

NEVADA COUNTY GENERAL PLAN

**FINAL
ENVIRONMENTAL IMPACT REPORT**

VOLUME II

Prepared for
County of Nevada

March 1995

VOLUME III
FINAL
ENVIRONMENTAL IMPACT REPORT

Nevada County General Plan

SCH #94042073

Prepared for
County of Nevada

March 1995

Prepared by:

Ann Bertken
Environmental Planning
339 Stanford Avenue
Santa Cruz, CA 95062

Harland Bartholomew & Associates, Inc.
2233 Watt Avenue, Suite 330
Sacramento, California 95825

and

Parsons Engineering Science, Inc.
1301 Marina Village Parkway
Alameda, California 94501

INTRODUCTION

This Final EIR contains both the Responses to Comments on the Draft Environmental Impact Report (DEIR) for the Nevada County General Plan and a revised DEIR. Comment letters are contained in Volume II, Chapter 7. Responses to comments are also contained in Volume II, Chapter 8. Any changes to the text of the original DEIR (Volume I) are shown by bolding of new text and a delete mark (-) for any text removed. Some revised tables only show new numbers to enable easier reading. Pagination may vary between the Final EIR and the Draft EIR due to new text additions that affected the pagination.

A public hearing on the DEIR was held on 12 January 1995 by the Nevada County Planning Commission. A summary of verbal comments made at this hearing is provided in Letter No. 64 of the comments in Volume II. Individual comments, both written and verbal, are numbered and followed by responses which have corresponding numbers to the comments.

Volume II also includes a Mitigation Monitoring Plan (Chapter 9 of Final EIR) which has been prepared as part of the Final EIR. This Plan includes a summary of all impacts and recommended mitigation measures, as well as monitoring requirements for each mitigation measure.

7. COMMENT LETTERS

GOVERNOR'S OFFICE OF PLANNING AND RESEARCH

1400 TENTH STREET
SACRAMENTO, CA 95814

RECEIVED

January 17, 1995

JAN 23 1995

NEVADA COUNTY
PLANNING DEPARTMENTTOM MILLER
NEVADA COUNTY PLANNING DEPARTMENT
P.O. BOX 6100
950 MAIDU AVE.
NEVADA CITY, CA 95959

Subject: NEVADA COUNTY GENERAL PLAN UPDATE SCH #: 91032019

Dear TOM MILLER:

The State Clearinghouse has submitted the above named draft Environmental Impact Report (EIR) to selected state agencies for review. The review period is now closed and the comments from the responding agency(ies) is(are) enclosed. On the enclosed Notice of Completion form you will note that the Clearinghouse has checked the agencies that have commented. Please review the Notice of Completion to ensure that your comment package is complete. If the comment package is not in order, please notify the State Clearinghouse immediately. Remember to refer to the project's eight-digit State Clearinghouse number so that we may respond promptly.

Please note that Section 21104 of the California Public Resources Code required that:

"a responsible agency 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."

Commenting agencies are also required by this section to support their comments with specific documentation.

These comments are forwarded for your use in preparing your final EIR. Should you need more information or clarification, we recommend that you contact the commenting agency(ies).

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 Kristen Derscheid at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Chiriatti, Jr.", written over a horizontal line.

Michael Chiriatti, Jr.
Chief, State Clearinghouse

Enclosures

cc: Resources Agency

Notice of Completion

Form A

See NOTE below

Mail to: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 916/445-0613

SCH # 91032019

Project Title: NEVADA COUNTY GENERAL PLAN - FINAL DRAFT

Lead Agency: Nevada County Planning Department

Contact Person: Tom Miller

Street Address: 950 Maidu Avenue

Phone: (916) 265-1440

City: Nevada City, CA

Zip: 95959

County: Nevada

Project Location

County: Nevada City/Nearest Community: N/A

Cross Streets: N/A Zip Code: Total Acres:

Assessor's Parcel No. Section: Twp. Range: Base:

Within 2 Miles: State Hwy #: Waterways:

Airports: Railways: Schools:

Document Type

- CEQA: NOP, Supplement/Subsequent, Early Cons, EIR (Prior SCH No.), Neg Dec, Draft EIR, NEPA: NOI, EA, Draft EIS, FONSI, Other: Joint Document, Final Document, Other

Local Action Type

- General Plan Update, General Plan Amendment, General Plan Element, Community Plan, Specific Plan, Master Plan, Planned Unit Development, Site Plan, Rezone, Prezone, Use Permit, Land Division (Subdivision, Parcel Map, Tract Map, etc.), Annexion, Redevelopment, Coastal Permit, Other Zoning Ordinance Amendment

Development Type

- Residential: Units, Acres, Office: Sq.ft., Acres, Employees, Commercial: Sq.ft., Acres, Employees, Industrial: Sq.ft., Acres, Employees, Educational, Recreational, Water Facilities: Type, MGD, Transportation: Type, Mining: Mineral, Power: Type, Watts, Waste Treatment: Type, Hazardous Waste: Type, Other

Project Issues Discussed in Document

- Aesthetic/Visual, Agricultural Land, Air Quality, Archeological/Historical, Coastal Zone, Drainage/Absorption, Economic/Jobs, Fiscal, Flood Plain/Flooding, Forest Land/Fire Hazard, Geologic/Seismic, Minerals, Noise, Population/Housing Balance, Public Services/Facilities, Recreation/Parks, Schools/Universities, Septic Systems, Sewer Capacity, Soil Erosion/Compaction/Grading, Solid Waste, Toxic/Hazardous, Traffic/Circulation, Vegetation, Water Quality, Water Supply/Groundwater, Wetland/Riparian, Wildlife, Growth Inducing, Landuse, Cumulative Effects, Other

Present Land Use/Zoning/General Plan Use

N/A



Project Description

SEE ATTACHED

CLEARINGHOUSE CONTACT: Michael Chiriatti (916) 445-0613

STATE REVIEW BEGAN: 12-1-94
DEPT REV TO AGENCY: 1-9
AGENCY REV TO SCH: 1-13
SCH COMPLIANCE: 1-17

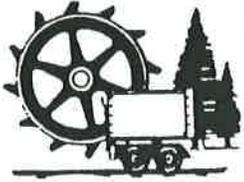
Checklist of agencies: Resources, Conservation, Parks & Rec/ORP, DWR, Caltrans, etc. with handwritten marks and numbers.

PLEASE NOTE SCH NUMBER ON ALL COMMENTS

PLEASE FORWARD LATE COMMENTS DIRECTLY TO THE LEAD AGENCY ONLY

AQMD/APCD: 21 (Resources: 12, 3)

("S" = sent by lead / "*" = sent by SCH)



Nevada County Superintendent of Schools

Harold "Skip" Houser, Superintendent

11745 Maltman Drive
Grass Valley, California 95945
(916) 272-7222 • FAX (916) 272-7226

#1

BOARD OF EDUCATION

Claudia Cunningham
David DuPell
Cassandra Gagnon
Marianne Slade-Troutman
Donna Soldano
Jackie Weills
Dr. Alan Weisberg

Date: December 21, 1994
To: Tom Miller
From: H. L. Houser 
Re: Review of the Draft E.I.R.

RECEIVED

JAN 3 1995

NEVADA COUNTY
PLANNING DEPARTMENT

I have circulated your letter of 11/30/94 to all school districts along with copies of pages 4.10-27 through 4.10-31 (public services and utilities).

Some simple edits to consider on page 4.10-27 are as follows:

- First line should read "...12 separate school districts."
- Line 5 - strike out "~~Special Education Consortium District~~". The consortium is an agreement between districts as a subset of the County Superintendent of Schools. It is not a district.
- Last line (1st paragraph), technically should read "...the Placer County Superintendent of Schools Office serves..." The Placer County School Board is not the "administrative body" spoken to in the California Education Code.
- Paragraph 4, first line might more accurately read "new or expanded facilities ~~would~~ **might** be funded through State funds, "such as", (Leroy Greene, -----).

1.1

The rest is seemingly plausible under the present interpretation of the laws and political climate of this date.

Your time, effort and patience is greatly appreciated. If there are any concerns, issues or thoughts that you believe we need to give further consideration, we would be grateful for any assistance. Again, thank you.

RECEIVED

JAN 23 1995

HARLAND BARTHOLOMEW
SACRAMENTO, CA

**cc: Terry McAteer
All District Superintendents
N.C.O.E. Business Officials
N.C.O.E. Interim Facilities Committee
Mary Beth deGoede**

HLH/jb

NID Nevada Irrigation District

PLA DEPT. BOARD. NID

10836 ROUGH & READY HWY. • P.O. BOX 1019 • GRASS VALLEY, CA 95945-1019 • (916) 273-6185

RECEIVED

AUBURN & LINCOLN: 878-1857
 COLFAX: DIAL OPERATOR, ASK FOR ENTERPRISE 14293
 FAX: 477-2646

December 22, 1994

IN REPLYING REFER
TO FILE NO.

JAN 23 1995

HARLAND BARTHOLOMEW
 SACRAMENTO, CA

Mr. Thomas Miller, Acting Planning Director
 County of Nevada
 Planning Department
 950 Maidu
 Nevada City, CA 95959

RECEIVED
 JAN 3 1995
 NEVADA COUNTY
 PLANNING DEPARTMENT

Re: Draft Environmental Impact Report
 General Plan Update

Dear Tom:

The District responds to the Draft EIR documents with the following comments:

- Chapter 11, Water Volume 1

I bring to your attention Policy 11.6 which states:

The County shall continue to enforce its regulations concerning the installation and operation of private sanitary waste disposal systems in order to protect the quality of surface and ground water.

- Also Objective 11.4 which states:

Preserve the Integrity and Minimize the Disruption of Watersheds and Identified Critical Water Courses.

These two items, when combined and utilized in conjunction with each other, are expected to provide the mitigation measures stated on page 4.3-18 of the Draft EIR.

There has been much discussion lately with more to follow concerning setbacks for leach fields and other waste disposal systems. The 100 foot setback is still not considered adequate by District staff when certain soil types do not provide adequate filtering before disposed water enters a water course. State and Federal requirements are requiring more significant restrictions and increased water treatment requirements. Recent outbreaks in other areas of the nation of cryptosporidiosis and/or Giardiasis points to the need to maintain both surface and groundwater quality standards.

2.1

Directors: David E. Southern, Division 1 • Ernst L. Bierwagen, Division 2 • Dale H. Birdsall, Division 3
 R. Paul Williams, Division 4 • George Leipzig, Division 5
 General Manager: James P. Chatigny • Secretary: Dorothy P. Miller • Treasurer: Teresita T. Andrews
 Attorneys: Minasian, Minasian, Minasian, Spruance, Baber, Meith & Soares

Mr. Thomas Miller
December 21, 1994
page 2

District staff feels that the County Department of Health should also play a major role in determining what levels of protection (setbacks) are required.

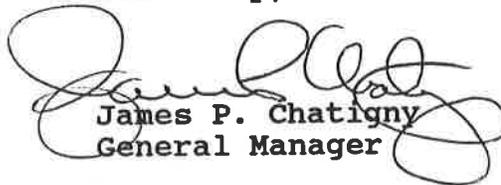
There are several areas of concern on the land use and circulation plan maps that appear to need attention.

Some lands around Scotts Flat Reservoir share both PUB and Rec. Any lands in ownership of the District, should be PUB only. (See my letter of April 19, 1993.)

Some lands around Rollins Reservoir are shown as WA only. These lands are owned by Nevada Irrigation District and should correctly be designated as PUB as they include the physical facilities of the recreation areas. (Letter of April 19, 1993.)

Please consider these comments as you proceed with the DEIR process, and feel free to contact me for further explanation.

Sincerely,



James P. Chatigny
General Manager

JPC:cd

Attachment

NID Nevada Irrigation District

10836 ROUGH & READY HWY. • P.O. BOX 1019 • GRASS VALLEY, CA 95945-1019 • (916) 273-6185

AUBURN & LINCOLN: 878-1857

COLFAX: DIAL OPERATOR, ASK FOR ENTERPRISE 14293

FAX: 477-2646

April 19, 1993

IN REPLYING REFER
TO FILE NO.

5/1-N

Attn: Robert J. Leggett, Acting Planning Director
Nevada County Planning Department
P.O. Box 6100
Nevada City, CA 95959-6100

Re: Nevada County General Plan

Dear Mr. Leggett:

This is to expand District comment in our correspondence to you dated April 9, 1993, pertaining to the request that all District properties around Rollins Reservoir, Scotts Flat Reservoir and Lower Scotts Flat Reservoir not currently zoned "P" be designated "PUB" and also "WA" where appropriate.

The following parcels are District owned properties at Scotts Flat Reservoir and Lower Scotts Flat, and the current zoning per our records. Parcels in bold print are currently zoned "P":

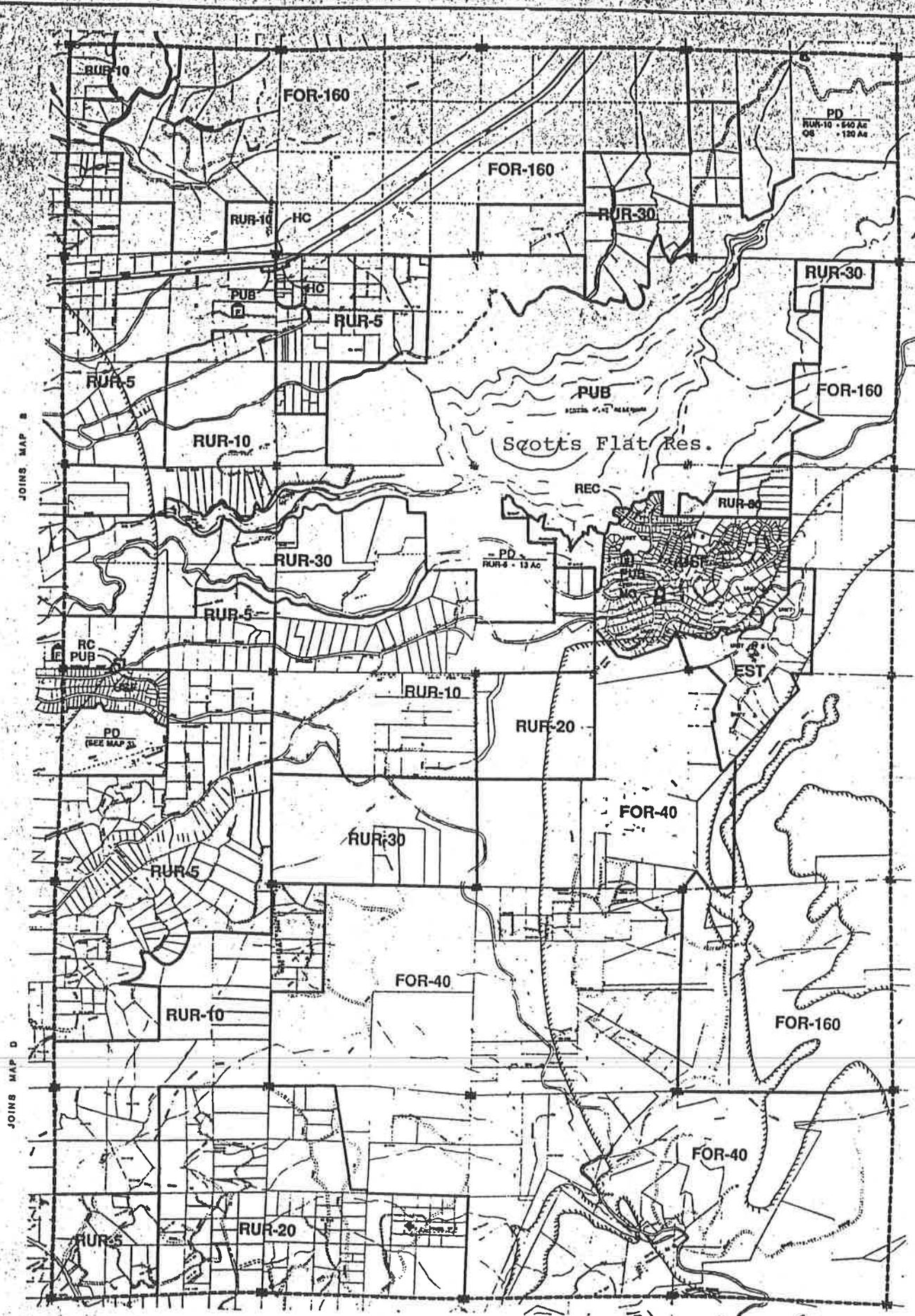
14-171-14 .. A1-30	38-030-04 .. A1-30	38-040-31 .. A1-30
34-310-19 .. A1-30	38-030-20 .. A1-30	38-050-05 .. A1-30
36-160-06 .. P	38-040-11 .. A1-30	38-050-28 .. A1-30
38-020-10 .. RA-10	38-040-30 .. A1-30	38-050-29 .. A1-30

The following parcels are District owned Nevada County properties at Rollins Reservoir and the current zoning per our records. The parcels in bold print are currently zoned "P". We also request the current "ME" zoning be retained on the applicable parcels:

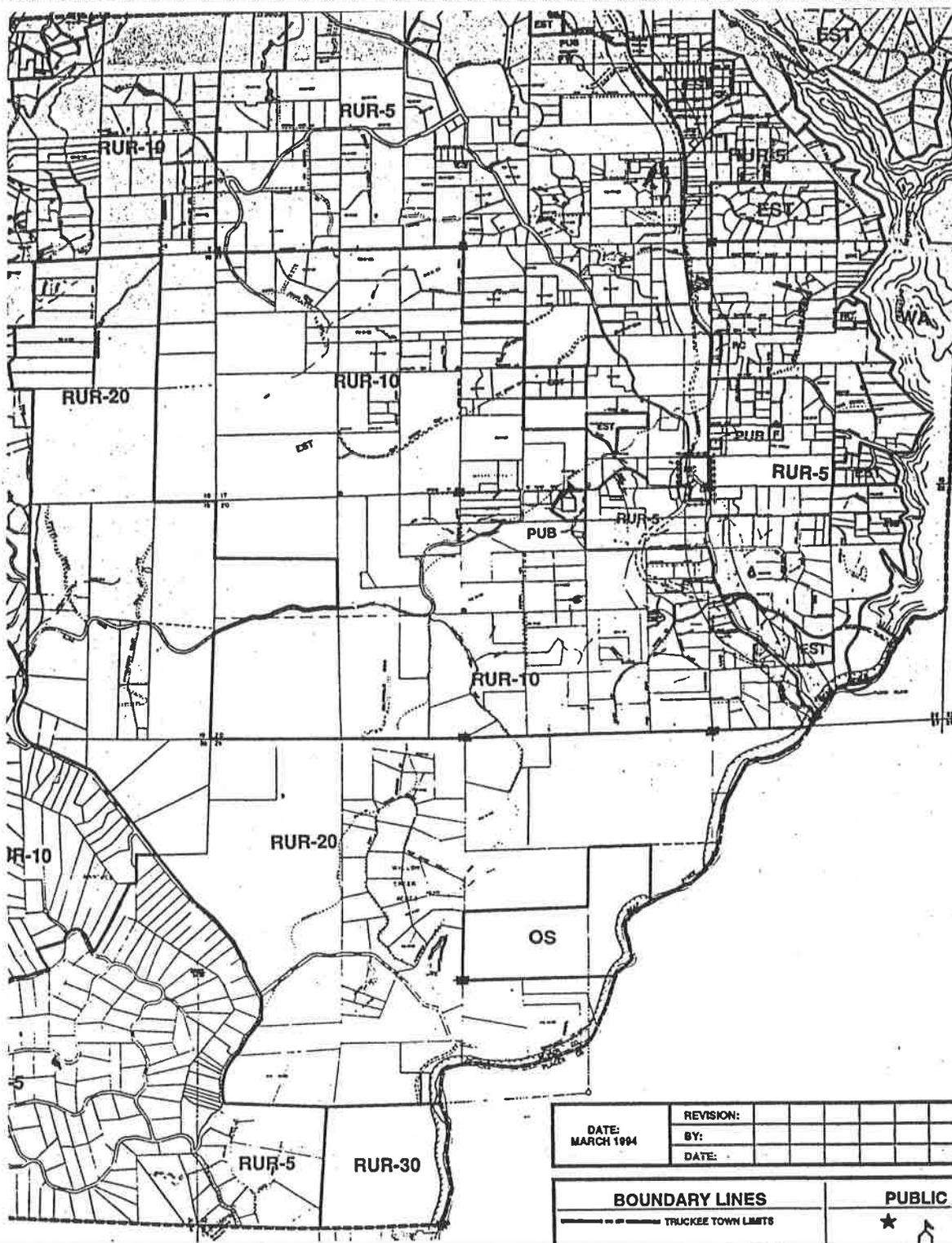
12-710-33 .. A1-20/ME	28-150-72 .. P/ME	28-190-78 .. A1
12-710-48 .. A1-20/ME	28-150-73 .. P/ME	28-190-79 .. A1
12-710-49 .. P/ME	28-170-06 .. A1-20	28-280-12 .. A1
12-710-57 .. A1-20/ME	28-170-10 .. A1-20	28-280-33 .. A1
12-730-58 .. P/ME	28-181-02 .. A1	28-290-12 .. U
12-730-59 .. P/ME	28-181-20 .. A1	28-290-20 .. U
12-750-41 .. A1-20	28-181-21 .. A1	28-290-22 .. U
12-750-42 .. A1-20	28-190-71 .. A1	28-290-23 .. U
28-150-67 .. U	28-190-73 .. A1	28-300-04 .. A1/U
28-150-68 .. U	28-190-74 .. A1	28-300-45 .. U
28-150-69 .. P/ME	28-170-76 .. A1	65-240-37 .. OS/FR40/ME
28-150-71 .. U/P/ME	28-190-77 .. A1	65-260-02 .. U
		65-260-05 .. U

Directors: David E. Southern, Division 1 • Ernst L. Bierwagen, Division 2 • Dale H. Birdsall, Division 3
R. Paul Williams, Division 4 • George Leipzig, Division 5
General Manager: James P. Chatigny • Secretary: Dorothy P. Miller • Treasurer: Teresita T. Andrews
Attorneys: Minasian, Minasian, Minasian, Spruance, Baber, Meith & Soares

COPIES



MAP C As of December 1994
 NEVADA COUNTY GENERAL PLAN



Rollins Res.

NEVADA COUNTY GENERAL PLAN
MAP E As of December 1994

DATE: MARCH 1994	REVISION:								
	BY:								
	DATE:								

BOUNDARY LINES	PUBLIC FACILITIES
TRUCKEE TOWN LIMITS	PUBLIC BUILDING
COMMUNITY BOUNDARY	SCHOOL
VILLAGE CENTER BOUNDARY	FIRE STATION
RURAL CENTER BOUNDARY	HOSPITAL
MINERAL RESOURCES	AIRPORT
	RECREATION FACILITY
	WATER FACILITY
	SEWER FACILITY

UHD Urban High Density 20 D.U./acre	FOR-40 Forest-40 40 acres/D.U.	CC Community Commercial
UMD Urban Medium Density 8 D.U./acre	FOR-80 Forest-80 80 acres/D.U.	NC Neighborhood Commercial
USF Urban Single Family	FOR-160 Forest-160 160 acres/D.U.	HC Highway Commercial
RES Residential 1.5 acres/D.U.	FOR-640 Forest-640 640 acres/D.U.	SER Service Commercial
EST Estate 3 acres/D.U.	SDA Special Development Area	RC Rural Commercial
RUR-5 Rural-5 5 acres/D.U.	PRC Planned Residential Community	OP Office Professional
RUR-10 Rural-10 10 acres/D.U.	PD Planned Development	BP Business Park
RUR-20 Rural-20 20 acres/D.U.	REC Recreation	VBP Village Business Park
RUR-30 Rural-30 30 acres/D.U.	OS Open Space	IND Industrial
RUR-40 Rural-40 40 acres/D.U.	WA Water Area	PUB Public and Institutional

RECEIVED

JAN 10 1995

NEVADA COUNTY
PLANNING DEPARTMENTP. O. Box 433
Grass Valley, CA 95945
January 3, 1995Nevada County Planning Commission
c/o Nevada County Planning Department
950 Maidu Avenue
Nevada City, CA 95959

Re: Comments on Draft Environmental Impact Report for Nevada County General Plan

Dear Commissioners:

On behalf of the Glenwood Homeowners' Association, a subcommittee of Association members has prepared comments on the Draft Environmental Impact Report as it relates to the environmental effects of the Final Draft General Plan on the Glenbrook Basin. We believe, however, that the concerns of our community about residential density increases are shared by residents in other communities throughout the western County.

The Final Draft General Plan significantly increases the density of residential land uses in the Grass Valley Community Region, which includes the Glenbrook Basin. In reviewing the Land Use Maps, and taking into consideration the density decreases agreed to by the Resolution Committee, we still see a number of residential density increases over existing zoning. The density increases will destroy the "rural character" of the Glenbrook Basin, inconsistent with the basic theme of the whole Plan, and will have significant adverse impacts on a variety of environmental resources.

We understand from the EIR that the loss of rural neighborhood character from a significant density increase is a social impact and, therefore, not addressed in the EIR. However, there are also physical impacts associated with the density increases which have not been addressed in the Draft EIR. We support the EIR's conclusion that maintenance of existing County zoning in the Community Regions will mitigate impacts to public services, but it should be recognized that the measure will also reduce other significant impacts.

