happen. There are a multitude of reasons that I know my fellow citizens have voiced, so I won't take you time reading the same reiterated. I'll just leave it at this; our residents deserve to remain in the quiet, peaceful, and pleasant community they have enjoyed thus far. Please don't ruin it by allowing what we all know will deteriorate our beloved community!

Thank you for the work you do on our behalf.

Respectfully,  
Alan Witt  
Penn Valley

**Letter 49 – Al Witt**

**Response 49-A** The County acknowledges and appreciates this comment. However, the comment is not at variance with the content of the EIR, and therefore, no further response is required.

Letter 50

**Tyler Barrington**

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**From:** Heidi Rodriguez <horsewomanheidi@yahoo.com>  
**Sent:** Tuesday, November 12, 2013 8:24 PM  
**To:** Tyler Barrington  
**Subject:** Rezoning of Penn Valley,Ca.

50-A

I am responding to the E.I.R report for the rezoning of Penn Valley,Ca. I live on Penn Valley Drive past the Western Gateway Park. I feel that the town could not handle the amount of people who would move to the town with rezoning the property in Penn Valley. The park and Penn Valley Drive already have frequent activity including the people walking on the walkway from the Highway 20 intersection to the town of Penn Valley . This could become a safety issue for the walkers as well as the drivers Where would the open space environment be moved to? Thank you, for your consideration, Heidi Rodriguez 18799 Penn Valley Drive.

**Letter 50 – Heidi Rodriguez**

**Response 50-A** The project does not propose any direct access from the proposed Sites to Highway 20. The same bicycle and pedestrian safety requirements that currently along Highway 20 would remain in place with the development. None of the sites would require crossing Highway 20 to access to Western Gateway Park nor would the project negatively impact the exiting pedestrian and bicycle path along Penn Valley Drive. With the exception of Site 13 none of the proposed sites are currently designated for open space and all are currently zoned for residential or commercial development. Site 13 has an existing General Plan designation of PD (UMD 26ac. and OS 8ac). Although this designation applies over multiple properties (as Site 13 is approximately 20 acres), Site 13 does not propose approximately 8.9 acres of Environmentally Sensitive Area (ESA) which would preserve these areas as an undeveloped area and will effectively serve as open space. The 8.9 acres of ESA would satisfy the required ratio of open space per the General Plan designation.

Sites 10-13 have ESAs designated over a portion of the site to protect sensitive biological and cultural resources. Sites 10 and 13 have areas identified as ESAs around the Squirrel Creek floodplain and riparian habitats. These areas would not be developed and left in their natural state. There are some portions of the ESAs in which the development footprint is shown to encroach into the designated area. In some cases the encroachment may be necessary to obtain access to the site (such is the case for Sites 10 and 13; please see Response 26-A); or as is the case for Sites 10-12 existing wetland areas created by surface water runoff onto the site being changing once development occurs and stormwater management systems are installed onsite. In all cases, when an encroachment into an ESA is proposed a management plan is required. The requirement for management plans for projects within the RH Combining District is outlined in Section LII 2.7.11(B)(8) of the County's Land Use and Development Code (LUDC) which states the following:

**Management Plan.** With all development, there is the potential for the encroachment into Sensitive Environmental Resources, defined in Section L-II 4.3: Resource Standards, to ensure a development will fit onto a site. This may be allowed if a Management Plan prepared consistent with Section L-II 4.3.3.C is approved by the County prior to Building Permit Issuance.

Letter 51

**Tyler Barrington**

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**From:** Andrew Felli <afelli1@sbcglobal.net>  
**Sent:** Tuesday, November 12, 2013 4:57 PM  
**To:** Tyler Barrington  
**Subject:** Penn valley housing Re zoning.

Mister Barrington,

As a residence of Penn Valley, I am concerned that inadequate consideration has been given to this matter.

51-A

Regarding to the EIR, please reconsider the amount of traffic, sewerage and lack of parking in these areas. In addition, I think relevant to include an Economic impact Report as part of your study. I feel that the Penn Valley area can not afford to have this type of high density housing. The additional load on law enforcement, roads as well as negative impact on what businesses already here. In addition, the burden to upgrade existing services should not be laid upon current residences in form of tax nor bond.

Perhaps the more appropriate type of development would be less density, owner funded (condos). Something that will benefit all IN the community

Thank you for your time  
Andrew Felli

**Letter 51 – Andrew Felli**

**Response 51-A** Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. Future developers would be required to provide parking spaces in accordance with the County's Land Use and Development Code. This would be enforced through the County's site plan review process which would occur prior to construction. The County is creating an Implementation Guide for each of the proposed sites that identifies the required mitigation measures for each site pursuant to Sec. L-II 2.7.11.C.3 of the County Land Use and Development Code. Please see Master Response #4 and Response 10-NN regarding the future developers' responsibilities to provide required infrastructure and to ensure adequate fire and sheriff services are available to accommodate the future development. No tax or bond on existing residents is required or proposed. Please see Master Response #5 regarding economic impacts.

Letter 52

**Tyler Barrington**

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**From:** David Pettis <powerplanting@gmail.com>  
**Sent:** Tuesday, November 12, 2013 5:40 PM  
**To:** Tyler Barrington  
**Subject:** Re: Site Analysis Report

To Nevada County Planning Dept.

I own Site 1 in the Nevada County High Density Residential Rezone.

The Property is located on 11263 McCourtney Road. The two neighbors next to me both have grandfathered in commercial zoning. When my family purchased the property in the 1980's it was zoned M1.

52-A

I entered the rezone with the hopes of getting a Commercial and High density Residential designation. I would use the High Density units to develop employee housing. I would like to have a ground level commercial and upstairs units for residential.

I have tried to lease out my property as office professional and in that neighborhood there was no interest. Brighton Greens has some office units available and there has been no need for offices in my area.

I would like to open a farmers market and coffee stand on the property. I would like to apply for a entertainment permit but I am not able to apply since the office zoning.

My property has been studied with office traffic in mind. With all the current traffic on McCourtney Road I don't see how a commercial designation would bring any additional traffic above and beyond the office zoning.

I don't want to do just a residential project. The neighborhood has had lot of recent changes. The California Highway Patrol is a new neighbor. I think the area could use more neighborhood commercial.

Thanks,

David Pettis

On Mon, Sep 24, 2012 at 9:02 AM, Tyler Barrington <Tyler.Barrington@co.nevada.ca.us> wrote:

Good Morning-

Hopefully by now you have received a copy of the Notice of Preparation (NOP) for the Environmental Impact Report (EIR) that will look at the potential environmental impacts of rezoning your property to higher density residential. I am writing to provide you with a link to the recently created County webpage dedicated to this project: <http://www.mynevadacounty.com/nc/cda/planning/Pages/2009-2014-Housing-Element-Rezone-Program-Implementation.aspx>.

On this page the County will provide periodic updates on the progress of the project. Additionally, I will upload any pertinent documents related to the project, such as the full NOP or just added is the "Site Analysis Report" prepared by the County's Consultant (RBF Consulting). Should you have any questions feel free to give me a call or if you have specific questions about the Site Analysis Report you may contact RBF's Project Manager, Alex Jewell at (916) 928-4809 or by email at [AJEWELL@rbf.com](mailto:AJEWELL@rbf.com).

Best Regards,

Tyler Harrington

*Interim Principal Planner*



Planning Department

County of Nevada

Community Development Agency

950 Maidu Ave, Suite 170    office 530.470.2723    fax 530.265.9851

Nevada City, CA 95959

<http://www.mynevadacounty.com/nc/cda/planning/Pages/Home.aspx>

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**Letter 52 – David Pettis**

**Response 52-A** The County acknowledges this comment. Please see Master Response #3. Rezoning Site 1 from Office Professional to a commercial designation is outside of the scope of the draft EIR and does not meet the intent of the project objectives. It is worth noting that there is the potential for retaining the Office Professional designation as a part of this project pursuant to LUDC Section L-II 2.7.11.D, but this would just allow continued use of the site for future office professional uses while increasing the allowed residential density from an existing 4-units per acre maximum to a minimum of 16-units per acre.

Letter 53

November 8, 2013

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



Email: [tyler.barrington@co.nevada.ca.us](mailto:tyler.barrington@co.nevada.ca.us)

RE: Housing Element Rezone Implementation Program

Dear Mr. Barrington:

I am writing to share my concerns about the possible rezoning of four parcels in the Penn Valley area as identified in the Environmental Impact Report (EIR) for the Housing Element Rezone Program. Although I do not see a place for this program on any of the sites, I am more specifically concerned with the three parcels identified as numbers 10, 11 and 13, which are in the Penn Valley Village Center.

53-A | My first and most important point is that none of the sites in Penn Valley seem to fit the desired model and requirements as set forth in the EIR. Quite simply it appears that programs such as this are more suited and designed for larger cities, and towns where needed services are readily available. Not to mention the fact that jobs don't seem to be readily available anywhere, much less Penn Valley. Placing high-density housing in a rural hamlet such as Penn Valley simply makes no logical sense.

53-B | My second concern regarding this proposal is the method and rules under which the properties were selected. With only the property owners who were in agreement with the zoning change being considered. Case in point, sites 10, 11 and 13 in Penn Valley are owned by out of area and state owners whose self interest share absolutely no interest with our community. A simple moneymaking proposition if you will. I know the owners of these properties were present at both the Planning Commission and Penn Valley community meetings regarding this issue. Neither of them spoke in favor, nor had a willingness to share their plans for the sites with the community, much less identify themselves. I believe they should be mandated to do so. I believe they should be required to answer public concerns just as you and your department must through the EIR. Their plans should be presented to the public and community prior to the zoning change. Allowing their projects to be "rubber-stamped", "by right" after the change is as backward and discriminatory a policy as there could be. To use the word "flawed" is an understatement. No other landowner in the county is allowed that right, why them???

53-C | Another very serious concern of mine is the impact on the sensitive environment that runs directly through the three mentioned sites. Residing on a neighboring property, I can attest to the fact that during last years flooding rains in November and December, those properties with Squirrel Creek running through them are not a place to locate hundreds of housing units, let alone families. The danger alone should make one cringe. The impact on the environment, the creek, the wetlands, wildlife, and Western Gateway Park downstream, cannot be overlooked. There is no better evidence of reasons to not build high-density

53-C CONT'D | housing on these sites than to walk on them. I have, have any of the drafters of the EIR?

53-D | History has a documented footprint for success when it comes to planning and building cities, towns, villages and communities. If you build it, they will come. But what is "it". I believe "it" is businesses, jobs, and services. Changing currently zoned commercial properties to high-density housing eliminates the opportunity to follow that course. Dumping families in an area without those prerequisites is simply putting the "cart before the horse". And it is beyond shortsightedness; it defies logic, common sense, and history.

53-E | By now the concerns of the Penn Valley community, its residents, and its businesses are well documented; the process is full of flaws and not very well thought through. The notification process of only notifying neighbors within a 500-foot radius of the sites is absurd, ludicrous, and unacceptable. The unwillingness of the county to extend the public comment period past November 12<sup>th</sup> for this extremely sensitive issue is uncaring and disingenuous. The fact that other areas in east and north county were not even considered because of the selection policy flaws is unfair and disproportionate to shared county values. I don't believe the Penn Valley community is acting or reacting selfishly, emotionally, or irrationally about this issue. We are befuddled by a process and policy that imposes burdens on our community that are not well thought out and inequitable compared to the rest of our very large county.

53-F | It is obvious myself and others alike can go on and on about more and more elements of this plan that are disconcerting and flawed. I believe you will hear of all of them. I trust and hope that you will address them all in your answers in the EIR.

I urge you to reevaluate, revisit, and rewrite the policy and the EIR to better fulfill the needs of our communities and our county. There is an opportunity for the county to right a wrong. That seems appropriate to a community that only asks for fairness.

Lastly, I want to thank you for the work you have done, for attending our meetings, and facing the tough comments and questions. I know you find yourself in a very unenviable situation. You have my utmost respect.

Sincerely,

Michael Mastrodonato  
 17714 Penn Valley Drive  
 Penn Valley, CA 95946  
 (530) 777-8138

Email: [mike@ministoragepennvalley.com](mailto:mike@ministoragepennvalley.com)

Cc: Hank Weston, Nevada County Board of Supervisors  
 Doug Donesky, District Four Nevada County Planning Commissioner  
 Penn Valley Area Chamber of Commerce

**Letter 53 – Michael Mastrodonato**

**Response 53-A** The County does not concur with this comment. Please see Response 22-G. Please see Master Response #2.

**Response 53-B** The County does not concur with this comment. Please see Response 22-F. The County does not concur that the proposed review process is backward and discriminatory. The provisions of the “by-right” development are provided in Sec. L-II 2.7.11.C of the Land Use Development Code and are the direct result of state legislature adopted in 2005 (AB 1233: Jones, which added Government Code Section 65584.09 to State Housing Element Law). LUDC Section L-II 2.7.11 “Regional Housing Need” Combining District also stipulates that future developers will be required to undergo a Design Review process and public hearing at the Planning Commission limited to design issues. However, no additionally discretionary permit is necessary for the density or use of the site.

**Response 53-C** The County does not concur with this comment. Please see Responses 26-A and 50-A.

**Response 53-D** The County does not concur with this comment. Please see Master Response #3.

**Response 53-E** The County does not concur with this comment. For both the Notice of Preparation and Notice of Availability of the Draft EIR, the County met the distribution requirements of the California Environmental Quality Act and the County’s own internal policies for public notification. The Notice of Availability was published in the local newspaper, and notices were sent to adjacent property owners up to 500 feet, exceeding the County’s normal 300-foot distribution. While the County has met and gone beyond its statutory noticing requirements, it has agreed to extending the noticing of future public comment periods and meetings to include other residents outside of the noticing requirements to ensure the public has an opportunity to participate in the public process. Additionally, the County held three public comment meetings, one in each of the proposed areas, in addition to the Planning Commission hearing during the public review period. The public comment on the Draft EIR was for 60 days which exceeds the standard 45-day review period required by CEQA and County Policy. The County Planning Commission considered the request to extend the public review period at the October 10, 2013 public hearing and elected not to extend the public comment period.

**Response 53-F** All of the comments submitted on the draft EIR have been responded to and included in the Final EIR.

Letter 54



Tyler Barrington
County of Nevada Planning Department
950 Maidu Ave.
Nevada City, Ca 95959
Tyler.barrington@co.nevada.ca.us

I do not believe that Penn Valley is an appropriate place for a mass amount of low income housing and am opposed to the rezoning of commercial property for the following reasons:

- 54-A | There are not enough jobs for the people who already live here and this area offers no hope for improvement in living standards for already low income people.
54-B | There is insufficient police, fire, school, sewer and water, social services, medical resources to support any significant influx of people.
54-C | There would be a huge environmental impact on wildlife. Development would include the destruction of our ancient California Oaks which make up the beautiful natural landscape of the area.
54-D | There would be parking and traffic problems, noise and air pollution.
54-E | Rezoning would deprive Penn Valley of future commercial development which could eventually revitalize the community and create more needed jobs for our current population.
54-F | We understand the need for low income housing. We understand the need to receive federal and state funds. However, Penn Valley should not be singled out to bear the full impact of housing for the entire county. 10-15 homes in the neighborhood would be more appropriate.

Even though this letter may have reached you after your deadline, please consider that many of us did not know about these housing plans until recently. As a resident of Penn Valley, I feel all of our voices must be heard and acknowledged.

Sincerely,

Handwritten signature of Lawrence Berlin and address: 18750 WILDFLOWER DR, PV, CA

Hank.weston@co.Nevada.ca.us District supervisor
Doug.donesky@co.nevada.ca.us County planning
Mike@ministoragepennvalley.com President of the Penn Valley Chamber of Commerce
ComDevAgency@co.nevada.ca.us

**Letter 54 – Lawrence Berkin**

**Response 54-A** The County does not concur with this comment. Please see Master Response #2. It is likely there will be a need to provide a variety of housing types for all income segments of the population. This project would assist in providing higher density options that are limited not only in Penn Valley but throughout the unincorporated area. This new housing would likely serve an existing need in the community and accommodate future population growth.

**Response 54-B** The County does not concur with this comment. Please see Master Response #4 and Response 10-NN regarding the future developers' responsibilities to provide required infrastructure and to ensure adequate fire and sheriff services are available to accommodate the future development.

**Response 54-C** The County does not concur with this comment. Please see Response 26-D.

**Response 54-D** The County does not concur with this comment. Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area.

As shown in Tables 4.15-9 and 4.15-10 of the Draft EIR the proposed project does not reduce the level of service at any of the intersections in Penn Valley below the threshold of minimum level of service. Table 4.15-1 provides an explanation of the different levels of service. More specifically, the level of service only changed for two intersections in Penn Valley. The intersection of SR 20/Penn Valley Road went from an existing LOS B to LOS C which is an acceptable level of service for Caltrans as noted on page 4.15-45 of the Draft EIR. The other intersection to have a change in Penn Valley is the intersection of Penn Valley Drive/Broken Oak Court. As an unsignalized intersection, this intersection would change for LOS A to LOS B. LOS B exceeds the County's minimum level of service threshold of LOS D. For these reasons, potential traffic impacts on intersections in Penn Valley are considered less than significant and no mitigation is required.

Future developers would be required to provide parking spaces in accordance with the County's Land Use and Development Code. This would be enforced through the County's site plan review process which would occur prior to construction.

Air quality and Noise impacts are evaluated in Sections 4.5 and 4.11 of the Draft EIR, respectively. The County concurs that air quality impacts were identified in the Draft EIR. No long term noise impacts were identified in the analysis. Mitigation measures are proposed to reduce potential noise impacts related to construction through the use of best management practices that include muffled construction equipment, construction noise barriers, limiting construction hours to 7:00 am to 7:00 pm Monday through Saturday, and routing trucks and heavy equipment off of residential streets to maximum extent practicable. With the incorporation of these mitigation measures potential noise impacts are reduced to less than significant.

**Response 54-E** Please see Master Response #3.

**Response 54-F** Please see Responses 10-D and 10-V.

Letter 55

*Matt & Kim*

RECEIVED  
NOV 12 2013  
Nevada County Community  
Development Agency

Nevada County Planning Department  
C/o Tyler Barrington, Principal Planner  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959

November 5, 2013

Mr. Barrington,

Thank you for attending the community meeting held on October 29, 2013 at the Seventh Day Adventist Church in Penn Valley. My husband and his family have been residents of Penn Valley since the late 1970s and I moved here in 2004 following our marriage. We currently own 2 parcels in Penn Valley, a stones throw from the proposed rezoning project however too far from the 500 foot radius to be rewarded with a notice of the rezoning project.

We attended the October 29 meeting and found several faults with the proposal. As you might guess, I am opposed to the rezoning of the Penn Valley parcels for several reasons which I will outline below.

55-A | The project sites being considered for rezoning are in direct conflict with the Penn Valley Focused Economic Development Study adopted by the County Board of Supervisors in 2000. The County Board of Supervisors adopted the most recent Element from the County Department of Housing and Community Development a full 10 years later, in direct contrast to previous agreements for site zoning. In addition these sites are in direct conflict with the strategic focus of the Regional Housing Authority of Sutter and Nevada Counties, to "work with others to create healthy communities that are safe, economically vibrant, pedestrian-friendly and environmentally sustainable." These parcels are designated in the Village Plan as Commercial and Light Industrial because they are located in the small commercial corridor of Penn Valley.

55-B | These sites "were identified based on the relative lack of constraints and proximity to services" as it applies to current rezoning efforts. I have some concern about the overall quality of work performed by the consulting company if they were not able to discover the "Village Plan" and they don't consider the opposition of the project within county departments..

55-C | Transitioning these parcels from Commercial and Light Industrial to R3 offers no future benefit to our community, only further consumption of limited resources and services. The Village Plan was created with the input of local businesses and residents to document and validate future economic growth for this community. According to Findthedata.org, 78.6% of employed people in Penn Valley commute to work, on average of 23.2 minutes. Clearly this data indicates a current lack of available jobs in Penn Valley and transitioning the zoning to R3 will not foster additional

*10842 Downshire Circle, Penn Valley, CA 95946 or 530.575.1800 or 530.578.5000*

55-C  
CONT'D

employment, unless we are only to consider limited, short term economic growth gained by providing temporary construction jobs. The statement that the project “would remove obstacles to growth by expanding infrastructure to the project area” is absolutely false. The suggestion that infrastructure has to follow development is backwards and unsustainable.

55-D

Within the Notice of Preparation, there is regular mention of a minimum density of 16 unites per acre, while during the community meeting, the selling point was 16 unites per acre. At the October 29 meeting my husband asked what the maximum number of units per acre were allowable and you could not give a definitive answer, which leads me to believe that the density will be much higher than 16 units per acre, especially since the Notice of Preparation points out that potential density could increase or decrease depending on whether or not the county wants to use a higher density.

55-E

In pages 3-33 of the EIR, Penn Valley is described as “an unincorporated community, located in the western portion of Nevada County, six miles west of the City of Grass Valley. Penn Valley has a “small town” feel with a population of approximately 1,621 but approximately 12,000 people consider Penn Valley home. In recent years Penn Valley has developed a new post office, fire station, performing arts pavilion, a small affordable sub-division and a 42-unit affordable apartment complex.”

This is at best a deceptive description of our community. While the location is accurate, the majority of the population lives in Lake Wildwood, a 3,000 lot exclusive gated community that strives to keep itself completely segregated from those outside the gates. As you may already know, entry requires authorization by inhabitants, therefore cannot be considered general facilities that the overall population can access. The Lake Wildwood community even went so far as to unsuccessfully request a separate zip code to define itself as separate from Penn Valley. Approximately 9,000 people reside within the gates of Lake Wildwood, leaving the true population of our village to roughly 3,000 people.

Since you cannot commit to a definitive number of units per parcel, we can only estimate based on your numbers that this rezoning project might add at a minimum an additional 1,000 new residents.

The proposed project will absolutely result in additional pressures on fire, law enforcement, libraries, hospitals and public schools. One time mitigation monies collected will not meet the ongoing needs for services such as fire and law enforcement, which are already underfunded and overburdened.

55-F

The Penn Valley Fire Department (PVFD) and Nevada County Sheriffs Office (NCSO) are currently understaffed as far as protecting this area and incoming mitigation fees may only be used for equipment and infrastructure needs of those departments, not for costs associated with staffing personnel. At this time, PVFD does not even meet state and national standards for staffing patterns. Adding an additional 25% to the population is simply not realistic where overtaxed emergency services are concerned.

*10842 Denvershire Circle, Penn Valley, CA 95946 or 530.575.1800 or 530.318.5000*

55-G | I can only guess that the “performing arts pavilion” refers to Western Gateway Park in that there is a stage for events. Unfortunately the EIR does not address the strain that a marked population increase would put on our locally funded recreational facility. At this time Western Gateway Park is already underfunded and having to make cuts to maintenance and other offerings. The park is challenged in finding funds to support ongoing maintenance much less improvements. I did not see or hear of any mitigation plans to assist with future funding given the projects projected population increase.

55-H | Section 2.4.5 and 4.13-5 addresses Public Services and the Penn Valley Wastewater Treatment Plant (PV-WWTP), which is a lovely thought, however the wastewater treatment facility is already near capacity and inadequate. The residents of Penn Valley that are connected to the sewer are paying roughly \$1,000/yr and from what we were told at the community meeting on October 29, 2013, the funds have been secured through a State Revolving Fund loan to improve the wastewater treatment facility, however those monies are not in hand yet, so improvements to meet the needs of today are still pending. Needless to say, if we can’t meet the needs of today, we certainly cannot promise to meet the needs of tomorrow, but you already know that as you stated, “the (solution to the CDO) pipeline has not been constructed and there is not sufficient capacity at the PV-WWTP to serve project sites 10-13 within the PV-WWTP service area.” Without proposed improvements to existing WWTPs there would not be sewer service available for the proposed project “sites 10-18 and the proposed project would result in potentially significant impact.” Clearly you are already aware that the significance after mitigation would be significant and unavoidable given the mitigation measures you yourself cited in 4.13-2.

55-I | Parcels 10-13 are located within a FLOOD PLAIN. These may be words on paper, however take a drive down to our little village on a heavy rainfall day and see what happens. While we do not have dams to be concerned with, the local flood zones are no joke and standing water is the norm. The EIR does not provide for protecting current improvements, rather requires any future projects to comply with legal measures for developing within Environmentally Sensitive Areas.

Unavoidable Problems to consider:

55-J | In these measures the EIR utilizes the same fees and taxes derived from the program construction and ongoing tax collections to mitigate these constraints. The same dollars are spent over and over again. In addition other mitigation measures are assumed to take place in the future where no existing firm plans for implementation exist and no funding source is assigned. (ie. Sewer systems, potable water supply, flood control etc.)

55-K | According to the data listed in the Notice of Preparation, there are 126 suitable sites that are not being considered. I am forced to reiterate the entire project is in absolute contrast to the strategic plan of the Regional Housing Authority of Sutter and Nevada Counties whose objective is to “work with others to create healthy communities that are safe, economically vibrant, pedestrian-friendly and environmentally sustainable.” Within Penn Valley public transportation is absolutely minimal, there is one sidewalk, inadequate sewer, inadequate emergency services. The hospital is a 15 minute drive, as are most medical services. Ready Springs School is at capacity and cannot

*10842 Denovshire Circle, Penn Valley, CA 95946 or 530.575.1800 or 530.318.5000*

55-L | withstand an additional population infusion. And we have no monies to adjust any of these factors and one time mitigation fees from a construction project will not fix these problems.

55-M | Clearly the attendance at the October 29 meeting indicates that the local community demands involvement in this project. Unfortunately we could only determine one homeowner at the meeting that actually received a notice regarding the rezoning project. I personally know a homeowner on the corner of Broken Oak and Penn Valley Drive that did NOT receive any notice of proposed rezoning. Furthermore, a broader net of notification (in excess of 500 feet from the parcels) should have been cast. I have to believe the consulting company felt like a 500 foot radius from the project sites was adequate otherwise I would be forced to believe the county was planning on slipping this project through with little to no input from community members. Given the turnout at the October 29 meeting and the passion of our local community, I request that the comment period should be extended beyond November 12<sup>th</sup>.

Thank you for your time and response.

Sincerely,



Matt and Kim Furtado

CC:

Doug Donesky – County Planning Commissioner for District 4  
Hank Weston – Nevada County District 4 Supervisor  
Penn Valley Chamber of Commerce

*10842 Dominique Circle, Penn Valley, CA 95946 or 530.575.1800 or 530.348.5000*

**Letter 55 – Matt and Kim Furtado**

**Response 55-A** The County does not concur with this comment. Please see Response 9-B.

**Response 55-B** The County does not concur with this comment. Please see Response 9-B. The County did not have any opposition to the project within County Departments.

**Response 55-C** The County does not concur with this comment. Please see Master Responses #2 and #3. Please see Master Response #4 regarding infrastructure. The analysis in the EIR states that if additional sewer capacity did become available, it could remove an obstacle that is currently limiting new development in the area because of the current lack of available capacity at the Penn Valley Waste Water Treatment Plant.

**Response 55-D** The County does not concur with this comment. Please see Master Response #8. The density requirements for the RH Combining District are provided in Section L-II 2.7.11.B.3 of the County's Land Use and Development Code (LUDC). The minimum density is noted because a project with less than 16 units per acres would not meet the requirements of the State Government Code Section 65584. However, the density calculation does take into account that some areas of the project sites may not be developable due to environmental constraints or other physical or regulatory restrictions. The text from the LUDC is as follows:

3. **Density.** The density for the development of multi-family housing shall be determined at the time the site is rezoned to add the Regional Housing Need (RH) Combining District. This density shall be based on the State mandated 16-units minimum per acre but will allow for a maximum of 20-units per acre on sites within a City's Sphere of Influence. The minimum required density may be determined by allocating the density to the total acreage of the site or by aggregating the developable area of a site, through the environmental review process, to remove areas considered to be environmentally sensitive pursuant to Section L-II 4.3 and all areas for driveways and roadways from the developable area, whichever is more suitable for the site. **The number of potential units will be determined by multiplying the developable acreage by 16.** Where such calculation results in a fractional number, the number of units shall be determined by rounding down to the nearest whole number.  
[Emphasis added]

As noted in the LUDC, the number of allowable units would be calculated by using 16 dwelling units per acre. There may be specific cases where a developer is eligible for a density bonus under the County's existing Density Bonus provisions set forth in Sections L-II 3.16 and 3.20 of the LUDC. Projects designed in accordance with the Density Bonus provisions are eligible for the applicable concessions and incentives outlined within Sections L-II 3.16 and 3.20 of the LUDC.

Therefore, without a density bonus provision, the minimum and maximum density would be 16 units per acre for those areas outside the City of Grass Valley Sphere of Influence. Areas inside the SOI have a maximum density of 20 units per acre. At this time it is not known which or how many developers would apply for a density bonus or what the project designs would entail. Without knowing that information it is not possible to tell what the maximum density would be at this time.

However given that the EIR assumed a maximum yield for each site that did not take into account any environmental (e.g., environmentally sensitive areas), regulatory (e.g., parking requirements, easements, or roadway dedications), or physical constraints (e.g., sloped areas, access points) of the properties, any future development on the sites is anticipated to be within the number of units utilized by the EIR. Should any of the sites exceed the number of units evaluated in the EIR, then additional environmental analyses may be required.

**Response 55-E** The County does not concur with this comment. The selection of suitable housing sites was not related to the population size of the community, but on the suitability of that community to support a high density housing development. Please see Response 22-G. Public Services and Utilities are discussed in Section 4.13 of the Draft EIR. Please see Master Response #4 with regard to the developers' responsibilities to ensure adequate water and sewer infrastructure is in place prior to development. Please see Response 10-NN regarding the mitigation measure for fire and Sheriff's protection services.

**Response 55-F** Please see Responses 7-C and 10-NN regarding the mitigation measure for fire and Sheriff protection services.

**Response 55-G** The County does not concur with this comment. Please see Response 23-C.

**Response 55-H** Please see Response 23-E.

**Response 55-I** The County does not concur with this comment. Please see Response 23-F.

**Response 55-J** The County does not concur with this comment. Please see Response 23-A.

**Response 55-K** The County does not concur with this comment. Please see Master Response #1 and Responses 22-G regarding how the project sites were selected and why the existing conditions in Penn Valley make it a logical choice for consideration of rezoning the four candidate sites identified. Please see response 10-MM regarding mitigation for school impacts, and Response 23-A regarding developer fees.

**Response 55-M** The County does not concur with this comment. For both the Notice of Preparation and Notice of Availability of the Draft EIR, the County met the distribution requirements of the California Environmental Quality Act and the County's own internal policies for public notification. The Notice of Availability was published in the local newspaper, and notices were sent to adjacent property owners up to 500 feet, exceeding the County's normal 300-foot distribution. While the County has met and gone beyond its statutory noticing requirements, it has agreed to extending the noticing of future public comment periods and meetings to include other residents outside of the noticing requirements to ensure the public has an opportunity to participate in the public process. Additionally, the County held three public comment meetings, one in each of the proposed areas, in addition to the Planning Commission hearing during the public review period. The public comment on the Draft EIR was for 60 days which exceeds the standard 45-day review period required by CEQA and County Policy. The public review period closed as scheduled on November 12, 2013. The County Planning Commission considered a request to extend the public review period at the October 10, 2013 hearing and elected not to extend it.

Letter 56

*Diana*

Nevada County Planning Department  
C/o Tyler Barrington, Principal Planner  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959

RECEIVED  
NOV 12 2013  
Nevada County Community  
Development

November 5, 2013

Mr. Barrington,

Thank you for attending the community meeting held on October 29, 2013 at the Seventh Day Adventist Church in Penn Valley. I have been a resident of Nevada County for 20 years. I currently own 3 parcels in Penn Valley, one of which is located on Broken Oak Court, however I did not receive a notice of the rezoning project.

I attended the October 29 meeting and found several faults with the proposal. I am opposed to the rezoning of the Penn Valley parcels for several reasons which I will outline below.

56-A

The project sites being considered for rezoning are in direct conflict with the Penn Valley Focused Economic Development Study adopted by the County Board of Supervisors in 2000. The County Board of Supervisors adopted the most recent Element from the County Department of Housing and Community Development a full 10 years later, in direct contrast to previous agreements for site zoning. In addition these sites are in direct conflict with the strategic focus of the Regional Housing Authority of Sutter and Nevada Counties, to "work with others to create healthy communities that are safe, economically vibrant, pedestrian-friendly and environmentally sustainable." These parcels are designated in the Village Plan as Commercial and Light Industrial because they are located in the small commercial corridor of Penn Valley.

These sites "were identified based on the relative lack of constraints and proximity to services" as it applies to current rezoning efforts. I have some concern about the overall quality of work performed by the consulting company if they were not able to discover the "Village Plan" and they don't consider the opposition of the project within county departments..

Transitioning these parcels from Commercial and Light Industrial to R3 offers no future benefit to our community, only further consumption of limited resources and services. The Village Plan was created with the input of local businesses and residents to document and validate future economic growth for this community. According to Findthedata.org, 78.6% of employed people in Penn Valley commute to work, on average of 23.2 minutes. Clearly this data indicates a current lack of available jobs in Penn Valley and transitioning the zoning to R3 will not foster additional employment, unless we are only to consider limited, short term economic growth gained by providing temporary construction jobs. The statement that the project "would remove obstacles

*P.O. Box 2023, Penn Valley, CA 95946 or 530.432.3850 or 530.263.6284*

56-A  
CONT'D

to growth by expanding infrastructure to the project area" is absolutely false. The suggestion that infrastructure has to follow development is backwards and unsustainable.

Within the Notice of Preparation, there is regular mention of a minimum density of 16 unites per acre, while during the community meeting, the selling point was 16 unites per acre. At the October 29 meeting a friend of mine asked what the maximum number of units per acre were allowable and you could not give a definitive answer, which leads me to believe that the density will be much higher than 16 units per acre, especially since the Notice of Preparation points out that potential density could increase or decrease depending on whether or not the county wants to use a higher density.

In pages 3-33 of the EIR, Penn Valley is described as "an unincorporated community, located in the western portion of Nevada County, six miles west of the City of Grass Valley. Penn Valley has a "small town" feel with a population of approximately 1,621 but approximately 12,000 people consider Penn Valley home. In recent years Penn Valley has developed a new post office, fire station, performing arts pavilion, a small affordable sub-division and a 42-unit affordable apartment complex."

This is at best a deceptive description of our community. While the location is accurate, the majority of the population lives in Lake Wildwood, a 3,000 lot exclusive gated community that strives to keep itself completely segregated from those outside the gates. As you may already know, entry requires authorization by inhabitants, therefore cannot be considered general facilities that the overall population can access. The Lake Wildwood community even went so far as to unsuccessfully request a separate zip code to define itself as separate from Penn Valley. Approximately 9,000 people reside within the gates of Lake Wildwood, leaving the true population of our village to roughly 3,000 people.

Since you cannot commit to a definitive number of units per parcel, we can only estimate based on your numbers that this rezoning project might add at a minimum an additional 1,000 new residents.

The proposed project will absolutely result in additional pressures on fire, law enforcement, libraries, hospitals and public schools. One time mitigation monies collected will not meet the ongoing needs for services such as fire and law enforcement, which are already underfunded and overburdened.

The Penn Valley Fire Department (PVFD) and Nevada County Sheriffs Office (NCSO) are currently understaffed as far as protecting this area and incoming mitigation fees may only be used for equipment and infrastructure needs of those departments, not for costs associated with staffing personnel. At this time, PVFD does not even meet state and national standards for staffing patterns. Adding an additional 25% to the population is simply not realistic where overtaxed emergency services are concerned.

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56-A  
CONT'D

I can only guess that the "performing arts pavilion" refers to Western Gateway Park in that there is a stage for events. Unfortunately the EIR does not address the strain that a marked population increase would put on our locally funded recreational facility. At this time Western Gateway Park is already underfunded and having to make cuts to maintenance and other offerings. The park is challenged in finding funds to support ongoing maintenance much less improvements. I did not see or hear of any mitigation plans to assist with future funding given the projects projected population increase.

Section 2.4.5 and 4.13-5 addresses Public Services and the Penn Valley Wastewater Treatment Plant (PV-WWTP), which is a lovely thought, however the wastewater treatment facility is already near capacity and inadequate. The residents of Penn Valley that are connected to the sewer are paying roughly \$1,000/yr and from what we were told at the community meeting on October 29, 2013, the funds have been secured through a State Revolving Fund loan to improve the wastewater treatment facility, however those monies are not in hand yet, so improvements to meet the needs of today are still pending. Needless to say, if we can't meet the needs of today, we certainly cannot promise to meet the needs of tomorrow, but you already know that as you stated, "the (solution to the CDO) pipeline has not been constructed and there is not sufficient capacity at the PV-WWTP to serve project sites 10-13 within the PV-WWTP service area." Without proposed improvements to existing WWTPs there would not be sewer service available for the proposed project "sites 10-18 and the proposed project would result in potentially significant impact." Clearly you are already aware that the significance after mitigation would be significant and unavoidable given the mitigation measures you yourself cited in 4.13-2.

Parcels 10-13 are located within a FLOOD PLAIN. These may be words on paper, however take a drive down to our little village on a heavy rainfall day and see what happens. While we do not have dams to be concerned with, the local flood zones are no joke and standing water is the norm. The EIR does not provide for protecting current improvements, rather requires any future projects to comply with legal measures for developing within Environmentally Sensitive Areas.

Unavoidable Problems to consider:

In these measures the EIR utilizes the same fees and taxes derived from the program construction and ongoing tax collections to mitigate these constraints. The same dollars are spent over and over again. In addition other mitigation measures are assumed to take place in the future where no existing firm plans for implementation exist and no funding source is assigned. (ie. Sewer systems, potable water supply, flood control etc.)

According to the data listed in the Notice of Preparation, there are 126 suitable sites that are not being considered. I am forced to reiterate the entire project is in absolute contrast to the strategic plan of the Regional Housing Authority of Sutter and Nevada Counties whose objective is to "work with others to create healthy communities that are safe, economically vibrant, pedestrian-friendly and environmentally sustainable." Within Penn Valley public transportation is absolutely minimal, there is one sidewalk, inadequate sewer, inadequate emergency services. The hospital is a 15 minute drive, as are most medical services. Ready Springs School is at capacity and cannot

*P.O. Box 2023, Penn Valley, CA 95946 or 530.432.3850 or 530.263.6284*

56-A  
CONT'D

withstand an additional population infusion. And we have no monies to adjust any of these factors and one time mitigation fees from a construction project will not fix these problems.

Clearly the attendance at the October 29 meeting indicates that the local community demands involvement in this project. Unfortunately we could only determine one homeowner at the meeting that actually received a notice regarding the rezoning project. I own the home on the corner of Broken Oak and Penn Valley Drive and I did NOT receive any notice of proposed rezoning. Furthermore, a broader net of notification (in excess of 500 feet from the parcels) should have been cast. I have to believe the consulting company felt like a 500 foot radius from the project sites was adequate otherwise I would be forced to believe the county was planning on slipping this project through with little to no input from community members. Given the turnout at the October 29 meeting and the passion of our local community, I request that the comment period should be extended beyond November 12<sup>th</sup>.

Thank you for your time and response.

Sincerely,

Diana Solomon

CC:

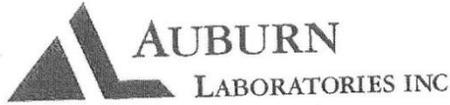
Doug Donesky – County Planning Commissioner for District 4  
Hank Weston – Nevada County District 4 Supervisor  
Penn Valley Chamber of Commerce

*P.O. Box 2023, Penn Valley, CA 95946 or 530.432.3850 or 530.263.0284*

**Letter 56 – Diana Solomon**

**Response 56-A** The text of this letter is the same as that in Letter 55. Please refer to Letter 55 for responses to comments in this letter.

Letter 57



November 7, 2013

Nevada County Planning Dept.  
950 Maidu Ave.  
Nevada City, CA 95959

RE: Penn Valley Re-zoning plans

I am writing to express my opinion regarding the recent discussions of rezoning Penn Valley to high density housing.

57-A

As a resident of this community, I am **firmly** against the proposed plans to develop low cost housing in this area. The original plan called for commercial, business retail and industrial uses for the Penn Valley downtown area, as proposed by a study adopted by the County Supervisors in 2000.

57-B

I am concerned the proposed rezoning will not only eliminate the opportunities to create more jobs in this community but will further stress the public services in the area. The low income apartments on Broken Oak Court have already resulted in nuisance and crimes that negatively impact the area and I do not want to have those issues increase.

I am requesting that the Planning Department and the County Board of Supervisors take into consideration the opinions and concerns of the residents and business owners of Penn Valley.  
Please contact me if you have any questions at (530) 432-8517.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joy Van Noy".

Joy Van Noy  
President  
Auburn Laboratories  
17487 Penn Valley Dr., Suite B100  
Penn Valley, CA 95946

P.O. Box 147                      Tel. 530.432.8157  
Penn Valley, CA 95946       Fax. 530.432.8158

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Nevada County Community  
Development Agency

**Letter 57 – Joy Van Noy**

**Response 57-A** Please see Response 9-B and Master Responses #2 and #3.

**Response 57-B** Please see Master Response #5 and Response 10-NN.

Letter 58

Nevada County Community Development Agency  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959

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Nevada County Community  
Development Agency

November 12, 2013

To Whom It May Concern:

58-A | This letter addresses the Housing Element Rezone Program of Nevada County. A program such as this that has been in the works since 2003 just now coming to the community's attention makes it seem like an end-run around the citizens and creates an air of mistrust in our government. We have had no time to meet or discuss this issue, nor to research and formulate solutions that would make this requirement palatable for all concerned.

That being said, there are several points of concern I would like addressed:

- 58-B | 1. How is an environmentally sensitive area mitigated?
- 58-C | 2. The services required for these sites are inadequate for the existing housing. Police, Medical and Fire are not mentioned.
- 58-D | 3. What study was done to determine if any of these sites interfere with wildlife corridors?
- 58-E | Finally, nobody asked me if I would like to re-zone my property. Why are only large parcels considered?

Thank you for your consideration.

Nancy Spurgeon

  
PO Box 1292  
Penn Valley, CA 95946

**Letter 58 – Nancy Spurgen**

**Response 58-A** The County does not agree that the project has been in process since 2003. The RH Combining District program and candidate sites (specifically those in Penn Valley) were identified as a part of the 2010 Housing Element process. All meetings for actions of the Housing Element update met all applicable noticing requirements (state and local) as did associated action such as subsequent RFPs, EIR consultant contracts, as well as EIR public meetings. Please see Master Response #1.

For both the Notice of Preparation and Notice of Availability of the Draft EIR, the County met the distribution requirements of the California Environmental Quality Act and the County's own internal policies for public notification. The Notice of Availability was published in the local newspaper, and notices were sent to adjacent property owners up to 500 feet, exceeding the County's normal 300-foot distribution. While the County has met and gone beyond its statutory noticing requirements, it has agreed to extending the noticing of future public comment periods and meetings to include other residents outside of the noticing requirements to ensure the public has an opportunity to participate in the public process. The County held three public comment meetings, one in each of the proposed areas, in addition to the County Planning Commission Hearing during the public review period. The public comment on the Draft EIR was for 60 days which exceeds the standard 45-day review period required by CEQA and County Policy. The public review period closed as planned on November 12, 2013. The County Planning Commission considered a request to extend the public review period at the October 10, 2013 hearing and elected not to extend it.

**Response 58-B** An environmentally sensitive area is mitigated by placing a building a restriction over the area that identified as environmentally sensitive. Disturbance or construction within that area is prohibited. In the event that some encroachment is required into an environmentally sensitive area, a Management Plan is required consistent with Section L-II 4.3.3.C of the County's Land Use Development Code and is reviewed and approved by the County prior to Building Permit Issuance.

**Response 58-C** Please see Response 10-NN.

**Response 58-D** A biological technical report was prepared for the project. Please see the discussion of wildlife corridors on page 4.4-40 of the EIR, which states, "While riparian corridors that occur on some of the sites provide important wildlife movement habitat, none of the 18 rezone sites support established migratory corridors or wildlife nursery sites. "While riparian corridors that occur on some of the sites provide important wildlife movement habitat, none of the 18 rezone sites support established migratory corridors or wildlife nursery sites."

**Response 58-E** The statement that only large parcels were considered is not accurate. One of the selection criteria established by the County in the identification of sites was to identify those sties of adequate size and shape to allow for the reasonable development of residential housing at the minimum densities 16-units minimum per acre but will allow for a maximum of 20-units per acre on sites within a City's Sphere of Influence.<sup>19</sup> The project considers a wide range of property sizes from 1.0-acre (Site 1) to 20.1-acres (Site 13). Based on County Assessor's Parcel records the commenter's Penn Valley properties are developed, outside

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<sup>19</sup> County of Nevada Land Use and Development Code, Sec. L-II 2.7.11 Regional Housing Need Combining District (RH)

of the community region, on a private road, and outside of the sewer district (and not contiguous to the district so annexation would be difficult). Also not along or in the immediate vicinity of the Penn Valley Pipeline alignment that would allow reasonable connection to pipeline. All of these items are criteria used to identify sites.