3.1

There is no evidence in the General Plan, Background Data and Analysis or Draft EIR that the land use designations reflected on the Land Use Maps were based on a comprehensive environmental constraints analysis. Rather, the EIR relies on "after the General Plan "

Comprehensive Site Development Standards and a Habitat Management Plan to protect environmental resources. Expecting catch-up standards to replace responsible land use planning can only result in disgruntled developers whose land use expectations are based on the Land Use Maps but whose development potential is curtailed by standards which should have been used to develop the maps. Relying on standards and a Habitat Management Plan which haven't yet been prepared or adopted seems to be ineffective mitigation. Revising the maps to reflect a legitimate constraints analysis is the only legitimate way to protect resources.

The wetlands in the Glenbrook Basin have been almost eliminated in favor of conduits, fill and asphalt. Mitigation in the Draft EIR is inadequate to protect the remaining wetlands in the County. Effective mitigation would require preparation of an inventory of wetlands and riparian habitat and clear Open Space designations in those areas. The designation, and supporting zoning regulations, would prevent destruction of sensitive areas before a development application is filed.

3.2

The Glenbrook Basin is a bowl with little natural vegetation remaining on the intensely developed floor. Today, the visual effect of hundreds of acres of impervious surface is softened by surrounding lower density residential areas that remain well-vegetated. The significant increase in density will result in loss of native vegetation, bringing coincidental significant adverse visual impacts and displacement of the resident wildlife population. The EIR does not address the direct impacts of density increases in the Community Regions.

3.3

For those of us who have enjoyed keeping farm animals as pets, the density increase can be expected to raise land use incompatibility issues which have not been addressed. The proposed Comprehensive Site Development Standards will not likely be applied to single-family residential development, leaving no protection for existing land uses which will become non-conforming when existing Residential Agricultural zoning is changed to implement the higher density (R1 Single-family Residential).

3.4

The Final Draft General Plan proposes more commercial acreage in Glenbrook and higher residential densities on Brunswick Road and west of the Nevada City Highway in our community. Because the area is a basin, and air quality is already poor, the air quality impacts of build-out must be found to be significant. Traffic, wood smoke, outdoor burning, service stations and commercial cooking and heating already contribute to poor air quality which will worsen with Plan build-out. By selecting Level of Service D as an acceptable traffic flow in the Community Regions, congested traffic can also be expected to contribute greatly to degraded air quality, particularly in basins.

3.5

Because the General Plan does not include road standards, it is not possible to assess the impact of new development and coincidental street improvements on potentially affected private properties. It is also not clear from reading the Housing Chapter whether road standards, as well as other development standards, can be set aside for "affordable" housing projects (per Policy 8.4 d.). The impact of road improvements, new roads, and

3.6

potential road and development standard exceptions needs to be evaluated if we are to understand the potential effect the density increases, and any affordable housing project, will have on our neighborhoods.

3.7

It is also unclear whether sidewalks, pedestrian paths, and bike lanes will be required on Local Streets. We do not know whether cyclist and pedestrian safety, including the safety of children walking to bus stops, has been adequately addressed and mitigated.

Since our neighborhood is within the Sphere of Influence of the City of Grass Valley, information on applicable road and development standards is relevant if there is to be assurances that new development will not be non-conforming when it is annexed. The EIR includes no discussion on the compatibility of the Plan with Nevada City and Grass Valley's applicable General Plans and specifications.

We believe the Traffic and Circulation Chapter of the Final Draft General Plan is confusing, unsupported in fact and incredible. Consequently, relying on the conclusions in the Plan and its supporting Volume 2 Background Data and Analysis, the EIR's discussions of Traffic and Circulation, we believe, are inadequate and conclusions are inaccurate.

3.8

We question the methodology used by the General Plan consultant in analyzing existing Levels of Service (LOS) on the major roads. The General Plan analysis appears to recognize the LOS for road segments, but there is no analysis of intersection and interchange functions, including traffic signal functions, turning movements, intersecting commercial or industrial driveways which stall traffic flow, and stacking capabilities for turning movements and between intersections. It is difficult to accept that the Nevada City Highway and Brunswick Road in the Glenbrook Basin operate at acceptable levels today, when total breakdown of traffic flows occurs many times daily. This congestion occurs with the Basin not yet fully-developed under the existing General Plan, and Sierra College, with over 3000 students, not yet in operation.

The Circulation Chapter appears to be predicated on data and analysis from a variety of disjointed and uncoordinated efforts undertaken by the County, the General Plan consultant and the Regional Transportation Commission. The following issues merit consideration and discussion:

- I. It is not clear whether "spot improvements" and the additional travel lanes referred to in the Plan, can be accomplished within the existing County-owned right of way or whether additional right of way will be required. The impact of improvements on adjoining private properties needs to be identified and discussed.

see #3.6

- II. The Plan and EIR analysis appear to be based on urban improvements recommended in the Nevada County Transportation Commission's subregional transportation study for the Grass Valley/Nevada City area. Volume 2 indicates " those improvements may be incorporated into the General Plan, or some improvements may be found to be unnecessary." The only improvement referred to specifically is construction of the Dorsey Drive Interchange with State Highway 49. Traffic projections for the Nevada City Highway and Brunswick Road appear to rely on that new interchange to relieve traffic at the Brunswick Interchange.

The improvements recommended in the subregional study have not been subjected to environmental review, formally considered or approved by the Transportation Commission or by either Nevada City or Grass Valley.

The EIR concludes that the impact of buildout on the State Highway system is significant and cannot be mitigated because the County has no control over improvements to the State system. The Dorsey Interchange, along with other improvements recommended in the study, are within the City Limits of Grass Valley over which the County has no control. The interchange has been contested by property owners on Dorsey Drive and Idaho Maryland Road. Other aspects of the subregional transportation study have also been questioned by both the public and by Grass Valley staff. The political feasibility, and the feasibility of funding, are highly questionable.

3.9

The EIR needs to clearly identify improvements on which projected Levels of Service are based, recognize and discuss the feasibility of both approval and funding, and the environmental effects of those new improvements on adjoining private properties.

The General Plan projects a buildout traffic volume of 20,000 vehicles per day on Dorsey Drive between SH20-49 and Sutton Way, but there is no discussion on how noise or air quality impacts on adjoining sensitive receptors can feasibly be mitigated. While the consultant has added a mitigation measure in the Noise Chapter indicating noise impacts from road improvements will be fully mitigated, it is questionable whether mitigation is feasible.

3.10

- III. There appears to be an inconsistency between road improvements on which Grass Valley's General Plan is predicated and road improvements proposed in the Final Draft General Plan. Grass Valley appears to rely on the Western By-Pass to reduce traffic impacts on West Main Street. The Final Draft General Plan concludes that the By-Pass does not attract a significant level of traffic to warrant inclusion but offers no mitigation for an unacceptable LOS on West Main Street or on other City streets.

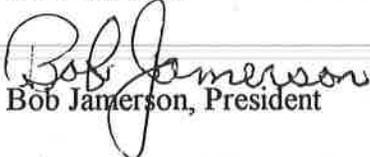
We support the consultant's recommendation that the new General Plan retain existing County zoning, at least as far as maintaining existing residential densities, within the Community Regions. In order to keep the land use balance desired in the Plan, the County should consider reviewing the Market Analysis and Development Forecast information generated earlier in the General Plan process to determine what kinds of trade-offs are available.

According to the Forecast, in the Grass Valley Community Region the Plan provides for a generous surplus of land for residential units (12 to 19 years after 2015). But, it provides for 278 years of industrial acres after 2015. Some of the land designated for industrial uses could be redesignated for residential units. Policies aimed at expanding home occupation and cottage industry opportunities may further expand the surplus of industrial lands.

Because of the importance of this project, we respectfully request that the Planning Commission provide a defined period for written comment and public hearing on the consultant's response to comments. The public's comments will help you reach acceptance of a legally adequate Environmental Impact Report.

Respectfully submitted,

GLENWOOD HOMEOWNERS' ASSOCIATION


Bob Jamerson, President

cc/Harold A. Berliner
Richard Ellers
Rural Quality Coalition
Federation of Neighborhood Associations

RECEIVED

JAN 12 1995

NEVADA COUNTY
PLANNING DEPARTMENT

Nevada County Planning Commission
c/o Nevada County Planning Department

Re; Comments on Draft Environmental Impact Report for
Nevada County General Plan.

Dear Commissioners:

As homeowners in the Glenwood area we question the integrity of the proposed General Plan which allows significant density increases in a long-time, well established rural neighborhood thus destroying a "way of life".

We question the Draft Environmental Impact Report's failure to address the problems of density increase in an area "rural in character" thus creating land use incompatibility.

4.1

We do support the consultants recommendations that the New General Plan retain existing County zoning as it pertains to our community neighborhood.

RECEIVED

JAN 23 1995

HARLAND BARTHOLOMEW
SACRAMENTO, CA

Sincerely,

Joe Moore
Marguerite Gentili
Gwen Moore

Joe Moore
Gwen Moore
Marguerite Gentili

11320 Hubbard Rd.
11332 Hubbard Rd.
Grass Valley, Ca 95945

RECEIVED

1/12/95

JAN 12 1995

deir6.doc

NEVADA COUNTY
PLANNING DEPARTMENT

Carol Hollingsworth
11713 Polaris Drive
Grass Valley, CA 95949

To: Planning Commission

Re: Draft Environmental Impact Report for the Proposed
General Plan

I will keep my comments brief and submit the bulk of my input
in writing.

When you review the Draft Environmental Impact Report, please
keep in mind the first two Central Themes of the Proposed
General Plan:

- 1. Fostering a rural quality of life;
- 2. Sustaining a quality environment.

In the DEIR, under the Summary of Impacts, six impacts of
the Proposed General Plan are identified as "significant,
unavoidable and unmitigable". The first two are:

- 1. Conversion of Open Space to Urban/Suburban Uses;
- 2. Conversion of Farmland to Urban/Suburban Uses.

The conversion of agriculturally zoned land to urban/suburban
uses is of special concern to me. As acknowledged in the
DEIR, the policies in the Proposed General Plan and the
suggested mitigation measures in the DEIR do little to ensure
the continuance of agriculture in Nevada County.

see #5.36

Therefore, I suggest the following additional "Action
Policies" be inserted under Objective 16.3 of the Proposed
General Plan:

5.1

- 1. Make the Williamson Act more accessible to small
farm operations. Small farms represent the future
of agriculture in Nevada County.
- 2. Create an incentive program to encourage putting
and/or keeping land in agricultural production.

The long-term economic, social, and environmental benefits of
having land in agriculture are many, and far outweigh the
short-term economic benefits of conversion to urban/suburban
uses, which carry with them the very expensive baggage of
demands for services and facilities.

Please, remember those two Central Themes: to foster a rural
quality of life, and to sustain a quality environment.

RECEIVED

JAN 23 1995

HARLAND BARTHOLOMEW
SACRAMENTO, CA

DEIR3.doc

12/30/94

While reviewing the DEIR, remember the first two Central Themes of the Proposed General Plan are "Fostering a rural quality of life" and "Sustaining a quality environment".

INTRODUCTION

Overview of Impact Analyses:

Page 1-4. Buildout would more than double the existing population....resulting in significant environmental impacts.

The long-term economic and social implications of these impacts are profound. In the marketing analysis, Bob Spencer (RHA) concluded that growth would cause a decline in the quality of life in Nevada County, but that it would remain relatively attractive over the next 15-20 years compared to heavily impacted cities elsewhere. What do we have when our quality of life is no longer relatively attractive? A very expensive, unattractive place to live and work. We will have consumed the goose that laid the golden eggs. For what? Short-term gains. Long-term grief, for those who stay.

The assumption that the targeted growth is positive and inevitable should be studied. Spencer's fiscal analysis pointed out that: growth would be fiscally positive over 15-20 years, but he did not factor in the facilities needed (est. cost \$56,000,000); employment generating land use is fiscally positive; and, residential land development is fiscally negative. The \$56,000,000 seems conservative when they talk of \$8,000,000 for one interchange on the freeway, the need for 27 schools, and extensive sewer and water facilities.

For whom would growth be fiscally positive over the 15-20 years?

What would be the cost to those who live here now?

What would be the cost to those moving in?

SUMMARY OF ENVIRONMENTAL IMPACTS

The following impacts are identified as being significant, unavoidable and unmitigable:

1. Impact #2. Conversion of open space to urban/suburban uses.

2. Impact #3. Conversion of farmland to urban/suburban uses.
3. Impact #42. Increased demand for surface water and groundwater.
4. Impact #46. Need for increased school capacity.
5. Impact #48. Increased exposure to wildland fire.

Not listed, but identified in the text as significant and unavoidable, is Impact #43: Increased wastewater flows.

5.2

Impact #2. Conversion of open space.

Mitigation #2. "...consider forming Open Space District to acquire and manage open space lands". This will create another bureaucracy. There has been no money to buy and/or maintain recreation land, let alone open space. The only source for such money is the landowner's tax bill (special assessment). Not acceptable! It would be a management nightmare: Who can use the land? For what? Will it be managed for fire suppression? For wildlife? For hunting? For recreation?

5.3

Instead:

1. Require landowners to maintain undeveloped properties for agriculture, forest, wildlife, or "open space". Suppression of wildfire fuels should be required in any area where fire could carry to other properties.
2. Provide tax incentives for those who manage their land for agriculture and timber production. (Agriculture and forestry contributed more to the County's economy in 1994 than did tourism.)

5.4

5.5

Impact #3. ..conversion of farmland.

see #5.36

As stated in the DEIR, there is nothing in the Proposed General Plan to protect agricultural lands from development. The land is priced above its agricultural value. Agricultural improvements are taxed above and beyond that, even though they do not increase the selling price.

An incentive plan is needed to reward landowners for keeping and/or placing their land under productive ag and forestry management. The returns to the County would be: positive contributions to the economy, less demand for facilities and services, scenic corridors, wildlife corridors and habitat; in general, the "rural quality of life" espoused in the

Proposed General Plan.

Mitigation #1.

5.6

All land used for, or capable of being used for, agriculture should be considered important, in Nevada County. The future of agriculture in Nevada County is in small, intensive, high value operations, such as wine grapes, berries, nurseries, specialty livestock, and who knows whatelse...niches. This is an important and growing part of Nevada County's economy.

Impact #43. ..increased demand for water (surface/ground).

Mitigation #38 -

5.7

"..undertake a Countywide aquifer study.." Expensive and questionably useful. It is acknowledged on pages 4.3-8 and 4.10-1 that a true aquifer exists only in the eastern part of the County.

5.8

"Rural development may be required to tie into a surface water supply system.." This would be very expensive and growth inducing in the rural areas where growth is "discouraged". Limited groundwater supplies are a fact of life; if some parcels are unbuildable, so be it. That is one of the natural constraints of foothill living; not all locations are developable.

Impact #46. Schools.

The need for 27 new schools to serve the buildout population is indeed significant. The cost is unlikely to be met by new development. Too likely, the "solution" will be more taxes/assessments on landowners (see Pol. 7.5).

5.9

Have the environmental impacts of siting 27 schools been considered? Traffic? Where are the suitable sites (most will be in or near Grass Valley)? Neighborhood consequences? Sewers?

Impact #48: Wildland Fire.

5.10

Re Mitigation #1, clustering will not reduce risk of wildland fire to homes or resources. It could just as well have the opposite effect unless there is some way to insure that the "open space" will be maintained is such a way as to maintain low fuel loads. This is expensive and/or labor intensive, unless fencing and livestock are used; not likely in this context.

Impact #43: Wastewater.

In calculating wastewater flows, it should be noted that in Grass Valley storm runoff goes into the sewers and into the treatment plant. Was this taken into consideration when you figured your flows?

5.11

As noted, due to already marginal facilities, Mitigation #39 does not reduce the impact to less than significant and unavoidable.

PROJECT DESCRIPTION:

Page 3-1: The watersheds are described, but their importance is trivialized, "...these watersheds provide recreational resources for winter and summer activities, such as skiing, boating, fishing, and swimming." These watersheds provide drinking and irrigation water for two states and several counties. The State may make additional demands on this resource for improving the quality of the Delta. The protection of these watersheds is extremely important, locally and beyond.

5.12

It should also be noted that the more polluted the waters become, the greater the cost for treatment.

Hydrology and Water Quality:

On page 4.3-4, French Lake (NID dam) was omitted from the list of dams; it is at the top of Canyon Creek, above Faucherie and Bowman.

5.13

Re Impact #13 ("overall decrease in surface water quality" due to, among other things, septic system failure), the DEIR sites Policy 11.6 (page 4.3-16), and, re Impact #14 ("overall decrease in ground water quality as a result of increased use of septic systems" [page 4.3-17]) the DEIR sites the County's Zoning Ordinance (minimum lot sizes when septic tanks and/or wells are used) as protection measures.

It should be noted that Policy 11.6 and the Zoning Ordinances have been weakened by the permitting of two dwelling units (the primary dwelling and a Granny/handicapped unit) per parcel regardless of zoning and density, by ministerial permit. Granny units have been permitted on 1-acre parcels served by well and septic tank. Also refer to Policies 8.2 b. and 8.2 c. of the Proposed General Plan re second residential units and lower-income housing. This should not be permitted in Estate (3-acre/d.u.) and Residential (1.5-acre/d.u.) zoning, unless sewered. (Also see Pol. 3.19)

5.14

Biotic Resources:

Re Timber Resources: The DEIR states the majority of Nevada County's extensive timber resource is under the jurisdiction of the Tahoe National Forest, (page 4.4-17).

5.15

Are you aware of the large private holdings of the Southern Pacific Rail Road, in the checkerboard strip?

How are they addressed?

5.16

What incentives can be offered to ensure this economically and environmentally important renewable resource will be managed for sustained yield?

5.17

Re page 4.4-23, "...minimize removal of existing vegetation.": Removal of vegetation is not necessarily a bad idea. Since the large parcels have been divided and livestock has been removed from the land, the understory has gotten completely out of hand in many areas and represents a very dangerous wildfire threat. Open space needs to be managed too, and it may require the removal of brush and understory.

5.18

Impacts #19 (wetlands) and #20 (riparian areas) may be further complicated by Policy 16.15 b. Lining and encasing NID ditches will impact miles and miles of riparian habitat and longstanding wetlands created by leaking ditches. (Leaking ditches also contribute to recharging groundwater, and some leakage is recovered, per NID's Master Plan.)

Traffic and Circulation:

This DEIR covers both the Proposed General Plan and the RTP, but I doubt if very many have studied the RTP (which may have more impacts than the Proposed General Plan).

Impact #30: "... RTP improvements and proposed GP policies ensure that area roadways continue to operate at acceptable levels of service".

5.19

Re the 20-49 intersection, McCourtney Road and Allison Ranch Road, this assumes the land use intensities are reduced for the Northstar project, the New Town, and the PV/LW area. How can we be sure this will happen?

5.20

Impact #32: RTP improvements impact on environment and surrounding land uses. Wider, faster, straighter roads through the countryside are not compatible with a rural environment: larger cuts and fills, more erosion, loss of

trees, more noise, more traffic, more speed, dangerous access.

Impact #34: Demand for transit services. Fares are now paying less than 20% of the costs of the existing transit service (and this figure does not include all of the costs). How will we pay for expanding the service? By increasing the subsidy of a larger system, which will probably continue to run around the County with near-empty buses?

5.21

Air Quality:

Impact #36, "Buildout...will incrementally increase air emissions from mobile sources." The DEIR considers this to be less than significant, assuming improved technology will result in air quality improving over time. This faith does not appear well advised, historically, your numbers notwithstanding.

5.22

Your numbers seem limited to auto emissions. Was air pollution from other domestic and industrial sources considered, such as air conditioning and heating, solvents, etc.?

Public Services:

Impact #42. NID's estimated ability to serve as many as 160,000 additional treated water customers (page 4.10-4 and page 4.10-12) may come a cropper if the State demands delivery of water to the Delta.

5.23

Was this considered in your findings?

DEIR figures on water available from NID are at odds with figures in NID's Master Plan. NID's Master Plan states no more than 153,600 a.f. of demand can be met without >50% shortage in drought. The DEIR refers to a "safe yield" of 220,000 a.f. and NID's availability to deliver 218,000 (pg 4.10-4), a difference of 64,400 a.f..

5.24

NID's shift in interest toward supplying treated water customers will probably be at the expense of agricultural deliveries (which now represent 95% of their water sales). Increasingly expensive irrigation water will be another disincentive to agricultural operations.

5.25

Was this considered in your DEIR?

Re page 4.10-13, 38.: "...undertake a Countywide aquifer study...". Elsewhere it is stated that "groundwater in the

5.26

western area is not characterized by well-defined aquifers. The highly fractured characteristics....create inconsistent groundwater characteristics." (page 4.10-6). So why would you undertake a Countywide aquifer study?

Re page 4.10-20: "...as stated in Pol 3.8 the County shall develop and adopt a comprehensive development impact fee program to offset the cost of growth-related infrastructure and facilities.."

5.27

How are these development fees accounted for?

5.28

What guarantee is there that these funds will be used to pay for the designated facilities?

5.29

Impact #43: Why was this impact (wastewater) not listed with your Significant Unavoidable Impacts? Page 4.10-21.

CEQA Considerations does include it.

5.30

Impact #44-45: Considering the history and on-going problems surrounding solid waste disposal in this County, is it realistic to think an increase of 145% would not result in a crisis? We haven't solved the old crisis yet. Landowners are paying a special assessment to close up, manage and mismanage the old dump. The hauling of garbage out of the County may not be possible or practical forever.

see #5.17

Impact #48: (Wildfire threat). Loss of land managed for agriculture exacerbates the wildfire problem as livestock and cultural practices are given up and the ladder fuels proliferate unchallenged.

Again, there is a need to encourage the use of the land for agriculture.

5.31

When a rural area is subdivided, perhaps they should create "open range" within the subdivision...fence the perimeter, install cattle guards, let people fence the animals out of their gardens, and rent or utilize the grazing lands for sheep, goats and/or cattle. In this way undeveloped lots and portions of lots could be grazed and browsed seasonally. Now, there is rural quality, open space management and fuel control! This could be implemented with "clustering", but probably would not be.

CEQA Considerations

Unavoidable Adverse Impacts:

1. Loss of open space;
2. Conversion of agricultural land;
3. Traffic on state roads;
4. Potable water demand; (what about effect of increased demand for potable water on the availability and cost of agricultural water?);
5. Wastewater collection and treatment;
6. Schools;
7. Wildland fire.

IRREVERSIBLE IMPACTS: Conversion of agricultural land is as irreversible as conversion of open space.

5.32

Short-term vs Long-term Productivity: Page 5-2 states the Plan commits land to uses that may limit the long term productivity, particularly with respect to agricultural and timber production (important contributors to Nevada County's economy). This is important!

Growth Inducement: Re page 5-2, "Any GP that designates undeveloped land for future development can be defined as 'growth inducing'."

In line with this statement, the PD designation should be removed from the Conway property at Old Auburn Road and McCourtney Road. The designation was not requested by the owner, most of the land is currently under the Williamson Act and is zoned A1, AE and Open Space.

5.33

Mitigation #38 would be growth inducing (providing treated water to rural areas which have inadequate water supplies).

5.34

Page 5-4, Summary of Significant Impacts from the Proposed Project:

Why were Water Demand, Wastewater, Schools, and Wildland Fire not included in the first paragraph, as significant unavoidable long-term impacts?

5.35

Central Themes, 1. Fostering a rural quality of life:
I hope we really mean to foster a rural lifestyle, not the illusion of rurality. We need more than islands of unproductive, unmanaged open space; more than shielding development behind a band of trees. We need to keep the majority of the land in sufficiently large parcels that people can manage the land for agriculture and timber production, and live in relative self sufficiency with respect to services. Some of the Central Concepts would seem to address this, but the population target and the appetite for development do not seem compatible with any of this. The only way to pay for the consequences of growth (roads, schools, treated water, sewers, solid waste management, parks, etc.) will be development fees on new projects, and parcel charges, special taxes, and assessments on existing parcels. This will make housing, land, and living in Nevada County ever less affordable. We will also pay with a steadily declining quality of life, prompting ever more to sell/divide and get out.

The conversion of farmland to urban/suburban uses is of special concern to me.

5.36

Increasing land values, taxes and fees all discourage keeping and/or putting land to agricultural uses. The policies in the Proposed General Plan do little to ensure the continuance of agriculture on agriculturally zoned lands. There needs to be a positive incentive for putting and/or keeping land in agriculture.

There should be other "Action Policies" under Objective 16.3 of the General Plan.

Make the Williamson Act (Policy 16.13) more accessible to small farmers.

Create an incentive program for agriculture.

Have there been successfully crafted incentive programs for agriculture in other areas?

What are they?

The environmental, social and economic benefits of having the land in agriculture are many; the disadvantages of conversion to urban/suburban uses are even greater, as follows:

12/28/94

Consequences of conversion of agricultural land to more intensive residential uses:

Agriculture

A growing, sustainable economic contribution to County; creating no new demands for services or infrastructure. Agr. & forestry contributed more to the economy than did tourism in 1994.

Taxes paid are based on a property value which exceeds agricultural value, in most cases, with few demands for services and infrastructure. A good deal for the County.

Enhances air quality by retaining vegetation and lack of population. (We have no rice burners!)

Less demand on ground water. Few farms can afford to pump water out of the ground to irrigate.

Preservation of watersheds. Absorbs rainfall, recharging ground water and reducing run-off.

Sewage disposal is not a problem due to large parcel sizes.

Provides habitat and migration corridors for wildlife.

Conversion to Residential

Short-term (one-time) economic contribution; creating long-term economic demands for services and infrastructure: roads, schools, sewerage, water, police and fire protection, social services.

Higher taxes paid to the County due to density and improvements but a net loss to the County due to greater demands for services and infrastructure.

Degrades air quality due to loss of vegetation, increase of vehicle use, heating and cooling, and other human activity.

Greater densities mean more wells where treated water is not available.

More degradation of surface water. Creates run-off problems due to soil disturbance and increase of impermeable surfaces, resulting in erosion and pollution of streams, etc.

Greater densities may result in failing septic systems, especially in light of the County's policies to permit increased densities regardless of zoning or density for Granny units (X2) and lower-income housing (X.25). The result will be need for treated water and/or sewerage.

Removes habitat and disrupts migratory corridors for

wildlife. Increases conflicts between man and beast. (I once overheard a citizen call Animal Control for assistance because there was a lizard in her house!)

Land managed for agriculture provides lower fuel loads due to grazing, browsing and/or cultivation. Creates defensible space/firebreaks.

Agriculture provides chores and responsibility for farm-grown children.

Culturally, the agricultural (rural) lifestyle is one of more individual responsibility and self-reliance.

Residential developments create wildfire nightmares of closely packed homes on unmanaged, heavily fueled sites.

Urban/suburban neighborhoods are more apt to create bored children with "nothing to do". More demands for recreation, police and social services.

The urban/suburban lifestyle is more dependent on and demanding of government facilities and services.
EXPENSIVE!

1-18-95

#6

Penn Valley Community Association

Comments on the Draft Environmental Impact Report for the Nevada County General Plan

Prepared by the Committee for EIR Review
January, 1995

RECEIVED

JAN 23 1995

HARLAND BARTHOLOMEW
SACRAMENTO, CA

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Introduction and Summary

We commend Harland Bartholomew and Associates, together with Ann Berken of Environmental Planning, for a thorough analysis of the impacts resulting from the implementation of the proposed Nevada County General Plan update. The mitigation measures contained in the Draft EIR are clearly needed to insure that the future growth of Nevada County will be moderate and controlled.

The EIR concludes that the amount of growth proposed in the Draft General Plan would do substantial damage to our environment and that the Proposed Plan does not take adequate measures to mitigate these impacts. There are several significant, unavoidable impacts noted. An overriding public need is required to justify them. We feel there needs to be a formal definition of "public need". The Draft General Plan needs to include specific policies relating to the infrastructure required for this proposed growth.

Traffic and Circulation: Additional Mitigation Measures are still needed to reduce traffic volumes and achieve the Levels Of Service required by Proposed General Plan Policies 4.1 and 4.3. The Draft EIR miss-states that General Plan Policies and RTP Policies are adequate for this purpose.

Scenic Corridors: Mitigation Measure #26 should be revised to include the missing portion of Highway 20 from Highway 49 to the Yuba County line. This section of Highway 20 is just as valuable as the others listed. Mitigation Measure #27 needs also to require the preparation and implementation of Scenic Highway Reports for collector roads within the rural portions of the County in addition to the State Highways.

Equestrian Trails: There is almost a complete lack of consideration of Equestrian Trails within the Draft EIR, the Proposed General Plan Policies and the Proposed RTP Policies. We need non-motorized trails for combined use by both pedestrians and equestrians within the rural areas of the County. Proposed General Plan Policy 4.27 for "a Pedestrian Master Plan... within established Community Boundaries" is not sufficient. There is a Multi-use Non-Motorized Trail Master Plan that was developed by a sub-committee of STAR. This plan should be incorporated into the General Plan. In addition, Impact #33 should include the word "equestrian" in the phrase "bicycle and pedestrian facilities", and the trails master plan should be included in Mitigation Measure #32. In rural regions of the County, easements should be required alongside all newly constructed or improved collector roads, to provide for non-motorized trails. The General Plan Policies should include the addition of non-motorized trails to existing rural roads.

Enforcement of Policies and Mitigation Measures: Regarding the need for ensuring effective enforcement, the specific language in many of the Mitigation Measures needs to be strengthened - for example, by using the word "shall" instead of "should", and by directing instead of suggesting.

Language in Mitigation Measures

In order to increase the probability of effective enforcement, the specific language in many of the Mitigation Measures must be strengthened as follows:

- 6.1** Mitigation Measure #2 (page 2-5): Replace "The County shall consider forming", with "The County shall form".
- 6.2** Mitigation Measure #10 (page 2-17): Replace "a survey ... should be undertaken ..." with "a survey ... shall be undertaken ...".
- 6.3** Mitigation Measure #14 (page 2-18): Change "The following policies should be added" to "shall be added" and, in the third paragraph, replace "should be modified" with "shall be modified".
- 6.4** Mitigation Measures #17, 19, 20, 21 & 22 (pages 2-20, 21, 22, 23): Replace "should be added" with "shall be added".
- 6.5** Mitigation Measure #26 (page 2-25): Replace "should designate" with "shall designate" and add "Highway 20 from Highway 49 to the Yuba County line;"
- 6.6** Mitigation Measure #28 (page 2-26): Replace "should be 45 feet" with "shall be 45 feet"
- 6.7** Mitigation Measures #40 and 41 (pages 2-30, 31): Replace "should adopt" with "shall adopt".
- 6.8** Mitigation Measure #42 (page 2-31): Replace "should evaluate and critique" with "shall evaluate and critique".
- 6.9** In order to properly provide for reducing the impact of noise in rural regions, Mitigation Measure #37 (page 2-29) should additionally state that "The use of earthen berms and solid fencing shall be limited to Community Regions."
- 6.10** Mitigation Measure #1 (page 2-10), specifying an entirely new General Plan Policy 1.17 should change the new paragraph (h) to read: Buffering and screening to mitigate adverse noise and aesthetic effects and still maintain aesthetic values in rural regions.

Significant Unavoidable Impacts

The following impacts have been identified as significant and unavoidable. Although mitigation measures are recommended to help reduce the impacts, they cannot be reduced to a less-than-significant level.

Impact #2, Land Use: Buildout of proposed General plan land uses and RTP road improvements would result in the conversion of open space areas to urban/suburban uses. Mitigation measures include a suggestion that the County form a special district to purchase land and preserve it as open space.

Impact #3, Land Use: Buildout of the proposed plan would result in the conversion of farmland to urban or suburban scale uses.

Impact #42, Public services and utilities: Buildout of the proposed plan and associated population growth will result in increased demand for surface and ground water supplies.

Impact #46, Public services and utilities: Buildout of the proposed plan could result in the generation of over 25,000 school aged children. Existing facilities would not have the capacity to serve these children.

Impact #48, Public services and utilities: Buildout of the proposed plan and associated population growth would result in increased exposure of persons and property to wildland fire.

Mis-classified Impact: Impact #43, Page 4.10-18. Increased wastewater flows is listed in section 2 as Significant, but should be listed as Significant and Unavoidable. In Par 5 on page 4.10-21, it is identified as significant and unavoidable.

6.11

Significant Impacts incorrectly listed as fully mitigated: Impact #30 and 32 as explained on pages 13 and 14.

State law forbids a public agency to approve or carry out a project for which an EIR has been completed which identifies one or more significant impacts when feasible alternatives and mitigations are available. If there are no alternatives, the agency must show that there is an overriding public need to justify the project.

The proposed General Plan relies primarily on two policy concepts as a means of alleviating the physical effects of growth on the environment. Policy 1.17 directs that the County shall prepare and adopt a set of Comprehensive Site Development Standards to protect the County's unique character. Policy 1.18 encourages clustering on sites where significant environmental features and/or constraints are present. These two policies supposedly mitigate land use impacts and are applied to most of the natural resource impacts.

The question remains: What is the overriding public need for the level of growth proposed by this plan

4.1 Land Use

General Plan Update Alternative 4 assumes the designation of the New Town Reserve to be revised to 20-acre minimum parcel sizes (page 2-4 paragraph 3) by implementing Mitigation Measure #14. This 20-acre minimum parcel size is critical, but insufficient by itself to achieve the necessary reduction in traffic volumes. However, Mitigation Measure #14 (page 2-18) has no such provision. Mitigation Measure #16 (page 2-19) was apparently the intended reference. Furthermore, where Mitigation Measure #16 refers to an exception spelled out in Mitigation Measure #10, this is apparently also an error, probably intending to refer to Mitigation Measure #18, which provides for a 40-acre minimum parcel size in critical migratory deer winter ranges.

Mitigation Measure #16 also states in the last sentence that "This re-designation to a 20 acre minimum parcel size would also result in the elimination of the New Town SDA". In the future, if the New Town is ever given further consideration, its effect, particularly on traffic and circulation, will require a re-analysis and complete revision of the EIR, since the current Draft EIR clearly assumes "the elimination of the New Town". Even with this assumption, the Draft EIR fails to achieve the required traffic Level Of Service.

If the New Town Proposal is to be considered, the provision contained in Proposed General Plan Policy 1.16, paragraph (c), must be strictly adhered to - namely that:
"The Specific Plan shall require a finding that: c. Development will provide a significant positive increase in the County's jobs/housing ratio and that mechanisms to ensure phased development of employment preceding or concurrent with housing is assured."

4.2 Geology and Soils

Shallow soil depths and slow permeability of soils create significant constraints to septic uses and effluent disposal. According to the United States Department of Agriculture Soil Conservation Service, all soil types within Nevada County are classified as having severe limitations for private sewage disposal. Soils are rated severe because they have slopes of more than 9 percent, are less than 4 feet deep, or are limited in their ability to percolate water.

Areas of the Western County that have been targeted for development, such as the New Town Reserve, are not serviced by public sewage disposal. Additional effluent from proposed General Plan land uses would impact surface and ground water quality. These impacts are covered in the Hydrology and Water Quality section of the EIR.

The EIR has identified 4 potentially substantial adverse effects to our geological and soil resources resulting from buildout of the proposed General Plan:

Impact #7. Buildout ... may result in exposure of future residents and structures to landslide hazards. Mitigation measures include clustering of new development to avoid site constraints such as steep slopes and highly erosive areas. However, such clustering is encouraged and not required. Mitigation measure 1.17, preparation of site development standards, is applied. These standards have not been set and therefore cannot be evaluated in the context of this EIR.

Impact #8. Buildout ... may result in increased erosion associated with development in areas of steep slope and/or improper development practices. Pockets of steep slopes and associated erosion hazard exist within the area of the New Town Reserve. Mitigation measures include elaborate site development standards requiring geologic investigation for proposed development, enforcement of county grading ordinances and other measures that would require County funding for personnel and equipment throughout a project.

Impact #9. Buildout ... may result in development over known or potential mineral deposits. Mitigation measures include identification of MRZ areas to avoid encroachment of incompatible land uses, notification of property owners of the potential for mining in the area, and incorporation of MRZ's in land use maps.

4.3 Hydrology and Water Quality

- 6.16** Re page 4.10-13, Mitigation Measure #38: "...undertake a Countywide aquifer study..." The Master Environmental Inventory, Section 4-2, Hydrology, states that "groundwater in the western area is not characterized by well-defined aquifers. The highly fractured characteristics create inconsistent groundwater characteristics." (page 4.10-6). Why undertake a Countywide aquifer study?
see #5.7
- 6.17** Re Project Description (page 3-1) and Hydrology and Water Quality (page 4.3-1): The watersheds are described, but their significance is trivialized, "...these watersheds provide recreational resources for winter and summer activities, such as skiing, boating, fishing, and swimming." (pg. 3-1) It should be noted that these watersheds provide drinking and irrigation water to Nevada County, Placer County, Yuba County and the State of Nevada. The State of California may make demands on this resource to bolster the Delta as well.
see #5.12
- The protection of these watersheds is very important, locally and beyond. It should also be noted that the more polluted the waters become the greater are the costs for treatment.
- 6.18** On page 4.3-4, French Lake (NID dam) was omitted from the list of dams. It is at the top of Canyon Creek, above Faucherie and Bowman.
see #5.13
- 6.19** Impact #13: "overall decrease in surface water quality" due to, among other things, septic system failure, the DEIR cites Policy 11.6 (page 4.3-16), and, Impact #14 "overall decrease in ground water quality as a result of increased use of septic systems" (page 4.3-17) the DEIR cites the County's Zoning Ordinance (minimum lot sizes when septic tanks and/or wells are used) as protection measures. However, Policy 11.6 and the Zoning Ordinances have been weakened by the ordinance which allows two dwelling units (the primary dwelling and a Granny/handicapped unit) per parcel regardless of zoning and density. Granny units have been permitted on 1-acre parcels served by well and septic tank.
see #5.14
- Pages 2-8 & 17: The aquifer study identified in Mitigation Measure #38 could be coordinated with the septic tank/leachfield systems (ST/LS) study identified in Mitigation Measure #10. As a joint study some cost savings could likely be incurred. It is important that the ST/LS study be carried out to find out if there has been any long term degradation of groundwater quality. The results of this study will have a significant impact on the long range planning for wastewater collection, treatment, and disposal.

Hydrology and Water Quality continued

Page 2-30: The cost of Impact #43 will be significant. These costs should be identified in the long-range Capital Facilities Plan (CFP) shown on page 3-11. The previously mentioned ST/LS study will significantly impact the Capital Facilities Plan. One question is who will actually be doing the CFP and how will it be funded.

6.20

Pages 4.3-8&9: Next to last paragraph indicates that the 1974 DWR report identified a number of areas or wells which exhibited poor water quality, mostly due to bacteriological contamination caused by inadequate sewage disposal from households. The second line on page 4.3-9 indicates that there has been no testing of existing wells over time and the effect of septic systems on the water supply is not known. This is another indication of the need for the ST/LS study.

Pages 4.3-15 through 19: The significance of Impacts #13 & #14 related to septic systems could be better identified when the ST/LS study identified in Mitigation Measure #10 is implemented. One question is who will do the study and how is it to be funded? It should also be recognized that the results of this study may not necessarily point towards centralized sewer systems, but perhaps improved septic systems may be a result.

6.21

4.4 Biotic Resources

- 6.22** Re Timber Resources: The DEIR states the majority of Nevada County's extensive timber resource is under the jurisdiction of the Tahoe National Forest (page 4.4-17). Are you aware of the large private holdings of the Southern Pacific Rail Road in the checkerboard strip? How are they addressed? What incentives can be offered to ensure this economically and environmentally important renewable resource will be managed for sustained yield?
- see #5.15
- 6.23** Re page 4.4-23, "...minimize removal of existing vegetation." Removal of vegetation is not necessarily a bad idea. Since the large parcels have been divided and livestock has been removed from the land, the understory has gotten completely out of hand in many areas and represents a very dangerous wildfire threat. Open space needs to be managed too, and it may require the removal of brush and understory.
- see #5.16
- 6.24** Impacts #19 (wetlands) and #20 (riparian areas) may be further complicated by Policy 16.15 b. Lining and encasing NID ditches will impact miles of riparian habitat and long-standing wetlands created by leaking ditches.
- see #5.18
- 6.26** Examples of areas in which significant, un-mitigated impacts are unacceptable and should not be permitted are as follows.
1. Disruption of Native American cultural sites.
 2. Removal of wetlands.
 3. Removal of large oaks and oak groves.
 4. Disruption of deer migration.
 5. "Taking" of endangered, threatened and otherwise listed species.
 6. Causing traffic bottlenecks and/or excessive usage.
 7. Development on agricultural lands.
 8. Development on timberlands or lands with mineral resources.
- 6.27** Impact #3: We feel that conversion of land suitable for farming, such as large portions of the Penn Valley area, should be prohibited. These resources are irreplaceable. Such prohibition should be included in the Site Development Standards. (Mitigation Measure #1)
- 6.28** Impact #19: The proposed policy change should not permit development when riparian or wetland habitat would be lost. The wording should be changed to "Development projects shall not be permitted even if no suitable alternative site or design exists for the land use."
- 6.29** Impact #18: Mitigation #20 should read, "The taking of endangered, threatened or otherwise listed species shall not be permitted."
- 6.30** The following mistakes have been identified:
 Page 2-12 - missing word in the second line.
 Page 4.4-33: The word "species" should be changed to "resources".

4.5 Cultural Resources

It is well known that Nevada County lies within the traditional territories of the Hill Nisenan [or southern Maidu] Indians, who inhabited the west-central Sierra Nevada. In general, the lower elevations were occupied on a permanent or semi-permanent basis.

In reviewing cultural resources sensitivity predictions for Nevada County, it can be shown that the Penn Valley area meets all criteria of a highly sensitive area.

- Grasslands and oak woodlands below 3000 feet.
- Areas less than 30% slope.
- Areas containing hard woods, brush and grass.
- Zones which accommodate deer migration routes and winter ranges.

The full implementation of the proposed General Plan Policies 4.39, 19.1 through 19.7 would reduce the impact but not to a less than significant level. The EIR advocates further mitigation measures:

Mitigation Measure #1: A revision of Policy 1.17 & 1.18.

Mitigation Measure #16: Eliminates the New Town SDA by providing for re-designation of lots less than 20 acres to a minimum parcel size of 20 acres or larger in rural regions.

Mitigation Measure #23: Revision of Policy 19.6.

Mitigation Measure #24: Incorporates the use of the Cultural Sensitivity Modeling contained in Appendix D for developing the SDS of revised Policy 1.17 and Policy 19.5.

If these measures are fully implemented, impacts should be mitigated to a less than significant level.

4.6 Visual Quality

- 6.31** Scenic Corridors: Mitigation Measure #26 should be revised to include the missing portion of Highway 20 from Highway 49 to the Yuba County line. This section of Highway 20 is just as valuable as the others listed.
- 6.32** Mitigation Measure #27 needs also to require the preparation and implementation of Scenic Highway Reports for collector roads within the rural portions of the County in addition to the State Highways.

4.7 Traffic and Circulation

Additional Mitigation Measures are needed to reduce traffic volumes and achieve the Levels Of Service required by Proposed General Plan Policies 4.1 and 4.3. The DEIR misstates that General Plan Policies and RTP Policies are adequate for this purpose. Required Levels of Service for traffic are not achieved.

Section 4.7 contains numerous serious errors and inconsistencies regarding vehicular traffic volumes that directly conflict with the stated conclusions.

General Plan Policy 4.1 specifies that "The minimum level of service allowable in the Rural Regions of the County [i.e., not included within a specific Community Region, see page 3-7] ... shall be Level Of Service (LOS) C ...", however, Pleasant Valley Rd. between SR 20 & Lake Wildwood currently has a Planning LOS E and an Operational LOS D. This is already below the minimum allowable LOS.

6.33

Penn Valley Dr. between Spenceville & SR 20 is listed in Table 4.7-4, but the projected data is missing. According to Table 4.7-1, this section of Penn Valley Dr. already has five times the traffic volume of the portion of Penn Valley Dr. extending to Pleasant Valley Road, which is projected to become 7,000 trips per day (Table 4.7-4). As a result, this section of Penn Valley Dr. to SR 20 will require a 4-lane road.

6.34

McCourtney Rd. between Indian Springs Rd. & Old Auburn is projected to become Level of Service E without improvements and an LOS D even with spot improvements (Table 4.7-4). These are both below the minimum allowable Level Of Service!

6.35

Re the 20-49 intersection, McCourtney Road and Allison Ranch Road, this assumes the land use intensities are reduced for the Northstar project, the New Town, and the Penn Valley/Lake Wildwood area. How can we be sure this will happen?

6.36

see #5.19

Impact #32: RTP improvements impact on the environment and surrounding land uses. Six and four lane roads through the countryside are not compatible with a rural environment. They entail larger cuts and fills, increased erosion, loss of trees, increased noise and traffic, higher speeds, and dangerous access.

6.37

see #5.20

Impact #34: Demand for transit services. Fares are now paying less than 20% of the costs of the existing transit service (and this figure does not include all of the costs). How will we pay for expanding the service, by increasing the subsidy of a larger system, which will probably continue to run around the County with near-empty buses?

6.38

see #5.21

Impact #30: (pages 4.7-15 & 2-33) states that "Buildout ... would cause operation of some roadways to drop to unacceptable levels" but is stated "to be a less-than-significant impact, as RTP improvements and proposed General Plan policies would ensure that area roadways continue to operate at acceptable levels of service." However, the last sentence on

Traffic and Circulation continued

6.39 page 4.7-15 acknowledges many exceptions (listed on pages 4.7-16 to 4.7-20). In fact, in the middle of page 4.7-20, it states that "Buildout of General Plan land uses and associated population would cause several roadways to operate at unacceptable levels of service, even with the implementation of RTP improvements, which constitutes a significant impact." IMPACT #30 is mis-classified and requires new Mitigation Measures to substantially reduce the traffic volume!

Impact #31: (pages 4.7-21 & 2-27) tries to imply that buildout will not significantly affect local roads. The second paragraph on page 4.7-22 and the second paragraph on page 2-27 both incorrectly state that General Plan policies and RTP policies would reduce the impact to a less-than-significant level. The basis for this being incorrect is fully explained above.

6.40 **Physical Impacts of Roads on Aesthetic Values:** IMPACT #32 (page 4.7-22) refers to "physical impacts on the environment and surrounding land uses ... considered to be a less-than-significant impact as proposed plan policies would ensure that such impacts are fully mitigated." However, this conclusion is contradicted by the language of IMPACT #26 (page 2-25) which states that "buildout... could diminish the aesthetic value of the roadside scenery" and "is considered a significant impact, as implementation of proposed plan policies will not necessarily protect visual quality." This resulted in the suggested Mitigation Measure #26 to "designate scenic corridors along" certain routes. The sections of highway listed in MM #26 must be revised to include Highway 20 from Highway 49 to the Yuba County line. This section of Highway 20 is just as valuable as the others listed.

Impact #26 also led to Mitigation Measure #27 requesting the State to prepare Scenic Highway Reports for State Highways within the County and then implement these studies by zoning of Scenic Corridors. The County also needs to prepare Scenic Highway Reports for collector roads within the rural portions of the County and implement the results of these studies with appropriate Policies.

6.41 **Equestrian Trails:** There is almost a complete lack of consideration of Equestrian Trails within the Draft EIR, the Proposed General Plan Policies and the Proposed RTP Policies. We need non-motorized trails for combined use by both pedestrians and equestrians within the rural areas of the County. Proposed General Plan Policy 4.27 for "a Pedestrian Master Plan... within established Community Boundaries" is not sufficient. There is a Multiuse Non-Motorized Trail Master Plan that was developed by a subcommittee of STAR. This plan should be incorporated into the General Plan. In addition, Impact #33 should include the word "equestrian" in the phrase "bicycle and pedestrian facilities", and the trails master plan should be included in Mitigation Measure #32. In rural regions of the County, easements should be required alongside all newly constructed or improved collector roads to provide for non-motorized trails. The General Plan Policies should include the addition of non-motorized trails to existing rural roads.

4.8 Air Quality and Climatology

Impact #36: "Buildout...will incrementally increase emissions from mobile sources." The DEIR considers this to be less than significant, assuming improved technology will result in air quality improving over time. This faith does not appear well advised, historically, your numbers notwithstanding. **6.42** **see #5.22**

Was air pollution from other domestic and industrial sources considered, such as air conditioning and heating, solvents, etc.?

4.9 Noise

Impact #34: Buildout of General Plan land uses and RTP road improvements would result in increase in noise level along roadways. This is considered to be a significant impact as proposed General Plan policies would not necessarily ensure that siting of plan-related land uses would not result in conflicts with noise regulations.

see #6.9

Impact #37: Revised Noise Element policy 9.11 reads, "Provide for ... through increased setbacks, landscaping, earthen berms, and solid fencing." The following sentence should be added. "The use of earthen berms and solid fencing shall be limited to Community Regions.". Dirt mounds or walls of any kind along side of a road are not appropriate for rural areas of the County.

Policy 9.11 stipulates that design controls including increased setbacks, landscaping, and barriers (berms or walls) would be provided to "assist in minimizing" impacts of future noise. As written, this policy would not necessarily ensure that significant noise impacts of future development would be mitigated.

Comprehensive Site Development Standards, identified in policy 1.17, shall also consider standards which provide transitions between uses and buffering and screening to mitigate adverse effect. However, as these standards have yet to be prepared, it is difficult to assess their effectiveness in minimizing noise impacts.

Regional Transportation Plan policies 1.1 and 2.2 would serve to reduce the impact of future land uses and roadway improvements, but not to a less-than-significant level.

4.10 Public Services and Utilities

Impact #42: NID's estimated ability to serve as many as 160,000 additional treated water customers (page 4.10-4 and page 4.10-12) will quickly evaporate if the State demands delivery of water to the Delta. The NID Master Plan shows a safe annual yield of 156,600 acre-feet, while the DEIR uses a figure of 220,000 acre-feet.

6.43
see #5.24

NID's shift in interest toward supplying treated water customers will probably be at the expense of agricultural deliveries (which now represent >80% of their water sales). Increasingly expensive irrigation water will be another disincentive to agricultural operations.

6.44
see #5.25

Re page 4.10-13, Mitigation Measure #38: "...undertake a Countywide aquifer study..." The Master Environmental Inventory, Section 4-2, Hydrology, states that "groundwater in the western area is not characterized by well-defined aquifers. The highly fractured characteristics create inconsistent groundwater characteristics." (page 4.10-6). Why undertake a Countywide aquifer study?

Wastewater systems

Page 4.10-16: The two paragraphs at the top of the page are a good summary of the septic systems in Nevada County. The need for the ST/LS study is again pointed out.

A significant comment is made in the last sentence of the second paragraph, "Generally, septic systems and leach fields are considered as only a temporary solution for medium to high density areas."

Pages 4.10-20: The projected average residential wastewater flows shown in Table 4.10-7 are high by a factor of 1.57 when compared to the existing wastewater flows shown in Table 4.10-6 on page 4.10-15.

6.45

A revised calculation using the data in Table 4.10-6 (using 2.5 people/EDU) came up with 97 gpd as the average flow per capita. Why use estimated data using 2/3 of the water flow when actual wastewater flows are available?