Letter 59

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NOV 12 2013  
Nevada County Community  
Development Agency

November 6, 2013

Nevada County Planning Dept.  
950 Maidu Ave.  
Nevada City, CA 95959

RE: Penn Valley Re-zoning plans

I am writing to express my opinion regarding the recent discussions of rezoning Penn Valley to high density housing.

59-A | As a resident of this community, I am highly against the proposed plans to develop low cost housing in this area. The original plan called for commercial, business retail and industrial uses for the Penn Valley downtown area, as proposed by a study adopted by the County Supervisors in 2000.

59-B | I am concerned the proposed rezoning will not only eliminate the opportunities to create more jobs in this community but will further stress the public services in the area. The low income apartments on Broken Oak Court have already resulted in nuisance and crimes that negatively impact the area and I do not want to have those issues increase.

I am requesting that the Planning Department and the County Board of Supervisors take into consideration the opinions and concerns of the residents and business owners of Penn Valley. Please contact me if you have any questions at (530) 432-1028.

Sincerely,



Karina Wahlman  
18221 Gray Oak Dr.  
Penn Valley, CA 95946

**Letter 59 – Karina Wahlman**

**Response 59-A** Please see Master Response #3 and Response 57-A.

**Response 59-B** Please see Master Response #6 and Response 57-B.

Letter 60

November 8, 2013

RECEIVED  
NOV 12 2013  
Nevada County Community  
Development Agency

Attn: Tyler Barrington, Principal Planner  
Nevada County Community Development Agency

RE: Rezoning in Penn Valley for High Density Housing

Dear Mr. Barrington,

I am writing to express my strong objection to the county's plant to rezone 4 parcels in Penn Valley to accommodate "high density housing".

60-A | The proposed sites destroys opportunity for Penn Valley to grow  
 60-B | commercially, preventing our residents' ability to support our own  
 60-C | community economically. In addition, it will overwhelm our small  
 60-D | community with an enormous number of people who, by definition, are  
 60-E | unemployed or underemployed. I live very close to Broken Oak where  
 section 8 housing was built and since it was built, there has been a  
 increase in crime as well as a substantial increase in traffic on Penn Valley  
 Drive. The Nevada County Sheriff's Department resources are stretched  
 and already do not have enough deputies to adequately patrol or, respond  
 in a timely fashion, to this part of the county. The probability is that we  
 will have no law enforcement assistance when needed after importing so  
 many people, who likely have no respect for our small rural community.  
 The people your plan will import to our small community will have no place  
 to work and will have to seek employment (if they work) outside our

60-E  
CONT'D

community. There is no easy access to public transportation so there will be more auto traffic and therefore, more air pollution as a result. There is no easy access to public services, also increasing the need for these many people to drive their vehicles, causing yet more pollution and hurting our environment. The fact that 42% of the county's state mandated housing is being dumped in Penn Valley is an inexplicable burden on this small community, which cannot support that kind of influx of unemployed or underemployed people. In addition, the project sites proposed for rezoning to R-3 (16 units per acre) in Penn Valley are in conflict with what was proposed in the Penn Valley Focused Economic Development Study adopted by the County Board of Supervisors in 2000. The Village Plan called for business, commercial and retail uses in Penn Valley and this rezoning proposition is in opposition to that plan, which was approved by the County Board of Supervisors in 2000.

60-F

60-G

I guarantee, for the sake of my family and my community, I will fight this proposed rezoning with every legal and ethical resource I have, and I will recruit every member of my small community that I can.

Sincerely,  
Dianna Betz  
Penn Valley resident

**Letter 60 – Dianna Betz**

**Response 60-A** The County does not concur with this comment. Please see Master Response #3.

**Response 60-B** The County does not concur with this comment. Please see Master Responses #2 and #5.

**Response 60-C** Please see Master Response #6.

**Response 60-D** Please see Response 10-NN.

**Response 60-E** The County does not concur with this comment. Please see Master Response #2 and Response 22-G.

**Response 60-F** The County does not concur with this comment. Please see Response 10-D.

**Response 60-G** The County does not concur with this comment. Please see Response 9-B and Master Response #3.

Letter 61

November 11, 2013

To: Tyler Barrington  
 Doug Donesky  
 Community Development Agency

RECEIVED

NOV 12 2013

Nevada County Community  
 Development Agency

To Mr. Tyler Barrington et al:

I am a Penn Valley resident and homeowner for over 10 years. I am writing to let you know that the EIR report regarding the proposed re-zoning of Penn Valley has not been done correctly and should not be approved as is.

There are many flaws in the report, including possible illegalities. Some of the items which were not addressed appropriately in the report include but are not limited to:

- 61-A | 1) The environmental hazards of construction were not addressed as to the health impact of the community. Specifically, the change in air quality and also run-off of the construction zones were not properly reported, thus making the EIR report invalid and subject to non-approval.
- 61-B | 2) The percentage increase in population and impact to the community were not addressed at all, thus rendering the report unusable. The proposed re-zoning includes the addition of a MINIMUM of 536 units, and this increase in area population, including the underlying infrastructure, are left completely out of the report. Thus, this report is unusable.
- 61-C | 3) Because the request for the comment period has not been extended, the EIR report has not been made public in a timely manner for review by the residents and merchants of the area. Too many items have not been scrutinized, and the manner in which the report is being railroad through brings great suspicion to the citizens. It is very plausible that the report has been done illegally. Where in the report does the EIR address the fact that there are no proposed units to either Truckee or Nevada City, and where does it address the impact of so many low/extremely low residents being placed in a non-uniform manner across the county? The fact that the EIR does not address the impact of impoverished residents being relocated to areas which exclude both Truckee and Nevada City itself renders the EIR subject to investigation, not approval.

I urge the Members of the Planning Department to disapprove this EIR report, as it is too extremely flawed to be of use to the County.

Signed respectfully,



Susan Schlueter, California State Board Licensed Professional Engineer & Land Surveyor

**Letter 61 – Susan Schlueter**

**Response 61-A** The County does not concur with this comment. Construction air quality impacts are discussed in Section 4.5-1 of the Draft EIR. Mitigation measures were identified which would reduce potential impacts to less than significant. Mitigation Measure 4.5-1a requires future project to employ construction best management practices which include among other things:

- All construction activities shall be subject to the requirements of the (Northern Sierra Air Quality Management District (NSAQMD's) Regulation 2, Rule 226 regarding dust control.
- Alternatives to open burning of vegetative material on the project site shall be used unless deemed infeasible by the NSAQMD. Suitable alternatives are chipping, mulching or conversion to biomass fuel.
- Contractors shall be responsible for ensuring that adequate dust control measures are implemented in a timely manner during all phases of project development and construction.
- All material excavated, stockpiled or graded shall be sufficiently watered, treated or covered to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or violation of an ambient air standard. Watering shall occur at least twice daily, with complete site coverage, preferably in the mid-morning and after work is completed each day.
- All areas (including unpaved roads) with vehicle traffic shall be watered or have a dust palliative applied as necessary for stabilization of dust emissions.
- All onsite vehicle traffic shall be limited to a speed of 15 mph on unpaved roads.
- All land clearing, grading, earth moving or excavation activities shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 miles per hour. Temporary traffic control shall be provided during all phases of the construction to improve traffic flow as deemed appropriate by the County and/or applicable local agencies.
- Construction activities shall be scheduled to direct construction traffic flow to off-peak hours as much as possible.

With regard to construction storm water control the project requires additional mitigation measures out lined in Mitigation Measure 4.10-1b which requires the developer to prepare a Water Quality Management Plan (pursuant to federal National Pollutant Discharge Elimination System (DPDES) and state water quality requirements) prior to the issuance of any site plan or grading permit with the following:

Best Management Practices to protect water quality. In addition to the standard County requirement of minimizing grading during the winter months when rain is frequent, the contractor shall implement standard Best Management Practices during and after construction. These measures include, but are not limited to:

- a) Construction in or near drainages shall only occur during the dry season.
- b) Coordination with California Department of Fish and Wildlife (CDFW), U.S. Army Corps of Engineers, and Regional Water Quality Control Board to obtain all required permits and comply with all terms and conditions of the permits.
- c) At no time shall heavy equipment operate in flowing water or saturated soils.

- d) Prior to the start of work, install silt fencing, straw bales, sediment catch basins, straw or coir logs or rolls, or other sediment barriers to keep erodible soils and other pollutants from entering drainages. Retain existing ground cover to further reduce the potential impacts of the project on erosion along the steep bank. Before the first heavy rains and prior to removing the barriers, soil or other sediments or debris that accumulates behind the barriers shall be removed and transported away for disposal.
- e) Disruption of soils and vegetation near Squirrel Creek (on Sites 10 and 13) shall be minimized to limit potential erosion and sedimentation; disturbed areas shall be graded to minimize surface erosion and siltation; bare soils shall be immediately stabilized and re-vegetated. Seeded areas shall be covered with broadcast straw or mulch. If straw is used for mulch or for erosion control, utilize only certified weed free straw to minimize the risk of introduction of noxious weeds, such as yellow star thistle.
- f) The contractor shall exercise every reasonable precaution to protect nearby water bodies from pollution with fuels, oils, bitumen, calcium chloride and other harmful materials, Construction byproducts and pollutants such as oil, cement, and wash water shall be prevented from discharging into or near these resources and shall be collected and removed from the site. No slash or other natural debris shall be placed in or adjacent to water bodies. All construction debris and associated materials and litter shall be removed from the work site immediately upon completion.
- g) Provide copies of these BMPs to the Contractors and their workers to assure compliance with mitigation measures during construction.

**Response 61-B** The County does not concur with this comment. Potential impacts on public services and utilities are discussed in Section 4.13 of the Draft EIR. Potential impacts were based on the number of units and the number of people from the future development that would require service. The analysis on page 4.13-17 of the Draft EIR notes that currently sewer availability is limited for both Penn Valley and Lake Wildwood. The Draft EIR proposes a mitigation measure that the future developers are responsible for ensuring that adequate facilities are available. However, the EIR notes that potential impacts remain significant and unavoidable because of the unknowns of future sewer availability and the unknowns regarding the feasibility of a single developer being able to make the facility improvements. Please also see Master Response #4 regarding the developers' responsibilities codified in the County Land Use and Development Code.

Population impacts were evaluated in Section 4.12 of the Draft EIR. The California Department of Finance reports that as of January 1, 2013, the unincorporated area of County of Nevada and City of Grass Valley have populations of 65,375 and 12,657, respectively<sup>20</sup>. As such, with the addition of the a approximately 2,468 additional residents in the unincorporated area of Nevada County, and approximately 2,960 residents in the City of Grass Valley, the proposed project would not exceed any General Plan Growth Projection in either jurisdiction. However, the proposed densities for the project sites within the City's Sphere of Influence area are higher than what is considered in the City's current General Plan. As such, the project would induce growth within the City upon annexation of the properties into the City of Grass Valley.

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<sup>20</sup> <http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/view.php>

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

In addition, other approved projects in the County have not and do not always achieve maximum density due to site-specific conditions and Planning Commission decisions. Therefore, over time, the net changes in buildout capacity appear to be in equilibrium with increases offset by other project decreases. This equilibrium is very consistent with the policies and estimates outlined in the adopted County General Plan.

**Response 61-C** The County does not concur with this comment. Please see Master Response #1 regarding how the County selected the sites. Please see Response 22-F. Please see Master Responses #6 and #7.

Letter 62

**Tyler Barrington**

---

**From:** hnmlindberg@comcast.net <herb@lindberglce.com>  
**Sent:** Saturday, November 09, 2013 2:07 PM  
**To:** Tyler Barrington  
**Subject:** Proposed Re-zoning in Penn Valley  
**Attachments:** Don't re-zone Penn Valley.docx; Don't re-zone Penn Valley.pdf

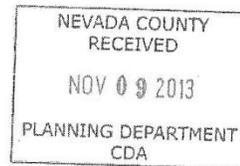
Dear Mr. Barrington,

62-A

Please consider my comments on the proposed re-zoning in Penn Valley for high-density housing rather than more sorely needed business land on which to create businesses to serve our community and provide more jobs. I've attached my comments as a Word document and am also sending a hard copy to you.

Sincerely,  
Herb Lindberg  
18388 Chaparral Drive  
Penn Valley, CA 95946

Phone: 530-432-5096  
email: [herb@lindberglce.com](mailto:herb@lindberglce.com)  
Website: <http://www.lindberglce.com>



Herb Lindberg  
18388 Chaparral Drive  
Penn Valley, CA 95946  
Phone: 530-432-5096

Tyler Barrington  
Principal Planner Nevada County Community Development Agency  
950 Maidu Ave, Suite 170 Phone: (530) 470 2723  
Nevada City, CA 95959  
cc: Hank Weston, Doug Donesky

Dear Mr. Barrington,

62-B | The city of Penn Valley north of Hwy 20 is a small, modest-income community which already has suitable modest-income housing and acres of land available on the outskirts of town to build housing for people who would like to move here. The proposed re-zoning to allow use of prime in-town land for this purpose would have a serious negative impact on logical expansion of our business community to serve these new residents. *Please do not move forward with the proposed re-zoning for housing rather than needed business land.*

62-C | Also, the project sites proposed for rezoning to R-3 (16 units per acre) in Penn Valley are in conflict with what was proposed in the Penn Valley Focused Economic Development Study adopted by the County Board of Supervisors in 2000, for the reasons stated above, among others.

62-D | Development of low cost housing at 16 units per acre would further stress public services such as schools, sheriff, fire and other critical services which were negatively affected during the past few years of the Great Recession. Indeed, Penn Valley needs to provide jobs, not in-town housing, as its primary goal for the near future. The proposed rezoning eliminates opportunities  
62-E | to increase employment and bring in good paying jobs.

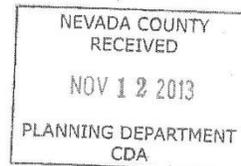
I agree with my friends and co-residents in Penn Valley that at the very least the development agency should:

62-F | 1. Return the EIR to staff and consultants for revision to correct the major legal and policy flaws contained in the document.

62-G | 2. Extend the public comment period (which ends November 12) for at least one month to fully allow for more public input.

Sincerely,

Herb Lindberg



**Letter 62 – Herb Lindberg**

**Response 62-A** Responses to the comments in the letter are provided below.

**Response 62-B** The County does not concur with this comment. Please see Master Response #3.

**Response 62-C** Please see Response 9-B and Master Response #5.

**Response 62-D** Please see Response 10-NN.

**Response 62-E** The County does not concur with this comment. Please see Master Response #3.

**Response 62-F** The County does not concur with this comment. Please see Response 10-A.

**Response 62-G** For both the Notice of Preparation and Notice of Availability of the Draft EIR, the County met the distribution requirements of the California Environmental Quality Act and the County's own internal policies for public notification. The Notice of Availability was published in the local newspaper, and notices were sent to adjacent property owners up to 500 feet, exceeding the County's normal 300-foot distribution. While the County has met and gone beyond its statutory noticing requirements, it has agreed to extending the noticing of future public comment periods and meetings to include other residents outside of the noticing requirements to ensure the public has an opportunity to participate in the public process. Additionally, the County held three public comment meetings, one in each of the proposed areas, during the public review period. The public comment on the Draft EIR was for 60 days which exceeds the standard 45-day review period required by CEQA and County Policy. The public review period ended as scheduled on November 12, 2013. The County Planning Commission considered a request to extend the public review period at the October 10, 2013 hearing and elected not to extend it.

Letter 63

Gene Gilligan  
PO 188  
Penn Valley, CA. 95946  
530-432-9542  
November 31, 2013

RECEIVED

NOV 1 2013

Nevada County Community  
Development Agency

Tyler Barrington, Principal Planner,  
Nevada County Community Development Agency

Dear Mr. Barrington

Thank you for holding the meeting in Penn Valley, and allowing many from our community a chance to ask questions about the proposed rezoning in Penn Valley. I thought you did an admirable job.

I am a retired special education teacher. For a year, after I retired, I worked for PRIDE Industries as an Independent Living Services Instructor. I helped my clients get jobs, driver's licenses, shop for groceries, find an apartment, use public transportation, and other skills they needed to become more independent.

63-A

This helped me to realize that we live in a rural community, even Grass Valley (which is the nearest we have to a real city) does not even come close to the services of an Auburn or Sacramento. Most of my clients worked at work shelters or in the fast food industry. They walked to work or rode the bus. On weekends, their social life consisted mostly of going to the movies, out to eat, or some would visit friends.

I learned that their community is their life. Work, social, and entertaining. Even though I think Penn Valley is a nice place to live, I think someone who is disabled or low income would feel lost and alone in our quiet town. I think they need to be in a community that has reliable transportation. Also, theaters, and entertainment to promote social interaction.

63-B

I understand that the county is mandated by the State to provide low-income housing for a portion of our population, but I would look more closely into the needs of the people you want to help. Not be pushed by the State to meet a deadline, or to move to the whim of the owners/developers of certain properties.

Sincerely,



Gene Gilligan,  
Sec, Penn Valley Area Chamber of Commerce

**Letter 63 – Gene Gilligan**

**Response 63-A** The County acknowledges and appreciates this comment. However the comment is not at variance with the content of the Draft EIR and therefore, no further response is required.

**Response 63-B** Please see Master Response #1 regarding why the County is undertaking the project.

Letter 64

To:  
NEVADA COUNTY PLANNING COMMISSION  
950 Maidu Avenue  
Nevada City, CA 95959

From:  
Keith Holmes  
12739 Roadrunner Dr.  
Penn Valley CA 95945

RECEIVED  
NOV 4 2013  
Nevada County Community  
Development Agency

Regarding: Proposed changes to the General Land Use and Zoning Designation for sites in Penn Valley to rezone candidate sites to Urban High Density/high density residential zoning.

Dear Sirs:

- 64-A | I believe the infrastructure on Penn Valley is not sufficient to support the significant increase in population that the proposed changes would allow. The business base, the fire and police force, sewer system, water system and roads are barely adequate for the current population. I believe an increase in population density for the Penn Valley area would over burden this infrastructure. Additionally, I believe that it could drive down
- 64-B | housing value in the area in this fragile housing market. I feel I would be tempted to leave the area to seek a more favorable community. I'm a law-abiding tax-paying citizen of this county. I urge you to leave the zoning density of Penn Valley as is and instead work on
- 64-C | improving the Penn Valley infrastructure, especially the business base.

Sincerely,

Keith Holmes  
Penn Valley Resident

**Letter 64 – Keith Holmes**

**Response 64-A** Please see Master Responses #3 and #4 and Response 10-NN.

**Response 64-B** Please see Master Response #5.

**Response 64-C** Please see Master Response #3.

Letter 65

County of Nevada, Planning Dept.

Tyler Barrington  
950 Maidu Avenue  
Nevada City, CA 95959

October 30, 2013

RECEIVED

NOV 4 2013

Nevada County Community  
Development Agency

Dear Mr. Barrington,

Re: Proposed development in Penn Valley

65-A

65-B

I am writing to express my concern about the plans to build low income housing in this area. We have very few jobs to offer in this community and would like to see more development for businesses, prior to development of multi unit housing. It will put a strain on our community. Most people here have to travel to Grass Valley or Nevada City to find work. It will be hard to imagine what our little shopping center will become, with unemployed young people hanging around the market and shops. I am also concerned about the ability of our police officers to be able to provide adequate security to our neighborhood with the addition of this multi unit complex.

Sincerely



Angel Rosario Sr.

17204 Ladino Ave.

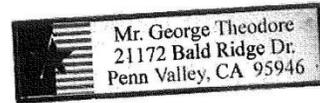
Penn Valley, CA 95946

**Letter 65 – Angel Rosario**

**Response 65-A** Please see Master Responses #2 and #5.

**Response 65-B** Please see Response 10-NN.

Letter 66



October 31, 2013

RECEIVED

NOV 6 2013

Nevada County Community Development Agency

Nevada County Planning Dept
950 Maidu Avenue
Nevada City CA 95959

RE: Penn Valley Re-zoning plans

66-A

I am writing to express my opinion regarding the recent discussions of rezoning Penn Valley to high density housing. I am the owner of the office building on the corner of Penn Valley Drive and Spenceville Rd, known as Peaceful Valley Plaza.

As a business owner and a resident of this community, I am highly against the proposed plans to develop low cost housing in this area. The original plan called for commercial, business retail and industrial uses for the Penn Valley downtown area, as proposed by a study adopted by the County Supervisors in 2000.

66-B

I am concerned the proposed rezoning will not only eliminate the opportunities to create more jobs in this community but will further stress the public services in the area. The low income apartments on Broken Oak Court, have already resulted in nuisance and crimes that negatively impact the area and I do not want to have those issues increase.

I am requesting that the Planning Department and the County Board of Supervisors take into consideration the opinions and concerns of the residents and business owners of Penn Valley. Please contact me if you have any questions at (530) 432-9646.

Sincerely,

[Handwritten signature]

George Theodore
21172 Bald Ridge Drive
Penn Valley CA 95946

**Letter 66 – George Theodore**

**Response 66-A** Please see Master Responses #3 and #6 and Response 9-B.

**Response 66-B** Please Master Responses #2 and #5.

Letter 67

2 November 2013

To:

NEVADA COUNTY PLANNING COMMISSION

950 Maidu Avenue

Nevada City, CA 95959

From:

DAVID M. & TAEM S. HUNTER

13991 Sun Forest Drive

Penn Valley, CA 95946

RECEIVED  
NOV 07 2013  
Nevada County Community  
Development Agency

Regarding: Proposed changes to the General Land Use and Zoning Designation for sites in Penn Valley to rezone candidate sites to Urban High Density/high density residential zoning.

67-A

We are strongly OPPOSED to rezoning sites in Penn Valley for the above purpose. Most of us who moved here did so to get away from such conditions. There are plenty more down sides to this proposal than up. Penn Valley would only grow in population, not popularity. This type of "high density" will only serve to create a slum area and no doubt put a strain on our law enforcement system.

Penn Valley is a great area to live and should be allowed to grow at its own pace, no matter how slow that may be. Let us keep "Penntucky" as it is for now. We do not want to see it ruined.

DAVID M. HUNTER

**Letter 67 – David Hunter**

**Response 67-A** Please see Master Responses #5 and #6 and Response 10-NN.

Letter 68

Edward and Susan James  
10644 Live Oak Lane  
Penn Valley, CA 95946

November 5, 2013

RECEIVED

NOV 07 2013

Nevada County Community  
Development Agency

Tyler Barrington, Principal Planner  
County of Nevada  
Community Development Agency  
Planning Department  
950 Maidu Avenue  
Nevada City, CA 95959

RE: DRAFT EIR HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION

Dear Mr. Barrington,

We have reviewed the EIR on the Housing Element Rezoning Implementation Plan. We also were in attendance for the County's presentation at the community meeting on October 29<sup>th</sup>. We have a number of concerns regarding the rezoning of the four Penn Valley sites.

- 68-A | First of all, the EIR does not address the Penn Valley Focused Economic Development Study (Village Plan). This study clearly stated that business, commercial, retail and industrial uses were the appropriate and most beneficial uses for the Penn Valley area. It did not recommend placing high density housing for very low income earners in this area. The Village Plan indicated that creating job opportunities and new revenues were the best uses for the area.
- 68-B | It is our understanding that this proposal is not compliant with SB 244, which states that adding more residential units (particularly low income units) to an area that has been identified as a "Disadvantaged Unincorporated Community" is inconsistent with the purpose of this State Legislation. Adding people instead of strengthening the tax base worsens the existing conditions.
- 68-C | This proposal does not foster economic growth. Instead it worsens it by removing job opportunities and retail opportunities. A proposal for low cost, high density housing does not belong in a rural and pastoral area such as Penn Valley. Developing this type of housing further stresses public services, such as schools, sheriff, fire protection and other critical services. This proposal encourages sprawl, which the State has discouraged over the past several years.
- 68-D | One of the selection criteria imposed by the Board of Supervisors has created unintended consequences which resulted in having to site 42% of the State's mandated low cost

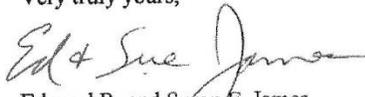
68-D  
CONT'D

housing requirement within Penn Valley. We believe the law requires a more even distribution of these units throughout the County. There were at least two more qualified sites that were eliminated due to this Board policy. The East Bennett site and the Berriman Ranch site are better suited for this proposal because of their adjacency to critical services required by these housing developments. Circumstances can change over the years, such as ownership turnover, and make both of these sites much more adequate and appropriate for future residents than the remote sites in Penn Valley.

68-E

For all the above reasons, we ask that the four Penn Valley sites be eliminated from further consideration, and be allowed to develop as foreseen in the adopted Village Plan.

Very truly yours,



Edward R. and Susan E. James

**Letter 68 – Edward and Susan James**

**Response 68-A** The County does not concur with this comment. Please see Response 9-B.

Response 68-B The County does not concur with this comment. Please see Response 22-B

Response 68-C The County does not concur with this comment. Please see Master Responses #2 and #5 and Response 10-NN. The County does not concur that the project encourages sprawl. The County identified clustering sites on Brunswick Road in the GV SOI, Penn Valley , and Lake Of the Pines because these are unincorporated areas of the County that have a mix of developed and designated uses, and have existing infrastructure. The Penn Valley area meets the criteria, including having commercial cores with available public water and sewer, and being within a community region as identified by the County General Plan.

Response 68-D The County does not concur with this comment. Please see Response 10-D regarding percentages of sites, acreages and densities for each of the three areas that are being considered for rezoning. As noted in Response 68-C above, the proposed sites were clustered in areas where that were in proximity to existing infrastructure and services. To spread the development out over a wider and more dispersed area of the County would also spread out the impacts over a wider area and potentially in rural areas that don't have existing infrastructure. Locating all of the potential sites within a City Sphere of Influence (SOI), such as the East Bennett Road and Berriman Ranch Alternatives doesn't always benefit the needs of unincorporated population because those will eventually annex into the City of Grass Valley and unless mutually acceptable RHNA transfer agreements can be made, the availability of these sites are lost. Therefore, it is important that the County provide a balance sites both within and outside of City SOIs.

Response 68-E The County does not concur with this comment. Please see Response 9-B.

Letter 69

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NOV 07 2013

Nevada County Community  
Development Agency

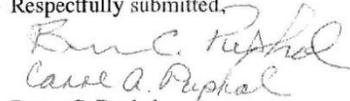
November 7, 2013

C/O Tyler Barrington, Principal Planner  
Nevada County Community Development Agency  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959

To Whom I May Concern:

- My wife and I are **OPPOSED** to the rezoning of several pieces of property here in Penn Valley from its current zoning status of commercial to that of R3.
- 69-A Developing low cost housing will have a tremendous negative impact on our local public safety (i.e. Sheriff Dept., Fire Dept.) Our Sanitation District's treatment plant can't handle present needs, and the impact of additional apartments on the proposed parcels will make it even worse. Dense housing does not belong here in our rural community.
- 69-B The Nevada County Board of Supervisors approved a plan several years ago that was supposed to allow Penn Valley to grow in the areas of commercial, business, retail, and industrial usage. My wife and I want Penn Valley to be developed in the areas that were recommended in our "Village Plan" so as to create more jobs.

Respectfully submitted,



Bruce C. Puphal  
Carol A. Puphal  
12651 Ridgecrest Place  
Penn Valley, Ca 95946-9100

**Letter 69 – Bruce and Carol Puphal**

**Response 69-A** The County does not concur with this comment. Please see Response 10-NN and Master Response #4.

**Response 69-B** The County does not concur with this comment. Please see Response 9-B and Master Response #3.

Letter 70

18431 Osceola Lane  
P.O. Box 772  
Penn Valley, California  
November 5, 2013

RECEIVED  
NOV 07 2013  
Nevada County Community  
Development Agency

Nevada County Development Agency  
950 Maidu Avenue Suite 170  
Nevada City, California

Dear Sir:

As a property owner in Penn Valley, I want to be on record to state that I am in opposition to rezoning properties in Penn Valley for high density living. There are four properties up for rezoning and NONE of them should be rezoned for high density.

70-A

Penn Valley is a rural area, and it should remain so. High density zoning does not fit in this rural community. This was tried before with the Broken Oak Apartments, and it is evident that apartment complex has no place in Penn Valley.

The county is looking to rezone four different properties, meaning there will be four apartment complexes larger than Broken Oak. The only word that fits for the current apartment complex is the first word—Broken. It is broken all right. Problems, problems, and more problems, and now you want to build more.

70-B

1. First of all you are looking to clear cut and pave over many acres of land in Penn Valley. One parcel alone is more than four acres. Multiply that by the four parcels, and you can see that many acres of land will be transformed from rural to urban blight.

70-C

2. Currently, there is not enough sewer capacity for Penn Valley, and yet you are considering adding an enormous amount of sewage to an already overly extended sewer system and increased run-off from the paved-over land. The developers would be responsible for the sewer to the apartments. It is incredulous to believe that the developers are going to build a totally new sewer plant to accommodate these apartment complexes. So it is obvious that the citizens of Penn Valley will be stuck with another sewer bond or tax.

70-D

3. Penn Valley Drive is a two-lane road and will not accommodate all the increased traffic that these apartment complexes will add to the traffic.

70-E

4. There is not enough coverage for law enforcement now for Penn Valley. To add four properties of 16 units per acre, and there are several acres to be rezoned. To expect law enforcement to be spread even thinner is an unbelievable act.

70-F

5. The Environmental Impact Report does not even address the Penn Valley Village Focused Economic Development Study passed by the Board of Supervisors in 2000, and in fact, the proposed rezoning goes against the findings of that study.

70-G

6. Most people in Penn Valley have a well for their water source. Apartment complexes can not rely on wells as their source of water. Again this would be the responsibility of the developers, but in reality the cost will be borne by the property owners in some form of tax or bond.

Any one of the reasons listed above should be enough to reject the rezoning to high density, but when you consider all of them, it is obvious that rezoning is a bad idea.

Sincerely,

*Nancy Broz*

**Letter 70 – Nancy Broz**

**Response 70-A** The County does not concur that high density housing does not fit Penn Valley. Please see Response 22-G. Please see Master Response #5.

**Response 70-B** The County does not concur with this comment. The project proposes 4 sites (Sites 10-13) within Penn Valley which represent approximately 22 percent of the 18 sites. As shown in Table 3-4 of the Draft EIR, the four sites consist of 33.52 acres, which make up approximately 22 percent of the total 148.99 acres included in the 18 sites. The County does not concur that the project will result in urban blight.

**Response 70-C** Please see Master Response #4. If the developer cannot demonstrate that adequate sewer and water facilities exist, then the developer must construct the required facilities or the project does not get implemented until such time as when the needed capacity is available. There is no proposal or requirement to have a public bond or tax to provide the facilities for the proposed project.

**Response 70-D** The County does not concur with this project. Potential traffic impacts are discussed in Section 4.15 of the EIR. No traffic impacts were identified in the Penn Valley area.

**Response 70-E** Please see Response 10-NN.

**Response 70-F** Please see Response 9-B.

**Response 70-G** Please see Response 70-C. Additionally, all development associated with this project will require connections to public water (NID or City of Grass Valley), therefore project cannot be reasonably foreseen to result in a negative impact to existing surrounding water wells.

Letter 71

18431 Osceola Lane  
 P.O. Box 772  
 Penn Valley, California  
 November 5, 2013

Nevada County Development Agency  
 950 Maidu Avenue Suite 170  
 Nevada City, California

RECEIVED  
 NOV 07 2013  
 Nevada County Community  
 Development Agency

Dear Sir:

As a property owner in Penn Valley, I want to be on record to state that I am in opposition to rezoning properties in Penn Valley for high density living. There are four properties up for rezoning and NONE of them should be rezoned for high density.

Penn Valley is a rural area, and it should remain so. High density zoning does not fit in this rural community. This was tried before with the Broken Oak Apartments, and it is evident that apartment complex has no place in Penn Valley.

The county is looking to rezone four different properties, meaning there will be four apartment complexes larger than Broken Oak. The only word that fits for the current apartment complex is the first word—Broken. It is broken all right. Problems, problems, and more problems, and now you want to build more.

71-A

1. First of all you are looking to clear cut and pave over many acres of land in Penn Valley. One parcel alone is more than four acres. Multiply that by the four parcels, and you can see that many acres of land will be transformed from rural to urban blight.
2. Currently, there is not enough sewer capacity for Penn Valley, and yet you are considering adding an enormous amount of sewage to an already overly extended sewer system and increased run-off from the paved-over land. The developers would be responsible for the sewer to the apartments. It is incredulous to believe that the developers are going to build a totally new sewer plant to accommodate these apartment complexes. So it is obvious that the citizens of Penn Valley will be stuck with another sewer bond or tax.
3. Penn Valley Drive is a two-lane road and will not accommodate all the increased traffic that these apartment complexes will add to the traffic.
4. There is not enough coverage for law enforcement now for Penn Valley. To add four properties of 16 units per acre, and there are several acres to be rezoned. To expect law enforcement to be spread even thinner is an unbelievable act.
5. The Environmental Impact Report does not even address the Penn Valley Village Focused Economic Development Study passed by the Board of Supervisors in 2000, and in fact, the proposed rezoning goes against the findings of that study.
6. Most people in Penn Valley have a well for their water source. Apartment complexes can not rely on wells as their source of water. Again this would be the responsibility of the developers, but in reality the cost will be borne by the property owners in some form of tax or bond.

Any one of the reasons listed above should be enough to reject the rezoning to high density, but when you consider all of them, it is obvious that rezoning is a bad idea.

Sincerely,



**Letter 71 – Y. Broz**

**Response 71-A** The text of this letter is the same as that in Letter 70. Please refer to Letter 70 for responses to comments in this letter.

Letter 72



RECEIVED  
NOV 08 2013  
Nevada County Community  
Development Agency

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM  
ENVIRONMENTAL IMPACT REPORT

**EIR PUBLIC REVIEW COMMENTS**

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

---

Name: RICHARD JUELS  
Agency/Group/Organization:  
Mailing Address: P.O. Box 12, PENN VALLEY  
Email Address: RJUELS432@GMAIL.COM  
Phone Number: (530) 433-6612

---

Comments:

SEE ATTACHED

---

Send To: Tyler Barrington, Principal Planner  
Nevada County Community Development Agency  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959  
Telephone: (530) 470-2723  
Email: [tyler.barrington@co.nevada.ca.us](mailto:tyler.barrington@co.nevada.ca.us)

To: Tyler Barrington, Principal Planner

From: Richard Juels

I feel that for the following reasons there should be no re-zoning of Penn Valley:

- 72-A | The sewage system for Penn Valley and Lake Wildwood would not sustain the increase of population to the Penn Valley area. We had to pay for our sewage treatment plant and don't feel that just because the state wants us to build low income housing in Penn Valley that they should be able to use our sewage system.
- 72-B | Where would the development get their water?
- 72-C | With low income inhabitants there is an increase in crime and drugs, resulting in the need for more law enforcement to police Penn Valley.
- 72-D | There would be additional expenses for the upkeep to Western Gateway Park for the population increase.
- 72-E | Lower income housing in Penn Valley would result in lower property values.
- 72-F | Our taxes would increase due to the additional funds it would cost to maintain the infrastructure for all this additional housing.
- 72-G | Our roads cannot handle the increased traffic that this project would incur.
- 72- | Any money received from the state would not be enough to cover the cost of additional law enforcement personnel to cover the policing of the increased population. We have the lower income area of Broken Oak Court in Penn Valley and it has caused an increase of crime to our area. We don't need additional lower income housing in this area. Leave the village of Penn Valley the way it is.

**DO NOT RE-ZONE PENN VALLEY!!!**

**Letter 72 – Richard Juels**

**Response 72-A** Please see Master Response #4.

**Response 72-B** All of the proposed sites would receive water from the Nevada Irrigation District.

**Response 72-C** Please see Master Response #5 and Response 10-NN.

**Response 72-D** Western Gateway Park is discussed in Section 4.14 of the Draft EIR. Mitigation Measure 4.14-1 requires the developers of sites in the unincorporated area, including Sites 10-13 to pay County recreation fees to offset the increased use on County parks. See Response 23-C.

**Response 72-E** Please see Master Responses #5 and #6.

**Response 72-F** Please see Master Response #4. If the developer cannot demonstrate that adequate sewer and water facilities exist, then the developer must construct the required facilities or the project does not get implemented until such time as when the needed capacity is available. There is no proposal or requirement to have a public bond or tax to provide the facilities for the proposed project.

**Response 72-G** The County does not concur with this project. Potential traffic impacts are discussed in Section 4.15 of the EIR. No traffic impacts were identified in the Penn Valley area.

**Response 72-H** Please see Master Response #5 and Response 10-NN.

Letter 73

10160 Bar Hill Road  
Penn Valley, CA 95946  
432-8274

November 4, 2013

Mr. Tyler Barrington, Principal Planner  
Nevada County Community Development Agency  
950 Maidu Ave, Suite 170  
Nevada City, CA 95959

RECEIVED  
NOV 08 2013  
Nevada County Community  
Development Agency

Re: Penn Valley Re-Zoning Issue

Dear Mr. Barrington:

73-A | Unfortunately, I was unable to attend the public meeting on 10/29 in Penn Valley regarding re-zoning earmarked areas in the "village" area to develop low to very low income housing of 16 units per acre.

I was unable to attend because I only found out about the meeting (and these plans), the day before. Did I miss something? That evening after seeing the sign about the meeting near my house, I checked out on-line what this Penn Valley Re-Zoning might be and was absolutely shocked when I found out what this was about.

73-B | Six and a half years ago I moved to Penn Valley from a now crowded Sonoma County. The first time I saw this quaint, peaceful and beautiful community I was hooked and bought my property, far from the madding crowd of urban developments. The thought of building 16 units per acre is something done in larger communities, such as Oakland, and where the impact of the related increased low- to very low income population, traffic, services, crime rate, etc. are already factored in.

73-C | The wealth of plant and wildlife that I see thriving here right in my back yard on my 2 acres never ceases to amaze me; that so much can be happening in just a small area such as mine, so I know what sort of impact nearly 34 acres of housing units will have on these areas. Some of them are overlapping our local creeks, which would be devastating to the life thriving around and depending on them as well as a great loss to those of us who enjoy living near these undisturbed areas (which are partly a reason why we have settled here in the first place!). In some of the other earmarked areas, there are beautiful old growth native oaks as well as all the creatures and plants that thrive around them. Even if some of these plant and animal species aren't endangered, they have more of a right to be there than we do and we want to keep it that way.

73-D | Then there is the increase in traffic, the pollution from said traffic as well as the congestion that will be created in what is now a very civilized and pleasant "down town" area with the little shops, services, etc. where you always can see a familiar face. It should remain as it is stated in the current "village plan" and which I believe, was approved back in 2000 by the County Board of Supervisors.

73-E | The impact these units would have visually on picturesque Penn Valley as it is now would be devastating. Driving on hwy. 20 and passing the beautiful landscape between the Rough and Ready intersection to the Pleasant Valley Drive intersection, is an open invitation for those curious to venture into our town and spend some money

Mr. Tyler Barrington, Principal Planner  
Page 2

- 73-E  
CONT'D | at the local businesses. Visually, a set of these units built in the sections planned for them on hwy 20 will change the whole impression of what Penn Valley really is.
- 73-F | Needless to say, our property values will decrease by having housing of this sort imposed on us and I know that at the first inkling that re-zoning would happen, many of us will just leave.
- 73-G | I also can't help feeling incredibly suspicious of what developer is waiting in the wings and whose pockets are going to be nicely lined by this project. The deal seems rather shady, especially since Penn Valley residents were not alerted to this long before October 29<sup>th</sup>, as if something was being hidden. I question the legality of it all. Apart from that, Penn Valley needs, if anything, more commercial growth to create more jobs for those already living here and to provide services that one can only find right now by going into Grass Valley, etc.
- 73-H | Bottom line, Penn Valley is a rural community where "project housing" have no place for many reasons, some of which are mentioned above. I know there is a strong sentiment in the community against re-zoning this area, as that meeting on the 29<sup>th</sup> proved. The consequences of going ahead with these re-zoning plans for these low income units will cause many of the current residents, including me, to move elsewhere and that will have another devastating impact on Penn Valley.

I hope our voices are heard and respected and that these plans are tossed out or re-directed to a more appropriate setting.

Thank you.

Sincerely,

  
Sara Soldevila

cc: R. Douglas Donesky, District Planning Commissioner  
Hank Weston, Board of Supervisors, District 4  
Penn Valley Chamber of Commerce

**Letter 73 – Sara Soldevila**

**Response 73-A** For both the Notice of Preparation and Notice of Availability of the Draft EIR, the County met the distribution requirements of the California Environmental Quality Act and the County's own internal policies for public notification. The Notice of Availability was published in the local newspaper, and notices were sent to adjacent property owners up to 500 feet, exceeding the County's normal 300-foot distribution. While the County has met and gone beyond its statutory noticing requirements, it has agreed to extending the noticing of future public comment periods and meetings to include other residents outside of the noticing requirements to ensure the public has an opportunity to participate in the public process. The County held three public comment meetings, one in each of the proposed areas, in addition to the County Planning Commission Hearing during the public review period. The public comment on the Draft EIR was for 60 days which exceeds the standard 45-day review period required by CEQA and County Policy. The public review period closed as planned on November 12, 2013. The County Planning Commission considered a request to extend the public review period at the October 10, 2013 hearing and elected not to extend it.

**Response 73-B** Please see Master Responses #5 and #6. The statement that 16-units per acre is more appropriate for areas like Oakland is inaccurate as AB2348 (which establishes default densities for the various jurisdictions in CA) show Oakland's default density to be 30-units per acre (Government Code Section 65583.2)

**Response 73-C** Impacts on biological resources are discussed in Section 4.4 of the Draft EIR. Mitigation Measures to reduce potential impacts to less than significant have been incorporated into the project.

**Response 73-D** Please see Response 54-D. Potential traffic impacts are discussed in Section 4.15 of the EIR. No traffic impacts were identified in the Penn Valley area. Air quality impacts were discussed in Section 4.5 of the Draft EIR. Please see Response 9-B regarding the Penn Valley Village Focused Economic Development Study.

**Response 73-E** Visual Impacts are discussed in Section 4.32 of the Draft EIR. Additionally, the Regional Housing Need (RH) Combining District requires that development proposes undergo a Design Review process and public hearing at the Planning Commission limited to design issues only (LUDC Section L-II 2.7.11.C.5). This will ensure project design is consistent with surrounding area, western Nevada County Design Guidelines and the design criteria established by the Penn Valley Area Plan.

**Response 73-F** Please see Master Response #5.

**Response 73-G** Please see Responses 58-A, 72-A and Master Responses #2 and #3.

**Response 73-H** The County does not concur with this comment. Please see Master Responses #5 and #6.

Letter 74

11/08/13 02:09PM

PENN VALLEY PONY EXPRESS

530 432-2092

p.01

Tyler Barrington,  
Nevada County Planning Department

November 6, 2013

Dear Sir,

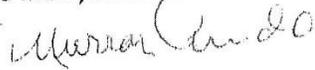
I attended the meeting on October 29<sup>th</sup> regarding the proposed plan to rezone four parcels in Penn Valley to high density low income properties. My wife and I strongly oppose this proposal.

74-A | We already have low income housing in the Broken Oaks units and developing an additional 16 units per acre will further stress public services such as schools and the Penn Valley Fire Department.

74-B | We moved here from the Sacramento Area 20 years ago, looking for a rural area in which to spend our retirement years. We found that area in Penn Valley, a place where we could have a few animals and a place where our Grandchildren could visit us and get away from the big city.

The proposal for dense low income housing just does not belong in Penn Valley.

Murray and Marilyn Arnold

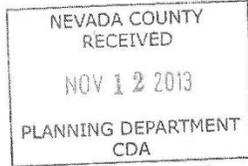


**Letter 74 – Murray and Marilyn Arnold**

**Response 74-A** Please see Responses 10-MM and 10-NN.

**Response 74-B** The County acknowledges and appreciates this comment. However, the comment is not at variance with the content of the EIR and therefore, no further response is required.

Letter 75



Carol Smith  
11187 Canyon View Court  
Penn Valley, CA 95946  
(530) 432-6791  
morgancanyon@digitalpath.net

Tyler Barrington  
County of Nevada Planning Department  
950 Maidu Avenue  
Nevada City, CA 95959  
Tyler.barrington@co.nevada.ca.us

**RE: REZONING OF PARCELS IN PENN VALLEY TO HIGH DENSITY, LOW INCOME HOUSING**

75-A | Thank you for your presentation at the community meeting in Penn Valley Tuesday night. My first concern is the lack of notice given to the community of Penn Valley. The legal notice requiring that only those residents living within 500 feet of the affected properties was inadequate and grossly neglectful of the Penn Valley community as a whole. Instead of having 60 days to comment on your department's rezoning proposal we have less than 13 days, which is also inadequate. An extension of the comment period would be appreciated.