Parks and Recreation

Page 4.10-42 paragraph #1: The correct name is Western Gateway Regional Park and Recreation District. It should also state that the Western Gateway Regional Park and Recreation District operates an 80 acre park site in Penn Valley.

6.46

Page 4.10-42 paragraph #2 states that Western Gateway Regional Park and Recreation District has considerable undeveloped acreage which has not yet been improved due to lack of available funding. This is not true. This park facility has been engineered for the needs of the community. Every last "inch" does not need to be developed.

6.47

Relevant Plan Policies 5.1-5.23: Throughout these policies there are assumptions that the County should and will get into the Park and Recreation business. This would be in direct opposition to the wishes of Western Nevada County voters. By past elections, the voters

Public Services and Utilities continued

have not been interested in creating more county bureaucracy. Policy 5.2 does support the formation of local park districts, which is what the voters do want.

- 6.48** Impact #50 does not mention the current need for 236 acres of park land. It also depends on County involvement in Parks and Recreation to make the growth less than significant. This is not practical.

6.49

Schools: The projected school population increasing from 17,337 to 25,769, together with present overcrowding in some schools, indicates a need for further mitigation measures.

- 6.50** There is a considerable lag time for both the financing and construction of new facilities. Recent local High School General Obligation Bonds have been defeated, state building funds are very limited, developer impact fees are lagging, and possible Mello-Roos bonds are uncertain. How would money be acquired for construction if this negative trend continues? Demographics, to a degree, dictate school site selection. The County needs to conduct a dedicated School Demographics Study.

6.51

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - LAHONTAN REGION

2092 LAKE TAHOE BOULEVARD
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(916) 542-5400 FAX (916) 544-2271



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JAN 17 1995

NEVADA COUNTY
PLANNING DEPARTMENT

RECEIVED

JAN 23 1995

HARLAND BARTHOLOMEW
SACRAMENTO, CA

January 13, 1995

Tom Miller
Nevada County Planning Department
950 Maidu Avenue
Nevada City, CA 95959

Dear Mr. Miller:

COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT (EIR), NEVADA COUNTY GENERAL PLAN, SCH # 91032019

Staff of the Lahontan Regional Water Quality Control Board (RWQCB) have reviewed Nevada County's General Plan Draft EIR. The "project" consists of the General Plan, the 1994 Regional Transportation Plan (RTP), and amended zoning regulations and maps. The Proposed Action would more than double the present population of the County, but would result in a lower buildout population than the existing (1980) General Plan. Most growth would be directed to designated "Community Regions", and limited growth would occur in "Rural Regions". Within the Lahontan Region, the Town of Truckee's sphere of influence would be designated a Community Region with a projected buildout population of 35,630. Lands outside of Truckee would be a Rural Region with the community of Hirschdale as a "Rural Place". The proposed action includes policies which encourage clustered development and call for the adoption of Countywide site development standards to mitigate impacts of new growth on sensitive environmental resources such as wetlands, flood plains, and high erosion hazard soils. The draft EIR identifies a variety of potentially significant impacts of the proposed action and recommends a "Mitigated General Plan" alternative which requires clustering and includes specific guidance for the pending site development standards. Most water-related impacts under this alternative are said to be mitigated to less than significant levels, except for increased demand on surface and ground water supplies. The EIR is programmatic and is not meant to serve as a project level environmental document for any specific activities under the new General Plan.

We are concerned only about provisions of the General Plan which affect the portion of Nevada County within the Lahontan Region (i.e., those within the Truckee River and Little Truckee River watersheds, east of the Sierra Nevada crest). The RWQCB will not be issuing any permits as a direct result of General Plan adoption. However, the RWQCB is a "trustee agency" under the California Environmental Quality Act (CEQA) for potentially affected surface and ground waters. Staff's comments on the draft EIR are as follows:

General Comments

The EIR identifies the Mitigated General Plan (Alternative 4) as the environmentally superior action alternative. Lahontan RWQCB staff agree that this alternative provides the greatest protection for water quality and beneficial uses, and would support its adoption and implementation with the additional needed changes noted in our specific comments below.

Alternative 4 includes a number of very constructive measures to protect and enhance water quality and beneficial uses, and related sensitive resources such as riparian vegetation and erosive soils. The County is to be commended for considering proposed Policy 11.4, which directs it to:

"Cooperate with State and local agencies in efforts to identify and reduce to acceptable levels all sources of existing and potential point and non-point source pollution to ground and surface waters, including leaking fuel tanks, discharges from storm drains, auto dismantling and dump sites, sanitary waste systems, parking lots, roadways, logging and mining operations".

The Truckee River watershed is one of our highest priorities for "watershed planning" to identify and remediate water quality problems, and ensure needed watershed restoration. County cooperation will be essential in this effort.

Our major concern with the EIR can be summarized as its failure to recognize and mitigate the impacts of potential conflicts with the RWQCB's waste discharge prohibitions for the Truckee River and Little Truckee River watersheds. Particular problems are discussed in our specific comments below.

Specific Comments

- 7.1** 1. The target year for buildout and full plan implementation is not clear from the EIR. Timing could be important in providing mitigation for impacts related to domestic water supply, wastewater treatment capacity, and solid waste disposal capacity.
- 7.2** 2. (page 2-12, third full paragraph) The last sentence should refer to limitation of "minimum subdivision parcel size", rather than "maximum" in relation to water and sewage disposal standards.
- 7.3** 3. (pages 3-17 and 4.7-16) The RTP's Road Improvement Summary includes the proposed widening of State Route (SR) 89 from two to four lanes between the Placer County line and Interstate 80. This would include a road segment which parallels the Truckee River. The potential water quality impacts of this recommendation are not adequately addressed in the EIR. It appears to conflict with other proposed plan provisions such as setbacks from stream corridors, flood plains and riparian vegetation. The RWQCB implements prohibitions against discharges or threatened discharges of waste earthen materials to surface waters and 100 year flood plains of the Truckee River and Little Truckee River watersheds (see Comment 8 below.) Although the exemption criteria for the flood plain prohibitions may allow

construction of transportation facilities in regional transportation plans, specific mitigation measures apply, and avoidance is preferable to mitigation. The final EIR should recognize this potentially significant conflict and consider alternatives to widening SR89 such as greater use of transit and transportation management in this area. Without such an analysis, we cannot agree with the EIR's conclusion that transportation impacts can be mitigated to less than significant levels.

4. (page 4.1-26) The recommended mitigation for plan impacts on open space includes formation of an Open Space District and an Open Space Authority to acquire and generate funds for acquisition of open space lands, particularly those which contain unique, valuable or sensitive resources. We suggest that these entities also be designed to serve as mitigation banks which could provide funds for the restoration and enhancement of wetlands and watersheds in coordination with mitigation for new development allowed under the General Plan. 7.4

5. (page 4.3-7) The discussion of surface water quality focuses on the results of a 1974 Department of Water Resources (DWR) study of the western portion of the County. More recent information is also available for the eastern portion. The Lahontan RWQCB has designated the Truckee River and several tributaries, including Donner Lake, as impaired "water quality limited segments" under Section 303(d) of the federal Clean Water Act due to elevated levels of metals and/or toxic organic substances in fish tissue sampled under the State Water Resources Control Board's Toxic Substances Monitoring Program. RWQCB staff are currently sampling a number of Truckee River stations to determine the extent of problems related to sediment, nutrients, and ambient metals. 7.5

6. The water quality section (page 4.3-8) discusses the roles of RWQCBs mainly in reference to National Pollutant Discharge Elimination System (NPDES) permits. In addition to such permits, RWQCBs may issue and enforce waste discharge requirements under state law, participate in the state Water Quality Certification process, and set water quality standards and waste discharge prohibitions. 7.6

7. The EIR's water quality discussion should also address impacts of the General Plan on compliance with the RWQCB's water quality standards and waste discharge prohibitions related to wastewater disposal and 100 year flood plain disturbance in the Truckee River watershed, and cross-reference relevant information in other sections. (See Specific Comments 8,10, 11 and 23, below.) 7.7

8. (pages 4.3-11 and 4.3-12, pages 2-15 and 2-17) The final EIR's discussion of flood plain impacts (and the final General Plan policies) should recognize the Lahontan RWQCB's waste discharge prohibitions and exemption criteria for the Truckee River and Little Truckee River watersheds, which were referenced in our response to the Notice of Preparation. The prohibitions preclude fill within all 100 year flood plains of these watersheds, whether or not they have been mapped by federal authorities; the RWQCB may require flood plain mapping by a qualified consultant as part of a project application. Elevation of flood plain structures above the flood level, as proposed on page 4.3-12, does not constitute compliance with the prohibitions. Waste 7.8

discharge prohibitions are regulations with the force of law, and are also considered part of our water quality standards. Noncompliance should be considered a significant impact. Please note that our exemption criteria are for public projects or private projects which provide public benefits such as recreation; exemptions are not available for residential and most commercial projects. The recommended "Other Mitigation Measures" on pages 4.3-12 and 2-15 should be qualified by references to the RWQCB's prohibitions and exemption criteria for the Truckee River watershed.

- 7.9**
9. (page 4.3-14) The proposed "Maximum Impervious Surfacing" limits include 5% for Water Areas. Elsewhere, the EIR indicates that the "Water Area" General Plan Designation is for open water bodies. Does the 5% figure include proposed allowable wetlands disturbance? (Wetlands are considered surface waters of the State.)
- 7.10**
10. (page 4.3-17) The discussion of septic system impacts should recognize the RWQCB's waste discharge prohibitions and exemption criteria for septic system discharges in part of the Truckee River watershed in Nevada County, and its regionwide septic system density limits, which apply to the portion of eastern Nevada County east of the prohibition area. This information was referenced in our response to the Notice of Preparation. The Central Valley RWQCB may also have septic system prohibitions applicable in the western part of the County. RWQCB staff have discussed the implications of septic system use for clustered development with staff of Nevada County and the Town of Truckee. Compliance with septic system exemption criteria would need to be evaluated on a project by project basis.
- 7.11**
11. (pages 4.3-18 and 2-17) Proposed mitigation measures for septic system impacts would prohibit septic systems and leachfields within the 100 feet of all natural waterways and within 100-year flood plain but would allow limited fill in flood plains. It is not clear what fill in flood plains has to do with septic systems. In any case, such fill within the Lahontan RWQCB's jurisdiction would be in conflict with the waste discharge prohibitions referenced in Specific Comment 8, above.
- 7.12**
12. (pages 4.4-14 and 4.4-15) Wetlands are discussed as biotic resources, under the heading "Sensitive habitats and Important Habitat Features". The first paragraph on page 4.4-15 should be changed to reflect the fact that wetlands are waters of the State as well as of the United States, and that State Water Quality Certification under Section 401 of the Clean Water Act is required for U.S. Army Corps of Engineers (COE) permits for disturbance of wetlands. The State Water Resources Control Board has denied the application of most COE "Nationwide Permits" within California. In particular, the Section 26 permit, which applies to disturbance of "headwaters", is not in effect. (See Comment 14 below.) Wetlands are considered surface waters, and surface water quality standards apply. The Lahontan RWQCB's new *Water Quality Control Plan for the Lahontan Region* (Basin Plan), which may take effect by March 1995, includes specific beneficial use designations for the wetlands of the Truckee River and Little Truckee River watersheds, and new language on the RWQCB's policies for protection and restoration of wetlands. To the extent that wetlands of the Truckee River and Little Truckee River watersheds are also 100 year flood plains, the flood plain discharge prohibitions and exemption criteria also apply.

13. (page 4.4-15) In the second paragraph under the heading "Stream and Riparian Corridors", "water pollution" is included by implication in a list of "improvement activities" which have disrupted riparian corridors. We do not consider pollution to be an "improvement". **7.13**
14. (page 4.4-31) The EIR analyzes and proposes to mitigate General Plan impacts on "significant" wetlands (defined as jurisdictional wetlands larger than one acre). Because of their scarcity, and the sensitivity of the environments in which they occur, even small wetlands of the Lahontan Region can have significant ecological functions, and the cumulative impacts of disturbance of such wetlands, both on wetland functions and on downstream waters, can also be significant. The State of California currently reviews and considers mitigation requirements and Section 401 certification for all proposed wetland disturbance because of the noncertification of the COE Section 26 Nationwide Permit referenced above. The RWQCB's new Basin Plan includes a commitment to work with local governments, the COE, and other concerned agencies to coordinate and streamline the wetlands permitting process. We look forward to working with Nevada County toward wetlands protection and restoration. **7.14**
15. (page 4.10-12) The EIR projects domestic water demand for the Truckee Community Region at buildout at 10,075 acre feet per annum (afa). Water demand has been estimated based on current per dwelling unit usage; it does not appear that flow needs have been factored into the total figure. The final EIR should consider cumulative impacts of eastern Nevada County demand together with potential domestic water demands from growth in Placer and Sierra Counties on the limited supplies legally available within the California portion of the Truckee River watershed under Public Law 101-618. The limit applies to diversions from all sources, including ground water. Placer County will also be increasing its demands on the Martis Valley aquifer. If it appears that the PL 101-618 limit may be exceeded, mitigation measures should be proposed. Any proposals for greater use of reclaimed wastewater in the Truckee River watershed must consider the RWQCB's 9 mg/l nitrogen limitation discussed in Comment 17 below. **7.15**
16. (pages 4.10-16 and 4.10-17) In its discussions of the Tahoe Truckee Sanitation Agency (TTSA), and the Donner Summit Public Utility District, the EIR cites the increased number of connections which could occur if the Lahontan RWQCB issues orders requiring connection of existing septic tank subdivisions, and the expectation that such sewerage will be required within 5-10 years. (The Donner Summit Public Utility District is within the jurisdiction of the Central Valley RWQCB; the reference to Lahontan RWQCB policy should be moved up to the TTSA discussion.) While our new Basin Plan assumes that many existing lots currently approved for septic system use will eventually be sewerage, the Lahontan RWQCB has no current plans to issue orders requiring sewerage within any specific schedule. A RWQCB mandate for sewerage of existing subdivisions would require adoption of Basin Plan amendments setting "zero discharge" prohibitions for these areas, not a simple order. **7.16**

17. (page 4.10-19) The EIR projects a 5.9 million gallons per day (mgd) increase in wastewater flows within the Truckee Community Region as a result of growth under the General Plan. Recommended mitigation includes user fees and a comprehensive County development impact fee program.

The RWQCB's Basin Plan includes a prohibition of discharges of wastewater with an average total nitrogen concentration greater than 9 milligrams per liter (mg/L) to waters of the Truckee River and Little Truckee River watersheds. The 9 mg/L limit reflects the level of nitrogen removal which can be achieved by TTSA's tertiary wastewater treatment facilities. This prohibition has the effect of requiring the same level of nitrogen removal at an expanded TTSA treatment plant, or any new treatment plant in these watersheds. The final EIR should recognize this limit, and planning for the recommended development impact fee program should take the cost of tertiary wastewater treatment into account.

7.17

18. The EIR does not consider potential water quality impacts of extensive vegetation clearing to provide fuel breaks around homes and subdivisions, particularly in erosion prone areas. In addition to increasing erosion, vegetation removal impairs vegetative uptake of nutrients from precipitation and surface runoff, and, by increasing soil temperatures, may increase release of stored nutrients to ground water by soil microorganisms. Planning of site development standards for fire safety should take these impacts into account (page 4.10-37) Requirements for fuel reduction should allow alternative solutions which will protect soils and water quality such as revegetation with less flammable species; irrigation of vegetated fuel breaks, and use of mulch to retain litter moisture.

7.18

19. The cumulative impacts discussion (pages 5-3) and the text associated with specific impact categories should recognize cumulative water quality-related impacts of growth in Nevada County on the Truckee River system together with those of growth in the Placer County and Sierra County portions of the watershed, and activities on National Forest lands. For example, the new Placer County General Plan is proposing a buildout population of 14,000 in Martis Valley. Together with the projected increased population in Truckee, this increase will have significant cumulative effects on domestic water supply and wastewater treatment capacities. If development under the General Plan lowers water quality of the Truckee River in California, this will also cumulatively affect uses of the river in Nevada.

7.19

20. (Appendix A, page 41) Proposed General Plan Policy 3.19 should reference the RWQCB discharge prohibitions, exemption criteria, and density limits as factors which limit lot size for septic tank use.

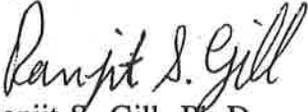
21. Proposed General Plan Policy 4.38 (Appendix A, page 53) directs Nevada County to "Encourage Caltrans' efforts to reduce impacts to vegetation, wildlife and water quality through the use of salt substitutes, or other environmental compatible materials for road de-icing". Policy 4.37 mandates continued use of environmentally sound practices in County road maintenance. The final EIR should also recommend that site development standards include proper siting and maintenance of snow storage and disposal areas, and should encourage the use of salt substitutes on private roads, driveways, and parking lots. **7.20**
22. As an incentive for affordable housing, proposed General Plan policy 8.4.f (Appendix A, page 67) would consider multifamily dwellings of up to 24 units to be "ministerial" under CEQA, precluding preparation of environmental documents for these projects. We disagree with this approach unless a complete programmatic environmental analysis of the impacts of this designation in specific locations, and mitigation of impacts, are provided as part of the final EIR. Because of the sensitivity of the Truckee River watershed, the RWQCB may wish to issue waste discharge requirements for larger multifamily housing projects in that area. If the County considers these projects ministerial, the RWQCB would have to assume CEQA lead agency responsibility and prepare an environmental document before acting on a permit. This would negate the County's purpose of expediting affordable housing construction. (Similar problems have arisen with respect to proposed RWQCB permits for commercial projects in the Lake Tahoe Basin which Placer County considers ministerial.) The RWQCB is a "single purpose" agency without staff expertise to analyze some impact areas such as air quality and cultural resources, and without authority to mitigate such impacts. Mitigation in these areas would be better provided by the County. We also have no funding available for staff time involved in CEQA document preparation for projects proposed by other parties. Even if funding were provided by the applicant, staff time would need to be diverted from other high priority work. We urge the County to work with "Community Regions" to identify preferred affordable housing areas and then to do a detailed "Master EIR" CEQA analysis before declaring housing in such areas to be ministerial. **7.21**
23. Proposed General Plan Policy 17.22 (Appendix A, page 102) would allow aggregate extraction in rivers and flood plains provided that CEQA compliance occurs. The impacts of this policy are not adequately addressed or mitigated in the draft EIR. Within the Truckee River watershed, the Lahontan RWQCB's waste discharge prohibitions against discharges or threatened discharge of waste earthen materials to surface waters (in effect since 1967) and to 100 year flood plains (in effect since 1975) would essentially preclude aggregate mining on such sites. Adoption of this policy without qualification would encourage violation of state regulations. The final EIR should recommend a revised policy qualified with reference to the Truckee River watershed. **7.22**

Tom Miller

-8-

Please contact Judith Unsicker at (916) 542-5417 if you wish to discuss these comments.

Sincerely,



Ranjit S. Gill, Ph.D.
Chief, Planning and Toxics Unit

Enclosure

cc: Regional Board members
Michael Chiriatti, State Clearinghouse
Region 5, Sacramento

JEU/sh10-nvcoplan

Notice of Completion

Form A

See NOTE below

Mail to: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 916/445-0613

SCH # 91032019

Project Title: NEVADA COUNTY GENERAL PLAN - FINAL DRAFT

Lead Agency: Nevada County Planning Department

Contact Person: Tom Miller

Street Address: 950 Maidu Avenue

Phone: (916) 265-1440

City: Nevada City, CA

Zip: 95959

County: Nevada

Project Location

County: Nevada

City/Nearest Community: N/A

Cross Streets: N/A

Zip Code: Total Acres:

Assessor's Parcel No.

Section: Twp. Range: Base:

Within 2 Miles: State Hwy #:

Waterways:

Airports:

Railways:

Schools:

Document Type

CEQA:

NOP

Early Cons

Neg Dec

Draft EIR

Supplement/Subsequent

EIR (Prior SCH No.)

Other

NEPA:

NOI

EA

Draft EIS

FONSI

Other:

Joint Document

Final Document

Other

Local Action Type

General Plan Update

General Plan Amendment

General Plan Element

Community Plan

Specific Plan

Master Plan

Planned Unit Development

Site Plan

Rezone

Prezone

Use Permit

Land Division (Subdivision, Parcel Map, Tract Map, etc.)

Annexation

Redevelopment

Coastal Permit

Other Zoning Ordinance Amendment

Development Type

Residential: Units

Acres

Office: Sq.ft.

Acres

Employees

Commercial: Sq.ft.

Acres

Employees

Industrial: Sq.ft.

Acres

Employees

Educational

Recreational

Water Facilities: Type

MGD

Transportation: Type

Mining: Mineral

Power: Type

Watts

Waste Treatment: Type

Hazardous Waste: Type

Other:

Project Issues Discussed in Document

Aesthetic/Visual

Agricultural Land

Air Quality

Archeological/Historical

Coastal Zone

Drainage/Absorption

Economic/Jobs

Fiscal

Flood Plain/Flooding

Forest Land/Fire Hazard

Geologic/Seismic

Minerals

Noise

Population/Housing Balance

Public Services/Facilities

Recreation/Parks

Schools/Universities

Septic Systems

Sewer Capacity

Soil Erosion/Compaction/Grading

Solid Waste

Toxic/Hazardous

Traffic/Circulation

Vegetation

Water Quality

Water Supply/Groundwater

Wetland/Riparian

Wildlife

Growth Inducing

Landuse

Cumulative Effects

Other

Present Land Use/Zoning/General Plan Use

N/A

Project Description

SEE ATTACHED



CLEARINGHOUSE CONTACT: Michael Chiriatti (916) 445-0613

STATE REVIEW BEGAN: 12-1-94

DEPT REV TO AGENCY: 1-9

AGENCY REV TO SCH: 1-13

SCH COMPLIANCE: 1-17

PLEASE NOTE SCH NUMBER ON ALL COMMENTS

PLEASE FORWARD LATE COMMENTS DIRECTLY TO THE LEAD AGENCY ONLY

AQMD/APCD: 21 (Resources: 12, 3)

("S" = sent by lead / "*" = sent by SCH)

Handwritten notes and stamps on the right side of the page, including 'with comments' and various agency initials like 'Resources', 'Conservation Fish & Game', 'Parks & Rec/OHP', 'DWR', 'Caltrans', 'Energy Comm', 'MAHC', 'Santa Mn Mtns', 'State Lands Comm', 'Tahoe Rgl Plan'.

January 11, 1995

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#8

JAN 17 1995

TO: PLANNING COMMISSION

RE: E.I.R. Recommendations to General Plan

NEVADA COUNTY
PLANNING DEPARTMENT

We are writing in regards to the E.I.R. draft to the General Plan, we feel the E.I.R. recommendations are based on negative growth input groups wanting no changes. We don't feel the input they received shows a true picture of our area involving our G.P.D. How they can possibly make a broad decision to recommend 20 acre minimums for an area without looking into or studying the plans involved is beyond reason. It's easier to recommend something like that than to deal with the individual requests who they dismiss with the stroke of a pen.

8.1

We live in a area or community of small parcels 1.9 to 3 acres surround us. Behind us is the Yuba River some 3 miles down the canyon. The area is a mix of U.S. Forest property and private property. The small parcels are much easier to maintain with respect to keeping healthy trees and fire prevention. We are 9 miles outside of Nevada City which is a 10 minute drive, that is no more than most outlying communities in and around Grass Valley and Nevada City in relation to travel time into town.

When we moved here and developed our land in 1985 we did so by applying for all permits and under the inspections and approvals of the Planning Department and Building Department. We have obtained a Home Occupation permit back in December 1990 for our shop building that fronts State Highway 20, and have operated a Craft store under the Home Occupations strict guidelines. My husband and I are self-employed, small business people with our hands tied. We are unable to do anything with our shop or land to escalate to anything bigger. The E.I.R. recommendations for 20 acre minimums completely dashes any hopes we had for any future business. It also deprives us of the Democratic process to even apply for a rezone or possible split for the best use of our land. I hear it's based on information relating to the deer migration.

I would like to say when we first bought here we would see a occasional deer. We came from a ranch and I put a water trough out and a salt block for them. The numbers have never really changed much during the summer about 2 to 6 may be seen in the evening. But by winter those numbers fall to 1 or 2 and they do not stay, as soon as the snow gets too deep they do not come back even though I put grain out for them. They don't return until April or May from the lower elevations. The mountain lions and bear keep their numbers thinned and the highway in front takes a high toll, but the people living here do not bother them - most feed them. Note these people live on small parcels the deer don't seem to mind.

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HARLAND BARTHOLOMEW
SALINAS, CA

I don't see as how its any different than the deer herds in the Lake Wildwood or Lake of the Pines areas people haven't run them off.

We had a Environmental report done in 1992 when we did selective logging on 6 acres to remove diseased trees and thick growth thinning to allow more room for younger healthier trees. No adverse information on either wildlife, biological, soil or visual involvement resulted from our cutting. On the property adjoining ours which is uninhabited dead trees are lying across other trees, trails we used to be able to walk are blocked by downed trees and brush, this is all within 8 years and now that property is no longer traversible due to neglect. What used to be a beautiful walk in a forest is now a tree littered mess that does not get cleaned up by uncaring or unable property owners. What people see as they drive along the highway and think they have to preserve is not always a true picture of what is really happening to the forest. The people buying and building are the ones who are cleaning up and caring for the forest. I don't see the Environmental groups or RQC out here cleaning and helping to maintain forest land that they feel they have so much right to make decisions and recommendations about its uses.

All we ask is to please review our request based on the facts we provide as tenants and care takers of the land in controversy. We are not adding any new impacts or people in our request - whats here is all there will ever be.

Thank you for taking the time to read our letter and we can only hope you will look fairly at our side too and not just take the E.I.R. report as fact. They have a lot of incorrect information in making their recommendations for this area.

Thank you

Frank and Lana Van Hoesen
22600 Highway 20 East
Nevada City, CA. 95959

January 16, 1995

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HARLAND BARTHOLOMEW
SACRAMENTO, CA

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JAN 17 1995

NEVADA COUNTY
PLANNING DEPARTMENT

The Planning Commission
County of Nevada
Eric Rood Administration Building
950 Maidu Avenue
Nevada City, CA. 95959-8617

Re: The Draft Nevada County General Plan - Draft Environmental Impact Report

To Whom It May Concern:

The draft environmental impact report does not have the ability to deal with existing deficiencies and, therefore, cannot realistically quantify the significant impact of increased population, particularly on areas of the county that have already reached or surpassed limits of acceptability. Of course, a term such as limits of acceptability is relative and differs from individual to individual, and that is where the draft environmental impact report also comes up short. The report relies on thresholds, state regulations, and county regulations to determine acceptability. Not once did I see mention of the notion of leading the state with the highest standards of environmental quality or to be a role model. Instead, I was left with the impression that standards were being lowered and deemed acceptable if they met with state standards. I feel that the people who already live in this county have a right to maintain a high quality of life that does not depend upon standards already shown not to work in other overcrowded, underfinanced counties around the state.

9.1

Table 3-1 looks at central themes such as fostering a rural quality of life, sustaining a quality environment, and development of a strong, diversified, sustainable local economy. Yet, I see those exact qualities being taken away from me and every person who already lives in this county. For example, the draft environmental report indicates that increased PM-10 emissions is seen as a less than significant impact. The information in the report is misleading. First, air quality was not monitored at the most severely polluted or populated areas (i.e. Glenwood Basin). Second, it is mentioned that General Plan policies will include alternatives to outside burns and control measures to reduce pollutant emissions from open burning. I would like to know what policies are being considered and would like to see them established and functioning rather than merely mentioned as a possibility. As we all know there is no room in the landfill, and that is another can of worms I won't discuss further, as it is so well recognized. Regarding services provided by the county, as an example, it is mentioned in the report that a need for increased library services is less than significant because General Plan policies ensure adequate library facilities to serve new population growth. However, our library services and funding for libraries have already been decreased in this county, as well as other services that the draft environmental impact report ensures will be adequate. Can we not strive for better than adequate? Let's search for other means of increasing the services provided to us without promoting enormous population growth.

9.2

9.3

Another area that is not covered in the draft environmental impact report is cumulative impacts. Many areas of the county experienced so much development recently, it would be deleterious to add more growth in those same areas.

9.4

Appendix VI - CEQA Guidelines and Discussion, Guide to California Environmental Quality Act (CEQA), 1993 Edition, Remy et al., Pg. 647" Article 20. Definitions, #15355 - "Cumulative impacts refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. (a) The individual effects may be changes resulting from a single project or a number of separate projects. (b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time."

I will speak for my own neighborhood, which is considered Grass Valley and Nevada City Area in General Plan discussions. Glenwood Road has been the focus of considerable attention recently, as I am sure you are aware, because of a planned urban, medium density development. This is the perfect example of an area that has experienced decreased quality of life from significant cumulative impacts.

Many of my neighbors on Glenwood Road have been recently impacted by the Fowler Center. Instead of a wetland area, they have a barbed wire fence directly in back of their houses. Don't kid yourselves, there is a great difference in noise level, traffic, and garbage along the street since this Center was developed. In addition, my backyard neighbor is directly across from the building site of Sierra College. What was open space less than one year ago is now graded and awaiting additional funding to finish this most significant and major development. The noise is so loud some days, I feel they have actually invaded my backyard. Believe me, we have not yet begun to feel the impacts from traffic, noise, and crime that await us when the college opens up.

These two projects are just examples of significant cumulative impacts that have been suffered by our Glenwood neighborhood. Why aren't significant cumulative impacts addressed in the draft environmental impact report?

During the recent hearings regarding the Glenwood Pines project, Jim Carney stated in an article in The Union on August 19, 1994 "It is exactly the type of direction that addresses the need here." As a constituent, I would like to say that I don't think building urban medium density housing projects extending from the most overpopulated areas of the county is the direction this county should be taking.

The county should be doing everything in its power to preserve the natural, open space that attracts tourism and allows us to live in a healthful community. As mentioned above, we should be striving to set an example and be a model of environmentalism, rather than stooping to meet state standards.

Sincerely,



Sherry Davis
10653 Glenwood Road
Grass Valley, CA. 95945

DEPARTMENT OF FISH AND GAME

REGION 2
1701 NIMBUS ROAD, SUITE A
RANCHO CORDOVA, CA 95670

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NEVADA COUNTY
PLANNING DEPARTMENT

(916) 355-7020

January 11, 1995

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JAN 23 1995

HARLAND BARTHOLOMEW
SACRAMENTO, CA

Mr. Thomas Miller, Acting Planning Director
Nevada County Planning Department
950 Maidu Avenue
Nevada City, California 95959-6100

Dear Mr. Miller:

The Department of Fish and Game (DFG) has reviewed the Draft Environmental Impact Report (EIR) for the Final Draft Nevada County General Plan.

We concur with conclusions in the Draft EIR concerning impacts associated with water quality, stream, wildlife, and vegetative resources as a result of implementation of the Final Draft General Plan. Imprecise and non-mandatory implementation of many policies of the Final Draft General Plan will continue to result in impacts that are not reduced to levels less than significant. The lack of strong and discrete policies will also result in the inability of the General Plan to achieve the plan's basic philosophy and many goals and objectives.

Only with incorporation of many of the additional mitigation measures as suggested in the Draft EIR can impacts to natural resources be substantially reduced and objectives of the General Plan be met. We recommend that "Other Mitigation Measures" as identified in this Draft EIR including #1, #5, #9, #11, #12, #14, #16, #17, #18, #19, #21, and #22 be incorporated into the Final EIR and the Final General Plan. These measures resolve many issues addressed in prior correspondence by the DFG.

We know of no other measures that can provide substantial mitigation to the county's fish, wildlife, vegetative and water quality resources other than those that endorse principles of mandatory clustering, protection of, and specific setbacks to critical environments and large parcel sizes. The "Other Mitigation Measures" we have identified embody these principles. Nothing in the record demonstrates otherwise.

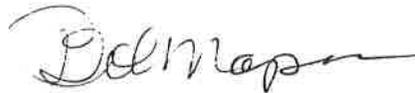
Incorporation into the Final General Plan of the suggested mitigation measures in the Draft EIR will also require modification of land use maps, thus insuring internal consistency.

Mr. Thomas Miller
January 11, 1995
Page Two

Finally, we do not see that the written record provides any specific social, economic, or other findings that will support the many statements of overriding consideration that will be necessary to certify this Draft EIR.

Thank you for the opportunity to review this project. If the DFG can be of further assistance, please contact Mr. Jeff Finn, Associate Wildlife Biologist, telephone (916) 477-0308 or Ms. Cindy Chadwick, Environmental Services Supervisor, telephone (916) 355-0267.

Sincerely,



for

L. Ryan Broddrick
Regional Manager

cc: Mr. Jeff Finn
Department of Fish and Game
Rancho Cordova, California

Ms. Cindy Chadwick
Department of Fish and Game
Rancho Cordova, California

Page 1

January 16, 1995

From: Amos Seghezzi
Nevada County Planning Commissioner, District One

To: Tom Miller
Nevada County Planning Director

Subject: Comments on the DEIR of the General Plan

After listening to the public at our last meeting, many of my concerns about the DEIR were validated. I believe the DEIR is a document that needs some fine tuning and some rewrites to make it a more realistic document. The task of the Planning Commission is to review carefully, the contents of the Draft Environmental Impact Report, even if it at times means checking the definition of each word, both for impact and interpretation.

I have been on the Commission for ten years now. We produced a very workable plan back in July 1993. The General Plan subsequently was used as a political tool by a vocal minority. I am charged with looking out for the whole community, not just a narrow, energized, vocal few..

I have studied carefully each of the proposed mitigation measures. Some are worthy , some need modification, and some need to be removed because they are unworkable or just not feasible.

For reference purposes, I've used the mitigation numbers from the Draft EIR in sequence, along with my comments on each.

By law, we are not allowed to be capricious. We have legal guidelines we must follow, not the least of which is provided by the California Environmental Quality Act, or CEQA. While some people tell us they want a very specific general plan which mandates many things, and proscribes many others, CEQA Section 15146(a) says "Some activities such as the adoption of local general plans may deal with issues on a level of broad generalities." I believe CEQA is guiding us to provide a broad spectrum of opportunity, while still allowing us to be protected.

CEQA says the best way to do that is to use "Suggested Mitigations" wherever possible. Mitigation can legally be used only as a form of protection for

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HARLAND BARTHOLOMEW
SACRAMENTO, CA

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NEVADA COUNTY
PLANNING DEPARTMENT

the general community, they cannot, and should not be used to espouse a philosophy.

Recent Court decisions grant the county protection by saying we need not ensure perfection, but must strive for adequacy, good faith and completeness. Whatever is done will have an effect on the environment, but CEQA Section 21083(c) tells us to look for "The environmental effects of a project (that) will cause substantial adverse effects on human beings, wither directly or indirectly." People count, and they and their needs must be considered in any document or deliberation regarding Nevada County's environment.

Court cases say CEQA asks for a balance of benefits. In other words, look at a proposed project's unavoidable environmental risks. If the proposed project outweighs the unavoidable adverse environmental effects, then the adverse environmental effects may be considered acceptable. This view is applicable in certain mitigations throughout the DEIR. I want Nevada County to remain the beautiful place it has always been. However, opportunities for people to live and prosper without a horrendous amount of governmental interference must be considered. I believe we can have both a wonderful environment and a chance for people to prosper in Nevada County.

MITIGATION #1

This mitigation is the center piece of the DEIR. Most of the other recommendations are connected to this mitigation. I believe that the present language in the General Plan is sufficient to address the "concerns" of the DEIR writer. This rewrite of Policies 1.17 and 1.18 are saying the same things but in a different way. If, however, the Commission feels that this mitigation should remain, I offer the following suggestions. I have married some of the verbal comments at the hearing as well as some written comments I have received from many other sources from both sides of the argument.

- 11.1** In Policy 1.17, substitute "a flexible" for "and adopt" in Line one, then reword the remainder of the paragraph to include "These standards will be applicable to all development projects to provide a consistent approach for addressing..."
- 11.2** The word "flexible" should then be substituted for "specific" in the first line of the second paragraph.

- 11.3** Paragraph Three ((The standards shall...)) should have the last line read "...development on environmentally sensitive resources such as: "

The following bulleted items should be shortened thus:

- Wetlands;
- Important deer habitats;
- Landmark oaks’
- Landmark groves;
- Rare and endangered species;
- Riparian corridors;
- Significant cultural resources, as defined by Appendix K of CEQA;
- Flood plains, as defined by FEMA;
- Important agricultural lands;
- Significant mineral areas;
- Earthquake faults;
- Avalanche hazard;
- Steep slopes (30+%);
- Areas with high erosion potential.

Those suggested changes allow us to retain local control.

Paragraph Four (Where such resources) and all of its bulleted items should be removed. CEQA already mandated these items for the initial study and other documents.

11.4

Then in Paragraph Five, remove “only” after the words “discretionary permit.”

11.5

POLICY 1.18

Before proposing changes here, it is necessary to read Policy 13.1 of the Proposed general Plan because, somehow, the consultant omitted the full meaning of “clustering” as defined by the policy. When one reads Policy 13.1 it becomes evident that it fully addresses my concerns regarding clustering.

Now in Paragraph One, remove “shall be required” and replace it with “are encouraged.” Earlier votes by both the Board of Supervisors and this Planning Commission went against the concept of required and mandated clustering. Still in the first paragraph, replace “in order to maintain” with “in order to encourage.” or some other flexible language.

11.6

In Paragraph Two, remove “shall be mandatory” and replace with “is encouraged.” Clustering may not be desirable in some instances.

see #7.2

- 11.7** Change “maximum” in Paragraph Four to “minimum,” then delete the whole fifth paragraph. Open space is desirable, but not desirable if the cost county taxpayers will bear if court cases such as *Tigard v Dolan* force the county to become liable for purchase, or maintenance of open space for public purpose.
- 11.8**
- 11.9** If Paragraph Six is to be kept in its present form, then it needs the addition of a density bonus.

MITIGATION #3

- 11.10** Consider omitting this mitigation, in that Uniform Building Code (UBC) covers these very same seismic issues.

- 11.11** MITIGATION #4 issues are very volatile. I suggest leaving the Mineral Management Element alone as was directed by this Commission and the Board of Supervisors. The MME is a very workable document.

MITIGATION #5

- 11.12** Although FEMA’s flood plain maps for Nevada County aren’t completely accurate, their regulations, and the UBC, currently provide more-than-adequate guidelines. Further protection is provided by the county’s grading ordinance.
- 11.13** The second paragraph speaks to utility placements, but provides no evidence that a utility can’t safely exist in a 100-year flood plain. There is no mention whether we’re speaking of above-ground, or sub-surface utilities, and would
- 11.14** somebody explain why the words “coastal inundation areas” are included in a Draft EIR covering Nevada County?

- 11.15** Paragraph Three appears superfluous in light of the UBC for building in flood plains.

MITIGATION #6

- 11.16** Two basic things wrong here; 100 percent detainment of runoff may be desirable but is it impossible? Do we create a planner’s nightmare by creating retention ponds that later can be termed “wetlands?” Also unanswered is, are we talking about 25-year or 100-year rains? Apparently not considered are current downstream facilities, nor properly sized channels. And there’s the dilemma of the Draft EIR calling for road paving to reduce dust, then raising the issue of additional paving needing to be mitigated for future runoff. This whole mitigation appears to have not been thought through.
- 11.17**

MITIGATION #7

There is no consideration that state law mandates an AB 1600 study prior to imposing a fee, yet there is a lack of comprehensive study concerning local drainage facilities. We are putting the cart in front of the horse here. First we need those studies,(and how to pay for them) then we can discuss the merit of forming such entities.

11.18

MITIGATION #8

Review General Plan Policy 10.12 before considering this mitigation. An unanswered question is who assumes the financial burden of long-term maintenance and future improvements should such mandated facilities need to be located offsite? It would seem that a permanent and enforceable onsite maintenance police could be achieved through CUP mitigations and requirements.

11.19

MITIGATION #9

A case can be made for curbs and gutters, but what does that do for rural ambiance? The county's road design and construction standards seem to be the way to go with this one.

11.20

MITIGATION #10

Our Environmental Health Department already ensures the proper way to mitigate the septic tank concerns. Adding an additional mitigation here would do nothing more than to increase the costs of any project or new home:

11.21

MITIGATION #11

Without providing any scientific documentation, the consultants pluck the magic number "100 feet" from the air. We have recently discussed the Cherry Creek situation. There was no consensus, even of the experts that 100 feet was a hard number. It should be noted that General Plan policies 3.1, 3.5, 11.2, 11.4, 11.5 and 11.6 completely cover this issue. The same lack of proof applies to the types of water courses which could be utilized to prevent any use of local resources. As to the item concerning repairs of septic systems. The suggested prohibition contains no facts to back up the claim for such a need.

11.22

MITIGATION #12

There is adequate proof that "mound systems" and other such installations may be utilized for septic tanks located in flood plain areas. Therefore, the word "prohibited" should be omitted.

11.23

MITIGATION #13

I've yet to find Mitigation #13.

MITIGATION #14

Deer and their habitats seem to be the centerpiece of the DEIR's concern about the environment. The consultants would have the residents of Nevada County believe that deer are an endangered species. Furthermore, the word "habitat" is used indiscriminately, and never does it appear to include us humans. In a time that the voters yell that they want less government, along comes Mitigation #14, a pipe-dream which would lead to a costly concept that can not work.

11.24

11.25

The monitoring concept of a suggested Habitat Management Plan (HMP) smacks of a big-brother government., and should be omitted just for that reason alone.

11.26

Paragraph Three is fully covered by SDA policies in the General Plan, so should be omitted.

Paragraph Four contains the HMP concept, something already being done by both the State and Federal governments. And apparently forgotten is that a third of all of Nevada County's acreage belongs to the Feds, so there's already space for such habitat protection.

11.27

Paragraph Four also has a suggestion for "mitigation banking." Such an idea is worthy of discussion, but not until such legal issues as *Tigard v Dolan* are properly understood and considered. Also unanswered is the question as to who pays for such takings. And that same paragraph talks about a

11.28

"conservation impact fee." Again, in the absence of an AB 1600 study, the county is not allowed to levy such a fee, and again fails to ask the taxpayers if they wish to fund such a scheme.

11.29

The ending paragraph wants the county to establish agreements with surrounding counties. While this is desirable, the fact that Nevada County can not force such communications would make this part of the mitigation "suggested" and not "mandated."

As for the deer, information presented to the Planning Commission at the January 12 hearing show that deer herds have increased 40-fold since 1900. Also, State Fish and Game reports for our local area, states that our local herd continues to grow despite competition from cars, disease, drought or flood, development, hunters or poachers. By the way, the state survey also took parcelization into account , and said there has been no significant impact to deer statewide. **11.30**

MITIGATION #15
The only change here is to substitute the word “recommend” for “require.” **11.31**

MITIGATION #16
Again we talk about the endangered deer, and again I say what I suggested for Mitigation #14. **11.32**

MITIGATION #17
Even the consultants admit (on Page 4.4-22) “However, it should be noted that there is a lack of research available which specifically defines the minimum habitat land area necessary to maintain habitat values.” But if we insist upon making this a mitigation, then we may as well turn the county over to the lawyers because we’ll be spending a lot of time in court, defending something we can’t defend. The DEIR should present facts, not opinions on this issue of the deer. To base such profound mitigations on conjecture or “feelings” is not appropriate. Besides, General Plan Policies 1.17, 1.18. 13.1 and 13.2 already cover this issue. **11.33**

MITIGATION #18
Add to what I already said about deer, let’s also consider private property. That property not only is private (which means the government doesn’t own it) but it is also our taxable base. This entire Mitigation should be omitted. **11.34**

MITIGATION #19
Has anybody considered that perhaps the biggest reason the Valley Oaks are disappearing is because so many deer eat the seedlings and acorns? Please change the word “preservation” to “conservation.” **11.35**

MITIGATION #20
This appears to be a duplication of current CEQA requirements, especially concerning initial studies and environmental checklists. And again, the **11.36**

Habitat Management Plan would have us duplicate work done by the State and Federal governments. Also, current laws provide adequate protections for endangered species. This entire mitigation should be omitted.

MITIGATION #21

11.37 This Mitigation also duplicates existing law. It also plucks that magic number of 100 feet as a proposed setback from wetlands (without giving adequate

11.38 reason for such a distance), then fails to define “wetlands.” Recent court decision place setbacks into the area of “takings,” and make taxpayers liable for those costs.

MITIGATION #22

11.39 Current codes and regulations require 100-foot setbacks from high-water marks, but this Draft EIR would have it measured from the top of the bank, or from the width of the riparian vegetation, whichever is greater. That imaginary boundary could be manipulated by definition alone, and would cost untold amount of payments to landowners for the takings of such acreage.

11.40 This mitigation also uses the term “all water bodies” without providing sufficient justification for such a need. It appears to be nothing more than the opinion of the Draft EIR author. This mitigation can not be allowed to stand as is.

MITIGATION #23

11.41 Another superfluous mitigation. Current code and regulation already adequately covers the Cultural and Historic Resource Element policy.

MITIGATION #24

11.42 This is a duplication from 1.17 and 1.18, which I’ve already recommended by severely trimmed or returned to the existing language of the proposed General Plan.

MITIGATION #25

11.43 This mitigation is in direct opposition to an upcoming mitigation concerning solar access. It is also premature, in that the State Board of Forestry’s current tree harvesting policies for private property are being tested in the courts and the State Legislature. We must wait for that legal opinion. Who defines

11.44 “heritage tree?” So far, the Draft EIR’s author has not. And what is the scientific basis used to define “significant visual resource” and “significant oak grove?”

Also, if a property owners must protect his oaks for the public, is he or she not eligible for just compensation? Same goes for requiring native trees to be protected on private property.

Finally, who pronounced "36-inches" as the width needed for protection, What science was used here, which batch of information, what facts? Obviously, none but the author's opinion. **11.45**

There are two impacts (#25 & #26) which need comment. Neither adequately defines "in close proximity" and therefore need to be omitted. We already have setbacks determined by local ordinance and other laws. **11.46**

MITIGATION #26.

Another mitigation already in place and, therefore, should be omitted. **11.47**

MITIGATION #27

As was the case earlier when we were told to consult surrounding counties, Nevada County can not force the State to provide studies and reports. Therefore, this mitigation can not be allowed to stand. **11.48**

Then there is again the idea of mandatory clustering, only this time it appears without stating if it is to be required only for new projects. Clustering is an idea worthy of discussion, but existing law requires it to be suggested, not mandated. **11.49**

MITIGATION #28

There doesn't appear to be any problem with this proposed mitigation.

MITIGATION #29

There is no need for this mitigation since there is no environmental impact proven or suggested. **11.50**

MITIGATION #30

Also missing in action. **11.51**

MITIGATION #31

There doesn't appear to be any problem with this proposed mitigation.

MITIGATION #32

11.52 The Bicycle Plan is something to consider, but its huge price tag is not. There is no environmental reason to mandate such an item. Even the author used the phrase “may also help achieve the county’s goal of reducing dependency on the automobile.” Mandates must come from words such as “will,” rather than “may.”

11.53 Policies 4.27 and 4.28 do not require the author’s suggested revisions.

MITIGATION #33

While having no objection to this proposed mitigation, it should be noted that the CUP process already requires this.

MITIGATION #34

11.54 Do people living in really rural areas want their roads paved just to cut down on the dust? We need to find out from them.

MITIGATION #35

There doesn’t appear to be any problem with this proposed mitigation.

MITIGATION #36

11.55 The concept is sound (no pun intended), but why not use this as a reference point only, in case either better methods are found, or current methods prove unworkable?

MITIGATION #37

11.56 Even CEQA recognizes that one can not fully mitigate anything. We should minimize noise as much as possible, but eliminating it entirely is impossible. Policy 9.11 is the way to go on this one. The Board of Supervisors, and our own Planning Commission earlier directed that the Noise Element remain in its present form. The author should have taken note of that fact.

MITIGATION #38

11.57 Unless the author has contrary information, the Martis Valley (in the Truckee area) appears to be the county’s lone aquifer. The rest of Nevada County relies upon fractured rock. It appears to be wasteful for the county to spend taxpayers moneys studying aquifers that do not exist. We also run into the legal problem of drilled well results being proprietary information. The author also runs counter to current wisdom concerning drinking water. More and more mandates have us relying upon piped water, yet the author would

11.58

have us using surface water to drink. NID is on the record as saying it can supply the county's future water needs.

MITIGATION #39

Legally, we can not zone out future population growth, even if we wanted to. Yet this mitigation would have us do just that. We all expect development to pay its own way, but that tradeoff is to allow those who want to live in Nevada County to do so.

11.59

We must improve our infrastructure, and to do so, we must analyze land-use patterns and zoning, and allocate those resources accordingly. HBA and the Cities have done so, the author did not!

Affordable housing disappears with this proposal in that it can't be accomplished without high-density lands. State and federal mandates must be met, yet this mitigation keeps that from happening. The author's opinions concerning Grass Valley's sewer plant are incorrect, according to 1994 testimony by Grass Valley City Engineer Rudi Golnick in front of this Commission last year.

11.60

11.61

CDF testimony also shows that fire protection is far better than the author would have us believe.

11.62

MITIGATION #40

Another dilemma. If Mitigation #25 is correct, then doesn't its requirement collide with Mitigation #40 concerning Heritage Trees? And what happens if a parcel happens to be on a north-facing part of a hill?

11.63

MITIGATION #41

Current real estate law already covers this.

11.64

MITIGATION #42

Both UBC and State energy requirement cover this area. This is superfluous and should be omitted.

11.65

Thank You,

Amos Seghezzi

#12

James R. & Virginia M. Housel



P.O. BOX 191
MEADOW VISTA, CA 95722-0191

(916) 878-2925

January 16, 1995

Parcel #61-140-33-000, Tyler Foote Rd - Fandor Rd

Board of Supervisors and
Planning Commission
950 Maidu Avenue
Nevada City, CA 95959

RECEIVED

JAN 19 1995

NEVADA COUNTY
PLANNING DEPARTMENT

Re: General Plan

We find out from reading CABPRO that the Board of Supervisors is having a series of hearings on the General Plan. We see that on Jan. 12, 1995, the Planning Commission did have a public hearing to gather verbal input to the Draft EIR. It would have been nice to have known of that hearing so we could have attended.

Jan. 20, 1995 is the last day for written input to the draft EIR.

We would again like to protest the General Plan in regards to the rights of land owners and tax payers, Chapter 1.

We purchased 80 acres in 1957 and subsequently subdivided the parcel into 4 parts of which we sold 2. We planned to sell 20 acres of the remaining 40 acres but the General Plan designated the parcel as 40 acres forestry. We think it's outrageous that elected and appointed county officials determine what land owners and taxpayers may do with their land.

We protest the land use designation for our property and would like to sell off 20 of the remaining 40 acres.