75-B | I feel that the directive given to your planning group, that only those property owners who would support the rezoning created the issue facing Penn Valley. I realize that the county has state regulations to meet for financial gain, but feel that the burden of this regulation is being unfairly placed on the Penn Valley community. As proposed, approximately 42% of the required high density, low income housing requirement is being placed in the Penn Valley community. Penn Valley is a small community and doesn't have the infrastructure, the police & fire resources, or the financial resources to deal with those issues.

75-C | It was evident from the turnout last night that although Penn Valley is a small, rural community it is a community that is passionate about the quality of life here. In such an environment small changes make a big impact; the proposal presented at the meeting is not a small change. The total number of acres under consideration is 33.55. At 16 units per acre, that is 536.8 units. At 2 vehicles per unit, that is 1073 cars. We have few roads, and they are all 2-lanes only. The noise, congestion, and air pollution of over 1000 cars being dumped onto Highway 20 through Penn Valley on a daily basis would be devastating. At 4 individuals per unit we would have over 2000 new residents with no way to support this influx. We already have three areas of high density, low income housing in and around Penn Valley Village shopping area (Ranch Road, Broken Oak and Daffodil Court).

75-D | Another issue I did not hear addressed at the meeting is what are these “low to extremely low income” residents going to do once they get here? There are no jobs in this small community and rezoning existing commercial property into high density, low to extremely low-income property limits potential commercial development needed for economical growth in the future. We are primarily an agriculture based community and want to stay that way. If there is to be development bring in more business so that the people that already live here have a place to work locally.

75-E | The prospect that some unnamed developer would be responsible to fund the “improvements” required to support a development that we don’t want in the first place is of little comfort. It is my understanding that if the EIR passes the developer would have no further requirements to meet.

In short, Penn Valley is simply not an appropriate venue for a high-density housing development.

Respectfully,

Carol Smith

Cc: Penn Valley Chamber of Commerce  
Supervisor Hank Weston  
Steve De Camp, Agency Director, Community  
Development Agency  
Brian Foss, Planning Director, Community Development  
Agency

**Letter 75 – Carol Smith**

**Response 75-A** For both the Notice of Preparation and Notice of Availability of the Draft EIR, the County met the distribution requirements of the California Environmental Quality Act and the County’s own internal policies for public notification. The Notice of Availability was published in the local newspaper, and notices were sent to adjacent property owners up to 500 feet, exceeding the County’s normal 300-foot distribution. While the County has met and gone beyond its statutory noticing requirements, it has agreed to extending the noticing of future public comment periods and meetings to include other residents outside of the noticing requirements to ensure the public has an opportunity to participate in the public process. The County held three public comment meetings, one in each of the proposed areas, in addition to the County Planning Commission Hearing during the public review period. The public comment on the Draft EIR was for 60 days which exceeds the standard 45-day review period required by CEQA and County Policy. The public review period closed as planned on November 12, 2013. The County Planning Commission considered a request to extend the public review period at the October 10, 2013 hearing and elected not to extend it.

**Response 75-B** Please see Responses 22-G and 10-D, and 10-NN.

**Response 75-C** Potential traffic impacts are discussed in Section 4.15 of the EIR. No traffic impacts were identified in the Penn Valley area.

**Response 75-D** Please see Master Responses #2, #3, and #5.

**Response 75-E** Please see Master Response #4. The Regional Housing Need Combining District requires the following: “Development proposes shall undergo a Design Review process and public hearing at the Planning Commission limited to design issues only. No discretionary permit is necessary for the density or use of the site.” (LUDC Section L-II 2.7.11.C.5). This will ensure project design is consistent with surrounding area, western Nevada County Design Guidelines and the design criteria established by the Penn Valley Area Plan. Additionally, the RH Combining District has a requirement to create a “Regional Housing Need Implementation Plan” per the County’s Land Use and Development Code (LUDC) Sec. L-II 2.7.11.C.3. The Regional Housing Need Implementation Plan will include the site specific development standards and CEQA mitigation measures for all development of multi-family housing on a Regional Housing Need (RH) site. The purpose of the Implementation Plan is to ensure that all future development within the RH Combining District is constructed in compliance with the specific development standards and mitigation measures approved for the RH Combining District and that the conditions of approval and mitigation measures for each site are easily identifiable at the time when construction is proposed.

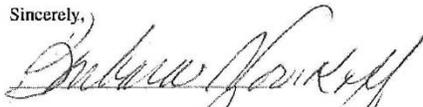
Letter 76

NOV 14 2013  
COMMUNITY DEVELOPMENT AGENCY

Tyler Barrington  
County of Nevada Planning Department  
950 Maidu Ave.  
Nevada City, Ca 95959  
Tyler.barrington@co.nevada.ca.us

I do not believe that Penn Valley is an appropriate place for a mass amount of low income housing and am opposed to the re zoning of commercial property for the following reasons:

- 76-A | There are not enough jobs for the people who already live here and this area offers no hope for improvement in living standards for already low income people.
- 76-B | There is insufficient police, fire, school, sewer and water, social services, medical resources to support any significant influx of people.
- 76-C | There would be a negative environmental impact on wildlife. Development would include the destruction of our ancient California Oaks which make up the beautiful natural landscape of the area.
- 76-D | There would be parking and traffic problems, noise and air pollution.
- 76-E | Rezoning would deprive Penn Valley of future commercial development which could eventually revitalize the community and create more needed jobs for our current population.
- 76-F | We understand the need for low income housing. We understand the need to receive federal and state funds. However, Penn Valley should not be singled out to bear the full impact of housing for the entire county. 10-15 homes in the neighborhood would be more appropriate.
- 76-G | Even though this letter may have reached you after your deadline, please consider that many of us did not know about these housing plans until recently. As a resident of Penn Valley, I feel all of our voices must be heard and acknowledged.

Sincerely,  
  
17935 Arrow Way  
Penn Valley

Hank.weston@co.Nevada.ca.us District supervisor  
Doug.donesky@co.nevada.ca.us County planning  
Mike@ministoragepennvalley.com President of the Penn Valley Chamber of Commerce  
ComDevAgency@co.nevada.ca.us

**Letter 76 – Barbara Novikiff**

**Response 76-A** Please see Master Responses #2 and #6

**Response 76-B** Please see Master Response #4 and Response 10-NN.

**Response 76-C** Potential biological resources impacts are discussed in Section 4.15 of the Draft EIR. Mitigation Measures 4.4-2b and 4.4-2c require the developer to prepare preconstruction plant and animal surveys before final development plans are approved. Mitigation Measure 4.4-5 requires future developers to prepare an oak woodland management plan for the protection of sensitive oak woodlands onsite. Landmark oak trees (greater than 36” diameter at breast height (dbh) and groves (canopy closure of 33% or greater) are considered Environmentally Sensitive Areas (ESAs). As an ESA avoidance and preservation of the trees is the first priority. If avoidance is not feasible then, a management plan is required. Please see Response 26-D regarding oak management plans.

**Response 76-D** Please see Response 54-D. Potential traffic impacts are discussed in Section 4.15 of the EIR. No traffic impacts were identified in the Penn Valley area. Air quality impacts were discussed in Section 4.5 of the Draft EIR. Noise impacts were evaluated in Section 4.11 of the Draft EIR. No traffic noise or long term operation noise impacts were identified.

**Response 76-E** Please see Master Response #3.

**Response 76-F** Please see Master Response #6 and Response 10-D. The proposed sites were clustered in areas where that were in proximity to existing infrastructure and services. To spread the development out over a wider and more dispersed area of the County would also spread out the impacts over a wider area and potentially in rural areas that don't have existing infrastructure.

**Response 76-G** The comment was received prior to the deadline and is included in the Final EIR.

Letter 77

Tyler Barrington  
County of Nevada Planning Department  
950 Maidu Ave.  
Nevada City, Ca 95959  
Tyler.barrington@co.nevada.ca.us

I do not believe that Penn Valley is an appropriate place for a mass amount of low income housing and am opposed to the re zoning of commercial property for the following reasons:

There are not enough jobs for the people who already live here and this area offers no hope for improvement in living standards for already low income people.

There is insufficient police, fire, school, sewer and water, social services, medical resources to support any significant influx of people.

77-A

There would be a huge environmental impact on wildlife. Development would include the destruction of our ancient California Oaks which make up the beautiful natural landscape of the area.

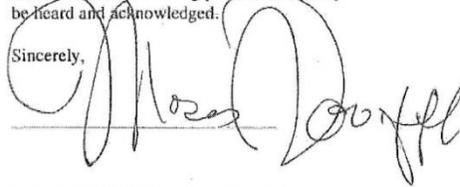
There would be parking and traffic problems, noise and air pollution.

Rezoning would deprive Penn Valley of future commercial development which could eventually revitalize the community and create more needed jobs for our current population.

We understand the need for low income housing. We understand the need to receive federal and state funds. However, Penn Valley should not be singled out to bear the full impact of housing for the entire county. 10-15 homes in the neighborhood would be more appropriate.

Even though this letter may have reached you after your deadline, please consider that many of us did not know about these housing plans until recently. As a resident of Penn Valley, I feel all of our voices must be heard and acknowledged.

Sincerely,



Hank.weston@co.Nevada.ca.us District supervisor  
Doug.donesky@co.nevada.ca.us County planning  
[Mike@ministoragepennvalley.com](mailto:Mike@ministoragepennvalley.com) President of the Penn Valley Chamber of Commerce  
ComDevAgency@co.nevada.ca.us

**Letter 77 – Moses Novikiff**

**Response 77-A** The comments in this letter are exactly the same as the comments in Letter 75. Therefore, please refer to letter 75 for responses to the comments in this letter.

Letter 78

Tyler Barrington  
County of Nevada Planning Department  
950 Maidu Ave.  
Nevada City, Ca 95959  
Tyler.barrington@co.nevada.ca.us



I do not believe that Penn Valley is an appropriate place for a mass amount of low income housing and am opposed to the re zoning of commercial property for the following reasons:

78-A

There are not enough jobs for the people who already live here and this area offers no hope for improvement in living standards for already low income people.

There is insufficient police, fire, school, sewer and water, social services, medical resources to support any significant influx of people.

There would be a huge environmental impact on wildlife. Development would include the destruction of our ancient California Oaks which make up the beautiful natural landscape of the area.

There would be parking and traffic problems, noise and air pollution.

Rezoning would deprive Penn Valley of future commercial development which could eventually revitalize the community and create more needed jobs for our current population.

We understand the need for low income housing. We understand the need to receive federal and state funds. However, Penn Valley should not be singled out to bear the full impact of housing for the entire county. 10-15 homes in the neighborhood would be more appropriate.

Even though this letter may have reached you after your deadline, please consider that many of us did not know about these housing plans until recently. As a resident of Penn Valley, I feel all of our voices must be heard and acknowledged.

Sincerely,

*Christine Clifton-Lisec*

Hank.weston@co.Nevada.ca.us District supervisor  
Doug.done\_sky@co.nevada.ca.us County planning  
[Mike@ministoragepennvalley.com](mailto:Mike@ministoragepennvalley.com) President of the Penn Valley Chamber of Commerce  
ComDevAgency@co.nevada.ca.us

**Letter 78 – Christine Lisee**

**Response 78-A** The comments in this letter are exactly the same as the comments in Letter 75. Therefore, please refer to letter 75 for responses to the comments in this letter.

Letter 79

Tyler Barrington, Principal Planner  
Nevada County Planning Department, 950 Maidu Avenue, Suite 170 Nevada City, CA 95959  
Telephone: (530) 470-2723 Email: [tyler.barrington@co.nevada.ca.us](mailto:tyler.barrington@co.nevada.ca.us)

- 79-A | Please reconsider re-zoning sites 10, 11 and 13 in Penn Valley Center.  
If done correctly the addition of housing and residents to Penn Valley should improve the economy and vitality of the community. But if the wrong sites are developed it will cause long term harm to the community, its economy and the environment.  
To Penn Valley, small things matter. A short sidewalk/bike trail did a great deal to enhance Penn Valley Drive and Penn Valley Center. Taking commercial land away from Penn Valley center could do a great deal to harm our very small commercial center and community. Projects must be done in Penn Valley in a way that will attract people and business to the area.
- 79-B | It must be kept in mind that Penn Valley is already disadvantaged and does not have the retail and commercial appeal of Grass Valley and Nevada City. The proposed sites will further disadvantage Penn Valley. These sites do not serve the individuals moved here, the community as a whole or the intent of the requirement to provide affordable housing. It is bad for the environment to place high density housing in Penn Valley without supporting the local retail, services and employment opportunities.
- 79-C | **Site 10 & 11 C2**  
Sites 10 and 11 are next to and behind the Post Office in the heart of Penn Valley Center. This is the commercial land that needs to provide the business, services and jobs for the people you would like to move in. It is essential to our community. You cannot say that a site has potential for employment opportunities and retail when the commercial land is the very land you are re-zoning.
- 79-D | **Site 13 IDR**  
This site is highly visible from Route 20 and is the public face of Penn Valley. High density housing on this site will depress the appeal of Penn Valley to both commercial and future housing development. Grass Valley and Nevada City have established commercial and retail areas. Penn Valley is struggling to get its share of retail and employment opportunities. It is critical that this highly visible land is developed appropriately. The current plan will do more to scare away businesses and further reduce Penn Valley as a destination. Again it makes no sense to move people here and discourage retail and employment at the same time. For the sake of both the environment and the economy, the goal should be to encouraged a self-sufficient community with a balance of housing, retail, services and employment.

Thank you for your time.  
Linda Marshall, Penn Valley, CA

**Letter 79 – Linda Marshall**

**Response 79-A** The County does not concur with this comment. Please see Master Response #3.

**Response 79-B** The County does not concur with this comment. Please see Response 19-E.

**Response 79-C** The County does not concur with this comment. Please see Master Response #3.

**Response 79-D** The County does not concur with this comment. Site 13 is not zoned as a commercial property and development of the site would not remove retail opportunities. Please see Master Response #3 regarding the provision to allow retail use to be incorporated into the project on Sites 10 and 11. The existing General Plan land use designation on Site 13, is Urban Medium Density (UMD) at 6-units per acre. Site 13 is designated PD “Planned Development” with UMD (26 ac.) and Open Space (8ac.) reflecting this designation applies to a larger set of properties, as Site 13 is approximately 20 acres. As such, this site is already slated for higher density residential than rural residential, although not as high of a density as the R3 designation.

Future project submittals will be required to undergo a Design Review process and public hearing at the Planning Commission to ensure that the project is consistent with the Penn Valley Village Center Design Guidelines. As noted on page 4.3-10 of the Draft EIR, the purpose of the Penn Valley Village Center Area Plan is to develop design guidelines that provide consistent design review criteria that encourages development that is compatible with the rural character of the Penn Valley Village Center; to identify public facilities and services that will serve new development; to identify and encourage natural resources; to advocate the development of paths and trails; and, to sustain the rural environment and encourage patronage of village center business.

As noted in Master Response #3, the RH Combining District language in the LUDC permits the incorporation of commercial use into the project to allow for a balance of housing, retail, and employment.

Letter 80

November 8, 2013

Tyler Barrington  
Principal Planner  
Nevada County  
Community Development Agency  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959



[tyler.barrington@co.nevada.ca.us](mailto:tyler.barrington@co.nevada.ca.us)

Dear Mr. Barrington:

- I want to thank you for the opportunity you gave the residents of Penn Valley to hear about and speak about the rezoning plan at last weeks meeting at the church on Oct. 29<sup>th</sup>.
- 80-A I would like to voice my opinion on the rezone program proposed for the Penn Valley area. In my opinion this proposed zoning change does not benefit Penn Valley in any way, shape, or form. To place high density housing on properties designated for businesses is the first glaring problem with this plan. Without the opportunity to build businesses and add jobs where will all the residents of these housing units work? It seems to me that putting people in an area and hoping jobs will follow is backwards logic.
- 80-B It also bothers me that of all the properties selected for rezoning in Nevada County, there are none in the Nevada City or Truckee areas. This seems very unfair as to how the program is distributed throughout the county.
- 80-C The strain and impact on our schools, water, sewer, fire and Sheriff's departments in troubled financial times only worsens the impact. Who will pay for the additional service required? The areas chosen for rezoning in Penn Valley are also on very environmentally special places. There is the creek, wildlife and many old heritage Oak trees running right through the middle of them. Filling these properties with hundreds of apartment buildings just does not fit with the rural character of Penn Valley and will destroy those lands as well as the neighboring properties.
- 80-D I have spoken with hundreds of neighbors and people throughout Penn Valley and have not heard from one person who is in favor of this rezoning. I am afraid that the only people in favor of this are the people who own the properties who stand to benefit financially from this program.  
There is something very wrong with how this entire process has unfolded. I strongly suggest that you reevaluate the program and come up with a more fair and balanced approach to finding more suitable places for high density housing in Nevada County... if there are such places.

Thank you,

Pamela Bivens  
17714 Penn Valley Drive

cc  
Hank Weston  
R. Douglas Donesky

**Letter 80 – Pamela Bivens**

**Response 80-A** The County does not concur with this comment. Please see Master Response #3.

**Response 80-B** The County does not concur with this comment. Please see Master Response #1. It is worth noting that originally there was a site in the Nevada City Sphere of Influence that was identified in Appendix C of the 2009-2014 Housing Element. Prior to commencing the drafting of the project's Environmental Impact Report, the property owner elected to withdraw from consideration and subsequently the site was removed from consideration.

**Response 80-C** The County does not concur with this comment. Any future development associated with the proposed project would be developed at the expense of the future developers, including all building and mitigation fees. No tax dollars would be used for the development of the project. Please see Master Response #4. Please see Response 10-NN regarding the mitigation measure for fire and Sheriff's protection services.

Please see Response 26-A regarding protection of the Squirrel Creek floodplain. Mitigation Measures for Oak woodlands are included in the project. Please see Response 26-D regarding protecting oak trees and oak woodlands. None of the 18 projects sites have been identified as a wildlife corridor area. Mitigation Measures 4.4-2b and 4.4-2c in the Draft EIR require the developer to prepare preconstruction plant and animal surveys before final development plans are approved. Please see Response 50-A regarding the protection of sensitive resources through Environmentally Sensitive Areas (ESAs), and how a management plan is applied when encroachment into the EDAs is required. Please see Response 79-D regarding the design review process for future development in Penn Valley.

**Response 80-D** Please see Master Response #1 and Response 22-F regarding the site selection process.

Letter 81

Brian & Renee McGrath  
20090 John Born Road  
Penn Valley, CA 95946  
530-432-9601  
brmcgrath@att.net

# DOG ROCK RANCH

November 9, 2013

Tyler Barrington  
County of Nevada Planning Department  
950 Maidu Ave  
Nevada City, CA 95959



Subject: Penn Valley Rezoning

Dear Mr. Barrington,

We respectfully offer the following input regarding potential re-zoning for part of Penn Valley Village. Since we were out of state for the month of October, we just became aware of this issue after returning home. After reading the article in the local paper, we were very surprised as this was the first we'd heard anything about the potential re-zoning. As 22 year residents, we are very concerned about the proposed change and the effect it would have on the community of Penn Valley.

The potential re-zoning as proposed will:

- 81-A | • Limit or prevent commercial development in the Village Area of Penn Valley which would provide badly needed good paying jobs for residents of the community.
  - 81-B | • Overtax the areas two lane roads resulting in traffic congestion, added noise and air pollution.
  - 81-C | • Leave many of the low income residents stranded since some may not own vehicles and mass transit in Nevada County is very limited.
  - 81-D | • High density low income housing will place an undue burden on the Nevada County Sherriff's Dept. and other public service agencies.
  - 81-E | • Negatively impact the Squirrel Creek watershed.
- 81-F | In conclusion, we request that the EIR be returned for correction and the public comment period be extended a minimum of one month to allow for more input from the community.

Sincerely,

Brian and Renee McGrath

**Letter 81 – Brian and Renee McGrath**

**Response 81-A** The County does not concur with this comment. Please see Master Response #3.

**Response 81-B** Please see Response 54-D. The County does not concur with this comment. Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. Air quality and Noise impacts are evaluated in Sections 4.5 and 4.11, respectively. The County concurs that air quality impacts would occur as identified in the Draft EIR. Mitigation measures reduced potential noise impacts to less than significant.

**Response 81-C** The County does not concur with this comment. Please see Response 22-G regarding the availability of services including some transit options in Penn Valley.

**Response 81-D** The County does not concur with this comment. Please see Response 10-NN.

**Response 81-E** The County does not concur with this comment. Please see Response 26-A. Additionally, the developers will be required to comply with County water quality requirements to demonstrate that the project has met the Regional Water Quality Control Board design requirements for surface water quality.

**Response 81-F** For both the Notice of Preparation and Notice of Availability of the Draft EIR, the County met the distribution requirements of the California Environmental Quality Act and the County's own internal policies for public notification. The Notice of Availability was published in the local newspaper, and notices were sent to adjacent property owners up to 500 feet, exceeding the County's normal 300-foot distribution. While the County has met and gone beyond its statutory noticing requirements, it has agreed to extending the noticing of future public comment periods and meetings to include other residents outside of the noticing requirements to ensure the public has an opportunity to participate in the public process. The County held three public comment meetings, one in each of the proposed areas, in addition to the County Planning Commission Hearing during the public review period. The public comment on the Draft EIR was for 60 days which exceeds the standard 45-day review period required by CEQA and County Policy. The public review period closed as planned on November 12, 2013. The County Planning Commission considered a request to extend the public review period at the October 10, 2013 hearing and elected not to extend it.

Letter 82

November 11, 2013

Tyler Barrington, Principal Planner  
Nevada County Community Development Agency  
950 Maidu Ave., Suite 170  
Nevada City, CA 95959

Dear Mr. Barrington

82-A | This letter is to let you know I am not in favor of the Penn Valley RESONING  
82-B | issue to R-3 (16 units per acre). This plan to built "low to extremely low income"  
82-C | residents would devastate our community. There are no jobs here in Penn Valley  
for these residents. Our schools can't take on added students. This is very poor  
planning. It's very obvious no one has checked out the devastation in the  
overcrowding of our schools. Penn Valley doesn't have the infrastructure, the  
police and fire resources, or the financial resources to deal with some of these  
issues.

82-D | I feel in Penn Valley, we need to keep our Commercial Zones to expand our  
town. This would help generate more shopping and employment for our  
community.

Thank you for your presentation at the community meeting in Penn Valley on  
Tuesday, October 29<sup>th</sup>.

Laura Argento

Cc: Doug Donesky, County Planning Commissioner for District 4

Hank Weston, Nevada County District 4 Supervisor

Penn Valley Area Chamber of Commerce



**Letter 82 – Laura Argento**

**Response 82-A** The County does not concur with this comment. Please see Master Responses #2 and #6.

**Response 82-B** Please see Response 10-MM regarding impacts to schools.

**Response 82-C** The County does not concur with this comment. Any future development associated with the proposed project would be developed at the expense of the future developers, including all building and mitigation fees. No tax dollars would be used for the development of the project. Please see Master Response #4. Please see Response 10-NN regarding the mitigation measure for fire and Sheriff’s protection services.

**Response 82-D** The County does not concur with this comment. Please see Master Response #3.

Letter 83

Nevada County Planning Commission  
950 Maidu Ave  
Nevada City 95959

RECEIVED  
NOV 12 2013  
Nevada County Community  
Development Agency

Dear Sirs,

83-A | I would like to introduce myself and my wife, James and Sheila Becker from Penn Valley. I am a licensed Contractor and have built many homes right here in our little area, I have always worked closely with the county for many years. My wife has worked for Durham as a Bus Driver for many years and also a instructor for new people to drive the school buses, Safety for the children to get to school.

We built a new home On Spenceville Rd here in Penn Valley. We love our area and know many wonderful people we are proud to call our friends.

Our small town has survived this last five years. Work was and is still scarce. With the price of gasoline as it is we have to travel miles to get our materials we need. We are happy to see True Value move in to help us out with this problem. We have the people living here, what we need is more business and retail on our commercial Property that is remaining.

83-B | We don't have a good core for the amount of homes proposed to be built here. Narrow streets, sewer problems, police force is limited, Water, will there be enough. What do we do, please think about that.

83-C | Did you forget we already have low cost housing it's called Broken Oak Court, That is indeed a sad situation.

83-D | We are only two people, I think about 90% of my neighbors will be at your meetings to share their thoughts and fears on changing the zoning here in Penn Valley.

Thank you for listening, Please, we have a lot to lose..

Yours, Truly  
  
James and Sheila Becker  
Spenceville Rd  
P.V. CA 95946

**Letter 83 – James and Sheila Becker**

**Response 83-A** The County acknowledges and appreciates this comment. However the comment is not at variance with the content with the Draft EIR, and therefore, no further response is required.

**Response 83-B** Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. Please see Response 54-D. Please see Master Response #4 with regard to the developers' responsibilities to ensure adequate water and sewer infrastructure is in place prior to development.

Water supply was addressed in Section 4.13 of the Draft EIR. Pursuant to SB 610, a Water Supply Assessment (WSA) was prepared for the proposed project and is included as Appendix J of the Draft EIR. The WSA was prepared based on information contained in the 2010 Urban Water Management Plan (UWMP) adopted by the Nevada Irrigation District (NID) in June 2011. The WSA assessment concludes that although the UWMP calculates a deficit in water supply sources in during single and multiple dry years, NID has drought contingency measures and the rights to receive water from Bear River and South Yuba River which are expected to make up for the deficit. Additionally, the UWMP has high density, affordable housing projects in the 2012 UWMP. As such, NID determines that the proposed project is included in the 2010 UWMP and, therefore, sufficient water supplies are available to meet the estimated demands for all of the project sites. The WSA concludes that the project has a less than significant impact on water supply.

Please see Response 10-NN regarding the mitigation measure for fire and Sheriff's protection services.

**Response 83-C** The existing development at Broken Oak Court is not related to the proposed project. Please see Master Response #6.

Letter 84

Tyler Barrington  
County of Nevada Planning Department  
950 Maidu Ave.  
Nevada City, CA 95959

RECEIVED  
NOV 12 2013  
Nevada County Community  
Development Agency

- 84-A Mr. Barrington,  
I do not live within 500 feet of the affected area and did not become aware of the true issues surrounding rezoning until I read the TWI news on Sunday, 11/10/13. On having become aware of the issue I need to express my own personal concerns. I have created this letter very quickly, knowing full well that this will not arrive before the cut-off date of Nov. 12th.  
I would first ask that the comment period be extended to allow all who would be affected to voice their concerns.
- 84-B I live on Spenceville Rd, close to the Indian Springs Rd. stop sign. Spenceville Rd., which is only 2 lanes, is already a very busy thoroughfare for such a rural setting. People use this road to reach the Nevada County Transfer Station, and as an alternate route to Auburn and Grass Valley. Having only been a resident of Penn Valley for 8+ years I can attest to the increasing traffic that has occurred just in that short time. With the proposed 536.6 additional housing units and the population per unit possibilities, the potential traffic will have serious impact on Spenceville Rd. and the surrounding areas.
- 84-C The parcels that are being proposed for dense housing are in an area pre-designated as commercial. With out the possibility of commercial development where are these hundreds of people going to find work? I am not against low income housing, I believe that housing needs to become more affordable to the working class. The American Dream has become only a dream for a greater portion of our population. But stuffing a great number of poorly employed on non-employed people into a small area in a rural setting, significantly distant from potential jobs seems ludicrous. You may be fulfilling a State law for High Density zones but justifying the placement of the these zones surely requires more thought.
- 84-D Another affect that needs fore thought is the infrastructure (or lack thereof) of the Penn Valley area. Schools, fire and police services will be pushed to the limit. The impact on the environment cannot be overstated either. Cutting old California Oaks to build high-density housing would alter eco-system significantly and in many ways.

Thank you for your careful consideration regarding the rezoning in Penn Valley.

Sincerely,  
Shannon Arena

**Letter 84 – Shannon Arena**

**Response 84-A** For both the Notice of Preparation and Notice of Availability of the Draft EIR, the County met the distribution requirements of the California Environmental Quality Act and the County's own internal policies for public notification. The Notice of Availability was published in the local newspaper, and notices were sent to adjacent property owners up to 500 feet, exceeding the County's normal 300-foot distribution. While the County has met and gone beyond its statutory noticing requirements, it has agreed to extend the noticing of future public comment periods and meetings to include other residents outside of the noticing requirements to ensure the public has an opportunity to participate in the public process. The County held three public comment meetings, one in each of the proposed areas, in addition to the County Planning Commission Hearing during the public review period. The public comment on the Draft EIR was for 60 days which exceeds the standard 45-day review period required by CEQA and County Policy. The public review period closed as planned on November 12, 2013. The County Planning Commission considered a request to extend the public review period at the October 10, 2013 hearing and elected not to extend it.

**Response 84-B** Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. Please see Response 54-D. Please see Master Response #8 regarding the aggregate density of the site.

**Response 84-C** The County does not concur with this comment. Please see Master Responses #2, #3, and #6. Please also see Response 22-G regarding the services available in the Penn Valley area that could support high density housing.

**Response 84-D** Please see Response 10-MM regarding impacts to schools. Please see Response 10-NN regarding the mitigation measure for fire and Sheriff's protection services. Please see Response 26-D regarding impacts on oak woodlands. Biological resources were evaluated in Section 4.4 of the EIR. Mitigation measures are proposed to reduce potential impacts to less than significant. Please see Response 50-A regarding protection of Environmentally Sensitive Areas.

Letter 85

November 9, 2013

Tyler Barrington, Principal Planner  
Nevada County Community Development Agency  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959

RECEIVED  
NOV 12 2013  
Nevada County Community  
Development Agency

Mr. Barrington:

I would like to respond to the proposed rezoning and environmental impact to Penn Valley as covered in our recent community meeting...

85-A | My family moved to Penn Valley over 15 years ago because of its beautiful country atmosphere, lush oak trees and wild life. Now the community is faced with a huge population explosion which would totally change the look and feel of our little community unless you honor our Village Plan which was adopted by the County Board of Supervisors in 2000. Bulging low income housing would put a strain on all existing systems (water, sewer, fire, law enforcement, schools) and create an incredible increase in traffic congestion along Penn Valley Drive, not to mention the additional parking problem.

85-B | The new proposal would also eliminate much needed economic growth in the area. I have personally been frustrated at the lack of business space available which is forcing me to locate my business in Grass Valley when I would much rather stay local.

85-C | Young people are moving away because there aren't enough quality job opportunities. My son is in college and is worried that he will not be able to find work here when he graduates as a mechanical engineer. Penn Valley already has a large senior population and many low income families. How are we going to have balanced economic growth if we don't have adequate business stimulus to attract young families who are upwardly mobile?

85-D | Last but not least, I am a huge nature lover and that is a major reason we moved here in the first place. Losing more wildlife habitat and those beautiful oak trees does not set well with me. Trying to plant some puny trees elsewhere is ridiculous, and where are the animals supposed to go?

85-E | As mentioned in the proposal, there are other county sites that might be considered and areas that would be more suitable to this type of expansion. Please look at these carefully before making your final decision.

Thank you.

*Jeri Stone*  
Jeri Stone  
18031 Penn Valley Drive  
Penn Valley

cc: Penn Valley Chamber of Commerce  
Supervisor Hank Weston

*Commissioner - Doug Denosky*

**Letter 85 – Jeri Stone**

**Response 85-A** The County does concur with this comment. Please see Response 10-MM regarding impacts to schools. Please see Response 10-NN regarding the mitigation measure for fire and Sheriff's protection services. Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. Future developers would be required to provide parking spaces in accordance with the County's Land Use and Development Code. This would be enforced through the County's site plan review process which would occur prior to construction.

Additionally, the RH Combining District has a requirement to create a "Regional Housing Need Implementation Plan" per the County's Land Use and Development Code (LUDC) Sec. L-II 2.7.11.C.3. The Regional Housing Need Implementation Plan will include the site specific development standards and CEQA mitigation measures for all development of multi-family housing on a Regional Housing Need (RH) site. The purpose of the Implementation Plan is to ensure that all future development within the RH Combining District is constructed in compliance with the specific development standards and mitigation measures approved for the RH Combining District and that the conditions of approval and mitigation measures for each site are easily identifiable at the time when construction is proposed.

Please see Master Response #6.

**Response 85-B** The County does not concur with this comment. Please see Mater Response #3.

**Response 85-C** Please see Master Responses #2. The proposed project would assist in providing a variety of housing types for all income segments of the population and by density alone would be inherently more affordable to existing and future residents of the County.

**Response 85-D** Please see Response 26-D regarding oaks trees. None of the 18 projects sites have been identified as a wildlife corridor area. Mitigation Measures 4.4-2b and 4.4-2c require the developer to prepare preconstruction plant and animal surveys before final development plans are approved. The mitigation measures outline specific actions or performance standards that must be applied if special status plant or animals species are found prior to construction. The actions include avoidance, establishing buffer areas, onsite biological monitors during grading activities, and coordination with the Federal and State Wildlife Agencies. Some species such as the Foothill yellow-legged frog or western pond turtle have specific management approaches that must be taken by a qualified biologist if observed onsite.

**Response 85-E** Please see Responses 22-F and 22-G.

Letter 86

November 10, 2013

Mr. Tyler Barrington  
Principal Planner  
Nevada County Community Development Agency  
950 Maidu Ave., Ste 170  
Nevada City, CA 95959

RECEIVED  
NOV 12 2013  
Nevada County  
Development Agency  
Nevada County Community  
Development Agency

Dear Mr. Barrington:

I am writing in reaction to the public meeting held on Tuesday, October 29, 2013 at the Seventh-Day Adventist Church in Penn Valley, to discuss the County's proposed 'High-Density Housing' zoning for four parcels of about 60 acres in the center of Penn Valley's commercial area.

86-A First, High Density Zoning belongs in an area that has all of the needed services for such a community addition: Emergency, Hospital, Medical, Dental, Shopping and Recreation, name a few. Penn Valley is essentially rural, with the village center being quite small and containing very few of the needed services. The Sierra Nevada Hospital is 10 miles away; Penn Valley does not have a local Police Department, nor even a major Sheriff's station; the Fire District is already stretched too thin; the Park District already lacks sufficient operating budget, and the shopping possibilities within Penn Valley are minimal at best. High Density Housing simply doesn't pass the common sense test for Penn Valley.

86-B Because of those facts, above, It would be a disservice to eventual residents of such a high-density residential area, inviting urban blight into a rural setting. Inadequate policing and emergency services would be an invitation to increased crime, placing major increased demand for civic services on an area that is unincorporated and lacking the ability to respond with increased service capability.

86-C The streets and highways in and around this part of the County are not structured to support the level of increased traffic that would result from this density, and the lack of local job opportunities would of necessity result in a high percentage of commuter traffic; a negative consequence.

86-D Furthermore, long term planning envisioned in the Penn Valley Focused Economic Development Study adopted by the Nevada County Board of Supervisors in the year 2000 did not allow for such high density residential housing, recognizing that the community most needed local jobs, through commercial and industrial development.

86-E Please listen to your citizens and return this EIR back to the Planning Commission for further study, and please as well, lengthen the amount of time for the citizens of Penn Valley to comment and respond. The best time to deal with a mistake is to prevent it from happening in the first place!

Sincerely,

Daniel E. Halloran  
17581 Chaparral Drive  
Penn Valley, CA 95946

CC: Hank Weston, R. Douglas Donesky, Janet Hayes, The Wildwood Independent,  
The Union

**Letter 86 – Daniel Halloran**

**Response 86-A** The County does concur with this comment. Please see Responses 22-F and 22-G regarding the rationale of why Penn Valley is good fit for high density housing. Please see Response 10-MM regarding impacts to schools. Please see Response 10-NN regarding the mitigation measure for fire and Sheriff’s protection services. Impacts to parks are discussed in Section 4.14 of the Draft EIR. Mitigation Measure 4.14-1 requires the developers of sites in the unincorporated area, including Sites 10-13 in Penn Valley to pay County recreation fees to offset the increased use on County parks.

**Response 86-B**The County does not concur with this comment. Impacts to police and fire services are evaluated in Section 4.13 of the draft EIR. Please see Response 10-NN regarding mitigation measures for police and fire services. Please see Mater Response #5.

**Response 86-C** The County does not concur with this comment. Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. Please see Response 54-D. Master Response #2.

**Response 86-D** The County does not concur with this comment. Please see Response 9-B.

**Response 86-E** For both the Notice of Preparation and Notice of Availability of the Draft EIR, the County met the distribution requirements of the California Environmental Quality Act and the County’s own internal polices for public notification. The Notice of Availability was published in the local newspaper, and notices were sent to adjacent property owners up to 500 feet, exceeding the County’s normal 300-foot distribution. While the County has met and gone beyond its statutory noticing requirements, it has agreed to extend the noticing of future public comment periods and meetings to include other residents outside of the noticing requirements to ensure the public has an opportunity to participate in the public process. The County held three public comment meetings, one in each of the proposed areas, in addition to the County Planning Commission Hearing during the public review period. The public comment on the Draft EIR was for 60 days which exceeds the standard 45-day review period required by CEQA and County Policy. The public review period closed as planned on November 12, 2013. The County Planning Commission considered a request to extend the public review period at the October 10, 2013 hearing and elected not to extend it.

Letter 87

Tom Cross

From: Dan Halloran [danhalloran39@gmail.com]  
Sent: Sunday, November 10, 2013 12:55 PM  
To: Our Friends  
Subject: Proposed Penn Valley Zoning change



FYI, there is a plan to add high density housing (16 units per acre) to about 60 acres in Penn Valley, and there was a hearing with the County at the Seventh Day Adventist Church on October 29. The comment period ends November 12, so we have added our voice to try and return this proposal to the Planning Department to find another place. Here is what I wrote. If you are not interested, simply delete. Full details can be found in the Blog section of the Penn Valley Chamber of Commerce website:

[www.pennvalleycoc.org/blog/](http://www.pennvalleycoc.org/blog/)

Dan

11/12/13

*Mr. Barrington,*

November 10, 2013

*I know Dan and respect his judgment. Please give this request your consideration.*

Mr. Tyler Barrington

Principal Planner

Nevada County Community Development Agency

950 Maidu Ave., Ste 170

Nevada City, CA 95959

*Thanks,*

*Tom Cross  
Seth Willwood  
Board of Directors*

Dear Mr. Barrington:

I am writing in reaction to the public meeting held on Tuesday, October 29, 2013 at the Seventh-Day Adventist Church in Penn Valley, to discuss the County's proposed 'High-Density Housing' zoning for four parcels of about 60 acres in the center of Penn Valley's commercial area.

87-A

First, High Density Zoning belongs in an area that has all of the needed services for such a community addition: Emergency, Hospital, Medical, Dental, Shopping and Recreation, name a few. Penn Valley is essentially rural, with the village center being quite small and containing very few of the needed services. The Sierra Nevada Hospital is 10 miles away; Penn Valley does not have a local Police Department, nor even a major Sheriff's station; the Fire District is already stretched too thin; the Park District already lacks sufficient operating budget, and the shopping possibilities within Penn Valley are minimal at best. High Density Housing simply doesn't pass the common sense test for Penn Valley.

Because of those facts, above, It would be a disservice to eventual residents of such a high-density residential area, inviting urban blight into a rural setting. Inadequate policing and emergency services would be an invitation to increased crime, placing major increased demand for civic services on an area that is unincorporated and lacking the ability to respond with increased service capability. The streets

87-A  
CONT'D

and highways in and around this part of the County are not structured to support the level of increased traffic that would result from this density, and the lack of local job opportunities would of necessity result in a high percentage of commuter traffic; a negative consequence.

Furthermore, long term planning envisioned in the Penn Valley Focused Economic Development Study adopted by the Nevada County Board of Supervisors in the year 2000 did not allow for such high density residential housing, recognizing that the community most needed local jobs, through commercial and industrial development.

Please listen to your citizens and return this EIR back to the Planning Commission for further study, and please as well, lengthen the amount of time for the citizens of Penn Valley to comment and respond. The best time to deal with a mistake is to prevent it from happening in the first place!

Sincerely,

Dan Halloran

Copies were sent to the Union, TWI, Supervisor Hank Weston and Planning Commissioner R. Douglas Donesky.

--  
Dan Halloran  
tel: (530) 432-2889  
cel: (530) 913-0705

**Letter 87 – Tom Cross**

**Response 87-A** The text of this letter is the same as Letter 86. For a response to the comments in this letter please see the responses prepared for Letter 86.

Letter 88

17622 Chaparral Dr.  
Penn Valley, CA 95946  
November 10, 2013

Nevada County Community Development Agency  
950 Maidu Ave.  
Nevada City, CA 95959

Attention: Principal Planner Tyler Barrington

Subject: Proposed High Density Housing for Penn Valley



Dear Mr. Barrington:

88-A | I am strongly opposed to the idea of developing a high density housing development in Penn Valley for the following reasons:

- 88-B | 1 This is a rural community and it would change the character of our community.
- 88-B | 2. It makes no sense to develop such a facility where supporting services necessary for the elderly people people who would be attracted to it do not exist; such as shopping, Hospital emergency facilities, and local police protection.

Please consider the appeal of Penn Valley citizens and return this EIR to the Planning Commission for further study.

Sincerely,

Bruce N. Pusheck

**Letter 88 – Bruce Pusheck**

**Response 88-A** The County does not concur with this comment. Section 4.2 of the Draft EIR evaluated the proposed project's consistency with the existing goals and policies of the Nevada County General Plan, including the Land Use Element and no potential impacts were identified.

Additionally, future project submittals will be required to undergo a Design Review process and public hearing at the Planning Commission to ensure that the project is consistent with the Penn Valley Village Center Design Guidelines. As noted on page 4.3-10 of the Draft EIR, the purpose of the Penn Valley Village Center Area Plan Design Guidelines is to develop design guidelines that provide consistent design review criteria that encourages development that is compatible with the rural character of the Penn Valley Village Center; to identify public facilities and services that will serve new development; to identify and encourage natural resources; to advocate the development of paths and trails; and, to sustain the rural environment and encourage patronage of village center business.

Please also see Response 22-G.

**Response 88-B** The County does not concur with this comment. Please see Response 22-G.

Letter 89

November /9/2013



Mr. Tyler Barrington  
 Principal Planner  
 Nevada County Development Agency

Dear Mr. Barrington,

89-A

My name is Ron Jermyn I live at 17150 Ladino Ave Penn Valley and have been a resident for seven and a half years. I am writing you today to register my strong opposition to the Proposed Zoning Changes in Penn Valley.

From a strictly environmental stand point the rezoning to R3 and subsequent development of any of the proposed sites clearly would have a strong detrimental effect. The calculations of these effects move past the construction of the project. Penn Valley maintains an excellent balance of population within the Valley and the Village. What will be the result of artificial placing of a large apartment complex and injection of a non working or non productive population to occupy the property? It will create a devastating stress on the environment and community. The implications to the environment and the stress which will be encored are as follows:

- 1) An impact on the natural environment to sustain the wild life population.
- 2) A negative impact on the water shed.
- 3) Increased air pollution.
- 4) Increased liter and garbage discarded in the environment.
- 5) Increased stress on the natural water table.
- 6) Devastation of the natural landscape of any and all sites proposed.

Inclosing I would like to thank you, for your careful consideration of this very important matter.

Sincerely,

Ron Jermyn

**Letter 89 – Ron Jermyn**

**Response 89-A** The County does not concur with this comment. Biological impacts are discussed in Section 4.4 of the Draft EIR. None of the 18 projects sites have been identified as a wildlife corridor area. Mitigation Measures 4.4-2b and 4.4-2c require the developer to prepare preconstruction plant and animal surveys before final development plans are approved. The mitigation measures outline specific actions or performance standards that must be applied if special status plant or animals species are found prior to construction. The actions include avoidance, establishing buffer areas, onsite biological monitors during grading activities, and coordination with the Federal and State Wildlife Agencies. Some species such as the Foothill yellow-legged frog or western pond turtle have specific management approaches that must be taken by a qualified biologist if observed onsite.

Regarding water quality the developers of the project sites will be required to comply with County water quality requirements to demonstrate that the project has met the Regional Water Quality Control Board design requirements for surface water quality. Please see Responses 15-H and 61-A regarding water quality requirements.

Air quality impacts are evaluated in Sections 4.5 of the Draft EIR. The County concurs that air quality impacts would occur as identified in the EIR. The EIR analysis assumes a worst case scenario in that all of the units would be built at the same time. Although it is not anticipated to happen, the EIR analysis provides this analysis as a conservative approach. As a result, the proposed project exceeds the Northern Sierra Air Quality Management District's thresholds for reactive organic compounds (ROG) and nitrous oxides (NO<sub>x</sub>). These impacts are considered significant and unavoidable. The EIR does disclose that there are significant and unavoidable impacts associated with the project. Significant and unavoidable impacts are permitted under California Environmental Quality Act if the decision making body (i.e., the Board of Supervisors) adopts statements of overriding considerations. These overriding considerations are used to determine that there are social and economic benefits associated with the project that would warrant approving a project even with the significant environmental impacts.