Sincerely,

James R. Housel
James R. Housel
Virginia M. Housel
Virginia M. Housel

cc: Planning Commission
CABPRO

RECEIVED

JAN 23 1995

MARILYN BARTHOLOMEW
SECRETARY, CA

ANANDA



#13

RECEIVED

JAN 19 1995

CHURCH OF SELF-REALIZATION
14618 TYLER FOOTE ROAD NEVADA CITY, CALIFORNIA 95959 916/292-3062

NEVADA COUNTY
PLANNING COMMISSION

Planning Commission
950 Maidu Avenue
Nevada City, CA 95959

1/17/95

Dear Planning Commission members,

Thank you for the opportunity to comment on the draft EIR. It's an obviously important document and needs to be taken seriously. I appreciate your openness to public comment.

Commenting on a multi-hundred page document is a daunting task (as I'm sure reading and having to vote on it is!) I'll weight my comments more towards general principles rather than some of the very specific mitigations suggested in the plan.

It seems to me that there are two clear trends taking place in Nevada County and throughout the U.S. at this time: a trend towards less government and a trend towards less taxation/fees/entitlements/etc. It seems clear that the draft EIR has not reflected these directions.

New development in isolated rural areas to require curbs and gutters? Deer migration routes to be protected by limiting property rights (and to protect an animal that is not only not endangered, but flourishing beyond imagination)? No net loss of habitat functions (how this is to be achieved is almost impossible to imagine)? These few provisions alone show that the document is out of touch with realistic capabilities of the residents of Nevada County.

I have lived in Nevada County for almost twelve years. I love the County's rural qualities. I still thrill to see the deer collecting on our property, the great blue heron that makes a home in our ponds, the mallards, the foxes, the bobcats, and the other wildlife I share my land with. At the same time, however, an EIR needs to be a balanced document that also deals with real people who have their own needs and dreams and a finite amount of money. There are so very many fees and government requirements already in place in Nevada County before one can build anything, adding another entire layer of fees, requirements, bureaucracy, and mitigations just doesn't seem like the way to go.

In a time of tight finances and a media-described near rebellion amongst the voters regarding big government, now does not seem like the best time to adopt the general tone of this EIR. Preserving our environmental quality is vital for Nevada County. But it is equally important to balance this need with the realistic funding capabilities of its citizens as well as the right for those

13.1

citizens to live as unrestricted a life as possible. The people of Nevada County tend to be an independent type. This freedom and independence (which in many ways is also "endangered") is as important to protect as flora and fauna.

Thank you for your time and the efforts. Thank you, too, for all the efforts you are all making to create a balanced and sensible document for all of us in Nevada County.

Sincerely,

A handwritten signature in cursive script that reads "Dave Gamow". The signature is written in black ink and is positioned above the printed name.

David Gamow

KENNETH E. BAKER
Land Surveyor
Calif. # 3959

#14
THOMAS L. LOTT
Civil Engineer
R.C.E. 24867

NEVADA CITY ENGINEERING, INC.

505 COYOTE STREET, SUITE B • P.O. BOX 1437
NEVADA CITY, CALIFORNIA 95959 • TELEPHONE (916) 265-6911 • FAX (916) 265-8058

Engineering • Surveying • Planning

January 17, 1995

County of Nevada
Planning Department
Post Office Box 6100
Nevada City, California 95959-6100

RECEIVED

JAN 19 1995

Attn: Mr. Pat Norman

NEVADA COUNTY
PLANNING DEPARTMENT

Re: Nevada County General Plan
Draft Environmental Impact Plan

Dear Pat,

This letter is written to provide input as to the content of the Draft Environmental Impact Report for the proposed Nevada County General Plan. The report could be more user friendly had more time been spent in Chapter 2. Specifically, I believe a tabulation of all mitigation measures should be provided in chronological order. It appears that at least two in number have been omitted and they are somewhat scattered as presented.

14.1

On Page 2-3 within the discussion of Alternative 4 the statement "Mitigation contained in this EIR indicates that the proposed General Plan land use map should be revised to provide for 20- to 40- acre minimum parcel sizes, in Rural Regions of the western portion of the County, where parcelization would allow for such designation..." Several issues of previous public discussion have been overlooked or pushed aside should this statement in fact become a mitigation measure of the General Plan.

First is the issue should those property owners who did not previously develop their property provide the reduced density (open space) for the previous developed land? Second, should the General Plan Designation requests be ignored after several Planning Commission hearings and similar hearings before the Board of Supervisors? Most of the GPD requests were made to find compatibility of land use within a given neighborhood or area. Those that were not reasonable or compatible were denied by either the Planning Commission or the Board. The Resolution Committee was formed for a further validation of effort. I find no discussion of the GPD's in the subject EIR. Fairness of land use is a definite issue with respect to this proposed mitigation. Fairness was discussed during the public hearing process.

14.2

Should Mitigation Measure 16 be adopted a full and true accounting of the acreage of the New Town SDA should be made to fully determine the number of affected property owners and the resultant number of potential twenty acre parcels.

14.3

On Page 2-11, Policy 1.18 regarding clustering "Therefore, clustering of all land divisions shall be required within the Estate, Rural, and Forest General Plan land use designations..." Clustering is an acceptable concept, however in the Estate designation area where a three acre parcel size is required clustering without either a domestic water or sewer source is neither practical or feasible. Three acres is the minimum parcel size for the use of an individual well and individual septic system onsite. Community systems are a burden to development and an ongoing expense to both the future parcel owners and the County where individual systems are feasible.

14.4

Page 2-16 Mitigation Measure 6 indicates that "For all discretionary development, the County shall require full onsite retention/detention of stormwater flow so that the rate of runoff from the development site is not greater than that from the site prior to development." Nearly impossible in the foothills. Implementation of this mitigation measure will either preclude or greatly reduce further development within the County. Drainage improvements to a primary drainage system are appropriate; retention onsite for lapsed discharge unworkable.

14.5

Page 2-17 Mitigation Measure 11. Continue to support the 100 foot setback based on state and national setback standards. Avoid further discussion with special interest groups urging greater setbacks.

14.6

Page 2-25 Mitigation Measure 26. Is it practical to think that all of Highway 49 should be within a scenic corridor? Highway 49 north of Nevada City probably but not all of 49 in our County.

14.7

Page 2-33 "Reduction of the intensity of use in the Northstar area to levels under existing zoning." Why? I thought a basic theme was to keep future development adjacent to existing development and adjacent to community facilities. Northstar qualifies for all of the criteria.

Page 4.1-10, Subdivision Activity. Why do the reference dates of the chapter stop in 1990? I thought this was a document we waited on to be written in 1994. Had the author reviewed the subdivision activity report of the Nevada County Planning Department for the years 1991, 1992, 1993, and 1994 the statement "The 1990 total of 414 new lots may be the beginning of a higher

annual rate" would not have been applicable. The statement is misleading based on incomplete data and should be removed from the text. In addition the text should be amended to include at least the activity of 1991, 1992, and 1993 to give a fair review.

14.8

Page 4.3-4 "There are 15 dams located within Nevada County owned and/or operated by various agencies or organizations. These include:" Not listed are as many as are listed. The reference seems to be there are only 15 total. NID/PG&E has a series of dams along the Yuba-Bear project that would add at least six more. The number 15 is very misleading.

14.9

Page 4.3-18 Mitigation Measure 10. I believe the Environmental Health Department does an adequate job of ongoing monitoring. That information coupled with national and state data makes the proposed analysis/study a waste of the taxpayers dollar.

14.10

Page 4.4-8 Reference to Appendix C. A review of Appendix C finds that the first referenced document therein is Appendix B. Apparently lifted from another document. Removal of that reference would help the reader of Appendix C. Why are these lists not referenced to Nevada County as opposed to the entire state? The list would be obviously shorter.

14.11

Thank you for the opportunity of providing comments. I will look forward to the integration of the GPD's into the EIR process; without that integration an integral part of the process has been overlooked.

Very truly yours,



Kenneth E. Baker

KEB/ro

#15

June Jamerson
P.O. Box 433
Grass Valley, CA 95945

RECEIVED

JAN 19 1995

NEVADA COUNTY
PLANNING DEPARTMENT

January 18, 1995

Nevada County Planning Commission
C/O Nevada County Planning Department
950 Maidu Avenue
Nevada City, CA 95959

Re: Comments on Draft Environmental Impact Report for Nevada County General Plan

Dear Commissioners:

Having spoken with thousands of residents throughout Nevada County in the past six months, I have found that they are very concerned about the adverse impact upon our neighborhood, on Glenwood Road and other neighborhoods of similarity, when zoning creates a higher density in order to promote subdivisions. There doesn't appear to be anything in the draft EIR that addresses the impact on old historical neighborhoods with their narrow and winding roads. What will be the impact upon residents where such neighborhoods are zoned a higher density and subdivisions are allowed without developing full standard roads, sidewalks and curbs on and off site? I believe the safety of the pedestrians, especially children walking to the school bus, and those people driving vehicles needs to be a prime concern whenever a subdivision is considered. The County is unable to solve the road and traffic flow problems at present and needs to be very careful to prevent creating more problems, especially in the Glenbrook Basin. Any more substandard roads could only add to the problem; therefore, creating the possibility that the present problems could never be solved. Depending on future road improvements such as Dorsey Drive will not mitigate the present problems because it may be ten years before it is built, if ever. There is no funding at present and Grass Valley who is in control of the improvement doesn't have a plan on how they are going to fund it. Thousands of residents in the County are protesting the exchange being built on Dorsey Drive and believe that Hughes Road would have much less impact. Considering that Sierra College will open in late 1996 or early 1997, I believe a full EIR study regarding residential roads needs to be done to show the impact and mitigation measures. It is not sufficient to depend on our present transportation department's advice because they have stated that there is no problem with traffic at Brunswick Road and Nevada City Highway, which is a joke!!

15.1

Please, also study the impact on established residential neighborhoods where bonuses are given to subdividers to build low income and affordable houses.

15.2

The draft EIR seems to be missing any drainage study in the Glenbrook Basin. Glenwood Road is a case in fact whereby, during heavy rains, it floods at the location of Maidu Lane and the Juvinal property. The water flows

15.3

heavily off of Maidu Lane, Juvinall's property and properties west of Maidu Lane. The present inadequate drainage system does not handle the flow of water and therefore floods the neighbors' properties on the south side of Glenwood Road. Bekins Van and Storage appears to be the worst victim of this water drainage problem. During this last rain, only dozens of sandbags prevented flooding inside their storage buildings. A heavy flow of water approximately 8-10 feet wide flows through their property off of Glenwood Road, under the Fowler Center, under the freeway, under the Glenbrook Shopping Center and emptys into Wolf Creek. I notice flooding behind Bekins and in a direction toward Olympia Drive; as well as property at the end of Olympia Drive and the Horse Ranch that is located between Glenwood Road and Olympia Road. This whole area was once considered a wetlands. No one seems to know the size of the culverts that carry the water through Glenbrook. Is it possible that the present system could blow up if there is further development? Simply digging the ditches deeper is not the answer to the problem as they only get clogged with debris. Depending on the County to keep the ditches free of debris is not feasible because it seldom gets done. I would appreciate the consultants' taking time to do a complete and comprehensive study of this Glenbrook Basin problem and especially the impact if any subdivisions are developed. What would the mitigation measures be?

15.4 I'd like to call to your attention another problem that occurs when there is development on small neighborhood roads and that is of fire hazards where there is heavy vegetation of trees and dead end roads. Glenwood Road and Olympia Road are an example of this situation. Please do an EIR study regarding the safety of the residents in case of a forest fire in this area as all of Litton's property, Ridge Road residents, the new college, and the high school could be effected as well as residents on Glenwood Road and Olympia Road. What are the mitigation measures considering that some of these dead end roads are private property?

I'd like to thank all of you and the consultants for taking time to review my concerns that are also shared by many residents in our county. The EIR studies and mitigation measures requested would be highly appreciated and valuable to the residents of Nevada County. It will help adopt a final EIR that will prevent problems, rather than allow more problems to be created. I'd like to thank the consultants for the draft EIR thus far. Within that document there are many efficient reports, comments and mitigation measures of value to our county. I especially agree with the consultants' advise to keep the existing zoning in the county as it was adopted in the last General Plan. I believe the present zoning would prevent many further problems until the County develops an adequate infrastructure. Another public hearing and written comment period in response to the consultants' further study would be of value to Nevada County.

Cordially,

June Jamerson

#16

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JAN 19 1995

NEVADA COUNTY
PLANNING DEPARTMENT

January 18, 1995

Nevada County Planning Commission
c/o Nevada County Planning Dept.
950 Maidu Ave.
Nevada City, CA 95959

Re: Comments on Draft Environmental Impact Report for Nevada County General Plan

Dear Commissioners:

I would like to address three issues concerning the Glenwood Basin and the General Plan EIR. I was unable to attend the hearing due to work and flooding in our laundry room during the January rains. Our home is at the end of W. Olympia, adjacent to a large proposed development parcel off Glenwood Rd. I don't feel drainage is being properly addressed. I would like to see study done during a rainy period, not summer. Our clay soil does not drain, but forms small creeks and swamps. Water still stands several days after rain.

16.1

Secondly, I cannot believe massive development in this area will not have adverse dramatic effect on the Brunswick intersections, which now are a motorist/pedestrian nightmare. This can only worsen with Sierra College and no immediate funds for an overpass at Dorsey. The county has no legal right-of-ways for ingress/egress on Glenwood Rd. (not withstanding the fact that any possible property condemnation exits would lead right back to the same intersection). Residential streets are narrow and the EIR does not address specific property condemnations to widen or improve.

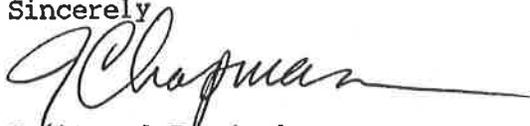
16.2

Thirdly, I suspect the Glenwood Basin has the most potential for air pollution in the county. As a basin smoke and smog does not blow away. Sound travels across vast distances, especially at night when residents sleep.

16.3

I support the recommendation to keep local zoning as it now is or close to. furthermore, industry (fast food, etc.) need not be further piled into this area not designed for it.

Sincerely



Scott and Janet Chapman
10265 W. Olympia Dr.
Grass Valley, CA 95945
(916) 273-1710

RECEIVED

COUNTY OF NEVADA
DEPARTMENT OF TRANSPORTATION
MEMORANDUM

JAN 20 1995

NEVADA COUNTY
PLANNING DEPARTMENT

DATE: January 19, 1995 **FILE:** 460.013 001
TO: Pat Norman, Planner III
FROM: John Rumsey, Senior Engineer *JUR*
SUBJECT: Adequacy of Draft EIR, Final Draft Nevada County General Plan

We have reviewed the Draft EIR and offer the following comments:

- 1. *Page 2-27 Summary: Impact No. 31 (State roadways operating at unacceptable levels)*- This is a significant unavoidable impact if State roadway improvements are not funded and constructed as necessary to maintain minimally acceptable LOS. This impact should be relocated to the "significant unavoidable" section of the summary.

17.1

As a point of clarification, the State routes have been analyzed using LOS "D" as the minimum desirable LOS, irrespective of the urban and rural boundaries. The General Plan (GP) policies should be modified to reflect this reasonable exception of the minimum standards. In reality, though, the determination of whether or not a State route's LOS is acceptable will be determined by CALTRANS.

State Route 174

The Draft EIR does not address the inconsistency between the GP indicated improvements (4 lanes) and the CALTRANS Route Concept Report (2 lanes) for State Route 174. A remedy to this might be to suggest a reduction of land use to a level that would not require additional lanes or to suggest that Nevada County pursue having the Route Concept Report changed.

17.2

Impact on City and Town Road Systems.

This issue is not discussed in the text. There are potentially significant unmitigated impacts of unincorporated area development projects upon the incorporated areas' street system. Similar to the State route situation, the construction and timing of improvements to mitigate traffic impacts within the incorporated areas are outside of the County's jurisdiction and control. A good example of this would be potential impacts to the McCourtney/Mill/Freeman/Allison Ranch intersection. The only GP alternative that does not potentially significantly impact that intersection is Alternative 1A, No project - No New Development.

17.3

For those impacts that are able to be mitigated, the RTP should include a policy that deals with this issue and bridges the jurisdictional gap. The GP Circulation Goals and Policies should contain a provision that endorses the NCTC role in forming a county-city, city-county, common traffic impact mitigation program. GP Policy 1.42 addresses a coordinated impact fee program, but may not go far enough in defining the most appropriate entity to facilitate coordinated traffic impact mitigation fees.

- 17.4 2. **Page 2-27 Summary Impact No. 33 (Increased need for bicycle and pedestrian facilities)** - It should be noted that there are existing deficiencies for which funding is not secured. New development will be responsible only for those impacts directly attributable to them.
- 17.5 3. **Page 3-13 Project Description (Safety)** - It should be noted that the GP circulation map includes potential supplementary emergency access and evacuation routes to supplement the routes necessary for general day-to-day circulation.
4. **Page 4.7-19 (McCourtney Road discussion)** - See comment #1.
5. **Page 4.7-20 (Effects of Northstar land use intensity to 1980 GP level)** - Mill/McCourtney intersection still significantly impacted. See Comment #1.
6. **Page 4.7-21 (Impact #31)** - Unavoidable significant impact (short term) on State Routes if funding delayed and long term significant impact on State Route 174 unless Route Concept Report changed or land use intensity reduced. See comment #1.
- 17.6 7. **Page 4.7-23 (Impact #33)** - Increased demand for pedestrian and bicycle facilities. GP Policy 4.34 requires that Nevada County road improvement projects include improvements consistent with the Nevada County Bicycle Master Plan.
- 17.7 8. **Page 5-12 (4th paragraph) McCourtney Road LOS under PDGP** - While it is true that the segment of McCourtney Road between Old Auburn Road and Indian Springs Road would meet minimum LOS criteria as analyzed, the unique traffic pattern present due the nonstandard access to and from SR 20 for the area would present LOS difficulties, especially at the Mill/McCourtney intersection. See comment #1.
- 17.8 9. **Page 5-16 (McCourtney Road LOS under PC alternative)** - McCourtney Road should be added to the list of roads that would not function at an acceptable LOS at the top of the page. McCourtney Road LOS would be approximately equivalent under the PC scenario to the proposed General Plan (the project). See comments #1 and #8.
- 17.9 10. **Page 5-20 (Table 5-2)** - The daily automobile trips and vehicle miles traveled numbers for Alternative 1A appear to be transposed.

RMC:jm

Ref.gpeir18.doc

#18

Ananda Village

14618 Tyler Foote Road • Nevada City, CA 95959 • (916) 292-4100

January 19, 1995

RECEIVED

JAN 19 1995

NEVADA COUNTY
PLANNING DEPARTMENT

Planning Commission
950 Maidu Avenue
Nevada City, CA 95959

Dear members of the Planning Commission,

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the proposed General Plan.

What follows is testimony based on the collective experience of many individuals—taken from 26 years of first-hand experience with government regulation and fees in Nevada County. We hope it will prove helpful, as a voice for many individuals who have no time, or no pressing “special interest” to appear at a public hearing. Thank you for the opportunity to comment.

Sincerely,



Karen Gamow

Comments on the **Draft Environmental Impact Report** for the proposed General Plan.
Prepared by John Helin and Karen Gamow
for Ananda Village on January 19, 1995.
Questions or comments: (916) 292-4100

4.1 Land Use

Mitigation Measure 1

Policy 1.17

18.1 How do the new Comprehensive Site Development Standards (SDS) differ from already existing requirements? The existing conditional use permit process already requires significant private resources to complete, with the payment of many fees to various government agencies. Will the SDS be an additional layer of review? An additional set of fees?

Based on our experience with the County, the SDS appear to duplicate the current conditional use permit process. We do not believe they are needed. The goals to be achieved are already being met by existing policy.

4.3 Hydrology and Water Quality

Mitigation Measure 6

18.2 Extensive drainage plans and requirements may be applicable in community regions, but they should not apply in rural regions unless they lie in areas with a history of drainage problems. This measure can be rewritten to say, "For all discretionary projects in Community Regions, the County may..."

4.3 Hydrology and Water Quality

Mitigation Measure 7

18.3 A new government entity may be created if needed, but best if it is only for the purpose of serving the areas that were affected by the recent torrential rains. It will be an unnecessary burden on the rest of the county to create a county-wide agency with new powers to impose regulations and fees where no science is currently available to identify causal links.

4.3 Hydrology and Water Quality

Mitigation Measure 8

18.4 We recommend that the EIR be amended here to begin with this sentence: "For all discretionary projects in Community Regions the County may..."

4.4 Biotic Resources

Mitigation Measure 14

18.5 This entire mitigation is one of the most extraordinary in the draft EIR. How is "no net loss" to be measured and assessed? "No net loss of habitat functions" is an excellent goal for a National Park, but an impossible one in any other setting—both to define and to implement. Fortunately, there are already hundreds of laws in existence already that project wildlife and the environment. The level of government regulation that this new mitigation would add is beyond calculation. We hope that it will be removed in its entirety.

4.4 Biotic Resources

Mitigation Measure 18

Development may reduce habitat values to varying degrees, depending on a large variety of factors. However, in our experience living in a rural region, it is not the zoning that causes the principle stress on the environment. It is the lifestyle of the homesteader. Even those who wish for 160 acre minimum zoning in rural Nevada County agree with this opinion: wildlife habitat is destroyed more by dogs and fences than by any other means.

18.6

At Ananda Village, dogs are non-existent, and fences virtually so. Existing development averages one home per 5.5 acres. Yet deer, fox, and even mountain lions roam freely, even in areas where houses are tightly clustered—up to 15 homes in areas smaller than a few acres. Deer herds move through Ananda each year as part of their seasonal migration, and are often seen in large number in close proximity to homes and businesses. They may not pass so freely even on 40 acres of neighboring land, if the owner has a dog, or fence.

It appears to us that clustering has a greater positive benefit to preserving habitat than zoning. The proposed 40-acre minimum zoning in critical deer habitats will put a significant damper on development in northern Nevada County. And it will add a new level of complexity to development, perhaps requiring a Deer EIR every time a new project is proposed, at unknown additional expense.

Can the staff help to make a determination on the question of deer populations? Are they in fact declining? They appear to be increasing from our own limited observation over the years, at least at Ananda. Recent articles in national magazines describe a national deer population increase that is proving troublesome in many parts of the U.S. Are the public lands in Nevada County sufficient protection for deer? Is there a scientific basis for linking zoning and deer population levels. Are there better correlations to be made? All these questions would need to be answered before such a significant new body of regulation were to be created and imposed in Nevada County.

18.7

4.4 Biotic Resources

Mitigation Measure 20

This mitigation appears to duplicate already existing laws, and should be deleted in its entirety.

18.8

4.4 Biotic Resources

Mitigation Measure 21

This mitigation appears to duplicate already existing laws, and should be deleted in its entirety.

18.9

4.5 Cultural Resources

Mitigation Measure 23

This policy appears to duplicate the many already existing laws for the protection of archaeologically and culturally significant resources. Many will say the already existing laws, themselves, are a humorous example of government gone too far. As an example, all projects requiring a conditional use permit already must pay a state-endorsed researcher to copy some pages from a book that the public could easily copy on its own. The cost is \$90 an hour. If no study has been done on your property by an archaeologist,

18.10

the chances are excellent that the researcher will require one to be done. Only a state-certified archaeologist can walk the property to check for artifacts. An artifact does not have to be an ancient Indian burial ground. It can consist of some rusty nails and broken bottles left from Gold Rush miners. All of this takes considerable time and money, often with questionable benefit to society when compared to the costs and efforts people must make to comply.

With our experience in mind, the County and its residents are not well served by this additional mitigation. Existing laws are more than sufficient to protect the past.

4.7 Traffic and Circulation

Mitigation Measure 32

18.11

Costs ranging as high as \$100 million have been suggested for a county-wide bike and pedestrian system. As a quick shorthand means to exploring what the mitigation fee would be, let's assume there will be 1,000 housing permits given out each year for the next 20 years. That's 20,000 homes total. That translates to \$5,000 in mitigation fees for each home, to cover the costs of this new plan. Even if the fee is as low as \$2,000, it will be a large cost to a relatively small number of people.

In addition to the question of cost, there is the question of need. A bike and pedestrian system does not guarantee its use. Most people commute long distances to work. Few are likely to walk or bike instead. Will pollution be reduced enough to justify the cost?

Further, in 20 years, the one thing that is certain is that the world will change. Solar cars or telecommuting may so significantly reduce pollution levels that a bike/pedestrian system is not needed as an air quality mitigation.

A capital expenditure of this kind, based on air pollution considerations, cannot be justified economically in a county where few people, if any, can be found who are adversely affected by our relatively low levels of auto-generated ozone. Wood stove smoke, not motor vehicle pollutants, are responsible for high enough levels of air particulates to cause adverse health effects. A bike/pedestrian system will not be of help to those individuals.

4.8 Air Quality and Climatology

Mitigation Measure 34

18.12

Paving unpaved roads has some benefits, but it also has drawbacks, particularly to the rural quality of rural areas. Therefore, we request that this mitigation be amended by adding this statement at the end: "...in Community Regions."

4.10 Public Services and Utilities

Mitigation Measure 38

18.13

A county-wide study of groundwater supplies will be an expense that may not be recoverable, even with very high mitigation fees. Even small hydrology studies done by local gold mining companies have had an astonishing price tag.

The best a study can accomplish is to warn people that their wells may dry up soon. Yet, people living with wells already know this. It's a risk that people accept then they

live in rural areas, with well water. What benefit would such a study be, if the worst case informs people of something they already know?

The EIR also states that if water sources appear to be dwindling, an alternative source should be provided. Provided or required? And by what agency? Why would the county wish to be involved in providing a new set of services? Infrastructure and service needs should be paid for by the people who create the demand for it. We pay for our own well to be drilled. If we lose our well water, it would be our responsibility, not the County's, to figure out an alternative.

18.14

We recommend that this mitigation be deleted, for the County's sake.

Page 4.10-36

Last paragraph (about General Plan Policy 10.1)

We are concerned about a single, new, county-wide fire protection ordinance. The county is already governed by the 1988 Fire Code. Already, fire mitigation measures constitute one of the most expensive parts of any project. We would rather see a clarification of already existing standards for rural areas vs. those for more populated urban areas. It is our hope that all of Nevada County not be subjected to the same standards that apply in urban Los Angeles—a trend that is happening already. We will provide more testimony on this point when the General Plan hearings are conducted.

18.15

6. References

We were interested to read the list of organizations contacted as part of the preparation of this EIR. It is worth noting that virtually every group, directly benefits from higher mitigation fees. (School districts, fire departments, county government agencies, the California Department of Fish and Game...) The result is a draft EIR with an bias toward higher mitigation fees. Perhaps those affected by mitigation fees can be included as part of the EIR process in the future.

RECEIVED

#19

JAN 19 1995

NEVADA COUNTY
PLANNING DEPARTMENT

Lake Vera / Round Mountain Neighborhood Association

P.O. Box 2291, Nevada City, CA 95959
Phone (916) 265-0424

Recommendations of the Lake Vera/Round Mountain
Neighborhood Association on the EIR.

The following recommendations are made on behalf of our Neighborhood Association (the Lake Vera/Round Mountain Neighborhood Association).

By and large we are pleased with the Draft General Plan and the EIR. They demonstrate a genuine sympathy for the rural nature of our County. Our fear had been that the General Plan would be a road map for additional substantial development of our neighborhood. We feel that it is already critically stressed, and so we are grateful for the sensitive consideration you have given to this issue.

It will come as no surprise to you that we are about to ask for still more protection. For us there are two problem areas with the General Plan and they have not been addressed in the EIR: (1) the GPD's and what they represent for future policy on the General Plan Amendment process, and (2) the extension of the Nevada City sphere of influence past the crest of the hill at the intersection of North Blumfield and Lake Vera Roads.

We have spent the past year digesting the Draft Plan and coming to a consensus on its impact on our neighborhood. The result of that effort was the generation of our own Neighborhood Plan which we will present to the Board of Supervisors as a supplement to be included with the County's General Plan.

It is in the two land use issues cited above that our plan comes into conflict with the Draft Plan. We took our concerns to the Resolution Committee and we were gratified when they were accepted our maps *in toto* (see Motion R. of the Oct. 19, 1994 meeting of the Resolution Committee). We now continue that process by presenting these same recommendations to you hoping for a similar response.

In the interest of brevity and continuity we have placed in Appendix A the justification for our recommendations which we presented to the Resolution Committee, and we will only summarize here:

- From the three surveys taken of our neighbors it is clear that their greatest fear is a **loss of the rural character of the neighborhood.**

- Forty percent of the parcels in our neighborhood are currently undeveloped. When these are built-out they represent a **67% increase in population density** with no change in the existing zoning!
- We have spoken to the CDF battalion chief regarding the safety of our neighborhood in the event of a wild fire. He has said that the combination of fuel levels and **housing density already exceed the limit of the local fire fighting capabilities to protect the area**. How bad will it be with the eventual 67% increase in population? This scares the daylights out of us! This issue of wildland fire hazard has already been identified as a significant, unmitigable impact in the EIR. There can be no justification for increasing densities on the land use map in our neighborhood in light of the presence of an unmitigable impact.
- We currently have 111 parcels within the neighborhood that are in **violation of SRA Fire Safe Regulation 1273.09 regarding dead end roads**. The Fire Safe Regulations should be added to the Standards of Significance. Based on these Standards, a significant impact is already occurring. Increased densities would only add to this impact.
- Lake Vera Road is a **major safety hazard**. It is a primary feeder road, winding and very narrow--one lane in many places--and heavily traveled. This is particularly true in the summer with reckless tourist traffic to and from the Purdon Crossing of the South Yuba river.
- Our water supply is currently from wells sunk into fractured rock--like most of rural Nevada County. From our surveys we have learned that water is a major concern to the residents. Many have had to deepen wells--up to 600 ft just to get 1 gal/mi. And there have been many dry wells dug. Maintaining adequate parcel size is vital to provide sufficient access to the limited water pockets within this fractured rock source. There is also great concern that the 5 acre minimum allowed by the County for parcels with both well and septic is not sufficient, particularly in areas where there is a high density of such parcels. We can find no scientific evidence to support this judgment. Please provide the rationale for this measure. (The mitigating measure proposed is an aquifer study. We agree that a study should be prepared. But mitigation cannot be assured by a future study. Until then, we feel that impacts are potentially significant and unavoidable; any increase in density will only add to these impacts.)
- The 1980 General Plan would have allowed approximately 232 parcels (see MAP B). Instead there are 479--more than double the number that the constraints (as defined by the zoning) would allow.

19.1

Mitigation Measure I:

For these reasons we propose as a mitigation measure the acceptance of the land use recommendations presented to the Resolution Committee by LVRMNA. With regard to the GPD's, there are two recommended up-zonings and two down-zonings. These are defined in TABLE A and MAP A (enclosed).

19.2

We further recommend that the proposed Nevada City sphere of influence be altered. The proposed line extends as far as Hobnob Way. The topography runs steadily uphill from Nevada City to the intersection of North Blumfield Road and Lake Vera Road--see MAP D. From this point it descends sharply down into Selby Flat. The present position of the line would require a sewage treatment plant for this small portion of the City on the other side of the crest or a pumping station to pump the sewage over the hill and down into Nevada City. Neither of these alternative is financially feasible. We propose as a more natural position for this line the top of the hill at North Bloomfield--such a line would allow a gravity fed sewage line. This recommendation is illustrated in MAP A.

19.3

Finally we would like to add a recommendation which we did not bring before the Resolution Committee. Most of the GPD's accepted into the Draft General Plan by the County are not in compliance with the surrounding land use, in several cases permitting 10 acre minimums when the average surrounding parcels are zoned 20 to 40 acre minimums (see MAP C). They suggest a continuation of the historical policy of permitting wide variations from the General Plan and, by so doing, vitiate the entire planning process. It is not sufficient to simply correct the existing GPD's as we have recommended above. We need some procedure in place which prevents the General Plan from being corrupted through an indulgent amendment process. As observed earlier, there are 479 parcels within our boundaries and yet the 1980 zoning would have allowed only 232 (see MAP B). These up-zonings, the tradition which they represent, and the omen they portend for the future, become the epitaph for the rural character of our neighborhood. If the General Plan we are writing is to have any lasting meaning, the amendment process must be something more than just an annoying step in land development.

This problem has been recognized in the plan. In policy 1.36 it is observed: "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." Among the requirements for amending the plan is: "The proposed amendment must be found to be in the public interest." (Certainly no one can

claim that the exceptions made to the zoning in our neighborhood are in the public interest.) It is this requirement that requires strengthening. **We feel that the weak interpretation of this policy has, and will have, a greater impact on the neighborhood environment than any other provision or policy in the Plan.** The Lake Vera/Round Mountain Neighborhood Association suggest the following change as a means of mitigating the erosion of our rural quality of life and of the General Plan itself through amendment:

Mitigation Measure II:

Policy 1.36 shall be amended to read:

Policy 1.36 The county recognizes that amending the Plan through individual General Plan amendments for specific site or text changes may not be compatible with a comprehensive and internally consistent plan. Such individual amendments are generally discouraged and where possible should be considered as part of the Comprehensive 5-Year General Plan update process. Where General Plan amendments are considered on an individual basis, the following shall apply:

19.4

The proposed amendment must be found to be:

- a. in the public interest. The public interest shall be determined by public input. Public notification shall be given of all proposed amendments to the General Plan. Contiguous land owners shall be notified by mail [as is now done for properties to be logged]. Public input will be accepted orally and in writing..
- b. consistent with the General Plan's central themes, goals, objectives, and policies.

Table A

GPD Requests Within the Lake Vera/Rock Creek/Round Mountain Area

Parcel Address	GPD Number	Owner's Name	Size of Parcel (acres)	Current Zoning	Average Surrounding Zoning	Owner's Request (acres)	HBA's Recom. (acres)	Planning Comm. Rec (acres)	Board's Action (acres)	LVRMNA's Reccom. (acres)	Change in the no. of Parcels†	Owner Agrees?
16352 Lake Vera Road	? Late request	Carolyn Morgan	85.07	RRL 30	30 acres	10	30	30	10	10	0	Yes
18625 Rock Creek Road	91-88	Lawrence and Judith Emmons	38.2	RRL 30	30 acres	Estate	20	20	10	10	0	Yes
18834 Rock Creek Road	91-38	Jean Velikonia	34.8	RRL 30	30 acres	Estate	20	10	10	10	0	Yes.
17530 Lake Vera Road	20	Camp Augusta	63.56	RR A1-30	32 acres	A-1 10	30	10	10	See 1* below	-4	No
20683 New Rome Road	91-53	John Obermuller	22.9	FR 40 PD	35 acres	Estate	40	40	40	10	+1	Yes
Parcel # 62-16018	? Late request	William Jackson	101.36	RRL 30	40 acres	10	40	40	30	20	+1	No
Lake Vera/Purdon	91-142	Tim Meisenheimer	40	A1-40	35 acres	See 2* below	40	10	40	See 3* below	0	No
14215 B4 Ranch Road	91-156	Crawford & Josic Bost	176	A1-40	37 acres	Two 20's Thirteen 10's	40	10	10	20	-7	No

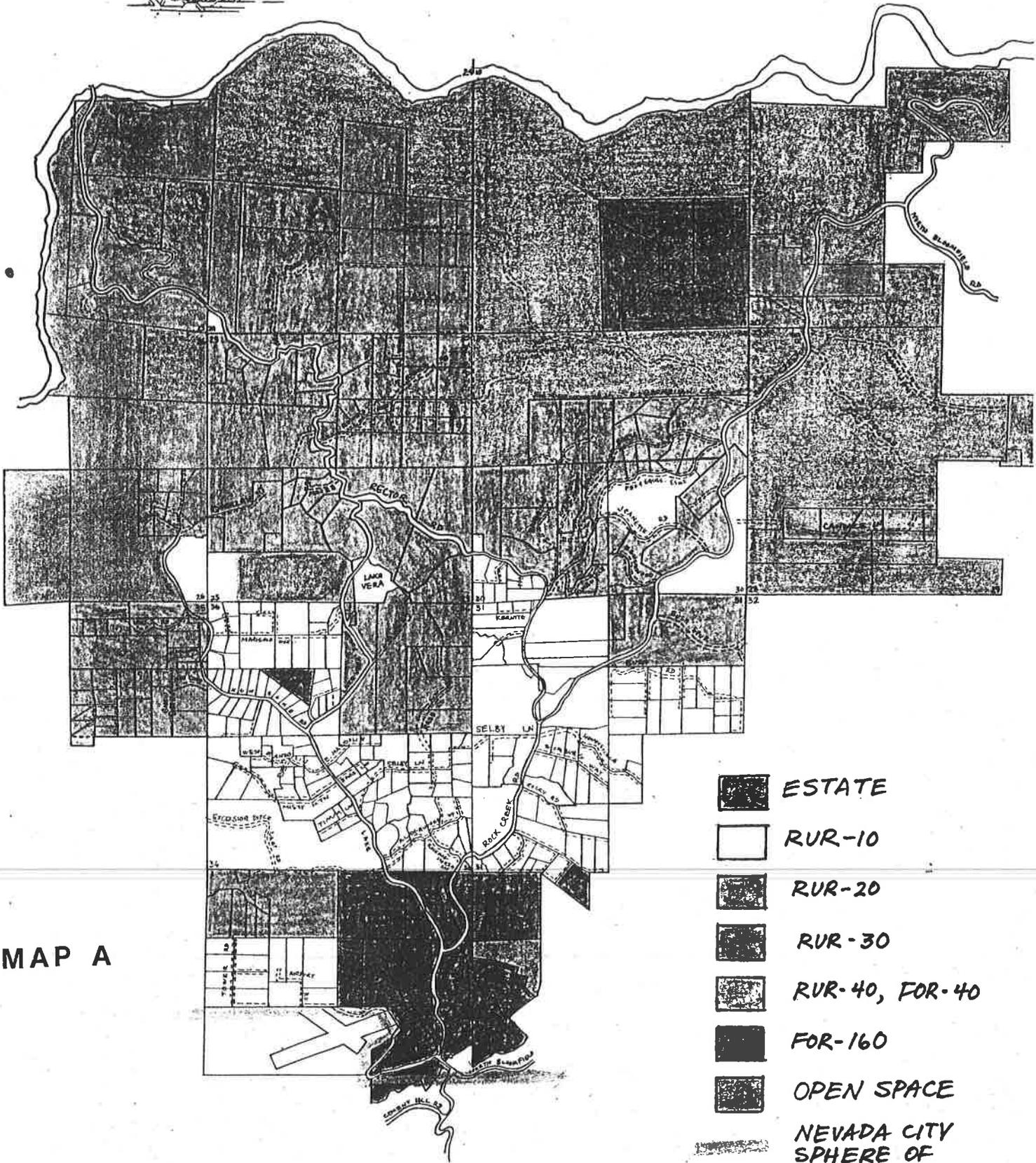
1* Allow one 10 acre parcel and X zoning on the rest.

2* The owner's request was to allow a lot line transfer in order to sell off a 5 acre parcel, or 5 acre zoning of the entire property.

3* Allow a lot line transfer. The Association does not agree to 5 acre zoning of this property.

† This column represents the change in the number of parcels as a result of LVRMNA's recommendation versus the Board's action, i.e. the number of parcels resulting from the Board's zoning minus the number of parcels resulting from LVRMNA's recommendation. The net result of accepting LVRMNA's recommendation would be a decrease of nine parcels.

Lake Vera / Round Mountain Neighborhood Association

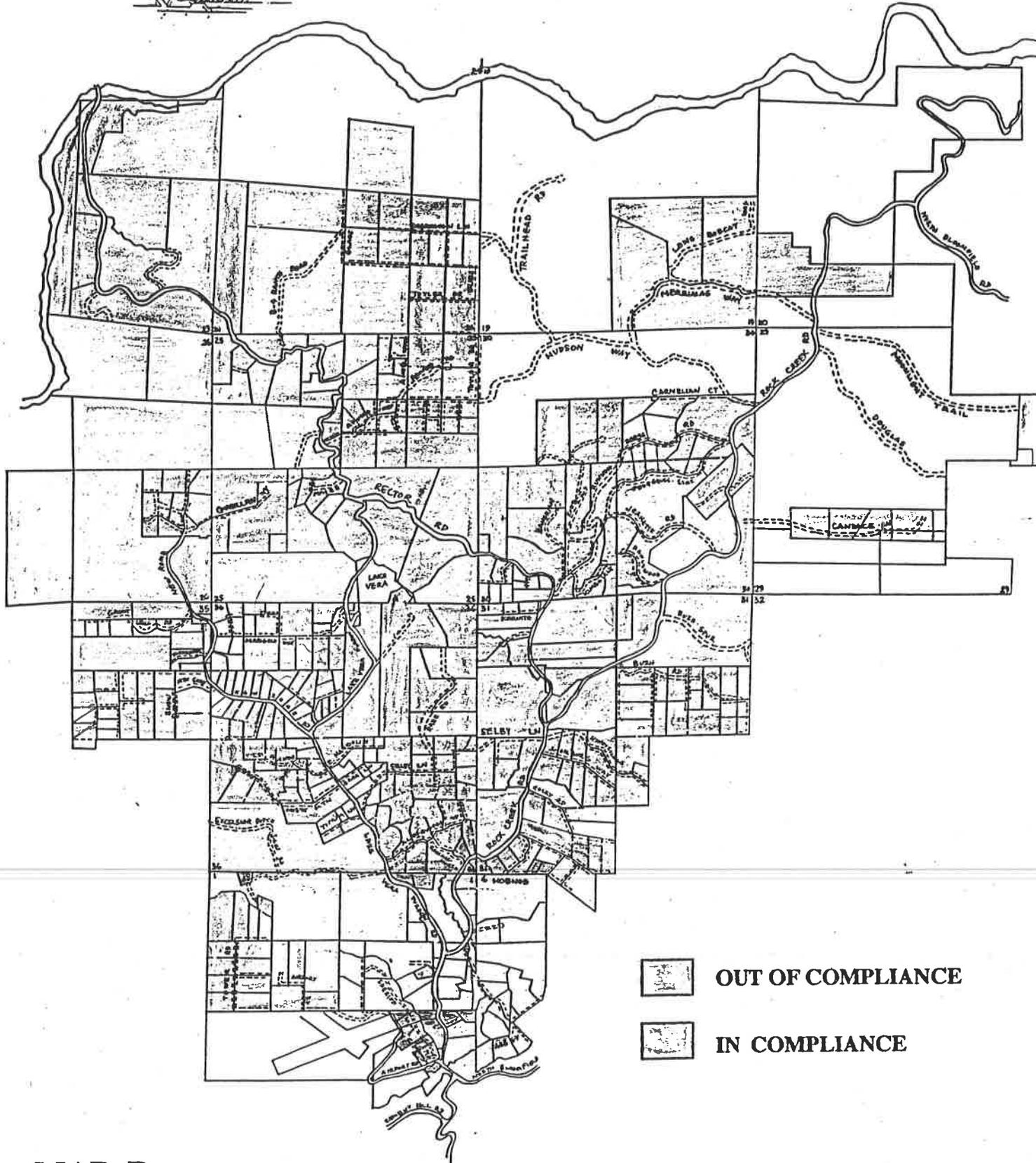


MAP A

GENERAL PLAN 1995



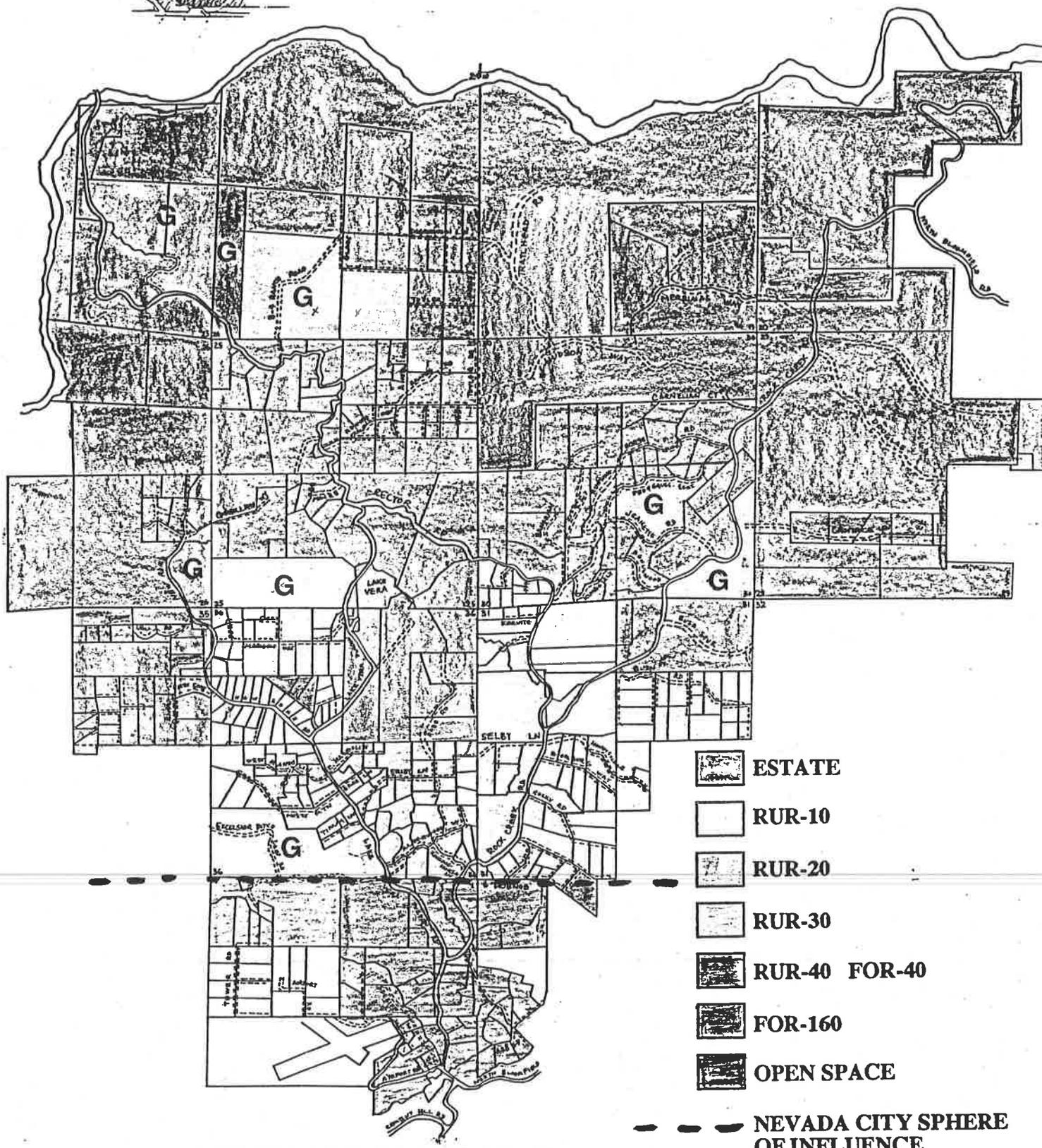
Lake Vera / Round Mountain Neighborhood Association



MAP B

Those parcels in red are out of compliance with the 1980 General Plan.
 Those parcels in green are in compliance with the 1980 General Plan.

Lake Vera / Round Mountain Neighborhood Association



COUNTY SUPERVISORS PROPOSED ZONING

MAP C

G--Requested GPD



4351
17'30

Board.

4350

LVI
MNI

25 MI. TO INTERSTATE 80

MAP D

Champion Mine
NEVADA CITY

APPENDIX A

Summary of the Recommendations of the Lake Vera/Round Mountain Neighborhood Association on the Zoning Proposed in the General Plan Update

- From the three surveys taken of our neighbors it is clear that their greatest fear is a **loss of the rural character of the neighborhood.**
- Forty percent of the parcels in our neighborhood are currently undeveloped. When these are built-out they represent a **67% increase in population density** with no change in the existing zoning!
- We currently have 111 parcels within the neighborhood that are in **violation of SRA Fire Safe Regulation 1273.09 regarding dead end roads.**
- Lake Vera Road is a **major safety hazard.** It is a primary feeder road, winding and very narrow--one lane in many places--and heavily traveled. This is particularly true in the summer with reckless tourist traffic to and from the Purdon Crossing of the South Yuba river.
- Our water supply is currently from wells sunk into fractured rock--like most of rural Nevada County. From our surveys we have learned that water is a major concern to the residents. Many have had to deepen wells--up to 600 ft just to get 1 gal/mi. And there have been many dry wells dug. Maintaining adequate parcel size is vital to provide sufficient access to the limited water pockets within this fractured rock source.

Until 1980 zoning in Nevada County was a free for all. The zoning adopted in the 1980 General Plan was the first attempt to apply sound planning principles based on existing constraints. Our neighborhood is a patchwork quilt of violations of that plan. Our major problem is that the proposed GPDs represent a continuation of this abuse.

The Proposed General Plan Designations

The zoning proposed in the present plan is for the most part, a reconciliation of the realities of the past mistakes with the need for present restraint. **We accept these general zoning guidelines.** Our main problem is that in each case **the requested GPD violates the zoning proposed for the surrounding parcels in the updated General Plan.** To arrive at a compromise, we sent invitations to the entire neighborhood and all those requesting GPDs to attend a meeting to discuss the proposed requests. Each proponent of a GPD made a 10 minute presentation outlining the nature of the request and the rationale behind it. After lengthy discussion, compromises were proposed and voted on by secret ballot. The results of this process are summarized in the enclosed table (see the last page). Four of the proponents have accepted these compromises and four stand by their original requests.

The Nevada City Sphere of Influence

The proposed Nevada City sphere of influence extends as far as Hobnob Way--a substantial intrusion into our neighborhood and an extension of the city which would not permit gravity fed city sewage hook up. We propose as a compromise an extension of the sphere of influence to the top of the hill at North Bloomfield--such a line would follow the natural terrain and allow a gravity fed sewage line to the area. An acceptable, but less desirable compromise, would be a line extending along the top of the old Nevada City Airport. We will leave the choice to the Planning Department and the Board of supervisors.

Recommendations of the Lake Vera/Round Mountain Neighborhood Association on the Zoning Proposed in the General Plan Update

To: The Resolution Committee

From: The Lake Vera/Round Mountain Neighborhood Association

Re: The Maps

The Lake Vera/Round Mountain Neighborhood Association accepts the proposed land use defined by the General Plan Update with the following two exceptions:

- 1) The extent of the Nevada City sphere of influence.
- 2) The proposed G.P.D.s

Our suggested compromises on these two points are outlined below (see "The Bottom Line"). But first, to justify our proposal:

A) Some Statistics:

Current Statistics based on existing parcelization:

- There are presently 476 parcels within the Association boundaries. The current zoning would have allowed only 232 parcels.
- Of the 476, 284 are occupied and 192 are vacant, so that 40% have not been developed.
- At build-out, these vacant parcels represent a **67% increase in population with no GPD's** or up zoning.
- To our knowledge there is no undeveloped parcel in our area on which there is no viable building site.

Future Statistics based on the General Plan Update:

- The proposed GPD's will add 28 new parcels.