There is no evidence that the project would result in increased litter and garbage discarded into the environment. Future development would have to be consistent with County regulations (and City regulations for areas within the Sphere of Influence that annex into the City) regarding landscaping, including trash enclosure areas and water quality features to detain surface water onsite consist with County (or City) and Regional Water Quality Control Board regulations.

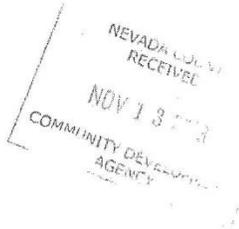
The project does not propose to use groundwater wells for any of the proposed lots. Each of the lots would be required to connect to the public water system maintained by the Nevada Irrigation District. Please see Response 83-B and Master Response #4. As such, no potential impacts to the water table have been identified.

The County does not concur that the project would result in devastation of the natural landscape. The project has identified Environmental Sensitive Areas (ESAs) where known sensitive biological and cultural or historical resources are known to exist. The ESAs show the areas where future development is restricted in order to avoid and minimize impacts to sensitive resources. The ESAs require avoidance unless avoidance is infeasible. The enforcement will occur as future developers submit grading plans, site plans, and building permits and must demonstrate that the proposed development has avoided the ESAs. The Nevada County Land Use and Development Code does permit some encroachment into an

ESA, if a Management Plan prepared consistent with Section L-II 4.3.3.C is approved by the County prior to Building Permit Issuance. Mitigation Measure 4.4-5 in Section 4.4 of the Draft EIR requires a management plan to be prepared if oak woodlands are impacted as a result of the proposed development. The Management Plan provides different options for oak woodland mitigation that range from onsite preservation (avoidance), enhancement of degraded oak woodlands, or paying in lieu fees into a County approved fund used to purchase and preserve comparable oak woodland communities in the region. Please see Response 26-D.

Letter 90

November 10, 2013



Mr. Tyler Barrington  
 Nevada County Planning Agency  
 950 Maidu Avenue, Suite 170  
 Nevada City, CA 95959

Gentlemen:

90-A

There's been quite a ruckus developing over the idea of rezoning certain Penn Valley properties to a high density status. Everyone that I've spoken with in the last few days has been very vehement against the rezoning initiative. In fact, one of my friends has set up a card table this weekend at the local market to take signatures for a petition. After seeing such an uproar, I urge the Planning Commission to reconsider the whole idea.

You are abundantly aware of many of the arguments against high density zoning. I won't go through them, but I do want to make a point about the possible consequence of the high density classification. It will make inexpensive property more attractive to developers to build because their costs will be lower. It encourages builder investment to do something that normally they would not consider. It would be an unintended result that I am sure the County doesn't expect.

Most of us moved to Penn Valley to enjoy the pristine rural sights we see everywhere and everyday. Let's not destroy it.

Cordially,

James Moss. PV Homeowner

cc: Hank Weston, Supervisor, Doug Donesky, Planning Dept, Mike Dobbins, Editor TWI-News

**Letter 90 – James Moss**

**Response 90-A** The County acknowledges and appreciates this comment. However, comment is not at variance with the content of the EIR and no further comment is required. This letter will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Letter 91

**ROBERT W. WINTERS**  
19525 KNEEBONE LN  
PENN VALLEY, CA 95946-9723  
  
(530)432-9876



November 11, 2013

Tyler Barrington, Principal Planner  
Nevada County Community Development Agency  
Suite 170  
950 Maidu Ave.  
Nevada City, CA 95959

Dear Mr. Barrington:

- 91-A | I am writing to object, in the strongest terms, to the proposed rezoning of the properties in Penn Valley to high density housing.  
| The proposed properties have already been designated for business development by the Board of Supervisors.
- 91-B | Penn Valley already has quite a number of single family houses that rent for amounts that qualify as low income rents. Have you documented this in the EIR?
- 91-C | Does the EIR document the 3 cesspools located on or adjacent to the 20 acre property? Has it been determined that there is no health hazard from those cesspools?
- 91-D | The selection of properties based on the landowner willingness to rezone gives an unfair advantage to these developers when they will be allowed "by right" to develop with no further review than to obtain a building permit.
- 91-E | The property owners involved probably do not live in Penn Valley and do not care a whit about this community.  
| If you do this rezoning you are bowing down to the bullies in Sacramento who threaten to withhold funds allocated for Nevada County. You will be condoning blackmail for a social engineering move by Big Brother. That would be morally wrong.

Please reconsider your plan.

Sincerely,

Robert Winters

*Robert Winters*  
Cc: Hank Weston, Supervisor  
Cc: Doug Donesky  
Cc: Mike Mastrodonato

**Letter 91 – Robert Winters**

**Response 91-A** The County acknowledges this comment. Please see Master Response #3.

**Response 91-B** Please see Master Responses #1. The purpose of the EIR is to evaluate the physical impacts on the environment and to disclose what those impacts and potential mitigation measures to the public and to the County’s decision makers. The EIR does evaluate or address economic issues such as the existing rental housing conditions in a particular area. Please see Master Response #5.

**Response 91-C** The existing percolation ponds for the Creekside Village mobile home park are noted in the project setting for Site 13 on page 3-34 of the Draft EIR. The percolation ponds are not on any of the proposed project sites and are not related to the proposed project. The Creekside Village mobile home park is responsible for meeting and local and state water discharge requirements.

**Response 91-D** The County does not concur with this comment. Please see Master Response #1, Response 22-F and 22-G regarding the County’s site selection process. Future project submittals will be required to undergo a Design Review process and public hearing at the Planning Commission to ensure that the project is consistent with the Penn Valley Village Center Design Guidelines. As noted on page 4.3-10 of the Draft EIR, the purpose of the Penn Valley Village Center Area Plan Design Guidelines is to develop design guidelines that provide consistent design review criteria that encourages development that is compatible with the rural character of the Penn Valley Village Center; to identify public facilities and services that will serve new development; to identify and encourage natural resources; to advocate the development of paths and trails; and, to sustain the rural environment and encourage patronage of village center business.

Additionally, the RH Combining District has a requirement to create a “Regional Housing Need Implementation Plan” per the County’s Land Use and Development Code (LUDC) Sec. L-II 2.7.11.C.3. The Regional Housing Need Implementation Plan will include the site specific development standards and CEQA mitigation measures for all development of multi-family housing on a Regional Housing Need (RH) site. The purpose of the Implementation Plan is to ensure that all future development within the RH Combining District is constructed in compliance with the specific development standards and mitigation measures approved for the RH Combining District and that the conditions of approval and mitigation measures for each site are easily identifiable at the time when construction is proposed.

**Response 91-E** The County acknowledges and appreciates this comment. However, comment is not at variance with the content of the EIR and no further response is required. This comment will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Letter 92

**Tyler Barrington**

**From:** Daniel Buchholz <daniel.buchholz@att.net>  
**Sent:** Tuesday, October 08, 2013 10:07 PM  
**To:** Tyler Barrington  
**Subject:** Housing element rezone program No. 2009072070

92-A

92-B

Dear Mr. Barrington,  
 I'm writing to you in response to a public notice that I received by mail from the C.D.A..  
 I just wanted to voice my concerns with the Housing Element Rezone Program No. 2009072070.  
 I currently own a home in one of the subject areas. I reside at 10323 Broken Oak Court. My concern is making a busy area much busier. There is already one low income apartment complex at the end of Broken Oak Court. The impact of this one is more trouble than you could ever know. The constant traffic, speeding and noise on this tiny private street is ridiculous and with the possible addition of more low income housing not only here on Broken Oak Court but the other project areas that would be just across Penn Valley Drive from my house is, I'm afraid, more than the area can support. Not to mention the wear and tear on the streets. It appears that Penn Valley seems to be subject to a bigger quantity of this housing than any other area within the county. The old saying " Not in my backyard " seems to hold true here. We'll just sneak this into Penn Valley. I feel that these type of projects are needed but should be shared by all areas of Nevada County. I realize that there is a lot of wide open property here in Penn Valley, but feel that all should share the impact of a low income projects. Spread them out.  
 Broken Oak Court can't handle another project. Personally, I feel that my street could use a traffic break. The apartment complex that now resides at the end of Broken Oak Court needs a separate entrance and exit. That would be extremely welcome.  
 Mr. Barrington, I hope you will take my thoughts in consideration. I feel the impact of this rezoning will destroy the area. This is a pretty and peaceful area for now. Just hate to see it flushed with too many residents of rental properties. You know what I mean? Thank you for your time.

Oak Ct.  
 Ca. 95946



Dan Buchholz  
 10323 Broken  
 Penn Valley,

**Letter 92 – Daniel Buchholz**

**Response 92-A** The County does not concur with this comment. Please see Response 10-D and 10-V regarding the percentage of the units (approximately 20%) in Penn Valley relative to the areas within the proposed project. Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. Air quality and Noise impacts are evaluated in Sections 4.5 and 4.11, respectively. Please see Response 54-D. Please see Master Response #6 regarding the proposed high density housing units.

**Response 92-B** Please see Master Responses #1 and Responses 22-F and 22-G regarding the County site selection process and the rationale for selecting site in the Penn Valley area. Please see Response 10-V regarding the number of units in Penn Valley relative to the other areas within the project. The existing development on Broken Oak Court is not related to the proposed project and changes to that development cannot be implemented with this project.

Letter 93

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM  
ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS  
SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: Kathryn J. Niesen

Agency/Group/Organization: Property owner of 250 acre family  
Mailing Address: 16735 Rough & Ready Hwy. Rough and Ready, 95975

Email Address: kjniesen@gv.net

Phone Number: 432-1617

Comments:

October 31, 2013

- 93-A | I am in opposition to the re-zoning of Penn Valley properties.  
16 units per acre, are you kidding me?  
I own 250 acres and I can only have one house and one granny house!  
Are you kidding me?
- 93-B | Exactly who do you plan on living in all of these dwelling?  
Tax payers?  
Who will be paying for all of this?  
Tax payers?  
Thanks but no thanks!  
Kathryne J. Niesen

**Letter 93 – Kathryn Niesen**

**Response 93-A** Please see Master Response #1 regarding why the County is proposing the project and why 16-units minimum per acre is required. Different zoning classifications including rural and residential zones have different restrictions regarding the number of separate housing units on one legal parcel.

The County agrees that you are restricted to one single family dwelling and one second unit on a single legal property under the County's Code. It is worth noting however, that your property does have the potential to be subdivided based on your zoning and overall property size. The property that is associated with your mailing address (16735 Rough and Ready Highway) is shown as being 106-acres AG-10 (General Agriculture-10-acre density limitation). Under existing zoning regulations, the allowed density for this property would be 10-units. If the remaining zoning approximately 150-acres of your 250-acres had the same zoning (AG-10) that would provide additional density for 15 more units (25 total units). In addition, County Code allows the construction second dwelling units as an allowed or by-right use (subject to building permit issuance and zoning compliance) in all zoning districts that allow single family development as an allowed use and therefore an additional 25 second units could be constructed if you were successful in subdividing your 250-acres into the maximum density allowed under AG-10 zoning.

**Response 93-B** It is likely there will be a need to provide a variety of housing types for all income segments of the population. This project would assist in providing higher density options that are limited not only in Penn Valley but throughout the unincorporated area. This new housing would likely serve an existing need in the community and accommodate future population growth.

All development and related improvements including any required mitigation will be paid for by the developers. No tax dollars or proposed for the development and no additional taxes or municipal bond financing is proposed or required for the project.

Letter 94

**Tyler Barrington**

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**From:** deanna batson <ddbatson1962@att.net>  
**Sent:** Thursday, October 31, 2013 7:07 PM  
**To:** Tyler Barrington  
**Cc:** hankweston@co.nevada.ca.us  
**Subject:** Penn Valley Project

We attended your meeting Tuesday evening and are opposed to the development because of many factors, including:

- 94-A | 1. No jobs for occupants.
- 94-B | 2. No public transportation for occupants
- 94-C | 3. There are already a significant number of poor people included in the trailer park.
- 94-D | 4. The current sewer system is inadequate for additional housing and significant costs will be passed on to the tax payers.
- 94-E | 5. The current police (sheriff) and fire departments are not staffed for additional occupants.
- 94-F | 6. The addition of low to low low income people will effect the value of the existing properties in the area and will result in fewer tax payers to absorb the additional costs involved.
- 94-G | 7. Size of housing will require more parking than is currently planned.
- 94-H | 8. Roads in that area are inadequate for proper fire and police accessibility.
- 94-I | 9. Our current property tax payments will be increased as a result of the items above. Not to mention the costs involved with human services for low low income occupants.
- 94-J | 10. Since retiring here twenty years ago on a fixed income, the continuous rise of the cost of living and tax increases due to the normal rise in population is already a burden on retirees (which is the preponderance of current residents). A increase in non-contributory residents, added to the current tax burden would be prohibitive.

Donald and Deanna Batson  
18641 Hummingbird Drive  
Penn Valley

**Letter 94 – Donald and Deanna Batson**

**Response 94-A** Please see Master Response #2.

**Response 94-B** The County does not concur with this statement. All of the project areas have access to some public transportation. With regard to Penn Valley public transportation please see Response 10-II.

**Response 94-C** This comment is not a CEQA related issue and no further response is required.

**Response 94-D** The County concurs that additional sewer capacity would be required for the project. Impacts on sewer facilities were discussed in Section 4.13-3 of the Draft EIR. Please see Master Response #4. No costs associated with the proposed project would be passed on to the taxpayers.

**Response 94-E** The County does not concur with this comment. Please see the responses to Letter 7 and Response 10-NN.

**Response 94-F** The County does not concur with this comment. Please see Master Response #6. The owners of the property would be required to pay property tax and residents of the proposed units would pay the same taxes on income and goods and services as other residents in the area.

**Response 94-G** The County does not concur with this comment. Future developers would be required to provide parking spaces in accordance with the County's Land Use and Development Code. This would be enforced through the County's site plan review process which would occur prior to construction.

Additionally, the RH Combining District has a requirement to create a "Regional Housing Need Implementation Plan" per the County's Land Use and Development Code (LUDC) Sec. L-II 2.7.11.C.3. The Regional Housing Need Implementation Plan will include the site specific development standards and CEQA mitigation measures for all development of multi-family housing on a Regional Housing Need (RH) site. The purpose of the Implementation Plan is to ensure that all future development within the RH Combining District is constructed in compliance with the specific development standards and mitigation measures approved for the RH Combining District and that the conditions of approval and mitigation measures for each site are easily identifiable at the time when construction is proposed.

**Response 94-H** The County does not concur with this comment. Any new driveways or access ways on the proposed sites would be required to meet County and fire district design standards. Additionally, The County's Land Use and Development Code LUDC Section L-II 2.7.11.C.8. for the RH Combining District requires the following:

If a property does not have direct access to a County maintained roadway, it shall be the responsibility of the land owner or developer to provide written documentation as to their legal right to utilize and improve the road(s) that provide ingress and egress to the site, including secondary access if required, and that the road(s) meet the County minimum standards to serve the development proposed. The land owner or developer shall also be responsible for providing an offer of dedication of the road(s) for acceptance into the County maintained road system, if required by the Department of Public Works. If roads are determined to be inadequate, in width, size, surfacing,

capacity, safety or some other standard, it shall be the responsibility of the land owner or developer to bring the road up to the minimum standard required by the Department of Public Works prior to issuance of a certificate of final occupancy.

These standards would be enforced during County and Fire District review of the site plans prior to building permits. Please see Response 94-G above regarding the Implementation Plan. Failure to comply with the standards would result in the developer not receiving building permits.

**Response 94-I** The County does not concur with this comment. There is no evidence that the proposed project would result in higher property taxes or costs in human services. No tax dollars or proposed for the development and no additional taxes or municipal bond financing is proposed or required for the project. Please see Master Responses #3 and #5.

**Response 94-J** The County does not concur that the project would contribute to a rise in taxes or in non-tax paying residents. Please see Response 94-I and Master Response #6.

Letter 95

**Tyler Barrington**

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**From:** Armon <aforse@sbcglobal.net>  
**Sent:** Thursday, October 31, 2013 9:27 PM  
**To:** Tyler Barrington; Ed Scofield; Nate Beason; Terry Lamphier; Hank Weston; Richard Anderson  
**Subject:** Housing Element Rezone Program Implementation

Sir,  
I would vigorously like to protest the Penn Valley portion of the Housing element of the EIR. It is seriously flawed. The need for commercial development far outweighs the need for low income housing. If we could get more commercial development, we could employ more people. Thereby when people are working, they can afford to buy or rent . If you don't earn a place to live, then there is no pride in your community. I have live here for 37 years, and believe the current general plan was well conceived and should be allowed to be developed.

95-A

Hope you allow the will of the people to be your utmost concern in determining the outcome of this decision.

Armon Forse

**Letter 95 – Armon Forse**

**Response 95-A** The County does not concur with this comment. Please see Response 10-A. Please see Master Response #3. Please see Master Response #1 regarding why the County is proposing the project.

Letter 96

**Barbara Price**

**From:** Donna Landi  
**Sent:** Thursday, October 31, 2013 10:18 AM  
**To:** All BOS Board Members; Brian Foss; Alison Barratt-Green  
**Cc:** Barbara Price  
**Subject:** FW: Rezoning and General Plan Change

Letter on Housing Element Rezone in Penn Valley

*Donna Landi*  
 Clerk of the Board  
 950 Maidu Avenue, Suite 200  
 Nevada City, CA 95959  
 Office: 530.265.1480 Fax: 530.265.9836  
 Website: <http://www.nvnevadacounty.com/bos/cob>



The Clerk of the Board's office will be closed Monday, November 25, 2013, thru Friday, November 29, 2013, and Monday, Dec. 23, 2013, thru Friday, December 27, 2013, in observance of the November and December holidays and previously-announced furlough days for County employees.

**From:** Joyce Hammer [mailto:joycelgh@mac.com]  
**Sent:** Thursday, October 31, 2013 10:10 AM  
**To:** bdotsupervisors  
**Subject:** Rezoning and General Plan Change

Gentlemen,

- 96-A As I am sure you are aware, the Town Hall Meeting in Penn Valley on October 29, 2013, was very well attended. In fact, you could say that the Seventh-day Adventist Church hall was packed with Penn Valley residents who were extremely upset by the zoning changes being proposed by the Nevada County Planning Department. While we do realize that affordable housing is important for people with low income, the residents of Penn Valley on the whole do NOT believe Penn Valley is the appropriate venue for this project. And the proposal of changing commercial zoning is extremely troubling.
- 96-B There are many reasons that a zoning change is inappropriate for our town. However, the two main and most important issues are the strong desire of the community to maintain its small town rural setting and to improve the opportunity to shop and work at small businesses right here in Penn Valley. In addition, we feel that Penn Valley is inappropriate for low income families because of the distance they would have to commute should they be able to find jobs and because medical facilities are not easily accessible. As I'm sure you realize, rural areas offer few amenities for those on low incomes.
- 96-C

96-D | The Environmental Impact Review did not take into account the impact of rezoning on Penn Valley's Village Plan. Nor did it consider that Fire and Police Department fees will not be supported by low income residents, meaning higher taxes for current residents. Eventually the rezoning will result in higher income residents leaving the area and many residents currently paying taxes to support the county will no longer be contributing to maintain its vitality.

96-E | Rezoning Penn Valley's commercial zoning is detrimental to Penn Valley's ongoing development, its residents and its future. This decision to rezone the proposed areas in Penn Valley should not be finalized until an economic impact analysis has been completed.

Thank you for your consideration of this issue.  
Joyce Hammer

**Letter 96 – Joyce Hammer**

**Response 96-A** The County acknowledges this comment. Please see master Responses #3 and #6.

**Response 96-B** Please see Master Response #3. With regard to maintaining the feel of the existing community, future project submittals will be required to undergo a Design Review process and public hearing at the Planning Commission to ensure that the project is consistent with the Penn Valley Village Center Design Guidelines. As noted on page 4.3-10 of the Draft EIR, the purpose of the Penn Valley Village Center Area Plan Design Guidelines is to develop design guidelines that provide consistent design review criteria that encourages development that is compatible with the rural character of the Penn Valley Village Center; to identify public facilities and services that will serve new development; to identify and encourage natural resources; to advocate the development of paths and trails; and, to sustain the rural environment and encourage patronage of village center business.

**Response 96-C** The County does not concur with this comment. Please see Master Response #6 and Response 22-G.

**Response 96-D** The County does not concur with this comment. Please see Response 9-B regarding the Penn Valley Village Plan. Please see Master Response #3. Please see Response 10-NN regarding mitigation for fire and sheriff services. The project does not propose any new taxed, increased taxes, or municipal financing for the proposed project. All construction related costs, including any required infrastructure costs will be the responsibility of the developer.

**Response 96-E** The County does not concur with this comment. Please see Master Responses #3 and #5.

Letter 97

Cc: bdfsupervisors; [planningdepartment@co.nevada.ca.us](mailto:planningdepartment@co.nevada.ca.us)  
Subject: Rezoning/ Low Income Housing/ Penn Valley

**Matthew and Maryellen Beauchamp**  
**10450 McLand Court**  
**Penn Valley, CA 95946**

October 31, 2013  
Nevada County Planning Commission  
950 Maidu Avenue, Ste. 170  
Nevada City, CA 95959

Re: **Public Comment**

Housing Element Rezone Program Implementation Project  
Principal Planner: Tyler Barrington  
Penn Valley Area

To the Planning Commission:

97-A | The proposal to change the general land use and zoning designation for Penn Valley’s downtown from commercial zoning to urban high density zoning is ill advised. Rezoning to allow for the building of multiple low income housing units will have an extremely negative impact on both the citizens of Penn Valley and the surrounding environment.

Penn Valley is a pastoral agrarian community. The lifestyle is rural and the town’s citizens like it that way. Penn Valley’s residents raise horses, cattle and other livestock. We support our local rodeo, "Cowboy Christmas" and other community events. Mandating the building of multiple urban projects in the center of Penn Valley will damage, disrupt or destroy the culture that has always existed here.

97-B | I attended the October 29, 2013, standing room only, Planning Commission informational meeting. At the meeting the Planning Commission’s presenters advised those in attendance of all the potential ill effects that the proposed rezoning and

97-B  
CONT'D

future development would have on our community. Not once during the entire two hour meeting, did the presenters state a single specific benefit that rezoning would have for Penn Valley. We were informed that because of the proposed rezoning the citizens of Penn Valley could expect high density housing built in already zoned, and needed, commercial areas, insufficient parking for the high density housing units, polluted air quality that would need to be mitigated, road construction to widen roads and other negative impacts.

While mentioning the above environmental problems, the meeting presenters either glossed over, or completely ignored the following:

97-C 1. The impact that the persons who would occupy the high density housing would have on traffic, property values and public services including law enforcement resources? The meeting presenters completely ignored the real probability of more crime in Penn Valley as a result of massed urban housing. As you know, Penn Valley is an area that has almost no law enforcement presence.

97-D 2. Where would these new residents come from? Are the low income housing units going to be ear marked for local people or transplants from another area?

97-E 3. How many new residents would descend on Penn Valley? We were told at the meeting that we would receive approximately 40 percent of the 1200 high density units planned for Nevada County. If we are talking about roughly 480 units and add to that number 4 persons living in each unit, that becomes 1,920 new urban residents for rural Penn Valley? Really?

97-F 4. Where would these new residents work? There is no real employment readily available in Penn Valley. Unless you own a local business, or work for yourself, there is extremely limited opportunities for employment. Shouldn't those limited local jobs go to persons who already live here and who have committed themselves to being a part of the community for reasons other than being able to get cheap housing?

97-G We have three incorporated cities in Nevada County. Nevada City, Grass Valley and Truckee. It makes much more sense to rezone and incorporate clusters of high density housing in the above cities. The above mentioned cities all have existing police services and infrastructure that can more readily absorb the impact of the type of developments proposed. At the informational meeting only Grass Valley was mentioned as a possible site for proposed high density rezoning. Shouldn't all the communities in Nevada County shoulder a share of the responsibility for low income housing?

97-H Speaking as someone who lives in, owns property in and has raised his children in Penn Valley, it is my strong belief that rezoning parts of Penn Valley to allow high density, low income housing is wrong headed and will only bring a lower quality of life for those of us that live here. I urge you not to make Penn Valley the dumping ground for this unwanted state mandate. Urban zoning has no place in Penn Valley – period. I ask you on behalf of myself, my wife, my family and friends to reject this extremely flawed plan and leave the commercial zoning and

97-H  
CONT'D | other zoning in Penn Valley as it currently exists.  
Sincerely,

Matthew R. Beauchamp

cc Planning Department  
Board of Supervisors

**Letter 97 – Matthew Beauchamp**

**Response 97-A** Your comment is noted. The four sites proposed in Penn Valley are within the Penn Valley Village center area. All the proposed sites are currently undeveloped and adjacent to existing development. None of the surrounding properties support any agricultural operations. Two of the sites are currently zoned for commercial uses of which the project would permit in mixed use development. Please see Master Response #3. As such, the proposed project would not alter the existing agricultural community or have a substantial adverse impact on the existing character of the community.

**Response 97-B** The County does not concur with this comment. Please see Master Response #3. Future developers would be required to provide parking spaces in accordance with the County's Land Use and Development Code. This would be enforced through the County's site plan review process which would occur prior to construction. Please see Response 94-G regarding the Implementation Plan. Air quality impacts are evaluated in Sections 4.5. The County concurs that air quality impacts were identified in the Draft EIR and mitigation is required, and that some air quality impacts were identified as significant and unavoidable. Please see Response 54-D.

**Response 97-C** Please see Response 97-B above regarding traffic. Please see Response 54-D. Please see Master Response #5 regarding property values and Response 10-NN regarding law enforcement services.

**Response 97-D** Please see Master Response #6.

**Response 97-E** Exactly how many new residents is unknown at this time because the actual number of units is not known. The EIR assumed that 535 units (20 percent of the overall project total) would be built in Penn Valley if each site achieved its maximum buildout at 16 dwelling units per acre. According to the 2010 Census the average household size in Penn Valley is 2.57 people.<sup>21</sup> However, that calculation does not take in account that Environmentally Sensitive Areas, or physical or regulatory constraints that may reduce the actual yield for number of units.

**Response 97-F** Please see Master Response #2.

**Response 97-G** The County does not concur with this comment. Please see Responses 22-F and 22-G.

**Response 97-H** The County acknowledges and appreciates this comment. It should be noted that overall the Penn Valley Village Center is approximately 200-acres in area and approximately 46-acres of that area has an existing R2 (Urban Medium Density) or R3 (Urban High Density) zoning designation. The proposed project would increase the density of approximately 25 acres of that existing R2 zone to R3. Please see Master Response #3 and #6.

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<sup>21</sup> [http://www.dof.ca.gov/research/demographic/state\\_census\\_data\\_center/census\\_2010/](http://www.dof.ca.gov/research/demographic/state_census_data_center/census_2010/)

Letter 98



HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM  
ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS  
SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: REIFEL, GARFIELD

Agency/Group/Organization:

Mailing Address: 14002 DORRISIDE CT PENN VALLEY CA

Email Address:

Phone Number: 530 432-0771

Comments:

98-A

I AM AFRAID THAT POTENTIAL RESIDENTS WILL NOT  
HAVE SERVICES OR NEED TRANSPORTATION OUT OF PV.  
TO FILL THEIR NEEDS.

THIS HOUSING, COMPLEX COULD BE PLACED IN ANOTHER AREA.  
I AM AGAINST HOUSING OF THIS TYPE IN PENN VALLEY.

Send To: Tyler Barrington, Principal Planner  
Nevada County Community Development Agency  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959  
Telephone: (530) 470-2723  
Email: [tyler.barrington@co.nevada.ca.us](mailto:tyler.barrington@co.nevada.ca.us)

**Letter 98 – Gerald Reifel**

**Response 98-A** The County acknowledges and appreciates this comment. Please see Master Response #1 regarding why the County is proposing the project. Please also see Responses 22-F and 22-G regarding the rationale for selecting Penn Valley for the RH Combining District and the existing services available in the community. Please see Response 97-H.

Letter 99



HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM  
ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS  
SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: DENNIS & LINDA KEELS  
Agency/Group/Organization:  
Mailing Address: 17613 CHAPARRAL DRIVE  
Email Address:  
Phone Number: 530-432-3613

Comments:

I DO NOT THINK THE INFRASTRUCTURE  
OF PENN VALLEY WILL HANDLE THE AMOUNT  
OF PERSONS INTENDED TO BE IN THIS  
LOW INCOME PROJECT. THE TRAFFIC  
AND EMPLOYMENT WILL NOT ALSO  
HANDLE THIS PROJECT

99-A

Send To: Tyler Barrington, Principal Planner  
Nevada County Community Development Agency  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959  
Telephone: (530) 470-2723  
Email: [tyler.barrington@co.nevada.ca.us](mailto:tyler.barrington@co.nevada.ca.us)

**Letter 99 – Dennis and Linda Keels**

**Response 99-A** The County concurs that additional infrastructure improvements will be needed for the proposed sites in Penn Valley. Please see Master Responses #2, #4 and #6 and Response 10-NN. Potential traffic impacts were evaluated in Section 4.15 of the Draft EIR and no traffic impacts were identified in Penn Valley. Please see Response 54-D.

Letter 100



HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM  
ENVIRONMENTAL IMPACT REPORT

**EIR PUBLIC REVIEW COMMENTS**

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: *Richard D. Feudall*

Agency/Group/Organization:

Mailing Address: *18056 Hummerberg*

Email Address: *Deerun Valley, CA 95946*

Phone Number: *432-4458*

100-A | Comments: *Not in favor.*

---

Send To: Tyler Barrington, Principal Planner  
Nevada County Community Development Agency  
950 Maiden Avenue, Suite 170  
Nevada City, CA 95959  
Telephone: (530) 476-2723  
Email: [tyler.barrington@co.nevada.ca.us](mailto:tyler.barrington@co.nevada.ca.us)

**Letter 100 – L. Kendall**

**Response 100-A** The County acknowledges and appreciates this comment. However, the comment is not at variance with the content of the EIR and no further response is required. This letter will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Letter 101

To:  
NEVADA COUNTY PLANNING COMMISSION  
950 Maidu Avenue  
Nevada City, CA 95959

From: SHIRLYN VOGEL  
19193 Chaparral DR.  
Penn Valley, CA 95946

Regarding: Proposed changes to the General Land Use and Zoning Designation for sites in Penn Valley to rezone candidate sites to Urban High Density/high density residential zoning.

Dear Sirs:

101-A

I AM OPPOSED TO THE LOW INCOME HOUSING development proposed in Penn Valley, Penn Valley does not have the infrastructure to support THIS size growth. We currently pay \$900.00 a year toward the sewage treatment facility which is apparently unable to accommodate current usage.

Sincerely,  
Shirlyn Vogel

**Letter 101 – Shirlyn Vogel**

**Response 101-A** The County concurs that additional infrastructure improvements will be needed for the proposed sites in Penn Valley. Please see Master Response #4. All of the construction costs including infrastructure costs associated with the proposed project would be the responsibility of the developer. No taxes, assessments on existing residents, or municipal financing is proposed for development of any of the project sites.

Letter 102



HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM  
ENVIRONMENTAL IMPACT REPORT

**EIR PUBLIC REVIEW COMMENTS**  
SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

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Name: *J. Patricia Kendall*  
Agency/Group/Organization: \_\_\_\_\_  
Mailing Address: *18056 Hummingbird Dr*  
Email Address: *Benn Valley, Ca 95946*  
Phone Number: *432-4458*

---

102-A | Comments: *Opposed - Will cause too many  
problems to see area -*

---

Send To: Tyler Barrington, Principal Planner  
Nevada County Community Development Agency  
950 Maida Avenue, Suite 170  
Nevada City, CA 95959  
Telephone: (530) 470-2723  
Email: [tyler.barrington@co.nevada.ca.us](mailto:tyler.barrington@co.nevada.ca.us)

**Letter 102 – Patricia Kendall**

**Response 102-A** The County acknowledges and appreciates this comment. However, comment is not at variance with the content of the EIR and no further response is required. This letter will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Letter 103

11-2-13

Tyler Barrington, Principal Planner  
Nevada County Community Development Agency  
950 Maiden Ave. Suite 170  
Nevada City, Ca. 95959

I am writing to object to proposed rezoning of Penn Valley to accommodate a low-cost public housing project for the following reasons:

- 103-A 1. The strain on our area schools to increase class size or provide more classroom space has not been financially evaluated.
- 103-B 2. There is no convenient transportation systems in the affected areas.
- 103-C 3. No systematic adult public education programs exist. Thus housing project inhabitants <sup>not</sup> look to increasing their educational and job prospects.
- 103-D 4. Finally, there is not a vibrant job market in this area - no incentive present to entice the population to advance their prospects.
- 103-E All of the above bespeak this location a poor choice. Ideally a project such as this should be placed in a area (ex: Sacramento) that provides adequate public schools.

-2-

103-E  
CONT'D

for the children, good transportation,  
numerous adult education projects and  
topped off with a vibrant job market.  
The idea is to provide advancement for  
this population. Reno Valley and the  
surrounding area do not come close to  
qualifying in any of these areas.

John Leggett  
18460 Lake Forest Dr  
Reno Valley, Ca. 95946

Copies: Doug Donesky  
Hank Weston

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NOV 7 2013

NEVADA COUNTY  
BOARD SUPERVISORS  
cc: BOS  
Planning  
L. C. nsl.

**Letter 103 – Fran Wyatt**

**Response 103-A** The County does not concur with this comment. Please see Response 10-MM.

**Response 103-B** The County does not concur with this comment. Please see Response 10-II.

**Response 103-C** The locations for local adult education facilities would be the same for any of the residents in the Penn Valley Area.

**Response 103-D** Please see Master Response #2.

**Response 103-E** The County does not concur with this comment. Please see Response 22-F and 22-G regarding the rationale for the proposing sites in the Penn Valley Area.

Letter 104



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Nevada County Community  
Development Agency

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM  
ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: Gladys HARTINES  
Agency/Group/Organization:  
Mailing Address: P.O. BOX 64 P.O. CA. 95946  
Email Address: CLEANsOBER BERTLE ATT. NOT  
Phone Number: 650-743-7987-530-432-9950

104-A  
Comments: My lat CONCERN - NOT being Notified of the  
Proposed Project.  
THANK goodness FOR the PLYERSE word of mouth  
That went out - Day/1 week before Oct 26, 2013  
meetings.  
The E.I.R. Needs to be Returned & Completely  
Re-Evaluated - This project for DENSE Housing does  
Not belong in PV with its Rural 2 have RDS -  
Many many Plans in this EIR Report  
You need to Extend the Nov. 12, 2013 deadline  
ONE more month to allow us the People of PV to  
Receive more ~~at~~ Public F.A.P.U.T.

Send To: Tyler Barrington, Principal Planner  
Nevada County Community Development Agency  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959  
Telephone: (530) 470-2723  
Email: [tyler.barrington@co.nevada.ca.us](mailto:tyler.barrington@co.nevada.ca.us)

**Letter 104 – Gladys Hartines**

**Response 104-A** The County does not concur that there are many flaws in the EIR. Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. Please see Responses 54-D and 22-G.

For both the Notice of Preparation and Notice of Availability of the Draft EIR, the County met the distribution requirements of the California Environmental Quality Act and the County's own internal policies for public notification. The Notice of Availability was published in the local newspaper, and notices were sent to adjacent property owners up to 500 feet, exceeding the County's normal 300-foot distribution. While the County has met and gone beyond its statutory noticing requirements, it has agreed to extend the noticing of future public comment periods and meetings to include other residents outside of the noticing requirements to ensure the public has an opportunity to participate in the public process. The County held three public comment meetings, one in each of the proposed areas, in addition to the County Planning Commission Hearing during the public review period. The public comment on the Draft EIR was for 60 days which exceeds the standard 45-day review period required by CEQA and County Policy. The public review period closed as planned on November 12, 2013. The County Planning Commission considered a request to extend the public review period at the October 10, 2013 hearing and elected not to extend it.

Letter 105



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NOV 07 2013  
Nevada County Community  
Development Agency

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM  
ENVIRONMENTAL IMPACT REPORT

**EIR PUBLIC REVIEW COMMENTS**

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: *Maureen K Lafond*  
Agency/Group/Organization: *Babies & Me - Infant/toddler car*  
Mailing Address: *10699 "A" Spenceville Rd PV 95946*  
Email Address: *mosbabes@att.net*  
Phone Number: *477479*

**Comments:**

105-A

*Please reconsider these rezoning plans for PV. We are small with limited resources as it is. Water, transportation, traffic (which is already extremely dangerous) are all to be compromised if all these parcels become homes to low income families. We need more commerce not people looking for*

Send To: **Tyler Barrington, Principal Planner**  
Nevada County Community Development Agency  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959  
Telephone: (530) 470-2723  
Email: [tyler.barrington@co.nevada.ca.us](mailto:tyler.barrington@co.nevada.ca.us)

105-A  
CONT'D

and using our limited resources as is.

Thank you for your consideration.

I know this can't be an easy situation.

Sincerely  
Mio Stafford

**Letter 105 – Marueen Lafond**

**Response 105-A** The draft EIR evaluated potential impacts on public services and utilities (including public water service) in Section 4.15 and mitigation measures were identified. Please see Master Response #4. Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. Please see Response 54-D. Please see Master Response #6 regarding low income housing and Master Response #3 regarding retaining the commercial land use designation for the two Penn Valley properties with an existing commercial designation.

Letter 106

1 of 3



Re: Lake of Pines

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM  
ENVIRONMENTAL IMPACT REPORT

**EIR PUBLIC REVIEW COMMENTS**

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: Andrew & Linda Barter

Agency/Group/Organization:

Mailing Address: 10601 Riate Way (off Rosewood Rd)  
Auburn

Email Address: grimhaven@att.net

Phone Number: 530-268-2639

106-A

Comments: This project will burden Combie Rd more than it is already. Cascade Crossings is adding 82 homes, an additional 32 homes are projected for the NW intersection of Combie Rd/Magnolia/Hacienda and now you're trying to add additional high density housing along Combie Rd, and Woodridge with an exit onto Combie off of Higgins. What are you thinking? As it is now for us to access Combie off of Rosewood is next to impossible before and after school and LOP →

Send To: Tyler Barrington, Principal Planner  
Nevada County Community Development Agency  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959  
Telephone: (530) 470-2723  
Email: [tyler.barrington@co.nevada.ca.us](mailto:tyler.barrington@co.nevada.ca.us)

106-A  
CONT'D

6

Commuters around 4:30-5-6 P. This traffic is backed up halfway between Combie/Magnolia towards Rosewood Rd.

106-B

Your new proposal of high density, low income is alarming to us as our property value most likely will deflate. These types of projects have brought blight to other areas where they've been built, not to mention flooding an already overburdened economy in our area. Our schools are already at capacity: Will there be

106-C

any assistance to the taxpayers to add additional teachers and/or buildings or rooms to accommodate the overflow?

106-D

What about law enforcement? There will have to be more hired because the per capita is over maxed.

106-E

Is the wastewater treatment plant able to service ALL new proposed housing?

106-F

Additionally, to notify only 2 or 3 residents in our <sup>immediate</sup> neighborhood is unconscionable. It may be allowable within metropolitan areas where lot sizes are 50', 60' or 100'. But in a rural area where acreage is involved all citizens <sup>concerned</sup> within a one mile radius should have been notified. Your rules need to be revised regarding rural notification. Therefore we

106-F  
CONT'D

question the legality of this  
proposal due to lack of citizen  
notification. Will you forge on with  
the proposed development, yes; are  
we concerned citizens! ABSOLUTELY.

106-G

Our request of you is to be consider  
ate of our local citizens <sup>and environment</sup> & please  
reduce your numbers of units  
greatly.

Respectfully submitted,  
Andrew & Linda Barter

cc: Grass Valley Chamber of Commerce

**Letter 106 – Andrew and Linda Barter**

**Response 106-A** The County concurs that the existing level of service at the Rosewood/Combie Road intersection currently operates at LOS F during the peak hour. Developers on Sites 14 through 18 would contribute to traffic mitigation improvements that would improve the traffic operations at SR 49 and Combie Road and Combie Road at Higgins Road. The traffic improvements at this intersection include installing additional turn lanes at SR49/Combie Road and a traffic signal at Combie Road/Higgins Road. Improving the operations at these intersections would improve the flow of traffic along the Combie Road roadway segment because the traffic flow would be controlled which would improve operations the Rosewood/Armstrong/Combie Road intersection.

**Response 106-B** Please see Master Responses #5 and #6.

**Response 106-C** Please see Response 10-MM

**Response 106-D** The following discussion is provided on page 4.13-15 of the Draft EIR: future developments would bring additional annual revenue in the form of increased local property taxes and sales taxes that would help offset the increased demand for police services by funding increases in police personnel, training and equipment. Furthermore, the project developer would be required to pay development impact fees which are intended to provide the means which allow the local police and sheriff to maintain the current level of service. As such, impacts are considered to be less than significant. Implementation of Mitigation Measure 4.13-1c, which would require the project to provide documentation noting adequate response times, would reduce impacts to less than significant.

Additionally, Mitigation Measure 4.13-1(c) has been revised to include the following statement: “The formation of an assessment district may be required to provide adequate public safety services.” The formation of an assessment district, on the proposed units, may be used to provide additional funds to the district to allow the District meet the required response times to serve future projects.

**Response 106-E** Please see Master Response #4.

**Response 106-F** The Notice of Availability for the EIR and community meetings and Planning Commission hearing was published in the local newspaper, and notices were sent to adjacent property owners up to 500 feet, exceeding the County’s normal 300-foot distribution. While the County has met and gone beyond its statutory noticing requirements, it has agreed to extending the noticing of future public comment periods and meetings to include other residents outside of the noticing requirements to ensure the public has an opportunity to participate in the public process. One example is the County has agreed to notice all residents whose property’s access is off of Rosewood even though they are beyond distances that would normally be noticed. Similar criteria will be applied to other sites in LOP, PV and GV SOI.

**Response 106-G** The County acknowledges and appreciates this comment. This comment will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Letter 107



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OCT 31 2013  
Nevada County Community  
Development Agency

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM  
ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: *Maime + Cecil Lewelling*  
Agency/Group/Organization:  
Mailing Address: *P.O. Box 855 Penn Valley, Ca 95946*  
Email Address:  
Phone Number: *530-432-0663*

107-A

Comments: *We are 84 and 86 years old. Please do not allow rezoning to be done in Penn Valley. We moved to Nevada County in 1958, worked for Hansen Brothers 25 years, and raised our family here. We built our house in Penn Valley 1979. Planned to live the rest of our lives here, but if taxes, fire fees, Dialysis, and etc. keep going up we may be forced to leave our family and live elsewhere. We love it here, Our Church, our neighbors, friends, small town, and living close to our children for family fun and help when we need it. So Please do not rezone and change our lives.*  
*Maime + Cecil Lewelling*

*Thanks for the meeting to explain the rezoning.*

Send To: **Tyler Barrington, Principal Planner**  
**Nevada County Community Development Agency**  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959  
Telephone: (530) 470-2723  
Email: [tyler.barrington@co.nevada.ca.us](mailto:tyler.barrington@co.nevada.ca.us)

**Letter 107 – Maxine and Cecil Lewelling**

**Response 107-A** The County acknowledges and appreciates this comment. This letter will be will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Letter 108



RECEIVED

OCT 31 2013

Nevada County Community Development Agency

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: Douglas and Shirley Moon
Agency/Group/Organization:
Mailing Address: 11889- Kingbird Ct - Penn Valley 95946
Email Address:
Phone Number: 530-205-9554

Comments:
These proposed projects and sites are seriously flawed. This is a rural area of Nevada County without adequate infrastructure (sewer, roads, police & fire protection) to support high density housing. In addition there is not adequate services (shopping, medical, pharmacy, etc.) to support high density population. High density housing projects should be located close to the services, transportation and infrastructure designed to support such projects, not in rural horse country. What type of public transportation is being proposed to support low-income house hold who can not afford a private vehicle? What type of emergency, ambulance, police and fire services are being increased to serve this new population?

108-A

Send To: Tyler Barrington, Principal Planner
Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
Telephone: (530) 470-2723
Email: tyler.barrington@co.nevada.ca.us
The proposal to rezone the only retail, commercial and light industrial area central to Penn Valley will have a severe impact on future development of the business community and those jobs in our community -
These proposed sites are a very, very bad idea & will be fought.

108-B

**Letter 108 – Douglas and Shirley Moon**

**Response 108-A** The County does not concur that the proposed project and sites are seriously flawed. Please see Master Response #1, and Responses 10-H, 22-F, and 22-G regarding the rationale for selecting sites in the Penn Valley area. The draft EIR evaluated potential impacts on public services and utilities (including public water service) in Section 4.15 and mitigation measures were identified. Please see Master Response #4. Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. Please see Response 54-D. Please see Response 10-II regarding public transportation. Please see Response 10-NN regarding potential impacts on fire and sheriff services. It is anticipated that the Penn Valley Fire Protection District would provide some EMT services as part of their normal emergency response. Other ambulance services would be provided by existing ambulance services such as Nevada County Ambulance Service.

**Response 108-B** The County does not concur with this comment. Please see Master Response #3.

Letter 109

RECEIVED

NOV 12 2013

Nevada County Community Development Agency

TO: Tyler Barrington  
Principal Planner Nevada County  
Community Development Agency  
950 Maiden Ave, Suite 170  
Nevada City, CA

cc: Hank Weston  
Doug Donocky

109-A

We are writing this letter in response to the possible high density zoning of 60 acres of Penn Valley. I and my husband are opponents of zoning of this community and our feelings and opinions could not be more upset. We have, having resided in a area of Solano County in the past, we are newly retired and several years ago bought ~~the~~ a much older home in this quaint town of Penn Valley.

109-B

We relocated here to get away from the disappearing open land traffic congestion and most important the growing crime rate due to population growth. Both of us have retired from public safety and know first hand the results of what high density zoning can bring to once peaceful communities.

High density zoning and their developments should be constructed in cities where there are readily available jobs, adequate water supply (not discussed at Nov meeting) adequate number of law enforcement. This zoning plan income zoning will depreciate & take away this "peaceful natural beauty with tranquil lifestyle small town atmosphere" which states in a popular local magazine "we as a community will have nothing to boast & take pride in that will draw retirees + families. Many of us who were drawn to this area to get away from the craziness of population areas will be forced to move away if high density low income housing is allowed. Please hear our concerned voices!

Sincerely  
Teresa Helmen +  
Robert Cornwell  
Robert Cornwell

**Letter 109 – Trisha Helmen and Robert Cornwell**

**Response 109-A** Your comment is noted. However, the comment is not at variance with the content of the EIR and no further response is required. For clarification, your comment indicates that 60-acres are being considered from rezoning in Penn Valley. This number is inaccurate as the four parcels that are being considered for rezoning in the Penn Valley area total only 33.52-acres collectively. This letter will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

**Response 109-B** Please see Responses 10-H, 22-F, and 22-G regarding the rationale for selecting sites in the Penn Valley area.

Letter 110



RECEIVED

NOV 12 2013

Nevada County Community Development Agency

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: DONALD L. RINGEN

Agency/Group/Organization:

Mailing Address: 11455 Penn View Lane

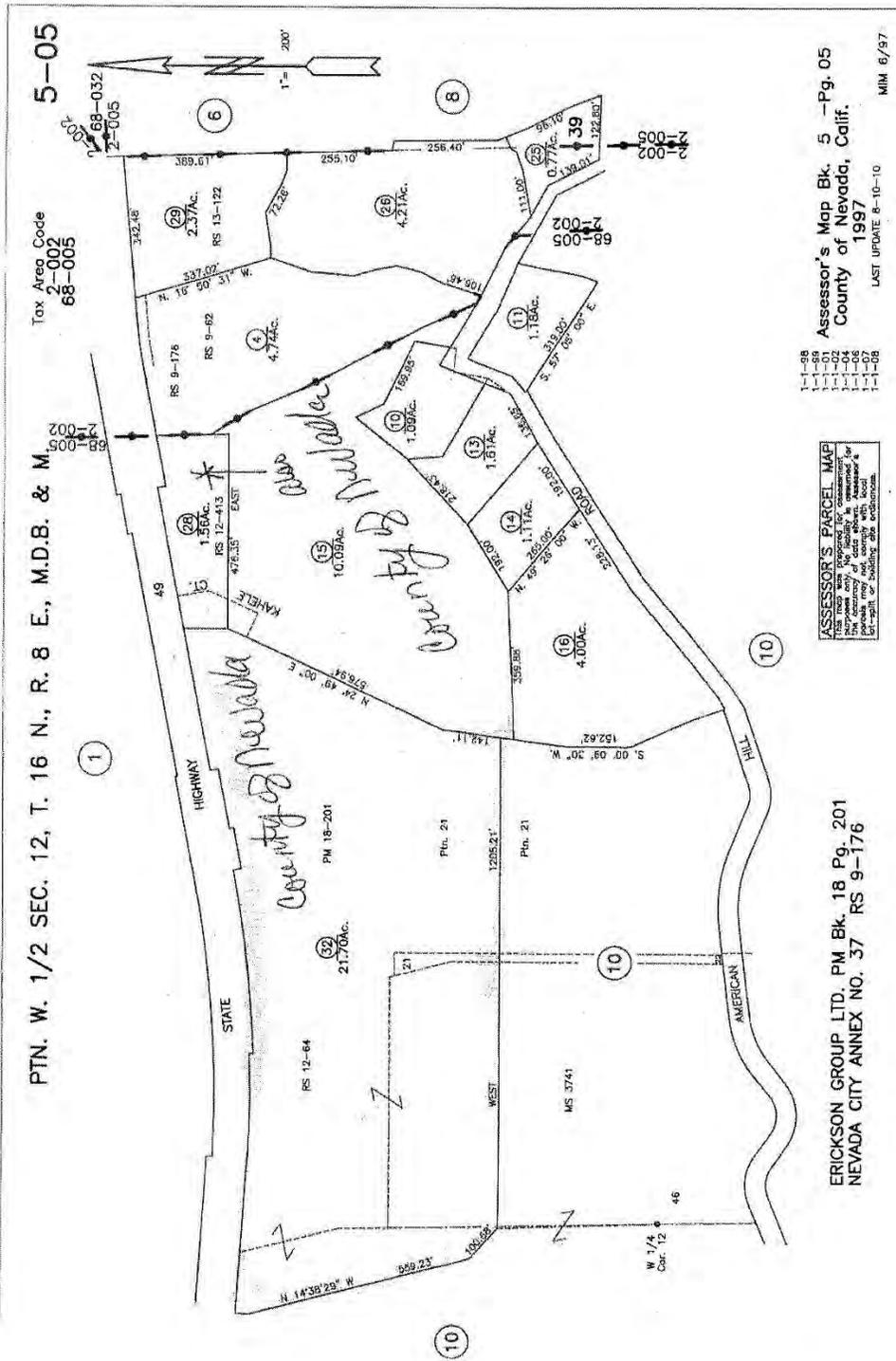
Email Address: Penn Valley, CA 95946

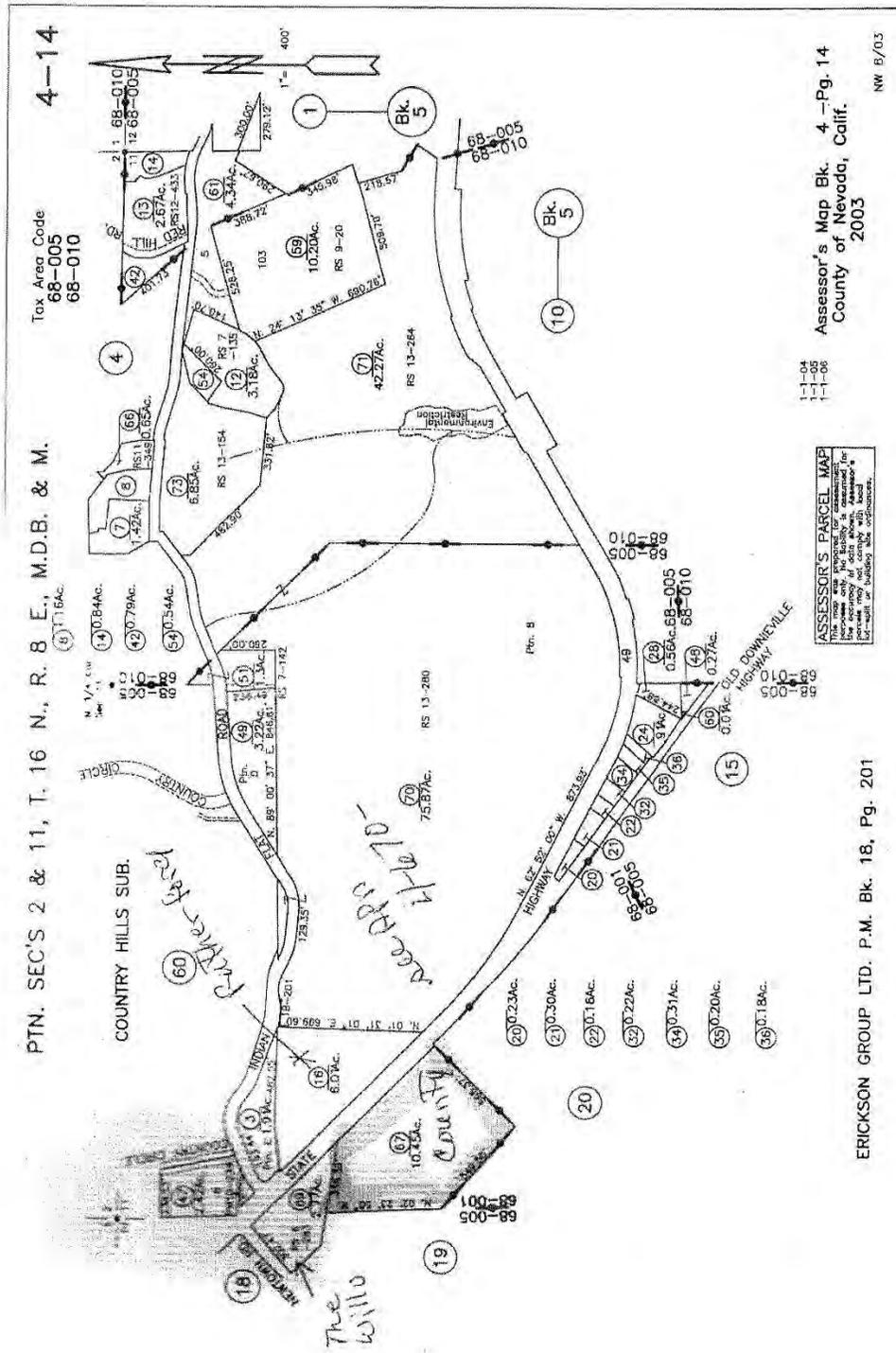
Phone Number: 530 432-8002

110-A

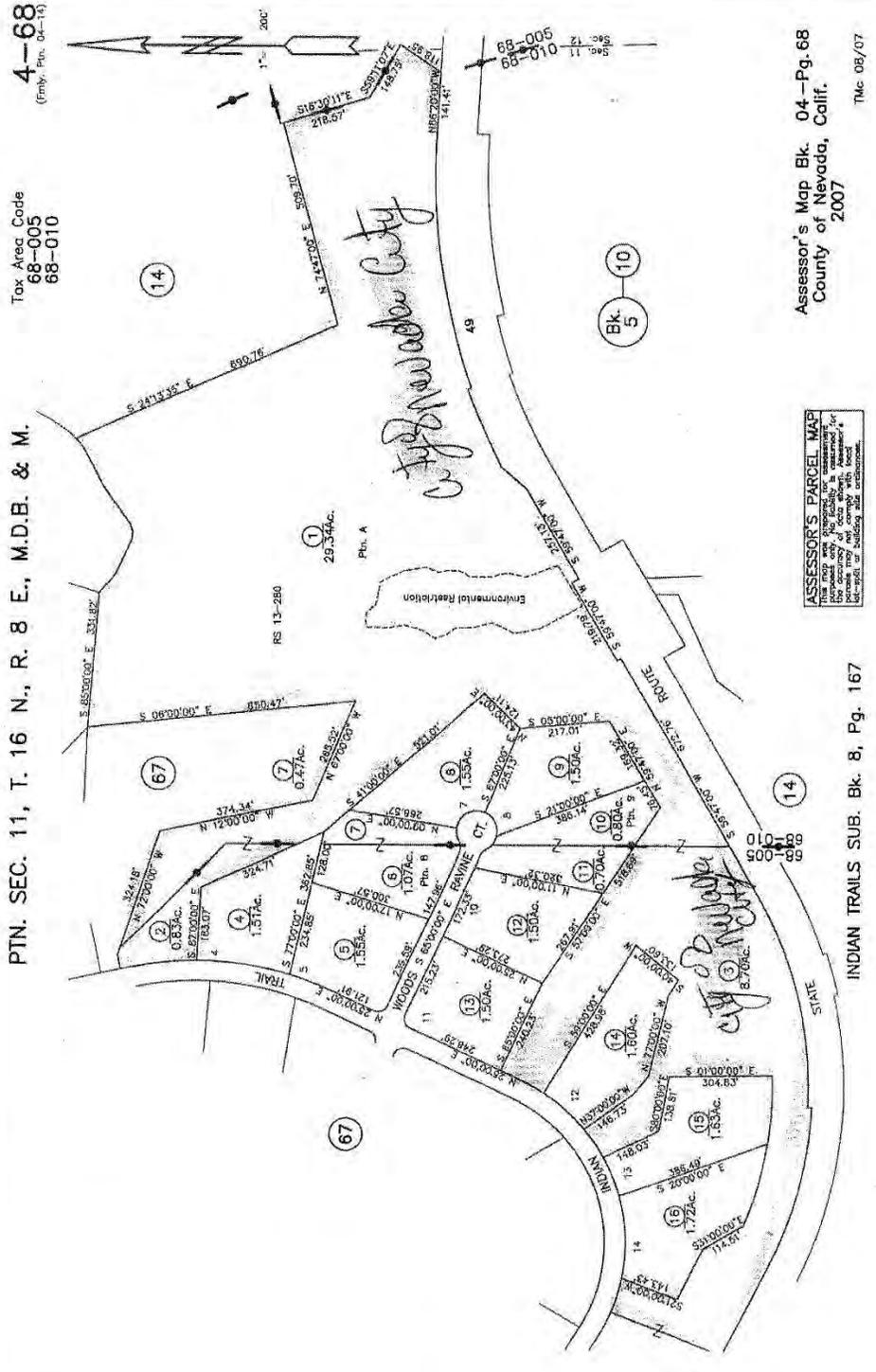
Comments: The attached 7 parcels are owned by Nevada City or Grass Valley. That could be rezoned to be used for the low income housing. This would then not take commercial property zoning away from Penn Valley. Nevada County or Grass Valley would be paid for the property, income. That property on tax shall mean income.

Send To: Tyler Barrington, Principal Planner  
 Nevada County Community Development Agency  
 950 Maidu Avenue, Suite 170  
 Nevada City, CA 95959  
 Telephone: (530) 470-2723  
 Email: [tyler.barrington@co.nevada.ca.us](mailto:tyler.barrington@co.nevada.ca.us)









4-68  
(Emby. Plan, 04-14)

Tax Area Code  
68-005  
68-010

Assessor's Map Bk. 04-Pg. 68  
County of Nevada, Calif.  
2007

TMC 08/07

**ASSESSOR'S PARCEL MAP**  
This map was prepared by the Assessor for the County of Nevada, Assessor's Office, for the purpose of assessing property for taxation. It is not intended to be used for any other purpose.

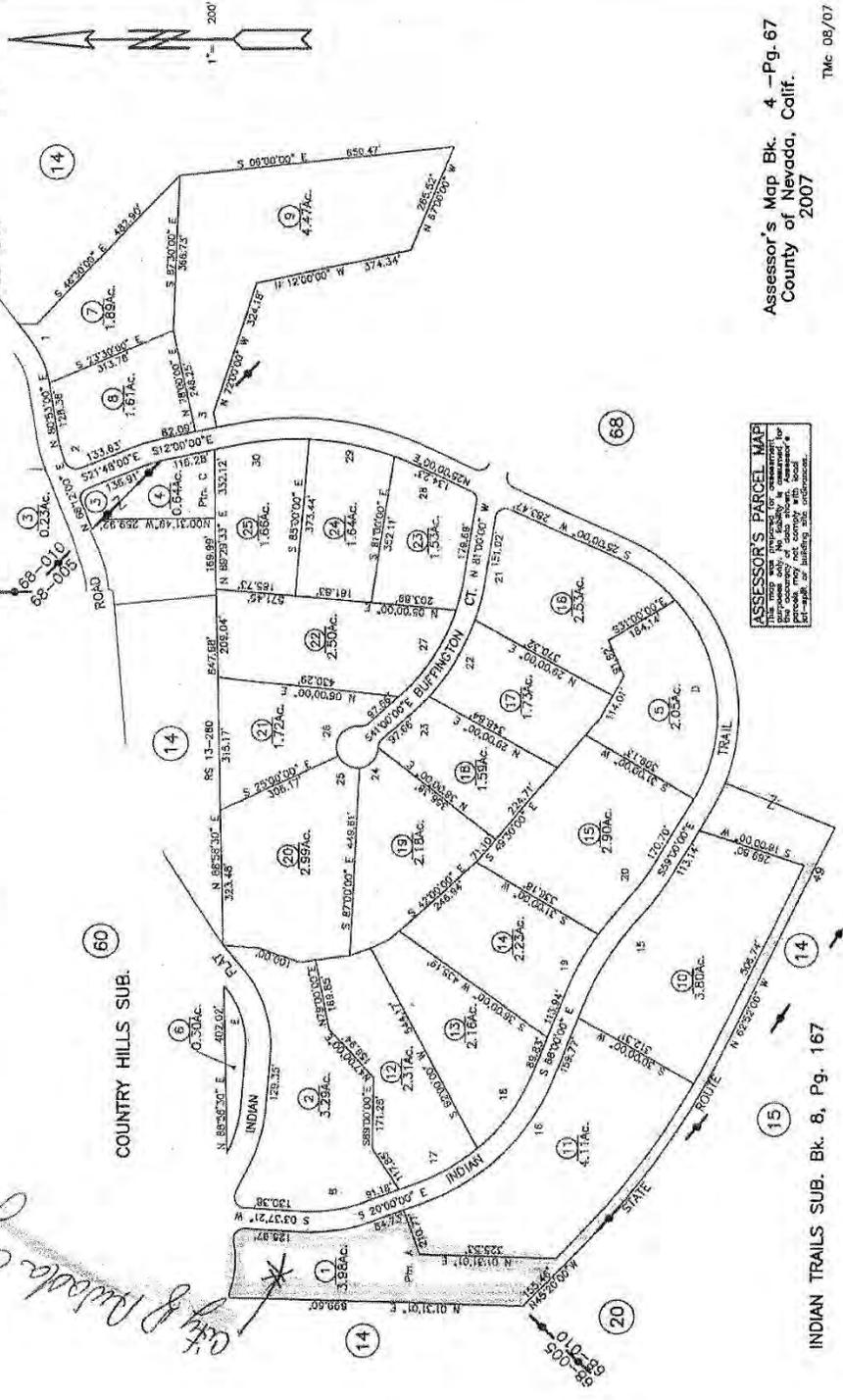
INDIAN TRAILS SUB. Bk. 8, Pg. 167

4-67  
(Fmly. Plan. DA-14)

Tax Area Code  
68-005  
68-010

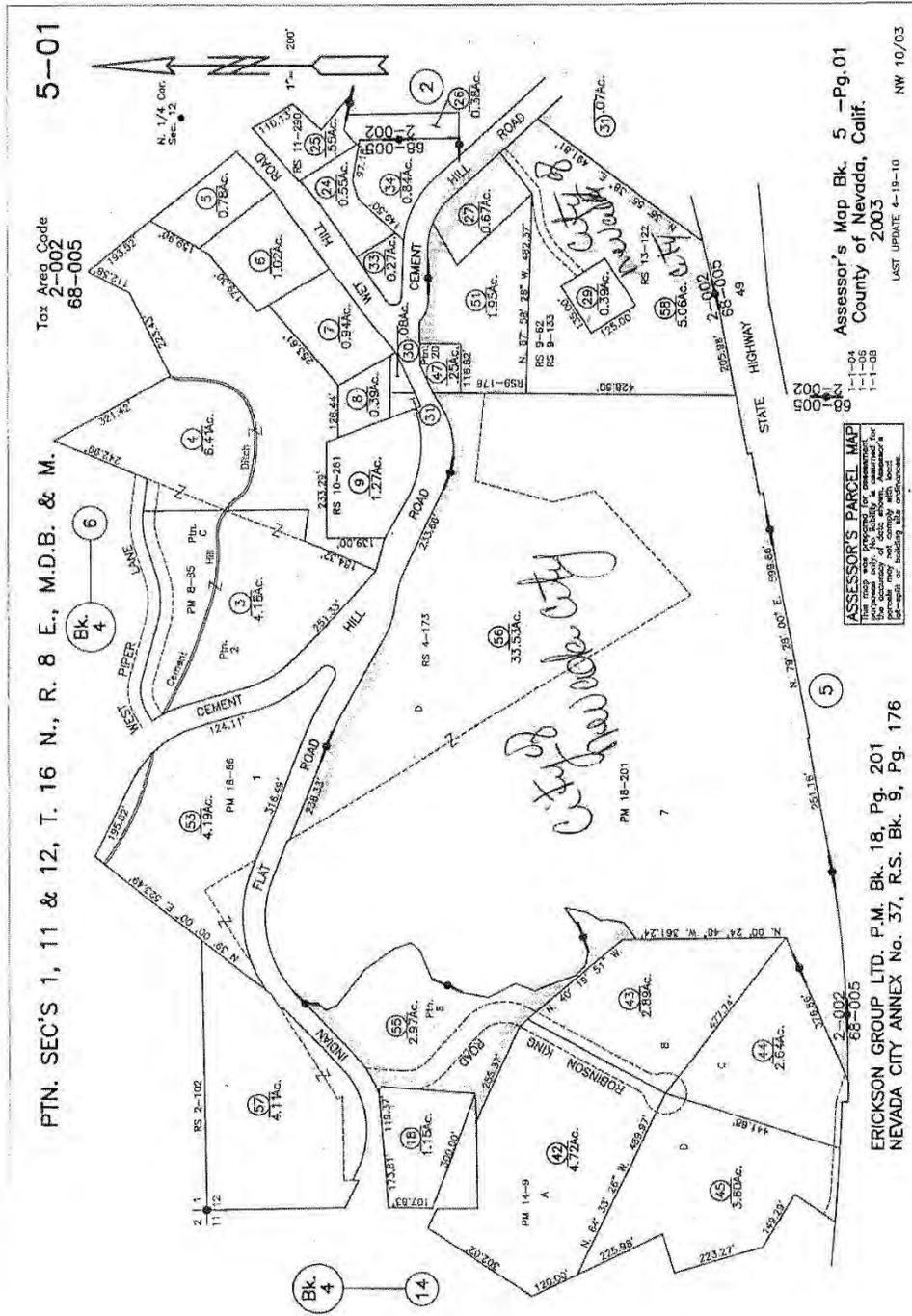
PTN. SEC. 11, T. 16 N., R. 8 E., M.D.B. & M.

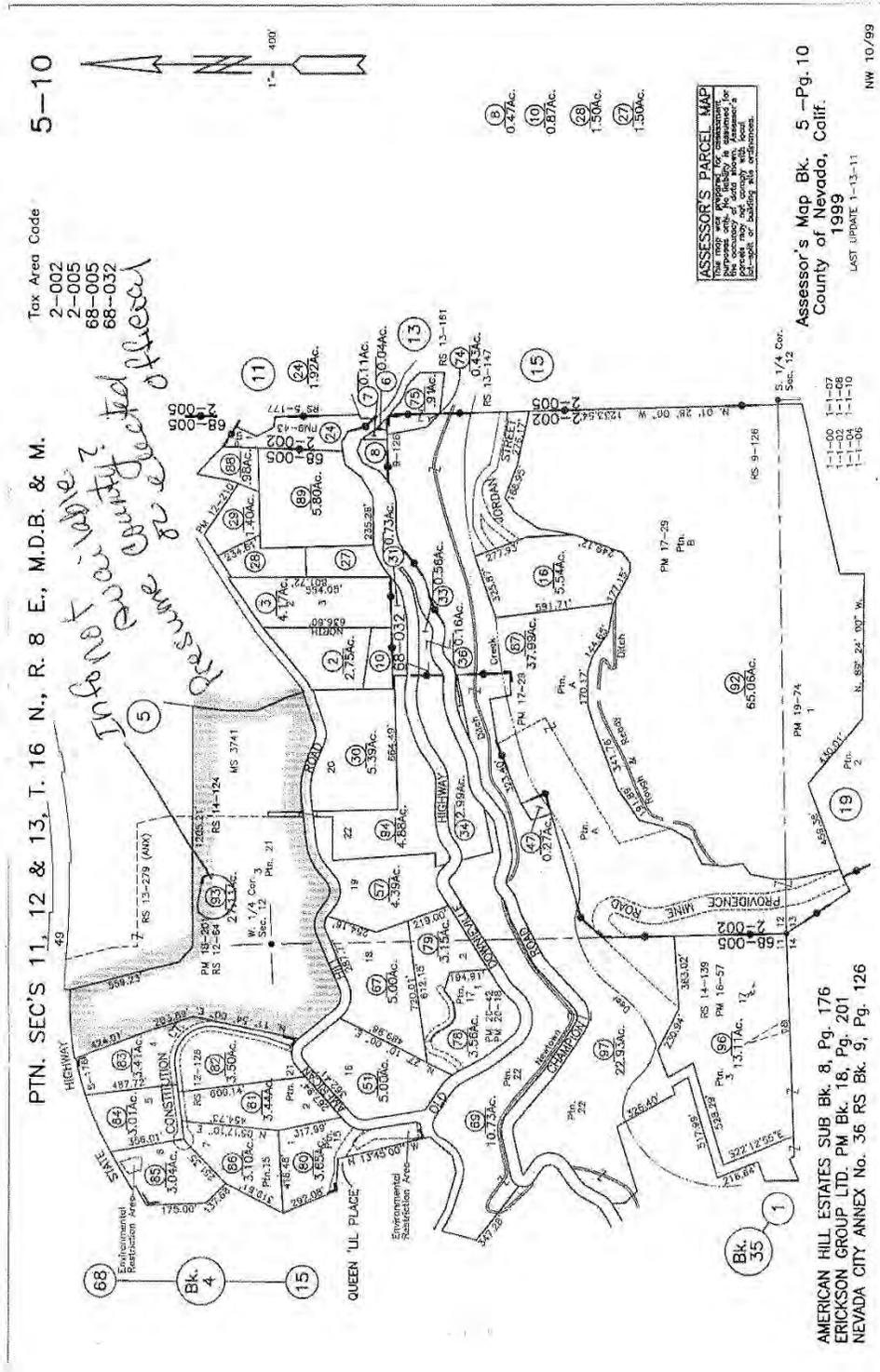
*City of Nevada City*



ASSESSOR'S PARCEL MAP  
This map is prepared for the County of Nevada, California, and is intended for use only for the purposes of the Assessor's Map. It is not to be used for any other purpose and the County of Nevada, California, is not responsible for any errors or omissions.

Assessor's Map Bk. 4 -Pg. 67  
County of Nevada, Calif.  
2007  
TMC 08/07





**Letter 110 – Donald Ringen**

**Response 110-A** Please see Responses to Letter 12 which provided these same parcels as suggested alternative site locations. Additionally see Master Response #3 regarding the potential for rezoning commercially zoned property by this project.

Letter 111



HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS  
SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: JULIE COX  
Agency/Group/Organization: -  
Mailing Address: P.O. BOX 1142, PENN VALLEY, CA. 95946  
Email Address:  
Phone Number: (530) 432.29.55

Comments:

111-A

The EIR did not take into account that trees will be felled when roads are widened. How many trees, especially on the Penn Valley Drive, would be removed?

Thank you.  
Sincerely,  
Julie Cox.

Send To: Tyler Barrington, Principal Planner  
Nevada County Community Development Agency  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959  
Telephone: (530) 470-2723  
Email: [tyler.barrington@co.nevada.ca.us](mailto:tyler.barrington@co.nevada.ca.us)



HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS  
SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: JULIE COX  
Agency/Group/Organization: -  
Mailing Address: P.O. Box 1142  
Email Address:  
Phone Number: 432.29.55

Comments:

111-B

Sewer and water problems already exist. How will the additional population with their need for sewer & water infrastructure impact Penn Valley?

Send To Tyler Barrington, Principal Planner  
Nevada County Community Development Agency  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959  
Telephone: (530) 470-2723  
Email: [tyler.barrington@co.nevada.ca.us](mailto:tyler.barrington@co.nevada.ca.us)



HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM  
ENVIRONMENTAL IMPACT REPORT

**EIR PUBLIC REVIEW COMMENTS**  
SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: *JULIE COX*  
Agency/Group/Organization: -  
Mailing Address: *P.O. BOX 1142, PENN VALLEY, CA. 95946*  
Email Address:  
Phone Number: *(530) 432.29.55*

Comments:

111-C | *The EIR did not address the drainage of the proposed building sites. Where will the run-off be?*

*Thank you.  
Sincerely,  
Julie Cox.*

Send To: Tyler Barrington, Principal Planner  
Nevada County Community Development Agency  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959  
Telephone: (530) 470-2723  
Email: [tyler.barrington@co.nevada.ca.us](mailto:tyler.barrington@co.nevada.ca.us)

**Letter 111 – Julie Cox**

**Response 111-A** Biological resources were evaluated in Section 4.4 of the Draft EIR. A biological survey was completed for each site and the different habitat on each site and included in the EIR analysis on Chapter 4. For areas that have sensitive biological habitats such as wetlands, landmark oak trees (greater than 36” in diameter measured breast height) and landmark oak groves (oak woodlands with a canopy closure of 33% or greater) or other sensitive plant types, no building zones called Environmentally Sensitive Areas were designated to avoid and minimize potential impacts. Because, no development is planned on the sites at this time, it is not known how many trees would be removed on any of the sites. The Nevada County Tree Preservation and Protection Ordinance is discussed on page 4.4-35 of the Draft EIR. This ordinance requires projects to minimize impacts to trees and maximize the long term preservation of trees in their natural setting. The ordinance calls for avoidance of impacts to Landmark Trees and Landmark Groves. Please see Response 26-D which describes the requirements of a management plan that is required for any project with impacts on trees protected by the ordinance.

**Response 111-B** Please see Master Response #4

**Response 111-C** The County does not concur with this comment. Surface water drainage was evaluated in Section 4.10 of the Draft EIR. Mitigation Measure 4.10-1c requires the developers to submit a hydrology report that evaluates the pre- and post-construction surface water runoff and confirm that adequate conveyance facilities exist for the project. All future development, as a result of this project, will be subject to Federal, State and local standards, policies and regulations related to discharge of storm water run-off including Nevada County General Plan Policy 3.19A, which requires the following:

For all discretionary development, increases in stormwater runoff due to new development, which could result in flood damage to downstream residences, commercial, industrial, active natural resource management uses (i.e., farming, ranching, mining, timber harvesting, etc.), public facilities, roads, bridges, and utilities shall not be permitted. Required retention/detention facilities, where necessary, shall be designed such that the water surface returns to its base elevation within 24 hours after the applicable storm event. The sizing of such facilities, when needed, shall be based upon the protection of downstream facilities.

Letter112



RECEIVED  
NOV 12 2013  
Nevada County Community  
Development Agency

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM  
ENVIRONMENTAL IMPACT REPORT

**EIR PUBLIC REVIEW COMMENTS**

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: *DANA ETLIN - OAKTREE NURSERY*

Agency/Group/Organization:

Mailing Address: *POB 295 PENN VALLEY CA.*

Email Address:

Phone Number: *432-8996*

112-A

Comments: *I AM TOTALLY OPPOSED TO THE  
RE-ZONING EFFORT BY YOUR OFFICE. I  
HAVE BEEN HERE 35 YEARS AND HAVE SEEN  
WHAT THE APARTMENTS BY R.S. SCHOOL HAVE  
AFFECTED OUR DOWNTOWN. I DO ANTICIPATE THE  
WHOLE COMMUNITY IS IN AGREEMENT, AS YOU  
NOTICED AT A RECENT MEETING!!*

*GO TO THE WILDWOOD SIDE OF 20!!!*

Send To: Tyler Barrington, Principal Planner  
Nevada County Community Development Agency  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959  
Telephone: (530) 470-2723  
Email: [tyler.barrington@co.nevada.ca.us](mailto:tyler.barrington@co.nevada.ca.us)

**Letter 112 – Dana Ettlin**

**Response 112-A** The County acknowledges and appreciates this comment. However, comment is not at variance with the content of the EIR and no further response is required. This letter will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Letter 113



RECEIVED  
NOV 12 2013  
Nevada County Community  
Development Agency

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM  
ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: ELIZABETH HAYMAN  
Agency/Group/Organization:  
Mailing Address: 10167 VALLEY OAK CT. PENN VALLEY, CA. 95946  
Email Address: RONBETSEY@YAHOO.COM  
Phone Number: 530-432-4877

113-A

Comments: Penn Valley is a suburban community not ready to house or service low cost housing. It should remain a small community. If we wanted city life, we would move to a city!

Send To: Tyler Barrington, Principal Planner  
Nevada County Community Development Agency  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959  
Telephone: (530) 470-2723  
Email: [tyler.barrington@co.nevada.ca.us](mailto:tyler.barrington@co.nevada.ca.us)

**Letter 113 – Elizabeth Hayman**

**Response 113-A** The County acknowledges and appreciates this comment. However, comment is not at variance with the content of the EIR and no further response is required. This letter will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Letter 114



RECEIVED  
NOV 12 2013  
Nevada County Community  
Development Agency

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM  
ENVIRONMENTAL IMPACT REPORT

**EIR PUBLIC REVIEW COMMENTS**

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: *Jim & ALLENE O'CONNOR*

Agency/Group/Organization:

Mailing Address: *12048 LAKE WILLOWOOD DR, PENN VALLEY CA 95946*

Email Address: *OCONNOR752001@YAHOO*

Phone Number: *530-432-1535*

Comments:

*PENN VALLEY IS A STRUGGLING COMMUNITY,  
POLICE & FIRE ARE SHORT STAFFED, MOST  
OF US CANNOT AFFORD ANY MORE TAXES  
OR FEE'S - PLEASE RE-THINK THIS PLAN -*

114-A

Send To: **Tyler Barrington, Principal Planner**  
Nevada County Community Development Agency  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959  
Telephone: (530) 470-2723  
Email: [tyler.barrington@co.nevada.ca.us](mailto:tyler.barrington@co.nevada.ca.us)

**Letter 114 – Jim and Arlene O’Connor**

**Response 114-A** Please see Response 10-NN regarding mitigation measures for fire and sheriff service for the proposed project. The project does not require or propose any new or additional taxes or any municipal financing for the project.

Letter 115

Attn: Tyler Barrington, Principal Planner  
Nevada County Community Development Agency

RECEIVED  
NOV 12 2013 11/8/13  
Nevada County Community Development Agency

RE: Penn valley re-zoning

115-A

My name is Lindsay Betz, and I am a year resident of Penn Valley. The news of the possible re-zoning was an unpleasant and even disturbing surprise, and I would like to emphasize my opposition to it. Here are some of my many reasons:

115-B

- I have not met or heard a single person who supports this idea.
- This plan is for an "urban" area. Clearly the state hasn't noticed that this is not an urban area. We are rural. Densely packing so many people into such a small region will have numerous consequences, such as traffic congestion and visual eye sores. Not to mention the buildings would be an "environmentally sensitive" area.

115-C

- Another consequence would be the stress put on local schools because of the sudden influx of students. Already, local schools complain of large class sizes and stretched funding.

115-D

- Still another consequence would be the spike in crime. Statistically, crime rates rise in densely-populated areas because they are (what is known in the criminal justice world as) "target-rich environments." Statistics also suggest that crime rises with poverty rates. It would be a stand to reason that our crime rate will go up. As it is, local law enforcement agencies have had to let go many of their officers and cannot afford to hire any more. Penn valley is the jurisdiction of the Nevada County Sheriff's Department, which only has a small, insufficient number of sworn deputies as it is. Their jurisdiction includes all the non-city areas between Penn valley and up

115-D  
CONT'D

Past North San Juan - an area that includes towns (or sections of their jurisdiction) all over our geographically large County, I had to call all last year when there was a woman screaming in my yard, and it took about twenty minutes for the poor deputies to arrive and do a quick search because he had to leave a high-speed chase to look in on us then return to it. When our past office was vandalized, it took repeated calls for deputies to drive by - even when the suspected vandals were hanging out in the field behind it. Your proposal to rezone these properties for dense, impoverished populations will endanger our citizens.

115-E

- These parcels are quite close to western Gateway Park, one is also close to Paddy Springs school. With an escalation in crime, our town's children will not be able to travel on foot as safely as they do now.
- One parcel surrounds the sewage treatment plant. Commuters complain about the smell just driving by it. Who is going to want to live right beside it? It's already difficult to sell homes in this economy. Why expect someone to live in that stretch? That parcel in particular will benefit no one. Speaking of sewage, our system is already faulty. Local wells have dried up this summer with the drought. Our current citizens are already challenged with these basic needs not being met, and we plan to add at least hundreds more?

115-F

Two parcels are currently commercially zoned. To rezone these for urban housing developments means preventing employment opportunities and adding hundreds more people who will need jobs. Our entire population will suffer.

115-G

Property values tend to drop around low-income housing units. This will also damage our local

115-G  
CONT'D

economy and hurt our citizens, many of whom are already struggling in this economy.

• Our area is beautiful, rural, and scenic. This rezoning will ruin that. And for what? Because state bureaucrats who don't live here (and perhaps never saw our county) say they think we should? They do not have our best interest in mind. But our local government

115-H

should, I sure hope you do, because all this rezoning will do is cause damage and pain. Our entire town will be upset if this moves forward, judging by the Penn valley meetings and the community response so far.

115-I

• The lack of local jobs and the increase in populations would increase the probability of unemployment, and drive those who are employed to commute. This will stress our local roads and the cost of gas will further harm our residents.

115-J

- This Plan has nothing to offer anyone involved, look at all these reasons. Listen to how upset our people are. If you have any concern for this section of the county, listen. Why approve of this plan? State grants? Would it be worth all this damage? Let us become a self-reliant county. If we can rise up & speak out against this plan, let us also take care of our own county. Let us decide whether or not we need those grants. When I heard them mentioned at our town meeting, the mention was met with several resounding "who cares?!" The people have spoken, and they say "NO."

Please, PLEASE listen.

- Lindsay Retz ~ 530-432-4482  
P.O. Box 596  
Penn valley CA  
95946

**Letter 115 – Lindsay Betz**

**Response 115-A** The County acknowledges and appreciates this comment. However, comment is not at variance with the content of the EIR and no further response is required. This letter will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

**Response 115-B** The County does not concur with this comment. Please see Responses 22-F and 22-G regarding the rationale for selecting the Penn Valley area for project sites. Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. Please see Response 54-D.

Regarding visual impacts, future project submittals will be required to undergo a Design Review process and public hearing at the Planning Commission to ensure that the project is consistent with the Penn Valley Village Center Design Guidelines. As noted on page 4.3-10 of the Draft EIR, the purpose of the Penn Valley Village Center Area Plan Design Guidelines is to develop design guidelines that provide consistent design review criteria that encourages development that is compatible with the rural character of the Penn Valley Village Center; to identify public facilities and services that will serve new development; to identify and encourage natural resources; to advocate the development of paths and trails; and, to sustain the rural environment and encourage patronage of village center business.

The areas designated Environmentally Sensitive Areas (ESAs) are those areas designated as no-development areas intended to avoid and minimize impacts to sensitive habitats. Please see page 3-39 of the Draft EIR for a discussion of the ESAs.

**Response 115-C** Please see Response 10-MM regarding impacts to schools.

**Response 115-D** Please see Master Response #5. Please see Response 10-NN regarding impacts for public safety services.

**Response 115-E** The percolation pond adjacent to Site 13 is part of the Creekside Village mobile home park and is not a part of the proposed project. The Creekside Village mobile home park is responsible for meeting the County and state regulations for water treatment systems. Please see Master Response #4 regarding the mitigation measures for water and sewer service for the proposed projects.

**Response 115-F** Please see Master Response #3.

**Response 115-G** Please see Master Responses #2 and #5.

**Response 115-H** The County acknowledges and appreciates this comment. However, comment is not at variance with the content of the EIR and no further response is required. This letter will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

**Response 115-I** There is no evidence that the proposed project will result in an increase in unemployment. Please see Master Response #3.

**Response 115-J** The County acknowledges and appreciates this comment. However, comment is not at variance with the content of the EIR and no further response is required. This letter will

be will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Letter 116



RECEIVED

NOV 4 2013

Nevada County Community Development Agency

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: Tommie Munroe
Agency/Group/Organization:
Mailing Address: 10927 Spenceville
Email Address: Tommiegirl195946@aatt.net
Phone Number: 530 432 9237

116-A

Comments:

I was at meeting. I cant imagine Apts in Penn Valley area. IT is a burden on all. Fire men, Sheriff. low Income dont pay tax. We are overtaxed now with sewer fees. No No No Stop this

Tommie Munroe

Send To: Tyler Barrington, Principal Planner
Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
Telephone: (530) 470-2723
Email: tyler.barrington@co.nevada.ca.us

**Letter 116 – Tommie Munroe**

**Response 116-A** Please see Response 10-NN regarding mitigation measures discussed in the Draft EIR regarding fire and sheriff services. The project does not require or propose any new or additional taxes or any municipal financing for the project. Please see Master Response #6.

Letter 117



RECEIVED  
NOV 6 2013  
Nevada County Community  
Development Agency

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM  
ENVIRONMENTAL IMPACT REPORT

**EIR PUBLIC REVIEW COMMENTS**  
SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

---

Name: *Concetta Gibilisco*  
Agency/Group/Organization:  
Mailing Address: *10699 Spenceville Rd*  
Email Address: *TINA.GILSON@ATT.NET*  
Phone Number: *530-432-2583*

---

Comments:  
*SEE Attached*  
*(Re-Zone 71)*  
*(BAD IDEA!!)*  
*?*

---

Send To: Tyler Barrington, Principal Planner  
Nevada County Community Development Agency  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959  
Telephone: (530) 470-2723  
Email: [tyler.barrington@co.nevada.ca.us](mailto:tyler.barrington@co.nevada.ca.us)

To : county supervisor  
Regarding: N County Building Proposal Re-Zoning for High Density  
Housing in Penn Valley

11-6-13  
To whom it may concern; Hank Weston/Tyler Berrington

117-A | **As a Penn Valley property owner I am opposed to re-zoning or building High Density Housing in this area. We already have one and it has not proved itself well. Adding more homes will only deplete what little resources we now have.**

117-B | **During the 10/29/13 meeting a lot of environmental issues were brought up; drain on our economy, higher crime and less safety, traffic and one that is a very big concern to me is our water table. We are on well water and many areas are experiencing lack of water to the point that their wells are dry.**

117-C | **Why not ALLOW me to have more than 2 structures on my property? I can rent out to low income families and seniors who really need the help and don't abuse it.**

**My vote is; Absolutely NOT.**

**C. Gibilisco  
Spenceville Rd,  
Penn Valley, Ca**



**Letter 117 – Concetta Gibilisco**

**Response 117-A** The County acknowledges and appreciates this comment. However, comment is not at variance with the content of the EIR and no further response is required. This letter will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

**Response 117-B** Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. Please see Response 54-D. Please see Response 10-NN regarding mitigation measures discussed in the Draft EIR regarding fire and sheriff services. Please see Master Responses #4 and #5. All of the proposed sites will be required to connect to the public water system of the Nevada Irrigation District. No groundwater wells are proposed for any of the sites.

**Response 117-C** Your comment is noted comment. However, this comment is not at variance with the content of the EIR and no further response is required. This letter will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Letter 118

RECEIVED

NOV 6 2013

Nevada County Community  
Development Agency

**Terry Stephens, Architect**

~~45770 Verba Santa drive  
Palm Desert, Calif. 92260  
tel: 760-773-3534  
E-mail: TR7638@aol.com~~

10438 CANY VALLEY RD.  
PENN VALLEY, CA. 95946  
530-432-9179

TO: NEVADA COUNTY OFFICES  
950 MAIDU AVE.  
NEVADA CITY, CA. 95959  
ATTN: PLANNING DEPT.

RE: PROPOSED REZONING OF 3 PARCELS IN  
DOWNTOWN PENN VALLEY, FOR R-3 ZONING,  
LOW TO NO INCOME RESIDENTIAL. PROPOSED @  
15 (or) 16 D.U. PER ACRE.

118-A

I ATTENDED THE PUBLIC MEETING LAST WEEK  
AT THE 7TH DAY ADVENTIST CHURCH HERE IN  
PENN VALLEY, AND WAS IMPRESSED WITH THE  
TURN-OUT OF PENN VALLEY RESIDENTS OPPOSED  
TO THIS CONSIDERED RE-ZONING OF THE 3 PARCELS  
STUDIED BY THE N.C. PLANNING DEPT.

118-B

I AM OPPOSED TO RE-ZONING THESE PARCELS FOR  
THE PURPOSES OF PROVIDING HIGH DENSITY RESIDENTIAL  
HOUSING IN OUR TOWNSHIP. (IF THE STATE MANDATES  
SUCH HOUSING BE PROVIDED ON A COUNTY BY COUNTY  
BASIS, LET SITES OTHER THAN THESE BE CONSIDERED.  
THIS IS A AGRICULTURAL, RANCHING, AND RETIREMENT  
COMMUNITY. A VISUAL DISASTER WOULD FALL UPON OUR

118-F

PLEASE RESPECT OUR RIGHTS TO REMAIN AS WE ARE, OR HELP GUIDE OUR COMMUNITIES TOWARDS SOMETHING WHICH MIGHT CREATE JOBS, NOT OVERHEAD + BLIGHT FOR PENN VALLEY.

3.

Most Sincerely - Terry Stephens Architect  
(retired) 6-12-53

**Letter 118 – Terry Stephens**

- Response 118-A** The County acknowledges and appreciates this comment. However, comment is not at variance with the content of the EIR and no further response is required. This letter will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration. See Master Response #1 regarding the purpose of the project and how sites were selected.
- Response 118-B** Future project submittals will be required to undergo a Design Review process and public hearing at the Planning Commission to ensure that the project is consistent with the Penn Valley Village Center Design Guidelines. As noted on page 4.3-10 of the Draft EIR, the purpose of the Penn Valley Village Center Area Plan Design Guidelines is to develop design guidelines that provide consistent design review criteria that encourages development that is compatible with the rural character of the Penn Valley Village Center; to identify public facilities and services that will serve new development; to identify and encourage natural resources; to advocate the development of paths and trails; and, to sustain the rural environment and encourage patronage of village center business.
- Response 118-C** Please see Master Response #6 and Response 10-NN regarding mitigation measures for public safety services.
- Response 118-D** Public services and utilities are discussed in Section 4.13 of the Draft EIR. Please see Master Response #4 regarding mitigation measures for water and sewer service for the project sites.
- Response 118-E** Please see Master Response #3 regarding the proposed zoning that would permit commercial use within the project parcels that are currently have a commercial zoning classification in Penn Valley.
- Response 118-F** The County acknowledges your comment. However, your comment is not at variance with the content of the EIR and no further response is required. This letter will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Letter 119



RECEIVED  
NOV 07 2013  
Nevada County Community  
Development Agency

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM  
ENVIRONMENTAL IMPACT REPORT

**EIR PUBLIC REVIEW COMMENTS**

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: *Judy Gliebe*  
Agency/Group/Organization:  
Mailing Address: *23001 Brian Lane*  
Email Address: *judygliebe@nccn.net*  
Phone Number: *530 268-1473*

119-A

Comments: *I am opposed to any high density development in this area. Apartments do not belong in the country along side horses, cows, chickens and country living. We live in the country so we can have animals, peace and quiet and clean air. I have asthma and live here for the clean air. If you approve any of these apartment structures it will greatly change the air quality for me and could cost me \$50 each month for medication to breathe. Apartments really belong in cities where people have jobs, stores and transportation to support them.*

Send To: **Tyler Barrington, Principal Planner**  
Nevada County Community Development Agency  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959  
Telephone: (530) 470-2723  
Email: [tyler.barrington@co.nevada.ca.us](mailto:tyler.barrington@co.nevada.ca.us)

**Letter 119 – Judy Gliebe**

**Response 119-A** Potential Air quality impacts are evaluated in Sections 4.5. The County concurs that air quality impacts were identified in the Draft EIR. The analysis in the EIR was based on an aggregate total of all 18 sites built out at the maximum number of 2,675 units. Additionally the units are spread out over three distinct areas. There is no evidence that development of one or all of the sites would change the localized air quality to unhealthful levels. Please see Master Response #2. Please see Response 22-G with regard to a discussion of the existing development in the center of Penn Valley area that make the proposed locations more than a isolated rural area.

Letter 120

5 Nov 2013

Covey Stephens  
 10438 Larry Valley Rd.  
 Penn Valley, Ca. 95946

RECEIVED

NOV 6 2013

Nevada County Community  
Development Agency

to: Planning Dept / Nevada County

120-A Regarding: Rezoning of 3 parcels in downtown Penn Valley, to R-3 zoning, to provide housing for low to no income families, density proposed = 15/16 dwelling units per acre.

My husband and I attended the public meeting, where documents (parcel maps) showed the three subject sites, selected for re-zoning. I am assuming that each site is 10 to 15 acres, so  $30 \times 15 = 450$  dwelling units/plus or minus. At 1000 \$ per dwelling unit - that equals 450,000 \$ of construction, plus at 1 1/2 cars per unit (includes guest space) = 675 cars, plus or minus - well - we don't want this in Penn Valley. We don't want a ghetto placed right in the middle of our starving little town, plus the crime & neglect common to low income,

120-B

120-B  
CONT'D

Subsidized housing. The common appearance, the cross traffic on our two lane street, the garbage, sewage requirements, water & police & Fire protection would break our backs. We are a Rural, single family community, for the most part. Keep this type of unwanted development away from our town & put it elsewhere. We don't want it.

120-C

We pay plenty of taxes, for water, sewer, Fire protection & do not want others riding for free on our coat-tails. This whole proposal is a waste of salary for the NE planning dept. To do studies & presume that the local community (Penn Valley) will roll over and play dead. We refuse to accept this proposal.

120-D

We need more business in our downtown that create jobs & produce income in tax dollars. Not a bunch of free-loaders. Sincerely,

Concy Stephens

**Letter 120 – Concy Stephens**

**Response 120-A** The project proposes rezoning on 4 properties in the Penn Valley area totaling 33.52 acres. The total maximum number of units in the Penn Valley area is 535 units. The total number is a conservative number and does not take into account any environmental or regulatory requirements that could reduce the overall number of dwelling units. The amount of total building square feet of the project is unknown at this time. The project only proposes a rezone to R3-RH (for Sites 12 and 13) and C2-RH (for Sites 10 and 11) and does not include any development or construction plans at this time. The amount of traffic generated by a specific project is not based on number of cars per unit, but rather the number of daily trips that a specific land use type would be expected to generate; in this specific case, the land use is multi-family housing. The following excerpt is from page 4.15-18 of the Draft EIR which explains the methodology for calculating project trip generation:

In accordance with the Nevada County policies and the City of Grass Valley *Policy Adopting Traffic Impact Study Methodology and Evaluation Criteria for Critical Intersections*, traffic counts were performed during the PM peak hour (4:00 PM to 6:00 PM) at the twenty eight study intersections in the vicinity of the project area on November 8, 2012. The PM peak hour is defined by the highest hour for overall traffic volumes or the worst-case traffic conditions during the day. This is reflective of typical travel patterns throughout Nevada County and due to the low number of retail-related trips that take place during the AM peak hour. In addition, the project trip generation rate is highest during the PM peak hour.

The trip generation per dwelling unit for the proposed project land use of multi-family housing (ITE Land Use # 230 Condominiums / Townhouse) is highest during the PM peak hour, at 0.44 trips during the AM peak hour, 0.52 trips per during the PM peak hour, and 0.47 trips during the weekend peak hour.

As shown in Tables 4.15-9 and 4.15-10 of the Draft EIR the proposed project does not reduce the level of service at any of the intersections in Penn Valley below the threshold of minimum level of service. Table 4.15-1 provides an explanation of the different levels of service. More specifically, the level of service only changed for two intersections in Penn Valley. The intersection of SR 20/Penn Valley Road went from an existing LOS B to LOS C which is an acceptable level of service for Caltrans as noted on page 4.15-45 of the Draft EIR. The other intersection to have a change in Penn Valley is the intersection of Penn Valley Drive/Broken Oak Court. As an unsignalized intersection, this intersection would change for LOS A to LOS B. LOS B does not exceed the County's minimum level of service threshold of LOS D. For these reasons, potential traffic impacts on intersections in Penn Valley are considered less than significant and no mitigation is required.

**Response 120-B** Your comment is noted. Please see Master Response #6 regarding low income housing and Master Response #4 regarding the developers' responsibilities water and sewer requirements. Please see Response 10-NN regarding mitigation measure for fire and police protection. Please see Response 120-A above regarding traffic impacts. Please see Master Response #1 regarding the purpose of the project and how sites were selected and Response

22-G and 22-F regarding the appropriateness of Penn Valley to accommodate a portion of the potential units associated with this project.

**Response 120-C** Your comment is noted. Please see Master Response #4 regarding water and sewer requirements of the future developers. None of the construction, including water and sewer improvements, would be paid for with tax dollars, or through property assessments of existing residents, or through municipal financing.

**Response 120-D** Please see Master Response #3.

Letter 121



RECEIVED  
NOV 07 2013  
Nevada County Community  
Development Agency

**HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM  
ENVIRONMENTAL IMPACT REPORT**

**EIR PUBLIC REVIEW COMMENTS**

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: *JULIE SPICER TOSTE*  
Agency/Group/Organization: *Homeowner*  
Mailing Address: *10325 Canyon CR Penn Valley CA 95946*  
Email Address: \_\_\_\_\_  
Phone Number: *530 432-5561*

121-A

121-B

Comments: *I'm truly worried about the additional population of 3500 people to Penn Valley. The sewage, the water consumption and the traffic would be devastating to this small town. Also the devastation to existing property values would be awful. Also, I'm not trying to be a snob, but I also worry about low-income people creating more crime meth, etc. Please reconsider your thoughts about this. The people that are already here would be greatly affected by these new apt's.*

Send To: **Tyler Barrington, Principal Planner  
Nevada County Community Development Agency  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959  
Telephone: (530) 470-2723  
Email: [tyler.barrington@co.nevada.ca.us](mailto:tyler.barrington@co.nevada.ca.us)**

*Thank you  
Julie Toste*

**Letter 121 – Julia Spicer Toste**

**Response 121-A** Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. Please see Response 54-D. According to the 2010 Census the average household size in Penn Valley is 2.57 people.<sup>22</sup> At 535 potential units that equates to approximately 1,374 people. Please see Master Response #8 regarding conservative approach to the proposed density calculation and aggregate densities. Please see Master Response #4 regarding mitigation measures for water and sewer connections.

**Response 121-B** Please see Master Responses #5 and #6.

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<sup>22</sup> [http://www.dof.ca.gov/research/demographic/state\\_census\\_data\\_center/census\\_2010/](http://www.dof.ca.gov/research/demographic/state_census_data_center/census_2010/)

Letter 122



RECEIVED

NOV 12 2013

Nevada County Community Development Agency

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: *Joyce Osterude*  
 Agency/Group/Organization: *Penn Valley Fence Supply / Empire Fence Co / P.V.COC. / P.V. Lions / P.V. Community Foundation*  
 Mailing Address: *Bus: 17443 Penn Valley Dr P.V. CA 95946 HOME: 19252 Indian Spring Rd. P.V.*  
 Email Address: *josterude@gmail.com*  
 Phone Number: *530 432-1955*

Comments: *see attached list*

122-A

- our business on P.V. Dr. has been broken into/rubbed 4 times since the "affordable units" were built on Broken oak. After 18 yrs. in business here I have begun to feel unsafe when alone. We have installed iron bars on windows/doors and purchased security cameras*

122-B

- Properties in the Village Center area has been identified as commercial/retail opportunities and the P.V. Business community would be better served if the zoning remains as is.*

Send To: **Tyler Barrington, Principal Planner**  
 Nevada County Community Development Agency  
 950 Maidu Avenue, Suite 170  
 Nevada City, CA 95959  
 Telephone: (530) 470-2723  
 Email: [tyler.barrington@co.nevada.ca.us](mailto:tyler.barrington@co.nevada.ca.us)

*Joyce Osterude*  
*530 432-1955*

- 122-C
    - The project sites proposed for rezoning to R-3 (16 units per acre) in Penn Valley are in conflict with what was proposed in the Penn Valley Focused Economic Development Study adopted by the County Board of Supervisors in 2000.
    - This Plan (termed the Village Plan) called for commercial, business, retail and industrial uses in the Penn Valley Village. The Board of Supervisors adopted this plan in order to provide guidance for future development of the Penn Valley Area.
    - The EIR completely ignored the Village Plan which results in a Significant Unavoidable Impact With No Effort to Mitigate. The result is a legally flawed EIR.
  - 122-D
    - Penn Valley needs more jobs. The proposed rezoning eliminates the opportunities to increase employment and bring in good paying jobs to the community.
  - 122-E
    - Developing low cost housing at 16 units per acre will further stress public services such as schools, sheriff, fire and other critical services which were negatively affected during the past few years of the Great Recession.
  - 122-F
    - The proposal for dense housing does not belong in a rural and pastoral area such as Penn Valley.
  - 122-G
    - The proposed sites are not close to public services and other amenities required for this type of housing. Further these sites do not minimize the need to commute. This is a serious environmental impact.
  - 122-H
    - The Board of Supervisors' site selection criteria was also flawed, which resulted in 42% of the County's State mandated housing being located in Penn Valley.
  - 122-I
    - The proposal does not foster economic growth as recommended in the EIR.
  - 122-J
    - The Penn Valley area should be allowed to develop as recommended by the Village Plan, which states that "opportunities exist for business park, light manufacturing for firms providing components for high tech manufacturing, as well as office based businesses in software development and internet applications".
- Recommendations
- 122-K
    - 1. Return the EIR to staff and consultants for revision to correct the major legal and policy flaws contained in the document.

**Letter 122 – Joyce Osterude**

**Response 122-A** Your comment is noted. Please see Master Responses #5 and #6.

**Response 122-B** Please see Master Response #3. Please note: The following comments are summarized points from the Penn Valley Chamber of Commerce Letters. As such, the response to these comments will refer back to the Chamber's letters where they were previously addressed.

**Response 122-C** Please see Response 10-A.

**Response 122-D** Please see Response 10-B and Master Response #3.

**Response 122-E** Please see Responses 10-MM and 10-NN.

**Response 122-F** Please see Responses 22-F and 22-G regarding the rationale for selecting sites in the Penn Valley area.

**Response 122-G** Please see Responses 10-H and 22-G.

**Response 122-H** Please see Responses 10-D, 10-H and 10-V.

**Response 122-I** Please see Responses 10-OO.

**Response 122-J** Please see Response 9-B.

**Response 122-K** Please see Response 10-A.

Letter 123



RECEIVED  
NOV 12 2013  
Nevada County Community  
Development Agency

HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM  
ENVIRONMENTAL IMPACT REPORT

EIR PUBLIC REVIEW COMMENTS

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: *Louie Osterude*

Agency/Group/Organization: *Empire Fence / Penn Valley Fence Supply, P.O. Louie's  
P.V. Community Foundation, P.H.C.O.C.*  
Mailing Address: *17497 Penn Valley Dr. P.V. CA 95946*

Email Address:

Phone Number: *492 1855*

Comments: *see attached list*

123-A

*Penn Valley does not need any more problems like we have with broken oaks. With all the services that you need for R-3 zoning Truckee & Nevada City have everything in place to support R-3 zone not Penn Valley.*

123-B

*The property in P.V. needs to stay commercial as per the Village Plan adopted by the Board of Supervisors in 2000*

*Louie Osterude*

Send To: **Tyler Barrington, Principal Planner**  
Nevada County Community Development Agency  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959  
Telephone: (530) 470-2723  
Email: [tyler.barrington@co.nevada.ca.us](mailto:tyler.barrington@co.nevada.ca.us)

- 123-C
  - The project sites proposed for rezoning to R-3 (16 units per acre) in Penn Valley are in conflict with what was proposed in the Penn Valley Focused Economic Development Study adopted by the County Board of Supervisors in 2000.
  - This Plan (termed the Village Plan) called for commercial, business, retail and industrial uses in the Penn Valley Village. The Board of Supervisors adopted this plan in order to provide guidance for future development of the Penn Valley Area.
  - The EIR completely ignored the Village Plan which results in a Significant Unavoidable Impact With No Effort to Mitigate. The result is a legally flawed EIR.
- 123-D
  - Penn Valley needs more jobs. The proposed rezoning eliminates the opportunities to increase employment and bring in good paying jobs to the community.
- 123-E
  - Developing low cost housing at 16 units per acre will further stress public services such as schools, sheriff, fire and other critical services which were negatively affected during the past few years of the Great Recession.
- 123-F
  - The proposal for dense housing does not belong in a rural and pastoral area such as Penn Valley.
- 123-G
  - The proposed sites are not close to public services and other amenities required for this type of housing. Further, these sites do not minimize the need to commute. This is a serious environmental impact.
- 123-H
  - The Board of Supervisors' site selection criteria was also flawed, which resulted in 42% of the County's State mandated housing being located in Penn Valley.
- 123-I
  - The proposal does not foster economic growth as recommended in the EIR.
- 123-J
  - The Penn Valley area should be allowed to develop as recommended by the Village Plan, which states that "opportunities exist for business park, light manufacturing for firms providing components for high tech manufacturing, as well as office based businesses in software development and internet applications".
- 123-K
  - Recommendations
    - 1. Return the EIR to staff and consultants for revision to correct the major legal and policy flaws contained in the document.

**Letter 123 – Louie Osterude**

**Response 123-A** The County does not concur with this comment. Please see Responses 22-F and 22-G.

**Response 123-B** Please see Master Response #3.

Please note: The following comments are summarized points from the Penn Valley Chamber of Commerce Letters. As such, the response to these comments will refer back to the Chamber’s letters where they were previously addressed.

**Response 123-C** Please see Response 10-A.

**Response 123-D** Please see Response 10-B and Master Response #3.

**Response 123-E** Please see Responses 10-MM and 10-NN.

**Response 123-F** Please see Responses 22-F and 22-G regarding the rationale for selecting sites in the Penn Valley area.

**Response 123-G** Please see Responses 10-H and 22-G.

**Response 123-H** Please see Responses 10-D, 10-H and 10-V.

**Response 123-I** Please see Responses 10-OO.

**Response 123-J** Please see Response 9-B.

**Response 123-K** Please see Response 10-A.

Letter 124

17580 Chaparral Drive  
Penn Valley CA 95946  
Nov. 9 2013

Mr. Tyler Barrington  
Principal Planner  
N.C. Community Planning Dept  
950 Maiden Ave., Suite 170  
Nevada City CA 95959

RECEIVED

NOV 12 2013

Nevada County Community  
Development Agency

Dear Mr. Barrington:

In reply to the meeting, Tuesday, Oct 29, 2013 here in Penn Valley discussing the proposal to put high density housing on 60 acres, I am against it for the following reasons:

1. Penn Valley does not have the necessary services to care for this type of housing.

We have no local hospital. We have to go to Grass Valley, Nevada City, Auburn, Marysville for this service. Yes, this would test our small fire dept's ambulance.

We do not have a local police dept. not even a major Sheriff's dept. The increase of that many people would put a strain on what we already have.

2. Putting high density housing would not be fair to the people in them. No job opportunities here, no further education opportunities. All this would mean more travel on an already crowded Hwy 20 our main artery to these services and the cost of automobile & gas at a time when our country is running out of gas & money!

124-A

124-B

124-C

To do this to this community when  
it can't afford to financially  
support this, and to put people  
in these high density homes at  
at such a disadvantage would  
be cruel, especially when our country  
and country is in a very difficult time.  
Please re-think this project. Thank you.

Sincerely  
Mary Halloran

**Letter 124 – Mary Fracloron**

**Response 124-A** The project proposes to rezone 33.52 acres on four properties in the Penn Valley area not 60 acres as stated in the comment. Please see response 10-NN regarding the mitigation for impacts on public safety services. Future residents of Penn Valley would be the same distance from medical facilities as the existing residents. It is anticipated that the Penn Valley Fire Protection District would provide some EMT services as part of their normal emergency response. Other ambulance services would be provided by existing ambulance services such as Nevada County Ambulance Service.

**Response 124-B** Please see Master Response #2. Traffic impacts were analyzed in Section 4.15 of the Draft EIR. No traffic impacts were identified in the Penn Valley area. Please see Response 54-D.

**Response 124-C** The County acknowledges and appreciates this comment. However, comment is not at variance with the content of the EIR and no further response is required. This letter will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Letter 125



HOUSING ELEMENT REZONE IMPLEMENTATION PROGRAM  
ENVIRONMENTAL IMPACT REPORT

**EIR PUBLIC REVIEW COMMENTS**

SUBMIT COMMENTS PRIOR TO 5:00 PM ON NOVEMBER 12, 2013

Name: *Lynne Perry*

Agency/Group/Organization:

Mailing Address: *10873 Willowbrook Lane*

Email Address: *perryshaus@comcast.net*

Phone Number: *530-432-8273*

Comments: *I have no problem with low income housing and realize everyone needs a place to live. I do, though have a problem when high density housing is squeezed into a community and literally changes or even ruins the areas where they are placed. I feel it is very important that all infrastructure can handle what is planned for Penn Valley. Please take all into consideration when rezoning if in fact that is done.*

125-A

Send To: Tyler Barrington, Principal Planner  
Nevada County Community Development Agency  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959  
Telephone: (530) 470-2723  
Email: [tyler.barrington@co.nevada.ca.us](mailto:tyler.barrington@co.nevada.ca.us)

**Letter 125 – Lynne Perry**

**Response 125-A** Your comment is noted. Future development that would occur as a result of this rezoning project would have to ensure that their development would not overburden existing infrastructure and therefore the developers would be responsible for constructing and paying for any infrastructure improvements that would be required for the project. Please see Master Response #4.

Letter 126

To:  
NEVADA COUNTY PLANNING COMMISSION  
950 Maidu Avenue  
Nevada City, CA 95959



From:  
DANIEL MARTIN

Regarding: Proposed changes to the General Land Use and Zoning Designation for sites in Penn Valley to rezone candidate sites to Urban High Density/high density residential zoning.

Dear Sirs:

126-A

I am 61 years old  
and spent most of my life  
in PENN VALLEY  
Please don't Rezone

**Letter 126 – Daniel Martin**

**Response 126-A** The County acknowledges and appreciates this comment. However, comment is not at variance with the content of the EIR and no further response is required. This letter will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Letter 127



Nov 11, '13

Attention: Tyler Barrington

Principal Planner

Nevada County Community Development Agency

950 Maiden Ave Suite 170

Nevada City, CA 95959

127-A | My husband & I say do not rezone Penn Valley for low income housing.

• It is not near services ie, Hospital, Police, high school

127-B | • It is not near job opportunities.

127-C | • It increases the fees for current property owners.

127-D | • It is totally unfair to current property owners who have not been able to put a rental on their property.

The State takes our tax money then withholds it if we dont agree to distroy

**Letter 127 – Unknown**

**Response 127-A** Please see Responses 22-F and 22-G regarding the rationale for selecting sites in the Penn Valley area and Master Response #1 regarding the purpose of the project and how the candidate sites were originally selected.

Response 127-B Please see Master Response #2.

Response 127-C The developers for the proposed sites would be responsible for all of the improvements and any utility upgrades that would be required. The project does not require or propose any new or additional taxes or any municipal financing for the project. Please see Master Response #4.

Response 127-D The County acknowledges and appreciates this comment. However, comment is not at variance with the content of the EIR and no further response is required. This letter will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Letter 128

pg 1

RECEIVED

NOVEMBER 2013

NOV 8 2013

TO : NEVADA COUNTY BOARD OF SUPERVISORS  
FROM : PENN VALLEY CONSTITUENTS  
RE : PENN VALLEY REZONING PROPOSAL

NEVADA COUNTY  
BOARD SUPERVISORS

WE THE UNDERSIGNED OPPOSE THE COUNTY'S PROPOSED REZONING OF FOUR (4) PARCELS OF LAND IN PENN VALLEY TO HIGH DENSITY HOUSING.

COMMERCIAL PROPERTY IF DEVELOPED WOULD BRING JOBS AND MONEY INTO PENN VALLEY.

AFFORDABLE HOUSING FOR PERSONS AND FAMILIES IN LOW INCOME CATEGORY WOULD ONLY PUT FURTHER BURDEN ON OUR SERVICES FOR WATER, SEWER, POLICE AND FIRE DEPARTMENTS.

128-A

11385 Cottontail Way, PV  
 11385 Cottontail Way, PV.  
 1954 Circa Ave MV.  
 11119 Ringtail Rd PV  
 15674 SADDLEBACK CT, PV  
 10912 mountainview trl GV.  
 10973 mountainview trl GV.  
 Nevada Woods Apt- 5. GV.  
 11119 Ringtail Rd, PV  
 10660 Devonshire Cir. PV  
 10660 Devonshire Cir PV  
 10920 Woodchuck Ct., PV

*PJH*

RECEIVED

NOVEMBER 2013

NOV 8 2013

TO : NEVADA COUNTY BOARD OF SUPERVISORS  
FROM : PENN VALLEY CONSTITUENTS  
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NEVADA COUNTY  
BOARD SUPERVISORS

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AFFORDABLE HOUSING FOR PERSONS AND FAMILIES IN LOW INCOME CATEGORY WOULD ONLY PUT FURTHER BURDEN ON OUR SERVICES FOR WATER, SEWER, POLICE AND FIRE DEPARTMENTS.

128-A  
CONT'D

*Johnnie M. Melton 12854 Lake Wilderness Dr Penn Valley  
 My Melton " " " " " "  
 P.O. 10955 Woodchuck Ct. PV  
 Lina ... 10955 Woodchuck Ct PV  
 January ... 10955 Woodchuck Ct PV  
 Deanna Wood's 17416 Penn Valley Dr. PV  
 Deborah Comendant 10409 Meland Ct P.O.  
 Jui Comendant 10409 Meland Ct PV  
 South ... 10409 Meland Ct PV  
 10120 Commercial Ave Penn Valley  
 20925 Paper Flat Rd, Penn Valley  
 Cindy Smith 10257 Horton St. Penn Valley, CA 95746  
 Dale Artie Bolin 10257 Horton St. Penn Valley, CA 95746  
 Tamara Hendrick 18876 Alondra Springs Rd Penn Valley, CA 95746*

RECEIVED

NOV 8 2013

NOVEMBER 2013

TO : NEVADA COUNTY BOARD OF SUPERVISORS  
FROM : PENN VALLEY CONSTITUENTS  
RE : PENN VALLEY REZONING PROPOSAL

NEVADA COUNTY  
BOARD SUPERVISORS

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COMMERCIAL PROPERTY IF DEVELOPED WOULD BRING JOBS AND MONEY INTO PENN VALLEY.

AFFORDABLE HOUSING FOR PERSONS AND FAMILIES IN LOW INCOME CATEGORY WOULD ONLY PUT FURTHER BURDEN ON OUR SERVICES FOR WATER, SEWER, POLICE AND FIRE DEPARTMENTS.

128-A  
CONT'D

Linda Blunk  
 10288 Chances R Rd Penn Valley  
 10288 CHANCES R Rd PENN VALLEY  
 Robert Gray  
 10713 Kearney Ct. Small, Nev. Hk  
 Russell Pearson  
 17905 Penn Valley Dr. PV  
 PO BOX 1573 PENN VALLEY NV  
 Michelle Zent  
 15674 Diddleback Ct. P.V.  
 Beverly Wilson  
 10431 Goodenough Ct. Penn Valley  
 10431 GOODENOUGH CT PENN VALLEY  
 Keith Emmerton  
 18804 Penn Valley Dr Penn Valley  
 Artie B. Bolin, 10257 Horton St.  
 ARTIE B. BOLIN Penn Valley, Ca. 95946  
 DALE A BOLIN  
 10257 Horton St. Penn Valley 95946  
 Patricia Bilal  
 11508 Horton Street, Penn Valley  
 10732 Del Bonita Way Penn Valley  
 Pamela Farabee  
 10282 Del Penn Valley 95946  
 Farabee  
 18002 Penn Valley DR. PV, CA 95946

RECEIVED

NOVEMBER 2013

NOV 8 2013

TO : NEVADA COUNTY BOARD OF SUPERVISORS  
FROM : PENN VALLEY CONSTITUENTS  
RE : PENN VALLEY REZONING PROPOSAL

NEVADA COUNTY  
BOARD SUPERVISORS

WE THE UNDERSIGNED OPPOSE THE COUNTY'S PROPOSED REZONING OF FOUR (4) PARCELS OF LAND IN PENN VALLEY TO HIGH DENSITY HOUSING.

COMMERCIAL PROPERTY IF DEVELOPED WOULD BRING JOBS AND MONEY INTO PENN VALLEY.

AFFORDABLE HOUSING FOR PERSONS AND FAMILIES IN LOW INCOME CATEGORY WOULD ONLY PUT FURTHER BURDEN ON OUR SERVICES FOR WATER, SEWER, POLICE AND FIRE DEPARTMENTS.

128-A  
CONT'D

- Crystal Nicholson 21710 Darcy Dr Swansville Ca 95977*
- Janet 2170 Darcy Ln Swansville Ca 95977*
- Christine Meyer 18235 Lasso Loop Penn Valley 95946*
- B. John 15674 Bucklebrook Ct. PV 95946*
- Ullrich 10330 Daffodil Lane PV 95946*
- Rhode Crossman 18694 Meadowlark Ct PV 95946*
- Marty Crossman 18694 Meadowlark PV 95946*
- John Birchell 22515 Briarwood Briarcliff Ca 95977*
- Michael Blakemore 18043 Lake Forest Dr PV 95946*
- R 12888 Spenceville Rd. PV. 95946*

NOVEMBER 2013

TO : NEVADA COUNTY BOARD OF SUPERVISORS  
FROM : PENN VALLEY CONSTITUENTS  
RE : PENN VALLEY REZONING PROPOSAL

RECEIVED  
NOV 8 2013  
NEVADA COUNTY  
BOARD SUPERVISORS

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AFFORDABLE HOUSING FOR PERSONS AND FAMILIES IN LOW INCOME CATEGORY WOULD ONLY PUT FURTHER BURDEN ON OUR SERVICES FOR WATER, SEWER, POLICE AND FIRE DEPARTMENTS.

128-A  
CONT'D

*Handwritten:*  
Gina Marie Moen  
10590 Crowsnest Lane  
Penn Valley, CA 95946

*Handwritten:*  
Reggie Moen  
Kristie Moen  
10590 Crowsnest Lane  
Penn Valley, CA 95946

*Handwritten:* Thomas P Hess, Thomas P Hess - 10111 Harvest Ln  
Rough + Ready, CA

*Handwritten:* Marys Bigley, Marys Bigley #10465 PARADISE DR.  
Rough + Ready, CA 95976

128-A  
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NOVEMBER 6, 2013

BOARD OF SUPERVISORS  
950 MAIDU  
NEVADA CITY, CA. 95949

ENCLOSED PLEASE FIND PETITIONS REGARDING THE PROPOSED REZONING FOR PENN VALLEY.

I WOULD APPRECIATE THAT TYLER BARRINGTON BE ADVISED OF THESE PETITIONS.

IT CERTAINLY WOULD BE BENEFICIAL IF THIS MATTER WOULD BE EXTENDED FOR 1 MONTH.

THANK YOU FOR YOUR COOPERATION REGARDING THIS VERY IMPORTANT MATTER.

VERY TRULY YOURS

MIKE & FRANCINE STURM  
18001 PENN VALLEY DR.  
PENN VALLEY, CA. 95946

PHONE 530 432-0293  
EMAIL - francinesturm@comcast.net

RECEIVED

NOV 7 2013

NEVADA COUNTY  
BOARD SUPERVISORS  
cc: BOS, Planning,  
c. cnsl.

(1)

RECEIVED

NOVEMBER 2013

NOV 7 2013

TO : NEVADA COUNTY BOARD OF SUPERVISORS  
FROM : PENN VALLEY CONSTITUENTS  
RE : PENN VALLEY REZONING PROPOSAL

NEVADA COUNTY  
BOARD SUPERVISORS  
c.c. Bous, Planning  
C. Grist

WE THE UNDERSIGNED OPPOSE THE COUNTY'S PROPOSED REZONING OF FOUR (4) PARCELS OF LAND IN PENN VALLEY TO HIGH DENSITY HOUSING.

COMMERCIAL PROPERTY IF DEVELOPED WOULD BRING JOBS AND MONEY INTO PENN VALLEY.

AFFORDABLE HOUSING FOR PERSONS AND FAMILIES IN LOW INCOME CATEGORY WOULD ONLY PUT FURTHER BURDEN ON OUR SERVICES FOR WATER, SEWER, POLICE AND FIRE DEPARTMENTS.

128-A  
CONT'D

- Jill & Francis Sturm 18001 Penn Valley Dr P.V. 432-0293
- W.R. & Evelyn Wood 10945 DeWittlowbrook Dr Penn Valley 615-411
- L. O. 10341 Quincey Lane Penn Valley, Ca 95946
- Jill & Bob 10875 Spenceville Rd. Penn Valley, CA 95946
- Bob DeLora 10380 Horton St. Penn Valley Ca. 95946
- Tom Ryan 14135 Logpole Dr Penn Valley Ca 95946
- Dorothy Miller 10844 Spenceville Rd P.V. 95946
- John & Beverly 10945 DeWittlowbrook Penn Valley 95946
- Shirley P. Marich 19119 John BORN RD Penn Valley, CA 95946
- Michael & Patricia 18699 Juniper Springs - 95946
- Scott Miller 10142 Crescenzi Dr 95946
- LARRY MARTIN 18525 Penn Valley Dr. Penn Valley 95946
- Beverly Malech 13363 Thistle Loop, Penn Valley, CA 95946
- Judy 19415 Martinsburg Ln. Penn Valley ca 95946
- Mary Meyer 19001 Chickadee Ct Penn Valley 95946
- Trenton Gudeken Pilot Peak Ln - Penn Valley 95946
- John Mark Woodcock 10680 DeWittlowbrook Cir, Penn 95946

128-A  
CONT'D

Janet Bowers 17572 Woodlake Rd Grass Valley

Richard Deane 10844 Spenceville Rd, Penn Valley,

B M Skypis 10654 Willowbrook Ln PENN VALLEY, CA

Jodie B... 10761 Baker Downs P.V. CA

17770 Chaparral Dr., PV CA

10493 Valley Dr Rte CA 95975

Belinda Eckman P.O. Box 1087 P.V. 95946

Denise Youngman PO BOX 586 PV. 95946

Catherine Chisaka 10493 Spenceville Rd, PV

Scott C. Cuthbert 17387 Penn Valley Drive PV.

BOB WINTERS 19575 KNEARSON CT 95946

Barbara Knott 18198 Hummingbird Drive PV.

KATHRYN FERREIRA Lundy 15420 Indian Springs Rd PV

ROBT. J. WILSTER 11632 Spenceville Rd PV

MAROLE A. WILSTER 11632 Spenceville Rd PV

JOHN FAYST 19319 DUNDAS RD PV CA

ROBERT BLACKBURN 20066 WINDWOOD WEST

BRUCE C. RUMAL 12651 RIDGEWAY WEST PV

19135 Chaparral Ar PV.

11982 BLISS DR. PV.

William M. Neville 12105 Waxwing Ct PV.

Richard J. Nolle 13256 Thistle Loop, PV

(2)

RECEIVED

NOVEMBER 2013

NOV 7 2013

TO : NEVADA COUNTY BOARD OF SUPERVISORS  
FROM : PENN VALLEY CONSTITUENTS  
RE : PENN VALLEY REZONING PROPOSAL

NEVADA COUNTY  
BOARD SUPERVISORS  
cc: BOS, Planning,  
C.C.S.I.

WE THE UNDERSIGNED OPPOSE THE COUNTY'S PROPOSED REZONING OF FOUR (4) PARCELS OF LAND  
IN PENN VALLEY TO HIGH DENSITY HOUSING.

COMMERCIAL PROPERTY IF DEVELOPED WOULD BRING JOBS AND MONEY INTO PENN VALLEY.

128-A  
CONT'D

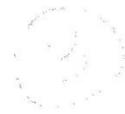
AFFORDABLE HOUSING FOR PERSONS AND FAMILIES IN LOW INCOME CATEGORY WOULD ONLY PUT  
FURTHER BURDEN ON OUR SERVICES FOR WATER, SEWER, POLICE AND FIRE DEPARTMENTS.

CIARA FULLER P.O. Box 443 Penn Valley CA 95946  
 Betty Moyles 18555 Wildflower Dr PV  
 Michael Denis 10356 Lay Valley Rd. PV  
 Neesa Ditrice P.O. Box 2684 CV.  
 Bruce Schellhorn P.O. Box 444 P.V.  
 Nicama DeMartini 13931 Oak Meadow Rd, PV  
 Robert Gramith 19441 Sandance CV  
 Ron Moen P.O. Box 1085 PV.  
 Hal Richards PO 883 PV 95946  
 GRABO & Cailyn WINTERS 18677 OSCEOLA CANY 95946  
 EDWARD Searcy 10697 Willow Ln. Penn Valley, 95946

*Ciaira DeMuller*  
*B. Moyles*  
*Michael Denis*  
*Neesa Ditrice*  
*Bruce Schellhorn*  
*Nicama DeMartini*  
*Robert Gramith*  
*Ron Moen*  
*Hal Richards*  
*GRABO & Cailyn WINTERS*  
*EDWARD Searcy*

128-A  
CONT'D

Josanna Van Dyke - 10456 willowbrook Ln, PV 798-0214  
Louie Osterude - 17493 Penn Valley Dr. 432-1955  
Gloria Abanto 559-8620  
Dop Blanscet 263-2464 1923 Branding Iron  
Nicole Murphy 432-9688 13789 Mica Ct. N  
Robert Oleson 432-9432 11533 BLACKHOSE RD  
Aunt Smith 277-3279 P.O. Box 2076  
210-9458 10487 BROOKDAK  
~~Kimberly~~ 432-1136 17922 LASSO LOOP  
Theresa Allen 253-6083 18076 Foxtail Dr  
Jim [unclear]  
Cody Kucera 575-2645 19543 Explorer dr P.V. CA 95946



RECEIVED

NOV 7 2013

NEVADA COUNTY BOARD SUPERVISORS  
cc: BOB, Planning  
(last)

NOVEMBER 2013

TO : NEVADA COUNTY BOARD OF SUPERVISORS  
FROM : PENN VALLEY CONSTITUENTS  
RE : PENN VALLEY REZONING PROPOSAL

WE THE UNDERSIGNED OPPOSE THE COUNTY'S PROPOSED REZONING OF FOUR (4) PARCELS OF LAND IN PENN VALLEY TO HIGH DENSITY HOUSING.

COMMERCIAL PROPERTY IF DEVELOPED WOULD BRING JOBS AND MONEY INTO PENN VALLEY.

AFFORDABLE HOUSING FOR PERSONS AND FAMILIES IN LOW INCOME CATEGORY WOULD ONLY PUT FURTHER BURDEN ON OUR SERVICES FOR WATER, SEWER, POLICE AND FIRE DEPARTMENTS.

128-A  
CONT'D

- Jeffery A. Robinson* 13285 Sugarbush Ct, RV 95946
- John & Mary* 17296 Clove Rd PV 95946
- Rich D. ...* 13465 Spenceville Rd. 95946
- BOB GRAHAM* 13125 Spenceville Rd 95946
- [Signature]* 19526 WILDWOOD WEST DR P.V. 95946
- Pat L. ...* 19526 Wildwoodw. Dr P.V. 95946
- [Signature]* 13145 Granite Pkwy P.V. 95946
- John Peloni (JOHN PELO)* 12728 Roadrunner Dr PV 95946
- JOHN BATSON JR.* 11939 Black Rd Big Oak CA 95917
- Kelli Argline* 12572 Wallbuck Rd PV 95946
- [Signature]*

**Letter 128 – Petition from Mike and Francine Strum**

**Response 128-A** This petition will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Letter 129

**CITIZENS AGAINST RUNAWAY REZONING IN  
PENN VALLEY**

Penn Valley is a poor placement area for high-density housing for the following reasons:

- No jobs in Penn Valley
- No transportation to where jobs might be available
- Removes needed business zoning
- Sewage and water problems exist
- Added pollution to existing air problems
- Environmental strains on wildlife
- Impact on fire, police and public safety
- Who is the developer and will they have the obligation to legally perform

PLEASE SIGN BELOW IF YOU WANT TO PROTEST THE REZONING:

NAME	ADDRESS
<i>[Signature]</i>	11077 Spenceville Rd PennValley, CA
Vanessa Travis	11297 Sierra Circle PV. CA
Nelson Schmalz	14425 chunker Rd, GV
Michelle Walters	944 Amber Ln GV CA
Callie Rose Smith	19678 Echo Blue Rd, P.V. 95946
Elvis Durpin	10570 Red Ln, Big Oak Valley, 95977
Eleanor Patton	P.O. Box 464 Cedar Ridge 95924

129-A  
CONT'D

129-A  
CONT'D

NAME	ADDRESS
Doris Longford	18827 Limestone CA PV 95946
Bonnie Quallen	11638 Linnet Ct PV 95946
Katherine Casanova	19683 Valley Vista Way PV 95946
Phyllis Fitzgerald	109 <sup>133</sup> Woodchuck PV 95946
JULIE COX	13085 Towhee Ct. PV 95946
John Tallarico	13847-Ginger Loop, P.V., 95946
Joyanne R Craigdon	19179 Swallow PV 95946
Rt. 1. 349 Nite St.	Nevada City, CA 95959
<del>19758 ECHO BLUE TR</del>	<del>PENNALEY, 95946</del>
Jessie Ollandee	19958 Echo Blue Tr., PV. 95946
Myron Dwyer	11735 Wildwood Ranch R.V. 95946
Patsy Tomarich	18918 Dove Hoop P.V. 95946
Josie Camp	21053 Wildwood W.R. 95946
Vicki St. Paul	229257 Roadrunner Dr. 95946
Judith S. Lachman	12957 10311 Charms R Rd. Fern Valley CA 95946
Katherine M. Linn	12879 Roadrunner Dr. Fern Valley 95946
Barbara Campbell	18145 Jayhawk Dr. PV 95946
Ladonna Reed	19749 Willowen P.V. 95946
Catherine Radu	18069 Fair Oaks R. PV 95946
Janet Bauer	18560 Willowen Dr PV 95946
Coral Battles	19422 Chaparral Circle Fern Valley 95946
Jan Sherman	18736 Hummingbird P.V. 95946

129-A  
CONT'D

NAME	ADDRESS
Piper, Paul	13534 Forest Park Circle P.O. Box 512 P.V.
Piper, Susan	13534 Forest Park Circle P.V.
BENEVENTO, DENISE	14139 Pepperwood Dr. P.V.
Barbara, Byrne	19989 Echo Blue, P.V.
Tammie, William	13736 GOLD COUNTRY DR. P.V.
PATRICK, MARTIN	14491 LAKE WILDWOOD DR. P.V.
Kevin Campion	14659 Nutmeg Ct. P.V.
Jenna Wolford	18192 W. Edgemoor P.V.
Patricia L. Minch	10943 Northcote Place, Nevada City
Sally H. Kimball	11487 Deer Park Dr. Nevada City, Ca
Clara P. Jacobs	13125 Avian Pl. Nevada City, Ca
Norman A. Koshue	13885 Lake Wildwood Dr. Reno Valley, Ca.
Orta F. Winslow	10760 Willowbrook Ln, P.V. 95946
Steve Jeffrey	14053 Jasmine Ln, P.V. 95946

**CITIZENS AGAINST RUNAWAY REZONING IN  
PENN VALLEY**

Penn Valley is a poor placement area for high-density housing for the following reasons:

- No jobs in Penn Valley
- No transportation to where jobs might be available
- Removes needed business zoning
- Sewage and water problems exist - *Floods*
- Added pollution to existing air problems
- Environmental strains on wildlife
- Impact on fire, police and public safety
- Who is the developer and will they have the obligation to legally perform

PLEASE SIGN BELOW IF YOU WANT TO PROTEST THE REZONING:

NAME	ADDRESS
SUSAN CARR	14386 KNOB CONE - PV - CA 95946
Jill Chapman	13625 Spenceville Rd ca 95946
<del>Patricia</del> Lewis	13625 Spenceville Rd P.U.C.A. 95946
Marion Murphy	11897 Raven Ct. PV 95946
Patricia Trask	18682 Indian Spgs. Rd.
Kristine Turner	19249 W. Ridge Dr, PV. 95946
Christine Hughes	19745 Chaparral Cir 95946
Dorothy McLenahan	14351 Wilcox Ln S.O. also LW NE lot

129-A  
CONT'D

129-A  
CONT'D

NAME	ADDRESS
Ann Desh Bloom	70626 Woodwood Way DR 95946
Margaret Wilkie	18996 Santa Dr AV 95946
Ide Lade Reese	<sup>203 Robinson St.</sup> PO Box 396 Penn Valley, CA 95946
Dorothy Samobun	18326 Indian Springs Blvd, P.V., Cal 95946
Lisa Fox	15346 Big Dog Rd Penn Valley 95946
Shari Daly	18861 Cozy Grove <sup>at</sup> 95946
Antoinette Longone	12949 Thistle Loop, Penn Valley CA 95946
Paul Thompson	10340 R.R. Rd. R4 RCR 95975
Cynthia	13675 R+R Hwy 95975
Barbara J Ferraro	18281 Magestic View 95949
Nancy Douglas	11749 Wabbe, Penn Valley
Alvin	PO Box 311 R+R 95975
Thomas R Chester	17832 Fading Ave P.V.
Frances Raming	18089 Hummingbird Dr PV
Frank	" " "
Barbara Kreflich	18198 Hummingbird Dr PV
Thomas Kreflich	" " "
Mama Ferraro	18281 Magestic View PV
Wanda	19371 Donovan Rd PV.
Paula Montgomery	17356 Penn Valley DR.
Lisa Sanders	
Patricia Force	18814 Old Paint ch
ARLENE O'CONNOR	12048 LAKEWILD DR, PENN Valley, CA
Jim O'CONNOR	" " "

129-A  
CONT'D

NAME

ADDRESS

Sharon M. Hano - 17845 Kern Ln Pkwy 95944  
Song Kowstall 14158 Pilot Peak Lane PV. 95946  
Marie Bushnell-Nash 13397 Spenceville Rd. Ct. 95946  
Paul and Jackie Diamond 11252 CANYON VIEW CT. PV. 95946  
Emily Hays 18549 Sisil Ln. PV 95946  
Barbara J Brown 12988 Spenceville Rd P.O. 95946  
Wally Joe Logan 21485 Bontz Rd Big Oak Vly 95977  
~~Wally Joe Logan 21485 Bontz Rd Big Oak Vly 95977~~  
Ludy Kysor 18030 Valley Dr. Rough & Ready CA 95975  
~~Jesse & Nancy Gold 14020 Hemlock St Reno Valley~~  
~~Arjo Zaparkanson 14020 Hemlock St Reno Valley~~  
Bug Stoller 17972 Jayhawk Dr PV  
~~Bug Stoller 17972 Jayhawk Dr PV~~  
Alvare Carter 15318 Indian Springs Rd.  
Lami & Weston " " " "  
Toni Accuso 14046 Liguora Ln. Grass Valley 95949  
Steve Barber 11310 Chantarella Lane Syc 95977  
JOHN NIGHINGALE - 15650 PENNA-RYR 95945  
~~W. Flores 14098 SUNFOREST LANE PV 95946~~  
Janet Watson, 13828 LNW Dr., PV, 95946  
Mareen Hatford Spenceville Rd 95946  
Cynthia D. Oliver 11050 Randon Ct. 95977

129-A  
CONT'D

NAME	ADDRESS
<u>Jon Meadows</u>	<u>19527 Penn Valley Dr. P.V. 95946</u>
<u>Nora Pearson</u>	<u>15591 Brandt Ln. Rough's Ready 95775</u>
<u>Harold</u>	<u>1504 Horton P.V. 95946</u>
<u>Kenn Vmia</u>	<u>17207 Landon Ave Penn Valley 95946</u>
<u>Dina Cortez</u>	<u>13 Carrie Ann Lane, Penn Valley 95946</u>
<u>Margan Mahuta</u>	<u>11 Carrie Ann Lane Penn Valley 95946</u>
<u>Robert J. Melia</u>	<u>13108 MARINA DR, BIG OAK VALLEY, CA 95777</u>
<u>Deb Smith</u>	<u>19051 Swallow Wy Penn Vly Ca</u>
<u>Patricia Fossil</u>	<u>18901 Penn Vly Dr. Penn Valley ca</u>
<u>MARY ENGQUIST</u>	<u>10926 SHADOW HILL P.V. CA</u>
<u>JESSICA SAVAGE</u>	<u>18390 OAK FLAT LN. PV CA 95946</u>
<u>Anna Beatty</u>	<u>14389 Indian Spring Rd 95946</u>
<u>Darlene Kinkle</u>	<u>16910 Indian Spring Rd. 95946</u>
<u>David Winters</u>	<u>" " " "</u>
<u>STEPHANIE JOHNSON</u>	<u>126 MAINHART DR G.V. 95945</u>
<u>Leigha Smith</u>	<u>#P. Box 426 Ruth NV. 89813</u>
<u>Michelle Taya</u>	<u>1019 Siskin Ct. P.V. 95946</u>
<u>Carla Boone</u>	<u>17150 Ladino Ave., Penn Valley 95946</u>
<u>Tongia Maya</u>	<u>14605 Clover Ridge Ln 95946</u>
<u>Erin Maya</u>	<u>" "</u>

129-A  
CONT'D

NAME

ADDRESS

Donna Miller 19178 Indian Springs P.V. 95946

Grace McFall 13949 Hemlock Dr. P.V.

Merrylene Robinson 18638 Siesta Dr. P.V. 95944

Ruth Rasmussen 18387 Easy St P.V. 95946

Blank lined area for additional entries.

**Letter 129 – Petition from Citizens Against Runway Zoning in Penn Valley**

**Response 129-A** This petition will be will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

Letter 130

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**NEVADA COUNTY PLANNING COMMISSION  
NEVADA COUNTY, CALIFORNIA**

**MINUTES** of the meeting of October 10, 2013, 1:30 PM, Board Chambers, Eric Rood Administration Center, 950 Maidu Avenue, Nevada City, California

---

**MEMBERS PRESENT:** Chair Poulter, Commissioners Duncan, Smith, Donesky and Jensen.

**ABSENT MEMBERS:** Commissioner Duncan arrived at 1:34 p.m.

**STAFF PRESENT:** Planning Director, Brian Foss; Principal Planner, Tyler Barrington; Senior Planner, Kimberly Hunter; Deputy County Counsel, Scott McLeran

---

**TABLE OF CONTENTS:**

**PUBLIC HEARINGS:**

- 1. U13-002; EIS13-002, MI13-016 Use Permit application by *John Mayo*
- 2. EIR12-002 Housing Element Rezone

**STANDING ORDERS:** Salute to the Flag - Roll Call - Corrections to Agenda.

**CALL MEETING TO ORDER:** The meeting was called to order at 1:30 P.M. Roll Call was taken.

**CHANGES TO AGENDA:** No changes.

**PUBLIC COMMENT:** Members of the public shall be allowed to address the Planning Commission on items not appearing on the agenda which are of interest to the public and are within the subject matter jurisdiction of the Planning Commission, provided that no action shall be taken unless otherwise authorized by Subdivision (6) of Section 54954.2 of the Government Code. **None.**

**COMMISSION BUSINESS:**

None

**CONSENT ITEMS:**

None

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**PUBLIC HEARING(S):**

**U13-002; EIS13-002, MI13-016** Use Permit application by *John Mayo* for an Equine and Canine rehabilitation facility and veterinary clinic as well as a commercial stable operation within an existing structure and including up to four classes per month and four special events per year. A Petition for Exception from Road Standards has been submitted requesting that Kneebone Ct be improved only to driveway standards. **LOCATION:** 19600 Kneebone Ct **APN(s):** 01-780-57 **RECOMMENDED ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration **PLANNER:** Amy Kesler-Wolfson, Assistant Planner

Amy Kesler-Wolfson, Assistant Planner presented the staff report.

Assistant Planner Amy Kesler-Wolfson presented the staff report. She noted that the project had previously been heard at the regular Planning Commission meeting held on July 25, 2013. She reviewed the project revisions requested by the applicant. Planner Wolfson projected the site plan on the overhead screen and noted there had been no changes to the site plan. She provided a review of revised conditions A.7, B.1, B.3, and the revised analysis. Planner Kesler-Wolfson reviewed staff's recommendation to adopt Mitigated Negative Declaration EIS13-002, and recommend approval of Petition for Exception to Roadway Standards MI13-016, and Use Permit 13-002 as amended.

Commissioner Smith asked for clarification regarding the 1,000-gallon tank requirement for each facility.

Planner Kesler-Wolfson explained that a 12-hour well yield test was required. The well yield test must perform at 9 gallons per minute. If it doesn't perform at that level the applicant would be required to provide a 1,000-gallon water storage tank for each facility served by the well. That would include the primary residence on the adjacent property, the equine/canine facility and the employee residence on the subject property.

Commissioner Smith asked if that was an Environmental Health Department requirement.

Planner Barrington explained that this portion of the property is served by the well located on the adjacent property that also serves the residence and that was why the residence was included.

Planner Barrington introduced Randall Yun, Environmental Health Program Manager to address the water storage requirements.

Randall Yun explained that the requirements are standard for every home that is on a well. If the minimum yield is not met then storage capacity is required.

Commissioner Smith asked if there currently was no tank at that location because the house was built before the requirement.

Mr. Yun said the water requirements date back to the early 1990s.

Commissioner Smith referenced the staff report and noted that the original well at the time the house was built was 10-gallons per minute.

Mr. Yun said that was correct and it was for one structure. The well yield requirement is now increased to three structures. Every structure on the property is required to have a minimum of one gallon per minute. If the well yield is between 1-3 gallons per minute it means a 1,000-

93 gallon storage tank is required; if the yield is 3-gallons per minute or above storage tanks are not  
94 required.  
95  
96 Commissioner Smith asked if the yield test came in at 8-gallons per minute would it be possible  
97 for the veterinary clinic and Ag housing to share a storage tank.  
98  
99 Mr. Yun said they could drill a separate well on that parcel and not have to do a shared water  
100 supply with the neighboring parcel.  
101  
102 Commissioner Smith asked if it was possible for the veterinary clinic and the Ag housing to  
103 share a storage tank because the tanks are expensive.  
104  
105 Chair Poulter felt the Environmental Health requirement was favorable to the applicant.  
106  
107 Mr. Yun confirmed that when the well yield is less than 1-3 gallons per minute then it is required  
108 that each structure have their own water storage capacity.  
109  
110 Commissioner Donesky asked if it was an option for the applicant to use one 3,000 gallon  
111 centrally located storage tank.  
112  
113 Mr. Yun said absolutely as long as the minimum 1,000-gallons are met.  
114  
115 Chair Poulter asked Mr. Mayo if he had any comments regarding the water storage discussion.  
116  
117 Andy Cassano, representative for Mr. Mayo asked the Commission to drop this condition  
118 because he felt it had been based on faulty information. The well that serves the facility in the  
119 Use Permit was originally tested at 60-70 gallons per minute. The log at 10-gallons per minute is  
120 not the correct well. There is another well on the residential property that has a 10-gallon per  
121 minute well. The well serving the Use Permit area is on the adjoining parcel and it is addressed  
122 in the staff report that the well is located on a different piece of property. Mr. Cassano noted that  
123 thousands of feet of irrigation are served by that one well. He said there are not three facilities,  
124 there is only one facility an equestrian center with a caretakers cottage. The well yield is much  
125 higher than has been reported on which the condition was based. The well has been serving the  
126 project for years and there have been no water problems. Mr. Cassano said a 4-hour test is  
127 required per ordinance not a 12-hour test. Mr. Cassano reiterated his request that the condition  
128 be removed.  
129  
130 Commissioner Donesky asked if Mr. Cassano had a yield report on the 60+ gallons per minute  
131 well.  
132  
133 Mr. Cassano said there was an original well log report.  
134  
135 Chair Poulter said a current well log would be required.  
136  
137 Mr. Cassano voiced his concern regarding the cost of a yield test to prove something that has  
138 been working for a number of years.  
139  
140 Chair Poulter agreed that a 12-hour test seemed excessive and wasteful.  
141  
142 Commissioner Donesky asked if the 60+ gallon a minute well served both the house and the  
143 Veterinary/Equestrian site.  
144  
145 Mr. Cassano said it is serving the equestrian center and irrigation of the property but not the main  
146 house. The 10-gallon per minute well serves the primary residence.

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147  
148 Mr. Cassano asked that the Commission approve the applicant's requested changes.  
149  
150 Chair Poulter opened the public comment period at 1:48 p.m. there being no comments she  
151 closed the public comment period at 1:48 p.m.  
152  
153 Chair Poulter asked staff for clarification regarding the origin of the well yield conditions.  
154  
155 Planner Kesler-Wolfson said the revised project was routed to various departments including  
156 Environmental Health. Environmental Health provided the condition including the 12-hour well  
157 yield test.  
158  
159 Chair Poulter asked Program Manager Randall Yun if the statements provided by Mr. Cassano  
160 regarding the wells and facilities at the application site changed the approval conditions proposed  
161 by Environmental Health.  
162  
163 Mr. Yun said yes; receipt of the correct information regarding which well serves what facility  
164 would make a difference.  
165  
166 Commissioner Smith requested clarification regarding the number of people that could ride at  
167 one time and/or if the riders were counted separately from other customers.  
168  
169 Planner Kesler-Wolfson said the proposal by the applicant was intended to include 5 customers  
170 at any time to be accommodated by both the veterinary facility and the horse stable facility based  
171 on the four employees that would be present to accommodate them.  
172  
173 Mr. Cassano said the riders would be in addition to the 5 customers there to get service from the  
174 onsite staff.  
175  
176 Commissioner Smith said the word "customer" confused her because she didn't feel people there  
177 to ride were customers. Riders tend to own the horses so they are renters. She said if the riding  
178 people are not counted with the veterinary clinic customers that number would be fine.  
179  
180 Planner Kesler-Wolfson said she didn't believe it was clearly distinguished in the proposal by the  
181 applicant but did not feel there was an issue with having additional riders on site.  
182  
183 Commissioner Donesky asked if it would be appropriate to work on the language for  
184 clarification.  
185  
186 Commissioner Duncan agreed that some of the language wasn't adequate to support a  
187 functioning commercial boarding stable. Commissioner Duncan felt the focus was possibly too  
188 narrow. She noted that this project represents economic development in Nevada County and she  
189 didn't want this to be a template that limits their successful operation. The language needs to be  
190 clear and not so limiting to the applicant or future applicants.  
191  
192 Planner Barrington referenced hand written page 9 of the staff report and noted the project  
193 description (A.1.) that states up to 4 classes per month, offering riding or animal care education  
194 by one instructor for up to 12 students.  
195  
196 Commissioner Duncan expressed her concern that condition A.1. was too restrictive. Some  
197 stables may have 4-5 classes per day. She didn't feel the restriction would help them to succeed.  
198  
199 Planner Barrington explained the estimates had come from the applicant.  
200

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201 Commissioner Duncan suggested the class limitation be deleted.  
202  
203 Planner Barrington said that would change the project description requiring re-circulation of the  
204 environmental document.  
205  
206 Commissioner Duncan did not want to delay the application.  
207  
208 Commissioner Smith noted that the description states "classes" not lessons and lessons tend to be  
209 more private.  
210  
211 Commissioner Donesky suggested adding a sentence to A.1. stating "private lessons" are not  
212 included in the definition of classes.  
213  
214 Plammer Kesler-Wolfson referenced page 2 of the staff report and noted that under classes and  
215 clinics, riding instruction is included as part of that definition. The intention is to include riding  
216 instruction as part of the classes and clinics.  
217  
218 Commissioner Smith said there was reference to horseshoeing classes, a horse care class; and a  
219 clinic with a guest speaker, which is not the same as a lesson. Individual, private, or semi-  
220 private lessons are the lifeblood of the trainer at the stable. She requested that lesson be  
221 excluded from the classes of horseshoeing and horse care.  
222  
223 Director Foss said the clarification that lessons, private lessons, or group lessons are not to be  
224 counted towards the overall 4 classes per month would not change any findings of the CEQA  
225 document or conditions of approval.  
226  
227 Commissioner Donesky referenced clarification regarding the wells and water issues and asked  
228 for suggestions for clarification without causing approval delays.  
229  
230 Mr. Cassano suggested deletion of Condition B.1.  
231  
232 Planner Barrington said staff would defer to Environmental Health and added that it sounded like  
233 there was a 60-gallon per minute well serving the commercial site so meeting this condition  
234 wouldn't be an issue. If the residence is on a separate well the provision of extra storage should  
235 be removed.  
236  
237 Commissioner Donesky agreed that the storage requirement could be removed from the  
238 residence.  
239  
240 Mr. Yun said current documentation of that well yield would eliminate the need for the  
241 condition.  
242  
243 Commissioner Donesky said given that this well is in operation would it be acceptable to open  
244 sprinkler heads totally and let it run for four hours instead of paying for an expensive well test.  
245  
246 Mr. Cassano noted that the condition had been written on the basis of 3 facilities but the well is  
247 serving only one facility. He said he had never heard of a 12-hour test requirement.  
248  
249 Commissioner Donesky asked Mr. Yun for clarification regarding a 4-hour test vs 12-hour test.  
250  
251 Mr. Yun said the requirement for a well that supplies water to the public could require a 3-hour  
252 to 72-hour yield test. He didn't write this condition and could only assume that EH staff had  
253 made a determination based on limited use of three facilities to reduce a 72-hour well yield test  
254 to a 12-hour test.

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255  
256 Commissioner Donesky asked for clarification regarding the calculations for commercial  
257 operations.  
258  
259 Mr. Yun said there is a different set of requirements for commercial. If the well is a high yield  
260 well and they can do a 4-hour test and show its producing 50 gallons per minute that would be  
261 more than adequate.  
262  
263 Commissioner Donesky asked if a 4-hour test at 12-gallons per minute would be acceptable for  
264 the equine/veterinary and caretakers cottage.  
265  
266 Mr. Yun said he would accept that minimum.  
267  
268 Mr. Cassano said it was difficult to accept any test requirement when the well had served the  
269 property for so many years. He agreed that a 4-hour test was better than a 12-hour test.  
270  
271 Commissioner Poulter asked Mr. Yun if he would have required that condition if he had known  
272 there were already two existing wells on the property.  
273  
274 Mr. Yun explained that EH would have asked for a current well yield report because it would  
275 have been viewed as a new use for the well that would serve the two facilities.  
276  
277 Commissioner Poulter asked Planner Kesler-Wolfson if the condition could be revised today to  
278 reflect the requirement changes.  
279  
280 After a brief discussion between Chair Poulter and Mr. Yun, Planner Kesler-Wolfson read the  
281 following revised Environmental Health condition B.1 into the record: Prior to building permit  
282 release, the applicant shall perform a 4-hour well yield test on the shared project well located on  
283 APN: 01-178-58 to determine if the well yield meets minimum requirements for each of the two  
284 facilities, the employee residence and the equine / canine facility that the well would serve. If the  
285 well yield is less than 6-gallons per minute then a water storage tank will be required at each  
286 facility. The minimum storage tank size is 1,000 gallons. Alternatively, the applicant may  
287 choose to drill a new Class II well on the parcel that serves the employee residence and the  
288 equine / canine facility.  
289  
290 Commissioner Smith asked for clarification on the definition of facilities stating that the  
291 residence was not a facility.  
292  
293 Planner Barrington explained that in this case facility means (in EH terms) the caretakers  
294 cottage/employee quarters and the equine/veterinary barn-riding arena.  
295  
296 Commissioner Smith noted that the veterinary use is considered to be agricultural support and  
297 felt both uses were agricultural support.  
298  
299 Planner Barrington advised that potable water would be needed at the caretaker's cottage and the  
300 equine/canine facility.  
301  
302 Commissioner Donesky felt it was fortunate that in this case there is sufficient water. He  
303 complimented Mr. Yun for working with the Commission based on someone else's work.  
304  
305 Commissioner Duncan said in follow up to Commissioner Smith's statement about the definition  
306 of facilities, she viewed the caretaker's cottage as a support operation to the equine/canine  
307 facility. She felt it punitive to classify this as two facilities.

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308  
309 Planner Barrington said it is a support facility, it is residential, and requires potable water.  
310  
311 Commissioner Duncan asked if the condition had been required by Environmental Health.  
312  
313 Planner Barrington said it was assumed the third facility (the existing residence) was served by  
314 the same well. It could be treated as one facility and it would still have the same requirements.  
315  
316 Commissioner Duncan said her concern was the investment to support them as separate facilities.  
317  
318 Commissioner Donesky said the residence could only be occupied by an employee and if the  
319 veterinary office closed, the residence could not be occupied under the proposed Conditional Use  
320 Permit. If the commercial side closed and they were allowed to put a renter in the home then it  
321 sounds separate enough to be two facilities.  
322  
323 Planner Barrington said that option is available with the appropriate permits to be lived in on a  
324 permanent basis and not as a part of the overall commercial use.  
325  
326 Planner Kesler-Wolfson advised that Environmental Health condition B.8. requires that a  
327 restrictive covenant be filed with the County Recorder essentially stating that it must be part of  
328 the equine/canine facility.  
329  
330 Planner Kesler-Wolfson read the revised language for Condition A.1. as follows: this Use Permit  
331 approval (U13-002) authorizes a canine and equine facility including the following uses: daily  
332 operations for a commercial stable accommodating up to 12 horses and a veterinary facility with  
333 four staff members accommodating up to five customers at a time, up to 4 classes per month  
334 offering riding or animal care education by one instructor for up to 12 students not including  
335 private and group lessons, and up to four special events per year. Special events may include up  
336 to 120 guests with their pets and may include vendors and caterers and are limited to Saturdays and  
337 Sundays. Hours of operation for the various uses are as follows in the table.  
338  
339 Mr. Cassano felt the verbiage may be construed to mean that there cannot be private and group  
340 lessons. He suggested a change to no limit on private and group lessons.  
341  
342 Planner Kesler-Wolfson changed the condition to read "unlimited" private and group lessons.  
343  
344 Commissioner Donesky noted the reference to 5 customers should not include boarders or  
345 veterinary customers.  
346  
347 Commissioner Duncan felt boarders were a different category and should not be included.  
348  
349 Commissioner Donesky asked for a five-minute break to work on revised language for condition  
350 A.1.  
351  
352 Planner Kesler-Wolfson read the following revised language into the record: This Use Permit  
353 approval (U13-002) authorizes a canine and equine facility including the following uses: a) daily  
354 operations for a commercial stable accommodating up to 12 horses and the people who own, ride  
355 and use them including unlimited private and group lessons; b) a veterinary facility with four  
356 staff members accommodating up to five customers at a time; c) up to 4 classes per month  
357 offering riding or animal care education by one instructor for up to twelve students; and d) up to  
358 four special events per year. Special events may include up to 120-guests with their pets and may  
359 include vendors and caterers and are limited to Saturdays or Sundays. Hours of operation for the  
360 various uses are as follows:

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361  
362 **Motion** by Commissioner Donesky, **Second** by Commissioner Jensen that the Planning  
363 Commission after reviewing and considering the proposed Mitigated Negative Declaration  
364 (EIS13-002) adopt the proposed Mitigated Negative Declaration pursuant to Section 15074 of  
365 the California Environmental Quality Act Guidelines, making the following findings A through  
366 C

367 **Motion carried on a roll call vote 5/0**

368  
369 **Motion** by Commissioner Donesky, **Second** by Commissioner Jensen to approve the Petition for  
370 Exception to Roadway Standards (MI13-016), making the following findings pursuant to Section  
371 L-XVII 3.12 and L-IV 2.6 of the Nevada County Land Use and Development Code: A through  
372 F

373 **Motion carried on a roll call vote 5/0**

374  
375 **Motion** by Commissioner Donesky, **Second** by Commissioner Jensen to approve the proposed  
376 Use Permit (U13-002) subject to the attached Conditions of Approval shown in Attachment 1, as  
377 modified at the public hearing, making the following findings pursuant to Sections L-II 5.6.G  
378 and L-II 5.5.2.C of the Nevada County Land Use and Development Code A through L.

379  
380 **Motion carried on a roll call vote 5/0**

381  
382 Chair Poulter announced the 10- day appeal period

383  
384  
385 **EIR12-002** Public hearing to accept comments on the adequacy of the Draft Environmental  
386 Impact Report for that project known as *Housing Element Rezone Program Implementation*  
387 project. The project proposes changing the General Land Use and Zoning Designation for 18  
388 selected properties to Urban High Density/high density residential zoning (UHD/R3) and adding  
389 the Regional Housing Need (RH) Combing District (LUDC Sec. L-II 2.7.11) to accommodate  
390 the future development of high density housing, as mandated by the State Department of  
391 Housing and Community Development. Grass Valley SOI: Site 1: 07-380-17; Site 2: 29-350-12;  
392 Site 3: 35-412-15; Site 4: 35-412-17; Site 5: 35-412-18; Site 6: 35-412-19; Site 7: 35-412-21;  
393 Site 8: 35-550-15 & 35-412-20; and Site 9: 35-412-16. Penn Valley Area: Site 10: 51-120-06;  
394 Site 11: 51-150-29; Site 12: 51-151-62; Site 13: 51-370-02. Lake of the Pines Area: Site 14: 57-  
395 141-29; Site 15: 57-270-02; Site 16: 57-270-03; Site 17: 57-270-06; and Site 18: 11-181-03. No  
396 project action will be taken at this hearing.

397 **PLANNER:** Tyler Barrington, Principal Planner

398  
399 Principal Planner Tyler Barrington explained that the public hearing was being held to take  
400 public comment on the Draft Environmental Impact Report for the Rezone program that was part  
401 of the 2009-2014 Housing Element. He said the County had identified 18 candidate sites for  
402 review. These sites were presented to the Planning Commission with the adoption of the  
403 Housing Element in 2010. He introduced Alex Jewell, Project Manager for RBF Consulting that  
404 prepared the Draft Environmental Impact Report (EIR) and would provide the presentation on  
405 the Draft EIR.

406  
407 Alex Jewell said his firm was hired by the County to prepare the EIR for the Housing Element  
408 Rezone program. He said the purpose of this hearing was to provide information to the  
409 Commission and to the public on the project, answer any questions regarding the project, and  
410 take comments from the public on the Draft EIR. Mr. Jewell said the public review period for  
411 the EIR was September 12, 2013 through November 12, 2013. The County elected to have a 60-

412 day review period instead of the normal 45-day review period to allow extra time for comments.  
413 Mr. Jewell provided a brief background of the project that included the adoption of the Housing  
414 Element in 2010 that included as part of that process the identification of a deficiency in R-3  
415 zoning within the County. Mr. Jewell said in order to meet State law requirements the County  
416 needs to add additional areas zoned to allow a minimum 16 dwelling units per acre to afford a  
417 range of housing opportunities within the County. The properties that are zoned R-3 would be  
418 required to allow development by right. The deficiency identified was 1,270 housing units under  
419 the R-3 zone. The County created the RH Overlay District which was approved in September  
420 2011. Mr. Jewell said a site analysis report was prepared before the EIR process was started.  
421 The thirty-nine sites that were originally identified as having the best potential for this program  
422 were narrowed down to 18 sites. The site analysis report looked at 34 different criteria to  
423 determine if the 18 sites selected could provide enough units to satisfy the 1,270-unit deficiency.  
424 The process was completed and it was determined that the 18 sites could support the minimum  
425 number of units. As part of the EIR process seven project objectives were identified. Those  
426 objectives are an important component of the EIR because they frame how the Commission will  
427 evaluate the sites and ultimately the selected sites support your primary objectives for the  
428 project. The sites would need to be rezoned, be large enough to get the feasible number of units  
429 on the site, make development on the site feasible, with proximity to community services,  
430 commercial areas, and public transportation. An important component required by the Board of  
431 Supervisors was that the property owners consent to being part of this program and not include  
432 property owners that were not consenting. Mr. Jewell identified the locations of the 18 sites  
433 chosen.

434  
435 A regional map was projected on the overhead screen that identified the Grass Valley, Penn  
436 Valley, and Lake of the Pines area sites. The property owner of the San Juan site did not want to  
437 participate in the program. He said these sites would be allowed by right to build. With a  
438 building permit, they could build within the building envelope designated for each site and this  
439 EIR would cover all environmental impacts associated with the development. For an example,  
440 he projected a site on the overhead screen that identified the building envelope, the  
441 environmentally sensitive areas on the site, as well as the mitigation measures. As part of the  
442 EIR process, a number of technical studies, biological resources, cultural resources, geotechnical  
443 constraints, traffic impact analysis, air quality, greenhouse gas and noise studies were prepared.  
444 Most of the environmental impacts were mitigated to less than significant. There also were  
445 significant impacts and unavoidable impacts. The projects that are within the city sphere of  
446 influence do have a conflict with city density plans. Mitigation measures were identified and  
447 worked out with the City of Grass Valley. If those policy agreements do come into effect the  
448 County does not have any jurisdiction over the agreements. Public services are a similar  
449 situation including sewer. The County has identified contributions that could be made but the  
450 County does not have control over when the improvements would be made. The population  
451 would be increased over what the city has in their General Plan and the only feasible mitigation  
452 would be for the City to change its General Plan, but the County cannot force the City to do this.  
453 It is more of an implementing mechanism vs impacts so severe they couldn't be mitigated. A  
454 conservative approach from a CEQA perspective is to provide the County with the most  
455 defensible EIR possible. Mr. Jewell said the 60-day public review period had begun and would  
456 continue through mid-November. Once all the comments are submitted from the public, staff  
457 would respond to those comments and prepare the Final EIR. That Final EIR would return to the  
458 Commission for comments and a recommendation before going to the Board of Supervisors for a  
459 decision. Mr. Jewell said staff would take verbal and written comments at this hearing. He said  
460 there were comment forms located next to the dais and they were welcome to submit their  
461 comments today. He said there was also a sign-up sheet to be notified of upcoming meetings.

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462 He said there would be future opportunities for the public to comment at upcoming Planning  
463 Commission and/or Board of Supervisors hearings. There are three upcoming community  
464 meetings to provide more information to the public on the project in each of the areas where the  
465 proposed units are located; Grass Valley, October 24; Lake of the Pines, October 28; and Penn  
466 Valley, October 29. He said contact information was included on the comment forms located  
467 next to the dais.

468  
469 Commissioner Jensen noted that the word “project” was used a lot in the description of today’s  
470 proceedings. He asked if the 18 parcels identified would all be rezoned at the conclusion of this  
471 project.

472  
473 Planner Barrington said the intent of the EIR is to look at the 18 different sites and determine  
474 whether they are feasible. At the end of the day staff hoped to come up with a recommendation  
475 to the Planning Commission on which of those 18 sites are the best sites for rezone. He said  
476 technically not all 18 sites have to be rezoned. The County is currently looking at 150 total acres  
477 to meet the required number of units (1,270). The unit requirement could be met with  
478 approximately 64 to 85 acres however from a planning perspective staff would like to see a little  
479 more than the 85 acres if possible.

480  
481 Commissioner Jensen asked if the adjacent property owners (within 300 ft.) had been notified.

482  
483 Planner Barrington said staff went beyond the 300 ft. notification requirement and notified  
484 everyone within 500 ft. of the Notice of Availability, for the meeting today, and staff would send  
485 a subsequent notices for the upcoming community meetings.

486  
487 Commissioner Jensen asked if all 18 sites needed to pay a traffic mitigation fees for the traffic  
488 the project would add to the Idaho Maryland Road (traffic circulation 2-9).

489  
490 Planner Barrington said the intent is that each mitigation measure assigned to a site that is  
491 ultimately rezoned site would have to pay for mitigating their local and regional impacts. If the  
492 site were on Brunswick, they would pay their fair share to mitigate the impacts to Idaho  
493 Maryland and Brunswick. If the Lake of the Pines site gets rezoned then they would have to pay  
494 their fair share for their localized impacts as well as the regional fee. The regional fee applies to  
495 all of the, County the local fee applies to the local roads. Sites that are located on Brunswick  
496 would not be paying mitigation for impacts in Lake of the Pines.

497  
498 Commissioner Jensen felt the word “project” should not be used. The site number should be  
499 used to identify the parcel such as site number XYZ would affect Idaho Maryland Road therefore  
500 they would pay a fee.

501  
502 Commissioner Duncan said to clarify what we are doing today the “1200+ number” that staff  
503 noted is provided by the State Housing and Community Development. The task the County has  
504 in order to have the Housing Element approved is that the County has to make a specific number  
505 of sites available so that number could be accomplished. But it does not mean that number  
506 would be accomplished within a certain time period.

507  
508 Planner Barrington said the County’s charge is to identify suitable sites that have appropriate  
509 zoning that could meet those unit counts. It does not mandate that the County build these units  
510 or that the units are built. It is the private developer that would dictate when the sites would be  
511 developed.

512  
513 Commissioner Duncan said the stick held over the County’s head is that if we don’t have a  
514 Housing Element the County runs the risk of being sued or the withholding of grant funds the  
515 County needs for activities they wish to accomplish. She felt it was an important distinction to

516 make, it does not mean there are developers waiting in the wings to pick up on these sites. It is  
517 an attempt by the County in good faith to meet the goals set by the State in order to reap the  
518 benefits.

519  
520 Planner Barrington said that Commissioner Duncan was correct.

521  
522 Commissioner Smith said the State is requiring 1,275 units and felt a total of 3,000 units could  
523 be created from those parcels.

524  
525 Planner Barrington said as Mr. Jewell mentioned the County is trying to take a conservative  
526 approach so staff looked at 18 sites with the maximum build-out. The analysis is based on the  
527 worst-case scenario. In order for the County to meet its Housing Element requirement, adequate  
528 zoning is required for 1,270 units. That is the baseline, however staff does anticipate that if some  
529 of the sites in the Grass Valley sphere of influence are annexed those sites are no longer suitable  
530 and available so we would like to error on the side of caution and provide the County with a  
531 buffer so that five years from now we are not going back through this process.

532  
533 Commissioner Smith said she seemed to recall that once those sites are annexed into Grass  
534 Valley the sites no longer count towards the County's Regional Housing.

535  
536 Planner Barrington said Commissioner Smith was correct they no longer count toward the  
537 County. The City and the County would have to come to a reasonable mutually acceptable  
538 agreement to transfer the units; similar to the process that went forward with Loma Rica Ranch  
539 annexation.

540  
541 Commissioner Smith asked if any comments were received from the City of Grass Valley when  
542 staff proposed to go forward with this project.

543  
544 Planner Barrington said yes, they are incorporated in the Notice of Preparation. The City of  
545 Grass Valley did provide us with comments which are included in the EIR.

546  
547 Mr. Jewell said they are included in appendix A (located on the CD) as part of the Notice of  
548 Preparation. Those are the written comments that were received from Grass Valley.

549  
550 Commissioner Smith said going forward with this Draft EIR there are a lot of significant and  
551 unavoidable impacts that would require Statements of Overriding Consideration. Commissioner  
552 Smith voiced her concern that the Commission would be adopting 10 Statements of Overriding  
553 Consideration and there are a lot of significant and unavoidable impacts. She asked if it was  
554 correct that these sites were going to be developed by right, and all mitigation measures, traffic  
555 mitigation, wastewater mitigation, and all the environmental review would be taken care by this  
556 EIR. She asked if it was correct that whoever wants to come in and develop those sites would  
557 only be required to come in for a building permit.

558  
559 Planner Barrington said that in general Commissioner Smith was correct. During the rezone  
560 process it is our intent to create an implementation guide that outlines each site and details the  
561 development criteria that needs to be met prior to development occurring. Once those criteria are  
562 met, once mitigation measures are in place, they could come in and get a building permit. There  
563 is a caveat in the RH Overlay District that does allow for Design Review before the Commission  
564 ensuring that the buildings meet the Western Nevada County Design Guidelines. The State  
565 requirement is that if the County has an unmet need, which has been identified, when we rezone  
566 sites that 16 units minimum per acre must be allowed to develop without further discretionary  
567 action (no Use Permit). Basically, a Use Permit is being allowed for each of these sites without  
568 knowing exactly what the project is at that time. Staff is doing their best to anticipate the  
569 maximum build out for each site and the appropriate mitigation for each of those projects.

570  
571 Commissioner Smith said you know in advance that the ones in the sphere of influence of Grass  
572 Valley are not going to count towards our Regional Housing need.  
573  
574 Planner Barrington said that goes back to a mutually acceptable agreement with the City of Grass  
575 Valley. Our General Plan does direct growth such as this high-density growth towards the  
576 Community Regions.  
577  
578 Commissioner Smith noted that it also requires that the Nevada County General Plan Land Use  
579 will reflect the City/Towns General Plan Land Use mapping in some instances the County may  
580 provide for less intensive land use due to infrastructure incompatibility. She felt that developing  
581 at a density higher than what Grass Valley has proposed is inconsistent with our General Plan.  
582  
583 Planner Barrington said hence the unavoidable impact in that area.  
584  
585 Commissioner Smith said staff had done an excellent job on the EIR however; she had great  
586 concerns regarding the impacts of the project. She asked if there was any way the sites within  
587 the sphere of influence could be avoided.  
588  
589 Planner Barrington said that was within the purview of the Commission to make a  
590 recommendation to the Board by identifying the most suitable sites.  
591  
592 Commissioner Duncan noted that not all of these sites might be approved some may be deleted.  
593  
594 Commissioner Smith asked if they would be deleted from the EIR.  
595  
596 Commissioner Duncan said they would be deleted from the proposed rezones.  
597  
598 Commissioner Smith said there is nothing to tell us if any of the parcels are really inappropriate.  
599 She said she realizes the corner staff is in but she was surprised to see so many significant and  
600 unavoidable impacts and noted all the properties that are located off of Town Talk. That would  
601 be an enormous number of cars driving down that street and then of course it's within the Grass  
602 Valley sphere of influence. Commissioner Smith suggested something be worked out so the  
603 developer would actually have to pay for all of the street improvements.  
604  
605 Chair Poulter stated her concern that the focus was straying towards individual projects instead  
606 of the Draft EIR.  
607  
608 Commissioner Donesky said some of the folks in the community are remembering the 1995  
609 General Plan that had a lot of emphasis placed on a population cap in the County. He asked if  
610 staff was doing any kind of updated analysis as to whether changes should be made to stay  
611 within the 1995 General Plan population cap or whether exceeding that number by 3,000 units or  
612 1,200 units would be a significant environmental impact.  
613  
614 Mr. Jewell said as part of the EIR analysis staff did look at the 1995 General Plan gross  
615 projections for Nevada County, added those units into that number, and found that it did not  
616 exceed the population projection of the General Plan.  
617  
618 Commissioner Donesky said the projections were on a graph (high, medium, and low) and there  
619 was also a cap. He asked if the cap had been looked at as well as the projections and the  
620 trajectory.  
621  
622 Planner Barrington said there was a discussion in the EIR but they would also take another look  
623 at the numbers.

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624  
625 Chair Poulter opened the public comment period at 3:05 p.m.  
626

627 Ed James said he is part of the Penn Valley Chamber of Commerce Board of Directors. As such  
628 the comments he was making were basically representing the Chamber of Commerce. He said  
629 they are very concerned about what is being proposed. They have reviewed some of the  
630 material; they have not reviewed the EIR. He said the EIR is lengthy and expensive. They need  
631 additional time to thoroughly review the document and come up with what they think is a more  
632 viable approach than what is being proposed here. Mr. James said they are asking for and have 130-A  
633 asked for a continuance by letter to the Planning Director (probably the wrong action). He said  
634 what they are really asking for is an extended study period. They would like to see the study  
635 period extended 3-4 weeks beyond what is being called for now. Mr. James said they don't have  
636 staff or paid staff to review this, this is all being done by volunteers. One of their major concerns  
637 is that they don't believe a study that was prepared and adopted by the Board of Supervisors  
638 (BOS) on what the economic growth ought to be for Penn Valley was not considered in this  
639 document. This study (an agreement with ERC at that time and the Board of Supervisors) 130-B  
640 utilized a consultant and a study was paid for by (he believed) CDBG funds that basically came  
641 up with a more economic approach as to what ought to happen in the Village Center area of Penn  
642 Valley. When the study was completed, it was approved and adopted. We have an approved  
643 adopted policy right now, ahead of what is being proposed here (that the Board of Supervisors  
644 approved) which basically lays out what the Board of Supervisors thinks is the best thing to  
645 happen. It was not a shallow study it was a very extensive study. It looked at retail market  
646 analysis, demographic analysis, economic goals and objectives, and there's an action plan. 130-C  
647 There was a spot study that looked at the strengths, weaknesses, the opportunities, threats to the  
648 area, a very extensive study that basically stated what this area needs and the very parcels you  
649 have identified in this EIR should be commercial, retail, and business. That is what makes sense  
650 in the Village Center not high-density low cost housing. He was glad to hear from some of the  
651 Commissioners that economic development is an important objective for them. It's an important  
652 objective for Penn Valley and the Chamber of Commerce. He said that in other words the BOS  
653 at that time set a direction for the Village Center in Penn Valley, what the BOS wanted to see 130-D  
654 occurring in Penn Valley. Once you rezone these parcels those opportunities are lost they just go  
655 up in the ozone and disappear. No one is going to come back and try to go through this process  
656 again. If you rezone those sites to housing great opportunities for retail businesses, Business  
657 Park, or whatever are gone. It is the opinion of the Chamber of Commerce at this point that the  
658 EIR is flawed because it does not address what was adopted back in that time frame. This looks  
659 to him (he has been through this before in another city) like a numbers game. Let's go find  
660 vacant property that we can rezone to R-3 or R-4 whatever you are looking for and we can make  
661 the numbers. This is more than a numbers game and yes, there may be mitigating factors but the 130-E  
662 overall factor that cannot be mitigated is once you zone this property inappropriately all the  
663 appropriate opportunities are lost. R-3 low cost housing in their mind is not appropriate in a very  
664 rural area. R-3 high-density low cost housing should be near population centers or transportation  
665 hubs. These folks that are low cost housing, living with families and kids need transportation 130-F  
666 they need a lot of services not available to them out in Penn Valley. He said they have a number  
667 of other concerns that he would not go into today because they need more time to put their  
668 thoughts and strategy together. Mr. James said he hoped the Commission would take these  
669 comments into consideration as they continue through the process. He hoped they would grant  
670 the Chamber of Commerce a 30-day extension and hoped they would take very seriously what  
671 this study (The Penn Valley Village Focus Economic Development Study) planned. 130-G  
672 should hold true from now until the economy picks up and they have opportunities come before  
673 them. The County needs economic development, Penn Valley needs it, and he thinks what is  
674 being proposed here is anti-economic development.

675  
676 Frederick Morrill said he is part of the Lake of the Pines proposal. He asked if proposed site 17  
677 (the environmentally sensitive area) could be put up on the overhead screen.

678  
 679 Mr. Jewell said he did not have site #17 but he did have the Lake of the Pines graphic.  
 680  
 681 Mr. Morrill said that would be fine. He just wanted to mention that he did submit written  
 682 objections about a week ago. Mr. Morrill said he hoped he wasn't repeating himself but was not 130-H  
 683 sure everyone had read his comments. Proposed site #17 is a very small acreage (2.36 acres) and  
 684 he lives immediately adjacent (south) of that property. He has lived there for about 4 ½ years  
 685 and he is not a biologist or an environmentalist but from his own layperson perspective, it is a  
 686 very environmentally sensitive area. Mr. Morrill said the County is proposing to build on a site 130-I  
 687 where a creek runs through the middle of the property, a pretty good size creek that floods every  
 688 spring, and it supports a lot of wildlife that he has observed over the years. Some of the wildlife  
 689 he has observed are raptors laying eggs and hatching their young every spring, owls (all year 130-J  
 690 long it seems to be a residence for them), wild turkeys, ducks, geese, hummingbirds to name a  
 691 few. It is teeming with wildlife. It is a highly wooded area so thick it's almost impossible to  
 692 walk through. There are quite a few old oak trees, fallen oak trees that's where the owls live. A  
 693 lot of the oak trees have numbers on them; he isn't sure what it means maybe something in the 130-K  
 694 environmental department. All the oak trees have been tagged and numbered. He said he was  
 695 concerned about the impact on wildlife and the biological effects. He said there is some housing  
 696 development immediately northwest of this area, a huge housing project going up right now (40-  
 697 50 homes). He thinks this area already has a pretty good impact on building and population. He  
 698 didn't think it was feasible to build approximately 37 units on this one little piece of land. Plus if 130-L  
 699 you look at the land, something like 80% of that land has been marked as an environmentally  
 700 sensitive area. The only area they are proposing to build on is the western and southern edges of  
 701 this property. Unfortunately the southern edges of this property where they are planning on  
 702 building densely (dense housing) is about 80 feet from his bedroom window. He said he hoped  
 703 he was not being selfish everyone has a right to housing regardless of their income or their status  
 704 but when he bought this property 4 years ago it was zoned as a single housing area. If he knew it  
 705 was going to be something like this he would never have purchased this house. All of the sudden 130-M  
 706 now someone is proposing to build low to very low income housing about 80 ft. from his  
 707 bedroom window, from his porch, from his living room window. He didn't think if the  
 708 Commission were in his situation, they would be happy. Mr. Morrill said he is not happy with  
 709 the situation, wanted to voice his opinion, and wanted his opinion to be heard. He said his main  
 710 concerns are the biological impacts and he did not expect such a thing to happen where he lives.  
 711 Mr. Morrill noted that Chair Poulter had mentioned a win-win situation for everyone earlier and  
 712 he felt this was a win situation for the builder and the people proposing this but not a win-win  
 713 situation for him. He knows as a private citizen he has only so much voice, so much power, he  
 714 pays his taxes on time, and thinks he does a pretty good job of it, and hoped that when the  
 715 County comes to making this decision some of the things he has said would be taken into  
 716 consideration.  
 717  
 718 Brent Dickinson said he was a neighbor of Mr. Morrill. He said lot 16 is immediately adjacent to  
 719 his property off the southwest corner. Mr. Dickinson said he believed lot 16 already has a  
 720 sewage treatment facility that may need to be relocated because it would negatively impact the 130-N  
 721 ability to treat the sewage and wastewater of that area. It is his understanding that the sewage  
 722 system is already stressed. Mr. Dickinson said he drives by the other facility that is on Riata and  
 723 he sees and hears the one on lot 16 from his house. He said most of you don't live next to one of  
 724 these. He is just another private citizen voicing his displeasure. Most of us move out to these  
 725 rural areas to not have 30, 40, 50, 60 people within arms-reach of our side windows. Mr.  
 726 Dickinson said he grew up in Auburn and has lived on 10 acres most of his life and he knows  
 727 what it's like not to have a house that's 2-ft away. He doesn't want a house or 30 houses 2 feet  
 728 away (an exaggeration he knows) but that's how it feels. He does not like it one bit. Another  
 729 concern is where the access would be located for these properties. The Higgins Market Place  
 730 sounds like it has been approved to move forward, a shopping retail area just down the hill from 130-O  
 731 his property. Now he is being hemmed in on two sides and that's where his well is located. He

732 is looking at a way to get water again. NID does not come within a half mile of his house. He  
 733 asked if he would have to get rid of his well and have water trucked in because of all the 130-P  
 734 development around his house. Mr. Dickinson said he didn't feel any of the Commissioners  
 735 would accept that as a good solution. He felt they would look at this negatively also. Mr.  
 736 Dickinson said he understands this is preliminary but felt he should say something now and  
 737 voice his displeasure.

738  
 739 Linda Haldane said she owns Haldane computers and owns the commercial property  
 740 immediately to the west of site #1. She asked how many units were being proposed for approval  
 741 on site #1.

742  
 743 Planner Barrington said he believed site #1 was approximately one acre so the EIR is looking at  
 744 around 16 units.

745  
 746 Ms. Haldane said both of those properties were zoned commercial before they were rezoned in  
 747 1995. Her building was built in the late 1980's as a commercial building and then it was down  
 748 zoned along with the adjacent property to Office Professional. She said her building is totally  
 749 inappropriate for Office Professional and it has been extremely hard for her to get a tenant for the  
 750 other part of her building. She recently acquired another tenant that was grandfathered in by the  
 751 prior use of that building. He already told her that if this rezone were approved he would give 130-Q  
 752 her notice because that type of housing tends to go downhill very quickly. The ultra-high density  
 753 and very low income tends to lose value and cause a lot of problems. Ms. Haldane said she was  
 754 very sad to see that type of thing considered for approval across from our fairgrounds and  
 755 certainly next door to her business. She saw it as a threat. One of the reasons for the down  
 756 zoning in the previous General Plan was for traffic impacts. Ms. Haldane felt 16 units would 130-R  
 757 cause more traffic impacts than the Office Professional as it's currently zoned or for Commercial  
 758 as previously zoned. Ms. Haldane said she wanted to go on record as being opposed to the  
 759 rezone because of traffic and safety issues. She has to leave her business at night often after dark  
 760 and having what she sees as undesirable neighbors makes it very uncomfortable for her.

761  
 762 Bob Winters said this is all new to him but he noticed in the presentation that the Planners made,  
 763 the bullet points stated increased high density housing opportunities and there would be many 130-S  
 764 residents in Penn Valley that do not want more high density housing including the sheriff.

765  
 766 Mike Mastronado said he is a member of the Penn Valley Chamber of Commerce and Manager  
 767 of the Penn Valley Mini Storage which is located adjacent to the Penn Valley properties (sites 10  
 768 and 11 and the back of parcel 13). He said there was an indication in one of the studies that went 130-T  
 769 above and beyond the 16 units per acre requirement and mentioned something about higher  
 770 density bonuses. He asked for clarification regarding the bonuses. It sounded to him like there  
 771 would be bonuses available to developers if they increased that density.

772  
 773 Planner Barrington said he didn't know the particular section referenced by Mr. Mastronado.  
 774 The zoning code does provide for density bonuses when certain provisions are met in terms of  
 775 housing development. Provision of low and affordable housing, housing for senior citizens, also  
 776 the sphere of influence does allow for up to 20 units per acre. Currently outside of the sphere of  
 777 influence 15 units per acre and we are looking at 16 minimum.

778  
 779 Mr. Mastronado said the density could be higher than 16.

780  
 781 Planner Barrington said the requirement for the County is to look at allowing a minimum 16  
 782 units per acre. There are code provisions to allow for bonus density (approximately 25%)  
 783 depending on what type of development is proposed.

784  
 785 Chair Poulter said the proposal is still unknown.

786  
787 Frederick Morrill said site #17 is only 2.36 acres most of it has been crossed off and the area  
788 they're proposing to build on as he mentioned before is directly to the west and directly to the  
789 south of the property. What the County is proposing to build on is less than an acre and they are 130-U  
790 proposing to build approximately 37 units on less than an acre. He said if 1-4 people live in  
791 those units that would be close to 200-250 people living on less than a one-acre plot.  
792  
793 Planner Barrington said Mr. Morrill was correct regarding the approximate acreage of the site the  
794 buildable area identified is approximately an acre. Part of the rezone process and part of the RH  
795 Overlay requires the County to come up with an aggregate density that is allowed on the site  
796 meaning that the environmentally sensitive areas and the areas that are public right-of-ways  
797 would be subtracted in order to determine an appropriate holding capacity for each of the sites.  
798 The EIR does look at the worst-case scenario of what the maximum units would be. So there is a  
799 little overstatement of how many units can actually be built on each of these sites. That would  
800 be determined as the County moves forward with potential rezoning.  
801  
802 Chair Poulter asked Planner Barrington if Mr. Morrill had read something that referenced the  
803 number 37.  
804  
805 Planner Barrington said yes.  
806  
807 Mr. Morrill said he believes anyone has the right to build on their own property and he expected  
808 a house, or maybe two houses but 37 units on a one-acre plot 80 feet from him was something he  
809 could not foresee.  
810  
811 Chair Poulter closed the public comment period.  
812  
813 Commissioner Donesky said it was interesting that before the public hearing we heard about sites  
814 in the sphere of influence and at the public hearing we mostly heard about sites that were outside  
815 the sphere of influence and he felt the sphere of influence sites need to be considered if the  
816 County is going to meet State law. The County obviously needs to talk to Grass Valley very  
817 seriously to make sure that if they annex those sites they take responsibility for those units that  
818 go along with those sites. Looking seriously at those sites in the first instance is the start of that  
819 process.  
820  
821 Commissioner Duncan confirmed that in designating the higher density units it was not high  
822 density affordable or low income its just high-density units.  
823  
824 Planner Barrington said the State mandate is for high density not affordable.  
825  
826 Commissioner Duncan said it is conceivable due to demographics (an aging population) that  
827 some of these could be senior projects not necessarily affordable. For some of those residents  
828 that are living next to affordable projects that have not been great neighbors she hears their pain  
829 but it does not necessarily mean that all these sites are slated for affordable development. She  
830 knows in District 2, looking at site #16 that was part of the Higgins Place project and was looked  
831 at as high density. She asked if it was currently designated as high density.  
832  
833 Planner Barrington said it has a Planned Development designation with a set number of units  
834 assigned so that in some point and time it has potential to develop with a high density.  
835  
836 Commissioner Duncan noted that it was also contingent upon services being available to that site  
837 because right now the septic system that is in place is only for the existing businesses.  
838

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839 Planner Barrington added that all the sites are contingent upon services being in place;  
840 development would require sewer and public water.

841

842 Commissioner Duncan said the Cascade Crossing had been designated higher density but was  
843 given up for single family and could have alleviated some of the pain being felt now in trying to  
844 come up with appropriate sites. To the extent possible, these are the best candidates. Staff is not  
845 necessarily wild about them all as potential sites.

846

847 Planner Barrington said that was correct and they also had been tasked with finding willing  
848 property owners. Spreading out the sites significantly was reduced because some of those  
849 property owners decided they weren't interested in high-density housing.

850

851 Chair Poulter said the outstanding comment for her was the Penn Valley folks wanting to extend  
852 the review period. She said the review period had already been doubled.

853

854 Planner Barrington said it is already two weeks longer than the typical CEQA review period.  
855 There is still another 33 days before the public comment period is over.

856

857 Commissioner Donesky said he understood there were other deadlines and we want to move this  
858 expeditiously. He asked if there were deadlines where another 14 days would trip a problem for  
859 us as a County.

860

861 Planner Barrington said the primary deadline is the that Housing Element is due to the State in  
862 June 2014. If the County does not execute the State mandated program, we run the risk of not  
863 being certified. That is why we are trying to move this along. He noted that this process did  
864 begin in November of 2011 when we first entered into a contract with the consultant. It has been  
865 a lengthy process from staff's standpoint and we would like to keep the CEQA time frames as  
866 they are however if the Commission feels that another two weeks is warranted then staff could  
867 deal with that.

868

869 Chair Poulter said she did not feel it was warranted.

870

871 Commissioner Duncan said she felt the question is would another two weeks bump up against  
872 the submission deadline. Would this impact that date so you could not meet those target dates.

873

874 Planner Barrington said potentially yes.

875

876 Commissioner Smith said you have identified more sites than are necessary, you are doing a  
877 parcel specific review for by-right building at which point and by whom will a decision be made  
878 that perhaps some of these parcels or options are inappropriate.

879

880 Planner Barrington said obviously staff would take public comment and review each of the sites.  
881 It is the hope of staff to come up with an appropriate recommendation for the Planning  
882 Commission prior to rezoning the most suitable sites. There is also a section in the EIR that  
883 looks at different alternatives, a reduced number of sites, so it would be the intention of staff to  
884 bring adequate numbers of acreage to the Planning Commission as a recommendation and the  
885 Planning Commission could weigh staff's recommendation and provide the BOS with sites the  
886 Commission feels is the most appropriate.

887

888 Commissioner Smith said as part of the EIR review process or part of the rezoning.

889

890 Planner Barrington said as part of the rezoning and as part of the certification of the EIR.

891

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892 Commissioner Smith confirmed that the Commission could state that the environmentally  
893 superior alternative is whatever and that would cross off some of these parcels.

894  
895 Planner Barrington said that was definitely the purview of the Commission.

896  
897 Chair Poulter asked if this concluded this part of the process or was a motion required.

898  
899 Planner Barrington said we have taken public comments and made notes.

900  
901 Commissioner Jensen asked if it was necessary to leave public comment open.

902  
903 Planner Barrington said future meetings would be re-noticed so the public comment could be  
904 closed.

905  
906 Director Foss said the only action would be to direct staff to respond to the comments received  
907 today.

908  
909 **Motion** by Commissioner Donesky and **Second** by Commissioner Jensen to direct staff to  
910 respond to the comments received.

911 **Motion carried on a roll call vote 5/0**

912  
913  
914

**1. Discussion of upcoming Planning Commission meetings**

- Evening public meeting to discuss the Land Use Element changes (Tentative date October 22, 2013 at the Miners Foundry)
- October 24, 2013 Planning Commission meeting – Draft Land Use Element changes
- November 14, 2013 (Camp Augusta Tentative Date)
- Cancellation of November 07, 2013 Special Meeting

**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.

915  
916 **Motion** by Commissioner Duncan, **Second** by Commissioner Jensen to adjourn.

917 **Motion carried on a voice vote 5/0.**

918

919 There being no further business to come before the Commission, the meeting was adjourned at  
920 3:42 p.m. to the next meeting to be held on November 14, 2013, in the Board of Supervisors  
921 Chambers, 950 Maidu Avenue, Nevada City.

922

923

924 Passed and adopted this XXX day of XXX, 2013.

925

926

927

928 Brian Foss, Ex-Officio Secretary

929

930  
931  
932  
933

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**Letter 130 – Planning Commission Hearing, October 10, 2013**

**Response 130-A:** The County Planning Commission considered the request to extend the public review period and decided that the public review period would close as scheduled on November 12, 2013. The public comment on the Draft EIR was for 60 days which exceeds the standard 45-day review period required by CEQA and County Policy.

**Response 130-B:** Please see Response 9-B regarding the Penn Valley Village Focused Economic Development Study.

**Response 130-C** Please see Response 9-B and Master Response #3.

**Response 130-D** Please see Master Response #3.

**Response 130-E** Please see Master Responses #1 and #3. Please see response 10-A and 10-H.

**Response 130-F** Please see Master Response #6. Please see Responses 22-F and 22-G and Response 10-II.

**Response 130-G** Please see Responses 130-A and 130-B.

**Response 130-H** Mr. Morrill's letter is included as Letter 21.

**Response 130-I** Please see Response 21-A.

**Response 130-J** Please see Response 21-A.

**Response 130-K** Mitigation Measure 4.4-5 requires the developer of Site 17 to prepare an oak woodland management plan for the protection of sensitive oak woodlands onsite. Please see Response 26-D.

**Response 130-L** The County concurs that approximately 75% of the site has been identified as Environmentally Sensitive Area. Please see Master Response #8 regarding the number of units on the site. With regards to development on the site, the Regional Housing Need (RH) Combining District requires the following: "Development proposes shall undergo a Design Review process and public hearing at the Planning Commission limited to design issues only. No discretionary permit is necessary for the density or use of the site." (LUDC Section L-II 2.7.11.C.5). This will ensure project design is consistent with surrounding area, western Nevada County Design Guidelines and the design criteria established by the Higgins Corner Area Plan. Furthermore, the existing zoning for Site 17 has Scenic Corridor (SC) and Site Performance (SP) Combining Districts which will remain. The SC combining district requires future development, "To protect and preserve the scenic resources of areas which are adjacent to highways and roads which have been identified as having high scenic quality and requiring protection for the benefit of residents and visitors."<sup>23</sup> This protection is implemented through the preparation of a Scenic Corridor Analysis that is prepared by the developed and reviewed and approved by County Staff. The SP combining district provides "for refinements in the site development standards and/or the permitted uses in the base zone district with which the SP District regulations are combined."<sup>24</sup> As such, site development standards for the site would be adjusted on the

<sup>23</sup> County of Nevada Land Use and Development Code, Section L-II 2.7.7

<sup>24</sup> County of Nevada Land Use and Development Code, Section L-II 2.7.8

site to account for physical constraints such as Ragsdale Creek and sensitive habitats above and beyond the development restrictions created by the ESA designations.

**Response 130-M** Please see Master Response #6.

**Response 130-N** The County concurs that any existing sewage treatment facilities would have to be removed from Site 16 prior to development. Please see Master Response #4 regarding a future developers obligation to ensure adequate sewer infrastructure and capacity is available or to provide adequate sewer facilities prior to development.

**Response 130-O** Please see Response 24-I.

**Response 130-P** Please see Response 24-I. All development that would occur as a result of the proposed project would have to be served by public water and therefore would not draw from ground water supplies. Additionally, implementation of the proposed project would not require homes on Rosewood Road to connect to the NID system.

**Response 130-Q** Please see Master Response #6.

**Response 130-R** The County does not concur that the project would result in increased traffic impacts along McCourtney Road should site 1 be chosen for rezoning. As shown in Table 4.15-10 of the Draft EIR, the traffic generated from the proposed site 1 would not result in any change to the level of service at the intersection of McCourtney Road or at the new proposed driveway for Site 1.

**Response 130-S** The following discussion is provided on page 4.13-15 of the Draft EIR: future developments would bring additional annual revenue in the form of increased local property taxes and sales taxes that would help offset the increased demand for police services by funding increases in police personnel, training and equipment. Furthermore, the project developer would be required to pay development impact fees which are intended to provide the means which allow the local police and sheriff to maintain the current level of service. As such, impacts are considered to be less than significant. Implementation of Mitigation Measure 4.13-1c, which would require the project to provide documentation noting adequate response times, would reduce impacts to less than significant.

Additionally, Mitigation Measure 4.13-1(c) has been revised to include the following statement: "The formation of an assessment district may be required to provide adequate public safety services." The formation of an assessment district, on the proposed units, may be used to provide additional funds to the district to allow the District meet the required response times to serve future projects.

**Response 130-T** Please see Response 55-D.

**Response 130-U** Please see Master Response #7 regarding aggregate density.

Letter 131



**Penn Valley Area Chamber of Commerce**  
17422 Penn Valley Dr. • P.O. Box 202  
Penn Valley, CA 95946

*Historic Past...Dynamic Future!*

(530) 432-1802  
info@pennvalleycoc.org • www.pennvalleycoc.org

December 20, 2013

Mr. Tyler Barrington, Principal Planner  
County of Nevada  
Community Development Agency  
950 Maidu Avenue  
Nevada City, CA 95959



Dear Mr. Barrington,

131-A | Please consider this letter an extension of our prior comment letters on the proposed Housing Element Rezone. In addition to all the issues and concerns raised in prior correspondence, we are also very concerned with the impacts which will occur from the additional traffic generated from the proposed rezoning of the four Penn Valley sites (sites 10, 11, 12, and 13). The EIR makes the finding that no significant impact will occur as a result of the additional traffic generated by the four sites and, therefore, no mitigation is required. We believe that finding may be faulty.

131-B | We estimate that approximately 3759 trips will be generated by this proposal after all four sites are fully developed with the high density of 16 units per acre. This traffic increase is much higher than the increases resulting from the rezoning of various sites near Grass Valley. The Grass Valley sites require a number of mitigation measures to reduce the environmental impacts to below a significant level. Yet the traffic generated from the Penn Valley sites doesn't merit any mitigation. This requires further attention from staff and the consultants.

131-C | The key Penn Valley intersections that do not experience significant impacts (according to the EIR) are Penn Valley Drive at Highway 20, and Pleasant Valley Drive at Highway 20. In addition, it appears that the EIR assigns no significant impact to the intersection of Broken Oak and Penn Valley Drive. Would a left turn lane off of Penn Valley Drive be required? How about a right turn lane from Broken Oak? In addition, the EIR does not indicate whether some form of mitigation is required on any section of Penn Valley Drive between Spenceville Road and Pleasant Valley Drive. Would this portion of Penn Valley Drive require traffic improvements, such as what is now planned by the County for Penn Valley Drive between Highway 20 and Spenceville Road? This project, which is now under design, would provide a suicide lane down the center of the roadway to help prevent the accidents that currently occur because of left turns into various driveways.

131-D | Western Gateway Park periodically schedules large events, where traffic entering or exiting could be impacted with the additional traffic on Penn Valley Drive generated from the proposed rezoning. No mention is made of this potential impact in the EIR. Would the impact require mitigation such as left turn lanes, etc?

131-E | The existing awkward intersection at Pleasant Valley Drive and Highway 20 already experiences considerable backup on the approach lanes in the afternoon peak hours. It would seem that the additional traffic generated by the proposed rezoning would require some form of mitigation, or the current backup will only worsen. Further, would the Park and Ride lot at this intersection be adequate with the additional demand for commuter parking?

131-F | As indicated above, the two key intersections in Penn Valley will experience a higher increase in traffic from the proposed rezoning, than some of the intersections near Grass Valley, and yet considerable mitigation has been identified for the Grass Valley locations, while none is required in Penn Valley, according to the EIR. The attached table compares the traffic increases on intersections in Penn Valley against those adjacent to Grass Valley. The relative increases in Penn Valley are much greater, and lend weight to the argument that a finding of no significant impact in Penn Valley, is a faulty finding.

131-G | We realize that this letter is beyond the deadline for the comment period; however, we believe we have raised some critical issues that must be addressed before this proposal advances any further. That is why we ask that this be considered an extension of our other comment letters. The Chamber only had a limited amount of time to study and comment on the voluminous material contained in the EIR. We were previously denied a request to extend the comment period.

We ask that you address the above issues along with those received prior to the end of the comment period. Thank you for your consideration.

Very truly yours,



Edward R. James, for the  
Penn Valley Chamber of Commerce

cc: Hank Weston, President, Board of Supervisors

attach:

Sheet1

Significant Average Daily  
Difference in Trip dBA B

Site	McKnight Way	Penn Valley HWY 20	Penn Valley Dr
Total ADT Change	1152	2232	2763
% of McKnight	100.00%	193.75%	239.84%
Diff in dBA@100	0.2	0.7	1.7
% of McKnight dBA Impact	100.00%	350.00%	850.00%
Impact	Potentially Significant	None	None

Site	La Barr Meadows	Penn Valley HWY 20	Penn Valley Dr
Total ADT Change	657	2232	2763
% of La Barr Meadows	100.00%	339.73%	420.55%
Diff in dBA@100	0.1	0.7	1.7
% of La Barr Meadows Impact	100.00%	700.00%	1700.00%
Impact	Potentially Significant	None	None

Site	SR 49 @ Combie	Penn Valley HWY 20	Penn Valley Dr
Total ADT Change	1680	2232	2763
% of SR 49 @ Combie	100.00%	132.86%	164.46%
Diff in dBA@100	0.2	0.7	1.7
% of 49 @ Combi Impact	100.00%	350.00%	850.00%
Impact	Potentially Significant	None	None

Site	Nevada City Hwy Brun	Penn Valley HWY 20	Penn Valley Dr
Total ADT Change	270	2232	2763
% of McKnight	100.00%	826.67%	1023.33%
Diff in dBA@100	0.1	0.7	1.7
% of Nev City Hwy@Brun Impact	100.00%	700.00%	1700.00%
Impact	Potentially Significant	None	None

Site	Idaho Maryland@Brun	Penn Valley HWY 20	Penn Valley Dr
Total ADT Change	1306	2232	2763
% of McKnight	100.00%	170.90%	211.56%
Diff in dBA@100	0.1	0.7	1.7
% of Idaho Maryland Impact	100.00%	700.00%	1700.00%
Impact	Potentially Significant	None	None

Sheet1

Yearly Trip Increases (ADT)  
Before and After Rezoning

Rough & Ready Hwy  
1710  
148.44%  
2.7  
1350.00%  
None

Rough & Ready Hwy  
1710  
260.27%  
2.7  
2700.00%  
None

Rough & Ready Hwy  
1710  
101.79%  
2.7  
1350.00%  
None

Rough & Ready Hwy  
1710  
633.33%  
2.7  
2700.00%  
None

Rough & Ready Hwy  
1710  
130.93%  
2.7  
2700.00%  
None

Page 2

**Letter 131 – Penn Valley Chamber of Commerce, December 20, 2013 (Late Letter)**

**Response 131-A:** The County does not concur with this comment. The traffic analysis in the EIR was prepared based on the analysis techniques prescribed by the latest edition (2010) of the Highway Capacity Manual (HCM). The traffic distribution and analysis are calculated using the Synchro 8 analysis software program, which incorporates HCM methodologies. Both the HCM and the Synchro traffic modeling program are widely accepted traffic analysis tools throughout California and the country for evaluating traffic impacts. No traffic mitigation was identified in the Penn Valley area because the proposed project does not change the level of service at any existing intersections in Penn Valley.

**Response 131-B:** The County does not concur with this comment. Traffic impacts are not based solely by the amount or percentage increase on of traffic on the road. The amount of existing roadway capacity or existing intersection performance is also taken into account.

The following excerpt is from page 4.15-18 of the Draft EIR which explains the methodology for calculating project trip generation:

In accordance with the Nevada County policies and the City of Grass Valley *Policy Adopting Traffic Impact Study Methodology and Evaluation Criteria for Critical Intersections*, traffic counts were performed during the PM peak hour (4:00 PM to 6:00 PM) at the twenty eight study intersections in the vicinity of the project area on November 8, 2012. The PM peak hour is defined by the highest hour for overall traffic volumes or the worst-case traffic conditions during the day. This is reflective of typical travel patterns throughout Nevada County and due to the low number of retail-related trips that take place during the AM peak hour. In addition, the project trip generation rate is highest during the PM peak hour.

The trip generation per dwelling unit for the proposed project land use of multi-family housing (ITE Land Use # 230 Condominiums / Townhouse) is highest during the PM peak hour, at 0.44 trips during the AM peak hour, 0.52 trips per during the PM peak hour, and 0.47 trips during the weekend peak hour.

As shown in Tables 4.15-9 and 4.15-10 of the Draft EIR the proposed project does not reduce the level of service at any of the intersections in Penn Valley below the threshold of minimum level of service. Table 4.15-1 provides an explanation of the different levels of service. More specifically, the level of service only changed for two intersections in Penn Valley. The intersection of SR 20/Penn Valley Road went from an existing LOS B to LOS C which is an acceptable level of service for Caltrans as noted on page 4.15-45 of the Draft EIR. The other intersection to have a change in Penn Valley is the intersection of Penn Valley Drive/Broken Oak Court. As an unsignalized intersection, this intersection would change for LOS A to LOS B. LOS B exceeds the County's minimum level of service threshold of LOS D. For these reasons, potential traffic impacts on intersections in Penn Valley are considered less than significant and no mitigation is required. It should be noted that Table 4.15-10 shows the Grass Valley intersections in which mitigation is required operating at LOS F.

**Response 131-C** Please see Response 131-B regarding the level of service at intersections in Penn Valley. All of the intersections meet or exceed Caltrans and County thresholds for minimum levels of service. No left turn lane on Penn Valley Drive onto Broken Oak court is required because the volumes of traffic of Penn Valley drive do not warrant a left turn lane. No roadway improvements are proposed or required on Penn Valley Drive between Highway 20 and Spenceville Road. Based on the traffic analysis no impacts on this roadway segment have been identified.

**Response 131-D** The main entrance to Western Gateway Park is approximately 0.5 mile west of the proposed sites in Penn Valley. As shown in Figure 4.15-5B in the Draft EIR the majority of the PM peak hour traffic, the time of the day when the most project traffic is generated, goes in the other direction to the east toward the Penn Valley Village Area and toward the Penn Valley Road/Highway 20 intersection. As such, the majority of the project traffic would not cross the park entrance. Special events at the park would be expected to occur in evenings, weekends, and holidays when traffic volumes on the roadways would be less than the weekday peaks. No traffic impacts at the park entrance intersection or on Penn Valley Drive along the park frontage have been identified under the existing or the existing plus project scenarios. For these reasons, potential impacts associated with events at Western Gateway Park are considered less than significant and no mitigation is required.

**Response 131-E** As noted in Response 131-D above, the majority of the project traffic from the project site will travel east from the proposed sites toward the Penn Valley Village center. Table 4.15-9 shows that the project will not change the level of service at the Pleasant Valley Road/Highway 20 intersection. This is a signalized intersection and under the Caltrans threshold of maintaining a LOS C. The LOS will remain at C with the addition of project traffic. For these reasons, potential traffic impacts are less than significant and no mitigation is required.

**Response 131-F** The County does not concur with this comment. Please see Response 131-B above. Traffic impacts are not measured by percentage of increase alone, but on the capacity of the existing roadway and or performance of the relevant intersections. No new impacts were identified as a result of this comment letter and no changes were made to the EIR.

**Response 131-G** The County does not concur that any new issues or new impacts have been identified as a result of this letter. The public comment on the Draft EIR was for 60 days which exceeds the standard 45-day review period required by CEQA and County Policy. Additionally, the County held three public comment meetings, one in each of the proposed areas, in addition to Planning Commission hearing during the public review period. As requested, the County has responded to this letter even though it was received approximately 1-month after the close of the public comment period for the Draft EIR. This comment letter will be included in the Final EIR for consideration by the County Planning Commission and Board of Supervisors.

Letter 132



PETITION

The undersigned oppose the re-zoning of commercial property in Penn Valley to high density residential, or the like, due to lack of public services (i.e.: fire, schools police, sewer, etc.):

	PRINT NAME	ADDRESS	SIGN	DATE
01	EUGENE LYNN	18748 FALCON LP	Eugene Lynn	11-10-13
02	Rebecca Schraeven	10149 Park View Lane	Rebecca Schraeven	11/10/13
03	Jane Butler	19506 Chaparral Cir.	Jane Butler	11/11/13
04	Meritt Odekerk	10305 Penn Oak Ln.	Meritt Odekerk	11/10/13
05	GERALD SMITH	P.O. Box 2076	Gerald Smith	11/10/13
06	R. Baumgart	10470 Devonshire Cir	R. Baumgart	11/10/13
07	KATHLEEN THOMPSON	#36 Carolee Blvd	Kathleen Thompson	11/10/13
08	M. Arnold	10370 Wino Bpc	M. Arnold	
09	Susan Schlueter	10416 Crowsnest Ln, PV	S. Schlueter	11-10-13
10	Kelly Mullaly	Po Box 2216 PV	Kelly Mullaly	11-10-13
11	MARK MULLALY	PO Box 2216 PV	Mark Mullaly	11/10/13
12	LARRY ROBERTS	17523 doge Bra. Pl	Larry Roberts	
13	Yvonne Grimm	13930 Pilot BkLn.	Yvonne Grimm	
14	PAT FERRARA	12544 Jayhawk Ct	Pat Ferrara	11/10/13
15	Marcus Krause	22001 W. Daniel Rd	Marcus Krause	
16	Jane Ammesman	19127 Jayhawk Dr	Jane Ammesman	
17	MIKE FERRARA	12541 Jayhawk Ct	Mike Ferrara	
18	Christie Orestock	18189 Lake Forest Dr.	Christie Orestock	
19	NORMAN ORESTOCK	19389 Lake Forest Dr	Norman Orestock	
20	GERALD NEAL	105710 La Sierra Dr	Gerald Neal	11/10/13
21	Michelle Kerkar	11124 Lake Forest Dr	Michelle Kerkar	
22	Varina Proietti	10358 Oak Cyn	Varina Proietti	
23	Josephine Ban	12119 Wax wing Ct.	Josephine Ban	
24	KAREN VIRGILI	11517 DAK CANYON DR	Karen Virgili	
25	JIM HUCH	13564 Falling Leaf Ln	Jim Huch	

PETITION

The undersigned oppose the re-zoning of commercial property in Penn Valley to high density residential, or the like, due to lack of public services (i.e.: fire, schools police, sewer, etc.):

	PRINT NAME	ADDRESS	SIGN	DATE
01	SHIRLYN VOGEL	19143 Chaparral	Shirlyn Vogel	11/16/13
02	Debbie Pruden AS	18014 Lake Forest	Debbie Pruden AS	11-10-13
03	Walter Fisher	13610 9th County Dr	Walter Fisher	
04	WILLIAM P. STAMATIS	11262 RINGTAIL RD	William P. Stamatias	11-10-13
05	WERNER SCHRAVEN	10149 PARKVIEW LN	Werner Schraven	
06	RON A. VERNOR	20618 MARGARITAVILLE	Ron A. Vernor	
07	Mary Bingham	17916 Silver Pine Ln	Mary F. Bingham	
08	FRANCES N. COMPTON	8386 MAIN STREET, SMARTSVILLE	Frances N. Compton	
09	Bryce McCarver	10755 Buckhorn Ct	Bryce M. C.	
10	Thorgran E. Olden	26 Chevre Anne Ln, Penn Valley	Thorgran E. Olden	
11	James Whamzell	18776 Tundra Sp	James Whamzell	
12	ROBERT B. RENQUIST	20138 John Bony Rd	Robert B. Renquist	
13	Judy Cole	17647 Foxtail Dr.	Judy Cole	
14	Judy Cole	17647 Foxtail Dr	Judy Cole	
15	Carolyn Cappella	13176 Lake Wildwood	Carolyn J. Cappella	
16	Chesley Boland	11427 Lake Wildwood	Chesley Boland	11-10-13
17	Justin Dana	18374 Wildwood Dr	Justin Dana	
18	Brian Young	14486 Burlington	Brian Young	
19	Jeff Hunsley	19124 Champagne Dr	Jeff Hunsley	
20	DENISE BENEVENTO	14139 Peppercorn Dr.	Denise Benevento	11/10/13
21	SEAN CROWLEY	20269 Chaparral	Sean Crowley	11/10/13
22	Kinda Stanton	14486 Burlington	Kinda Stanton	
23	Diane M. Gully	50 Box 352 Round Bay	Diane Gully	
24	DEWIS DEVENOW	19339 WILDFLOWER	Dennis Devenow	11/10/13
25	Spelley Hertz	19339 Wildflower Dr	Spelley E. Hertz	

PETITION

The undersigned oppose the re-zoning of commercial property in Penn Valley to high density residential, or the like, due to lack of public services (i.e.: fire, schools police, sewer, etc.):

	PRINT NAME	ADDRESS	SIGN	DATE
01	KENNETH WEST	18224 Javelin Park Dr	Kenneth West	11-10-15
02	W. Joe Nickolas	10200 Hummingbird Dr	W. Joe Nickolas	
03	Diane J. Spooner	13742 Strawberry Cir	Diane J. Spooner	
04	Ronald E. Spooner	"	Ronald E. Spooner	
05	Laura A. Stewart	11517 Oak Canyon Dr	Laura A. Stewart	
06	John D. Jones			
07	William Klein	12720 Garden Road	William Klein	
08	James Moss	11872 Raven Ct PV	JAMES MOSS	
09	Marion Bennett	11412 Callington Dr	Marion Bennett	
10	Juel Blankenship	10843 Horton St	Juel Blankenship	
11	Tosha Buckbee	13 Bear Ct N. Sunman	Tosha Buckbee	
12	Kenneth Lukins	16563 N. Sunman	Kenneth Lukins	
13	William Yanko	19912 Echo Blue Dr	W. Yanko	
14	FERNANDO de la Torre	12678 LAKE WILLOW DR PV	F. de la Torre	
15	Gilbert Lee	10401 Broken Oak	Gilbert Lee	
16	KEVIN W. MULIFFE	12774 1/2 Tr	Kevin W. Muliffe	
17	Steven Jennings	101486 120th St	Steven Jennings	
18	Avis Kamanis	14572 Sun Forest	Avis Kamanis	
19	Sharon Acree	19182 Cogswell Way	Sharon Acree	
20	THOMAS MIRALES	18445 Javelin Park Dr	Thomas Miraless	
21	Elizabeth Myraute	18445 Javelin Park Dr	Elizabeth P. Myraute	
22	Risella Brothers	18639 Lake Forest Dr	Risella Brothers	
23	Low S. McIntosh	10365 Melody Rd.	Low S. McIntosh	
24	Lance Aldrich	14148 Lakewood Dr	Lance Aldrich	
25	Clavin Franklin	18745 Meadowlark	Clavin Franklin	11/21/15

PETITION

The undersigned oppose the re-zoning of commercial property in Penn Valley to high density residential, or the like, due to lack of public services (i.e.: fire, schools police, sewer, etc.):

SIGN, DATE, PRINT NAME AND ADDRESS

- 01 Shirley Vogel 18773 Meadowlark Shirley Vogel 11-9-13
- 02 CLAUDIA MARTINO 12004 LWW DR Claudia Martino 11-9-13
- 03 Chuck Kueberber 12786 Golden Spruce way 11-9-13
- 04 BEULE TERRY 18415 Fair Oaks Dr PV CA 95946 11/9/13
- 05 PHYLLIS GOETZ 15304 Sisson Rd PV 11/9/13
- 06 Jim Simpson 228 SUTTON WAY #227 11/9/13
- 07 JANE O'CONNOR 12048 LAKEWILD DR 11/9/13
- 08 Phillip J. Tyler 17582 Foxtail Dr Penn Valley 95946 11/9/13
- 09 DON MC INGLER 14000 STRAWBERRY Dr 95946 11/9/13
- 10 GRENCE Klingler 14000 Strawberry Grence Klingler 11-9-13
- 11 NANCY GLAZE 18686 Hummingbird Dr Nancy Glaze 11/9/13
- 12 Josh D. Colburn 11700 Lake Wildwood Dr Penn Valley, CA 95946 11/11/13
- 13 Jodi Andrews 16116 F. Bitney Springs Rd Nevada City CA 95959 11/11/13
- 14 Milah Limonciello Del Mar Way Penn Valley CA 95946 11/11/13
- 15 Rod Sinclair 16357 Delmar Way Penn Valley CA 95946 11/11/13
- 16 Drew Epperson 17247 Black Forest Penn Valley CA 95946 11-9-13
- 17 Lynn Carson 14088 Woodland Penn Valley CA 95946 11/11/13
- 18 Dan Harston 12612 Lake Wildwood Dr Penn Valley CA 95946 11/9/13
- 19 KARCIA ROGERS 19251 Starbuck Dr. Nevada City, CA 11-9-13
- 20 Mary Bennett 11415 EL 7th Ave PV, Ca. 95946. 432-1623
- 21 Christy Jordan 18061 Fair Oaks Dr. PV Ca. 95946 205-4239
- 22 Ned Delgado 13153 Thistle Loop PV CA 95946 432-9015
- 23 Perry J. Jansen 14606 Arrow Rd P.V. 95946 477-5002
- 24 Chris Goodson 14082 Lake Wildwood D 95946 11/9/13
- 25 Lili 17993 Foxtail Dr Penn 95946 11/9/13

PETITION

The undersigned oppose the re-zoning of commercial property in Penn Valley to high density residential, or the like, due to lack of public services (i.e.: fire, schools police, sewer, etc.):

SIGN, DATE, PRINT NAME AND ADDRESS

- 01 John C. Vogel - John C. Vogel 18995 MEMORIAL DR PV 11-9-13
- 02 Gregory Kuchemacher 12786 Colton Street Penn Valley 11/9/13
- 03 J. Janet Garrison 17889 Street in Penn Valley 11/9/13
- 04 PAUL STABROES 11605 BROUGH & BENDY RD R-R 11/9/13
- 05 Bruce Smith 17833 FOXPAH DR PENN VALLEY 11/9/13
- 06 Stanley H. Strand 17833 Foxtail Dr PV 11/9/13
- 07 Leshia Lantor 20015 Echo Blue Dr PV 11/9/13
- 08 Gerard Bium 10231 Donna Way P.V. 11/9/13
- 09 Judith Kennedy 228 Sutton Way #222 P.V. 11-9-13
- 10 Jean Layport 18460 Lake Forest Dr, P.V. 11-9-13
- 11 Aim O'CONNOR 15048 LAKEWILLOW DR 11-9-13
- 12 MARY KORBAN 12031 LAKEWILLOW DR 11-9-13
- 13 Mable Kannebeck 13334 GOLD ST Penn Valley 11-9-13
- 14 Carole M. Wiestec 11822 Spencerville Rd. 11-8-13
- 15 George B. Mundy 20062 White Ln <sup>CA</sup> 11/9/13
- 16 George B. Mundy 19144 Lobblers Way 11/9/13
- 17 Deborah Steele P.O. BOX 927 Penn Valley, Ca. 11/9/13
- 18 Deborah Steele PO BOX 937 Penn Valley CA 11/9/13
- 19 Carole M. Lawrence 13500 Wildwood Hills Dr. Penn Valley CA 4/9/13
- 20 Judy [Signature] 18295 Sycamore Dr Penn Valley CA 4/9/13
- 21 Esther Johnson 18672 Chaparral Dr Penn Valley Ca 11-9-13
- 22 Robert J. Walden 16167 Bitters Springs Rd. N.C. 11/9/13
- 23 Phillip J. Moncello 16177 BEL MAR WAY 11-9-13
- 24 DRUG STANION 11239 Kingst. 11-9-13
- 25 [Signature] 11-9-13 David Vickers 6107 Stanford Ln Broomfield 95918

PETITION

The undersigned oppose the re-zoning of commercial property in Penn Valley to high density residential, or the like, due to lack of public services (i.e.: fire, schools police, sewer, etc.):

SIGN, DATE, PRINT NAME AND ADDRESS

- 01 Landra Couyers 18061 Fair Oaks Dr PV
- 02 JOEY STEWART 19948 VALLEY VISTA WAY PV CA 95946 11/9/13
- 03 Dawn Clausen 11411 Cottonwood Lane Penn Valley CA
- 04 Mary Joave 18491 Lake Forest Dr 11-9-13
- 05 Claire & Nancy 17608 Lake Forest Dr 11-9-13
- 06 Jim Davis 13103 THISTLE LOOP CA 11-9-13
- 07 Adam Zyskowski 12771 Greenbrook Loop, CA 95946 11-9-13
- 08 Kath Zyskowski 15360 Maiden Tr. Penn Valley, CA 95946 11-9-13
- 09 Tom Jansen 17889 Thruway Ct. P.V. 95946
- 10 Dana Olson 18424 Piper Ln PV 95946
- 11 Suey Knudsen 18753 Biladeau Ln Penn Valley CA 95946
- 12 Mike Ballard 18753 Biladeau Ln Penn Valley CA 95946
- 13 Byn Hill 13659 Lakewildwood Dr Penn Valley CA 95946
- 14 Neil Seidl 13659 Lakewildwood Dr Penn Valley CA 95946
- 15 du Oh 18103 LAKE FOREST DR PENN VALLEY, CA 95946
- 16 Daryl Madoux 18673 LAKE FOREST DR, 95946
- 17 Robert Baker 11194 KARAN Ln SMARTVILLE CA 95871 11-9-13
- 18 Jalyn Thompson 1119 Juddway Monterey 919 2012
- 19 RON WEISER 13793 SUN FOREST DR PV 95946 95946
- 20 Willie Kase Smith 19618 Echo Blue Dr PV 95946
- 21 CHRISTIAN YAVAR 20134 Echo Blue Dr P.V. 95946
- 22 Paula Yavar 20134 Echo Blue Dr PV 95946
- 23 Barbara Bette 18806 Meadbrook Dr PV 95946
- 24 Carl & Jennie KARN WARBEEK 1245 Thistle Loop 95946-913
- 25 RYAN M FARRER 19836 WILDLAND WEST DRIVE 11-9-13

PETITION

The undersigned oppose the re-zoning of commercial property in Penn Valley to high density residential, or the like, due to lack of public services (i.e.: fire, schools police, sewer, etc.):

SIGN, DATE, PRINT NAME AND ADDRESS

- 01 Shirley Vogel 11-9-13
- 02 Steve Smith 11/9/13
- 03 LIERAN LYONS P.O. Box 1993 P.V. CA 95946 11-9-2013
- 04 Jane Camie 11/9/13
- 05 Alvin Wilkins 11/9/13 18556 Easey St. P.V. Ca.
- 06 Jane Atkinson 10853 majestic st
- 07 Lee Allen 13720 Strawberry Cir Penn Valley
- 08 Mike Balar 11280 will turkey Ln. Big Oak Uly.
- 09 Elyse Meyer 19492 Chaparral Circle, Penn Valley
- 10 James J. 13477 Gold Country Dr - P.V.
- 11 David Miller 13477 GOLD COUNTRY DR P.V.
- 12 John J. PV 11-9-13
- 13 Francine Malada 11/9/13 Francine MacDonald 18015 Biladeau Lane PV
- 14 Francine Pender 11/9/13 2 LAURE QUINN 11806 SWIPPER CT, PV
- 15 Zola M. Stoneback 11/9/13 Zola M. Stoneback 18955 Lake Forest Dr
- 16 Kathleen E. Jensen 11/9/13 18327 Hummingbird Dr, Penn Valley
- 17 John J. " " " " " 11-9-13
- 18 Robert P. DeCarn 11-9-13
- 19 William Land Wm Land 11-9-13
- 20 Nelda Strong Nelda Strong 13710 Oak Knoll Ct PV 11-9-13
- 21 Ken Strong Ken Strong " " " " " 11-9-13
- 22 Nicholas J. Malabro 18673 Lake Forest Penn Valley 11/9/13
- 23 Karen 18555 majestic Views Ct P.V. 11-9-13
- 24 Chris 18555 majestic Views Ct PV 11-9-13
- 25 D. Elliott 12781 LIVE WILLOW DR PV 11-9-13

PETITION

The undersigned oppose the re-zoning of commercial property in Penn Valley to high density residential, or the like, due to lack of public services (i.e.: fire, schools police, sewer, etc.):

SIGN, DATE, PRINT NAME AND ADDRESS

- 01 *Barla DeE Bradford* *Wanda Miller* *14213 Sun Forest Dr* *11-9-2013*
- 02 *Andy Kenneth* *14167 Sun Forest Dr* *Penn Valley*
- 03 *Kim Miller* *17671 Candlewood Ct.* *Penn Valley, Ca 95946* *11-9-13*
- 04 *Bradley C Miller* *14462 Lake Wildwood Dr.* *Penn Valley, Ca*
- 05 *Wanda Miller* *15514 Jaydrick Dr* *PV* *11-9-13*
- 06 *Beverly-J. Ferguson* *18437 Chaparral Dr*
- 07 *12064 University Dr* *Penn Valley, Ca* *11-9-13*
- 08 *Jerome J. Miller* *18745 Meadow Park Ct* *Penn Valley, Ca* *11-12-13*
- 09 *Robbie Creme* *11017 Lincoln Way* *432*
- 10 *Wanda C* *"* *"* *9,123*
- 11 \_\_\_\_\_
- 12 \_\_\_\_\_
- 13 \_\_\_\_\_
- 14 \_\_\_\_\_
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PETITION

The undersigned oppose the re-zoning of commercial property in Penn Valley to high density residential, or the like, due to lack of public services (i.e.: fire, schools police, sewer, etc.):

SIGN, DATE, PRINT NAME AND ADDRESS

- 01 Stephanie Kanner Stephanie Kanner 11220 wildturkey Ln Smartsville 11-9-15
- 02 Harold Coleman 14336 Longview Dr
- 03 Fay Carson 20070 Lakeside Ln
- 04 Richard Soderst 19436 W. Windsor W. Dr 11-9-13
- 05 Laurie Chavez 18566 Country Lane
- 06 Ken Chavez 18566 Country Lane
- 07 Carol Anderson 13760 Laurel Hill Loop PV
- 08 Nancy A. Gaudin 17879 Lake Forest Dr PV
- 09 Scott J. Meffert 11/1/2013 18122 Hummingbird Dr. P.V.
- 10 \_\_\_\_\_
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**Letter 132 – Petition**

**Response 132-A** This petition will be will be included in the Final EIR as part of the response to comments and will be provided to the County of Nevada decision making bodies for their review and consideration.

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