B) Our Concerns:

a) Density:

We have taken two surveys of the neighborhood--a summary is attached. If there is one lesson to be learned from these it is that the rural quality is the most important single element in the General Plan. From the first survey the following three questions deal with this issue:

17. How important to you are considerations for wildlife habitat, protection of privacy, maintenance of a forested and open natural spaces, agricultural activities, and other aspects of rural environment?

Essential 79%

Important 21%

Not very important 0%

No opinion 0%

18. What is your opinion about future development and population increases in our area?

Allow no more development than is presently zoned 74%

Increase development by spot-zoning for parcels. 26%

19. As part of the County General Plan Update this summer, there are a number of parcel owners intending to subdivide a camp property and other large parcels who have requested GPD's. How do you feel about this?

Support 11%

Don't support 89%

In the second survey the following questions dealt with environmental issues:

6. The existing population in Nevada County is approximately 85,000. Several limits have been suggested for the population of Nevada County by the year 2015. Which would you prefer?

Allow no more development than presently zoned.	87%
135,000	13%
176,000	0%

8. Listed below are six general areas of concern in updating the General Plan. Please indicate, as best you can, your priorities. Assign a number 1 to the area most important to you, a number 2 to the next most important, and so on.

- 1 Preserving the rural character of the County.
(This ranked #1 or #2 in 100% of the returns.)
- 2 Protecting the natural environment.
- 3 Providing adequate public services and facilities.
- 4 Providing job opportunities.
- 5 Providing for housing.
- 6 Providing for consumer goods and services.

There can be no doubt that the rural nature of Nevada County is the element of the General Plan which is of greatest concern to the Association members.

b) Fire Safety:

1. We have spoken to Tony Clarabutt regarding the safety of our neighborhood in the event of a wild fire. He has said that the combination of fuel levels and housing density already exceed the limit of the local fire fighting capabilities to protect the area. How bad will it be with the eventual 67% increase in population?

2. Tony further said that the most likely direction for a wild fire is up out of the South Yuba canyon. This would force the evacuation of Lake Vera , Rock Creek roads into the intersection of Lake Vera and Rock Creek roads. This will be a danger point. Lake Vera and N. Bloomfield also come together at the top of the hill. This intersection will be the focal point for the evacuation of this entire region between Nevada City and the South Yuba. Given the large number of households with horses to be evacuated by trailer, we anticipate **absolute grid lock at this site in the event of an evacuation.**

3. There are currently **111 (± 5%)** parcels within the neighborhood that are **in violation of SRA Fire Safe Regulation 1273.09 regarding dead end roads** (see the attached for a list of the parcels in violation and the State regulation). New Rome Road, for example, is a dead end road over 4 miles long with a minimum parcel size of 1/4 acre. The maximum safe length for this road according to SRA is 800 ft.

c) Water

Our water supply is currently from wells sunk into fractured rock--like most of rural Nevada County. From our surveys we have learned that water is a major concern to the residents. Many have had to deepen wells--up to 600 ft just to get 1 gal/mi. And there have been many dry wells dug.

Maintaining adequate parcel size is vital to provide sufficient access to the limited water pockets within this fractured rock source.

NID will soon bring a treated water line down Lake Vera Road and this will solve the problem for those who have access to this source.

d) Road Safety

1. Lake Vera Road is a major safety hazard. It is a primary feeder road, winding and very narrow--one lane in many places--and heavily traveled. This is particularly true in the summer with reckless tourist traffic to and from the Purdon Crossing of the South Yuba river.

2. Other trouble spots are Rector Road (a single lane road over much of its length) and New Rome Road.

e) Septic

Septic is a major concern even at the present population level.

C) Our Credibility:

We were formed two years ago and as stated in our bylaws (see attached) our mission statement is to sustain the quality of our rural environment and foster a sense of community for current and future residents. We have made heroic efforts to engage the entire community in our Neighborhood Association and in our Neighborhood Plan. We

have done this through monthly or bimonthly meetings--advertised by tree signs, mails, and phone calls. We publish a regular newsletter, and hold an annual Picnic. We have taken two surveys of our neighbors (summaries are attached) and are currently engaged in a third survey to be taken door-to-door--our objective is to obtain 100% coverage. This survey will form the basis for our present task which is the drafting of a Neighborhood Plan to be incorporated into the County's General Plan.

Until 1980 zoning in Nevada County was a free for all. The zoning adopted in the 1980 General Plan was the first attempt to apply sound planning principles based on existing constraints. Our neighborhood is a patchwork quilt of violations of that plan. Our major problem is that the proposed GPDs represent a continuation of this abuse. In each case the requested GPD violates the zoning proposed for the surrounding parcels in the updated General Plan.

The Bottom Line

1. The Proposed General Plan Designations

Invitations were sent to the entire neighborhood and all to those requesting GPDs to attend a meeting to discuss the proposed requests. Each proponent made a 10 minute presentation outlining the nature of the requested GPD and the rationale behind it. After lengthy discussion, compromises were proposed and voted on by secret ballot. The results of this process are summarized in the enclosed table. In each case, the zoning requested by the owner is lower than the Board's proposed zoning for the surrounding parcels. Each of the compromises recommended by the neighborhood lies between the existing parcel size and that requested by the owner. Four of the proponents have agreed to accept our compromises and four stand by their original requests.

2. The Nevada City Sphere of Influence

The proposed Nevada City sphere of influence extends as far as Hobnob Way--a substantial intrusion into our neighborhood and an extension of the city which would not permit gravity fed city sewage hook up. We propose as a compromise an extension of the sphere of influence to the top of the hill at North Bloomfield--such a line would allow a gravity fed sewage line. An acceptable, but less desirable compromise, would be a line extending along the top of the old Nevada City Airport. We will leave the choice to the Planning Department and the Board of supervisors.

8. Listed below are six general areas of concern in updating the General Plan. Please indicate, as best you can, your priorities. Assign a number 1 to the area most important to you, a number 2 to the next most important, and so on.

- 1 Preserving the rural character of the County. (This ranked #1 or #2 in 100% of the returns.)
- 2 Protecting the natural environment.
- 3 Providing adequate public services and facilities.
- 4 Providing job opportunities.
- 5 Providing for housing.
- 6 Providing for consumer goods and services.

9. Do you support wild and scenic status for the south fork of the Yuba river? Yes **94%** No **6%**

10. A very important aspect of future development which needs to be decided has to do with the layout and design of future developments in the County. Let's create an imaginary situation. Suppose we had 1000 acres and it was decided by the Supervisors that the average parcel size in this subdivision should be about 5 acres. The basic question is:

16% Would it be better to subdivide this 1000 acres of land into 200 parcels, averaging about 5 acres each?

OR

84% Would it be better to cluster the housing together on parcels much smaller than 5 acres, and designate the remaining land to be permanently undeveloped and set aside for uses such as agriculture, space, or recreation?

11. Sometimes, when the County is making land-use decisions, there is a conflict between issues. If there were a situation in which (a) and (b) below came into conflict with one another, which of these two issues should the decision be balanced in favor of?

(a)	(b)	Favor (a)	Favor (b)	Both Equal
Preserving the rural character of the county.	Providing for consumer goods and services.	97%	1%	2%
Preserving the rural character of the county.	Providing for economic job opportunities.	93%	3%	4%
Preserving the rural character of the county.	Providing for housing.	100%	0%	0%
Preserving the rural character of the county.	Providing for public services and facilities.	82%	4%	13%
Protecting the natural environment.	Providing for consumer goods and services.	96%	1%	3%
Protecting the natural environment.	Providing for economic job opportunities.	89%	3%	8%
Protecting the natural environment.	Providing for housing.	92%	2%	6%
Protecting the natural environment.	Providing for public services and facilities.	83%	3%	14%
Protecting the natural environment.	Preserving agricultural lands.	62%	11%	27%

12. If you could speak to the Board of Supervisors or the Planning Commission what would you like to say?

(See the following pages.)

Summary of Survey Taken of the Lake Vera/Round Mountain Neighborhood Association

6/9/93

GENERAL

1. How long have you lived in the Greater Lake
Vera/Round Mountain area?

0-3 yrs 8
3-5 yrs 13
5-10 yrs 28
Over 15 yr 21
Don't live here 11

2. Which of the following situations applies to
your property:

Unimproved 7
Owner occupied 68
Renter occupied 5

3. How large is your parcel?

2 acres or less 28
3-5 acres 25
6-10 acres 12
11-20 acres 6
20-100 acres 9
Greater than 100 acres

4. What are your plans for residency in this
area?

1-10 yrs 8
Move here in the future 8
Long term 60
Leave or sell in the future 5

WATER

5. My water comes from:

Well 74
Spring 2
Stream
NID 1
Other 2

6. Have you experienced a decrease in output?

No 49
During last
2 years
2-5 years 2
5-10 years
Yes 20
During last
2 years 6
2-5 years 5
5-10 years 2

7. How deep is your well?

50-100 ft 16
100-200 ft 25
200-300 ft 17
300-400 ft 4
500 or more 2

8. Have you had to increase the depth of your
well or drill a new well?

No 65
During the last
2 yrs
2-5 yrs 1
5-10 yrs 1
Yes 4
During the last
2 yrs 3
2-5 yrs
5-10 yrs

9. Are you concerned about the effect of
population growth on our area's water supply?

Very 50
Somewhat 24
Not concerned 6

10. Are you currently receiving NID untreated water?

Household 1
Irrigation 6
Pond
Livestock
Do not use 66

11. Would you like to continue or begin to receive it?

Yes 28
No 37

12. Would you like to receive NID treated water?

Yes 22
No 46

13. If NID piped and treated water is brought down Lake Vera Road, it could lead to a change in zoning to 1.5 acres parcels. How do you feel about this possibility?

In favor 12
Oppose 50

TRAFFIC AND ROADS

14. Regarding traffic on our roads, what is acceptable to you?

No increase 43
Small increase 30
Large increase 2
Doesn't matter 4

15. Do you live on a road maintained by the County?

Yes 37
No 43

16. Is your road maintenance adequate?

Yes 40
No 32

DENSITY

17. How important to you are considerations for wildlife habitat, protection of privacy, maintenance of forested and open natural spaces, agricultural activities, and other aspects of rural environment?

Essential 63
Important 17
Not very important
No opinion

18. What is your opinion about future development and population increases in our area?

Allow no more development than is presently zoned 56
Increase development by spot-zoning for parcels.. 20

19. As part of the County General Plan Update this summer, there are a number of parcel owners intending to subdivide a camp property and other large parcels who have requested GPD's. How do you feel about this?

Support 8
Don't support 64

OPEN SPACE

20. Do you use the trail system in this area?

Yes 44
No 32

21. There are BLM parcels in our area. How would you like these used?

Open space buffer zone in their present undeveloped state: 67
Local recreation parks: 22
Trade or sell for development appropriate to their zoning: 1

Proposed bylaws of the Lake Vera/Round Mountain Neighborhood Assoc.

Article 1. Purpose

The purpose of the LVRMNA is to sustain the quality of the rural environment and foster a sense of community for current and future residents.

Article 2. Membership

2.1 Membership shall be granted to all residents of the area served by Lake Vera, Rock Creek, and Rector and their secondary roads who have submitted an application and are currently up to date with their dues of \$15 per individual, \$20 per couple annually. Dues are payable on entry into the association and renewable on or before August 1 of each year.

2.2 Responsibilities of membership:

Pay annual membership dues promptly

Regular attendance at Association meetings

Volunteer for steering committee and subcommittee business, so that work is spread evenly among all members

2.3 Rights of membership:

Respectfully heard on all issues

Voting

Holding elective office

Article 3. Post office box

The association will rent a post office box whose number will be published in the newsletter.

Article 4. Steering committee

4.1 The steering committee is to conduct organizational business--all association decisions are to be made at the general meetings. A minimum of six meetings will be held annually. The location and time will be announced and may be attended by the general membership. Meeting of the general membership will be held a minimum of three times a year. (One of these general meetings will be the pot luck dinner.

4.2 All steering committee positions may be shared.

4.2.1 Steering committee positions may be added to or eliminated by majority vote of the committee.

4.3 The steering committee of the association shall consist of the holders of the following positions:

Chair: Chair steering committee meetings and some or all general meetings, possibly with the help of a co-chair.

Secretary: Keep legible minutes of all meetings. A summary must be prepared for the newsletter and for reading at the next meeting.

Treasurer: Hold the checkbook and balance it, write checks, give reports at meetings and in the newsletter. The treasurer will keep a current membership list.

Newsletter chair: Compose the monthly newsletter from self generated material and signed submissions from members of the association. Prepare mailing labels. If funds permit, all residents of the area will receive a mailing, if not, only association members. At least one member's phone number will be included in the newsletter as a contact person for new people. Approval of final copy must be obtained from the chair or co-chair and one other member of the steering committee. If there is questionable material, these two plus the editor will decide the matter.

Community works program: Establish a neighborhood work core to assist needy neighbors with repairs and maintenance, and provide support through phone calls or visits to the sick.

Liaison to Neighborhood Camps: Someone to make contact through visits, phone calls, and letters to local staff and Camp administration and provide continuing communication.

Representative to FONA: Someone to act as liaison with the Federation of Neighborhood Associations and regularly attend FONA meetings.

Representative to RQC: Someone to attend meeting of the Rural Quality Coalition and report back to the steering committee.

Phone Tree Chairperson: Organize and keep a current phone tree to our membership, and recruit assistance.

Publicity Chairperson: Prepare and hang signs. Prepare and issue press releases.

Arrangements Chairperson: Take care of meeting room arrangements.

4.3.1 A minimal steering committee shall consist of a chair, vice chair, and treasurer.

4.4 Members of the steering committee will serve for a period of one year. Elections shall

be held annually no later than Feb 1 of each year.

4.5 Recall

a. Three LVRMNA members must present a written statement to an officer specifying the reasons for recall.

b. At the next general meeting the members of the steering committee shall establish a mediation panel, composed of members not involved in the controversy.

c. Within seven days, both parties to the dispute will meet with the mediation panel. If no resolution is reached at that meeting, the panel will recommend a resolution within five days.

d. If either party is dissatisfied with the recommendation, the Steering committee shall allot equal times for the two positions at the next general meeting. If that meeting results in a consensus (or 80% fall-back vote of attending members) in favor of recall, the committee member is removed from office.

4.6 Emergency substitution

If a member of the steering committee is unwilling or unable to perform his or her function and it is judged necessary by 80% of the remaining members of the steering committee that the duties require a temporary substitute due to time constraints, then a substitute may be appointed by the remaining members of the committee by a simple majority vote to deal with the emergency.

Article 5 Decision Making

All meeting shall be conducted according to Robert's rules of order with the following exceptions:

5.1 Voting members of the association will be those whose dues are current. In the case of joint ownership of two or more parcels within the association boundaries there will be a maximum of two votes allotted to the joint owners. In no case will a member have more than one vote.

5.2 If unable to attend a meeting, members may authorize (in writing) a proxy.

5.3 Decisions will be by consensus, as reached within an established time frame. If consensus cannot be reached within the established time, decisions may be made by a 2/3 majority vote.

5.4 A quorum shall consist of 7 members at least 3 of whom are members of the steering committee.

Article 6 Amendment of bylaws

These bylaws may be amended at any time through the following process:

1. Proposals for amendment must be addressed at a general membership meeting.

2. Using the decision-making process outlined above, the members will determine whether amendment is necessary, and, if possible, the general approach to be taken.

3. If amendment is necessary, a Bylaws Working Group shall draft a proposed amendment, following the general approach determined at the membership meeting.

4. The amendment may be adopted at the following general meeting, either by consensus or, if necessary, a two thirds majority vote.

Nevada County at historic crossroads with plan

Almost nothing happens in local government during the first week of a new year. There's nothing much to report, so it's a blank check for journalists to speculate on what the important stories might be in the coming year.

Planning and land-use issues are the real stories, the tail that wags the dog in local government. It's what local government does more than anything else and most other stories revolve around those issues.

Nevada County seems to be at an historic crossroads with the latest state-imposed deadline for a new county general plan bearing down on us. The state's patience has been exhausted. There will be no more extensions of the deadline. We will have a new general plan before 1995 is half over or we will grind to a halt.

The new Board of Supervisors that was sworn in last Tuesday knows that it soon will be making the final decisions. Past board members have argued, equivocated, maneuvered behind the scenes, appointed committees and ducked the tough questions. But it's all over now; this board has to decide.

The new board clearly has a pro-growth majority so the pave-it-and-build-it types will be making their final attack in the coming weeks, hoping to eliminate all the slow-growth, pro-environment elements of the plan,

but time is not on their side.

As it is presently written, the new plan represents thousands of hours of committee work where all sides compromised and consensus was achieved. Neither the developers nor the environmentalists are entirely pleased with it, but it's just too late to do all that work over again. Even if the majority on the board doesn't like it, we're likely to be living with the results of all that compromise for the immediate future.

But does it even matter? The general plan is supposed to guide our planning and land use decisions, guide our growth and development, or the lack of it, for the rest of the century, but really, it's just the starting point for discussion.

Where the county has been vulnerable in the past to criticism of its decisions about growth, it hasn't been because of the general plan; it has been the willingness of elected officials to grant exceptions to the plan. There's no reason to believe that elected officials will behave differently in the future.

When Todd Juvinall comes back to the county

with his Glenwood Pines proposal in the spring, it won't matter what the general plan says. If he has his political ducks in a row, he'll get to build his houses. In the end, the political balance on the Board of Supervisors has a lot more influence than the general plan on the county's land use decisions.

One other factor tends to diminish the importance of the general plan — the economy. Pro-development people like to say that growth is inevitable, so we should build for it, but no one builds on cheap speculation. Even if the general plan is just an open invitation for a developers' party, growth doesn't necessarily follow.

Much of the debate on the general plan has revolved around the potential build-out population, but we haven't built out under the current general plan and we're not likely to build out under the new one. Build-out is just a developer's dream. Population growth in the foothills is directly proportionate to the ability of urban refugees to make a living. Homebuilders can't make a living without a lot of help from people higher on the economic food chain.



Mark Stancart

When Nevada County, the build-out plan now, it's not.

The election of Supervisors represents constituency, though. Developers tend to favor Republican types and conservative Republican types favor growth and development. Antonson is living there really are

Antonson may not rural community for urbanizing that comes as conservative. "Conservative" the slow-growth type Real-estate developer

Mark Stancart weekly comment: His column appears at The Union, 114

The Union 1/7/95

P.O. Box 2166
Grass Valley CA 95945
January 18, 1994

JAN 20 1995

NEVADA COUNTY
PLANNING DEPARTMENT

I am writing to suggest two additions to the draft Environmental Impact Report for the Nevada County General Plan.

I Downzoning of rural areas will only be implemented if it can be done with respect for property rights:

One mitigation recommendation in the EIR was the suggestion to "downzone" (to a 10- or 20-acre minimum) rural areas which are currently zoned for higher densities. As it stands, this mitigation is politically unfeasible: the downzoning constitutes a "Taking" of private property, since landowners like myself who have acreage which is splittable under the current zoning will lose much of the land's value if it can no longer be divided.

20.1

However, if Transferable Development Rights were instituted, landowners with currently splittable property could be compensated in this way. I suggest that this option be added to the downzoning mitigation recommendations in the EIR.

20.2

II Wildfires make downzoning of rural areas particularly important. I read the draft EIR several weeks ago & I may have missed some sections, but I don't believe the it goes into depth on the following reasons why the occurrence of wildfires makes clustering of housing crucial:

20.3

1. Ability to successfully fight catastrophic wildfires.

It is clear that the frequency and extent of uncontrolled fires in Nevada County will only get worse over the coming years as fuel buildup continues and as more homes are constructed in rural areas; when a substantial proportion of firefighters are delegated to protecting individual homes, there are that many fewer of them available to stop the fire. Uncontrolled fires with our current fuel loading are unnatural; our biota may be pyrophytic, but they evolved to thrive under conditions of frequent, low intensity fires rather than the massive conflagrations that occur today, whose heat can create a layer of "cooked", sterile, hydrophobic soil up to 14 inches thick that may take many years to break down.

2. Ability to prevent catastrophic wildfires.

a. Greater feasibility of prescribed burning.

I believe that, in the long run, the only feasible way to reduce the wildfire threat is by using prescribed burns to reduce the fuel load and return the land to its natural state; however, this approach becomes more dangerous and less feasible (and hence, unlikely to be practiced) as the "burnable" patches shrink due to proximity to surrounding homesites.

b. Reduced risk of starting a fire.

More houses in rural areas means more trees near power lines, which means a greater probability of starting another Trauner Fire (this fire burned hundreds of acres in Rough & Ready last summer and was caused by a tree in contact with a power line).

Thank you.

Sincerely,

Dr. Anna Haynes
Ph.D., Organismic and Evolutionary Biology

#21

D. W. Kelley
14997 Pathan Place
Nevada City, CA 95958
January 20, 1995

RECEIVED

JAN 20 1995

NEVADA COUNTY
PLANNING DEPARTMENT

Mr. Tom Miller
Director of Planning
County of Nevada
Rood Center
Nevada City, CA 95959

Dear Mr. Miller:

I offer the following comments about the Draft EIR on the Nevada County General Plan.

This EIR is the first document attempting to describe the effects of the updated General Plan on our County. As such, it helps us understand the likely results of a planning process that has been going on for several years. Most of the residents have no clue, understanding only that it has been long and controversial. What the draft EIR says will happen to Nevada County as a result of the General Plan should be summarized and printed in the local newspaper. Can you not work with the Union to see that this is done?

I will limit my comments on the draft EIR to issues of water, erosion control, and fisheries. Those are subjects in which I have some expertise.

Page 4.3-10 IMPACT #10 (INCREASED FLOOD HAZARDS RELATED TO DAM FAILURE AND EARTHQUAKE RELATED SEICHES)

This impact is judged to be less than significant on the basis that earthquakes here are rare and that various governmental services regarding emergencies are adequate. Nonsense! Any plan which allows building or deposition of fill material in floodplains or below the top of stream banks, as this on does, will eventually result in loss of property, probably life, and serious environmental damage.

21.1

The draft EIR failed to note that Policy 11.7 of the Final Plan does just that. It defines "minimum setback lines to be established and enforced through the development of the Comprehensive Site Development Standards and project environmental review" as the "average high water mark of perennial streams and significant wetlands". In nearly half the years, any structure built near such an "average" would likely be flooded. In case of a spill over a dam or a dam failure caused by an earthquake, such structures would probably be washed away. Defining the setback line as the "average high water mark" makes no sense and the EIR is clearly in error here.

PAGES 4.3-11 (INCREASED DEVELOPMENT OF FLOODPLAINS
RESULTING IN PERIODIC DAMAGE AND POSSIBLE LOSS OF LIFE)

The draft EIR judges this to be a significant impact, but one that can be mitigated to a less than significant level by adding three policies regarding grading ordinances and the location of buildings relative to the floodplain. These are good additions.

21.2 However, Plan Policy 11.7 that I discussed above and which defines setback lines as the "average high water mark" contradicts these other policies and unless corrected, would inevitably result in periodic damage and possible loss of life-- at a significant level.

PAGE 4.3-15 (IMPACT #13 BUILDOUT AND ROAD IMPROVEMENTS
MAY DECREASE SURFACE WATER QUALITY DUE TO EROSION AND POLLUTION).

21.3 This is not adequately discussed in the draft EIR. Erosion, accelerated by road building and land development, is one of the principal causes for the decline in important fish habitat throughout much of the Sierra Nevada. There are hundreds of studies providing evidence that soil deposited in streams seriously damages spawning and rearing habitat with the result that fish populations are reduced. Increased turbidity is a small and temporary part of the problem.

Effective mitigation measures are rare--but certainly tight grading ordinances and their enforcement will help. In addition, I recommend a mitigation measure requiring the county to take the lead in developing an education program to sensitize residents, especially engineers and heavy equipment operators, to this problem. My experience is that much of the damage is done by innocent people who never give the matter a thought.

PAGE 4.3-17 (IMPACT 14 BUILDOUT WILL RESULT IN REDUCED
GROUNDWATER QUALITY AS A RESULT OF INCREASED SEPTIC SYSTEMS)

21.4 The draft EIR errs in concluding that an investigation of groundwater and septic system influence of groundwater will mitigate the problem of groundwater pollution to a less than significant level. A groundwater study should show us where such problems exist or are likely to develop but the study itself cannot be considered as mitigation. I believe the law has been clear about that.

21.5 The EIR recommends a study aimed at surveying the failure of septic systems and their affect on groundwater. Failed septic systems are more likely to pollute surface water than groundwater. The real issue in this county is not failed systems, which are easy to see or smell, but successful systems which discharge large amounts of nitrogen into the ground. While good for our gardens, nitrogen dissolved in drinking water is

toxic to humans and especially so to babies. All good septic tank systems and leach fields contribute to the nitrogen levels of groundwater and, once it is below root zones and down there in the dark, it accumulates. This is the issue that the EIR should recommend be studied here, not the failure of septic systems.

The last sentence of Mitigation Measure #12 recommends that the plan allow up to 50 yards of fill in a floodplain "if it can be demonstrated that the fill will not have an adverse impact on or off site". Although worded as a limitation, it is hard to think of allowing fill in the floodplain as a measure to mitigate pollution, much less flood damage. Fifty yards of fill washed into Deer Creek would seriously damage trout habitat for several miles downstream. Who would make the determination that this would not happen? Who would determine that reducing the capacity of the flood plain at this point by 50 yards would not be detrimental in case of flood? I doubt you could find a qualified professional who would express such an opinion.

21.6

Mitigation Measure #12 should be changed to prohibit the location of septic tanks and leach fields and the placement of fill within the 100-year flood plain of all permanent or seasonal streams. Such streams are well designated on all large scale US Geological Survey maps that cover the County.

21.7

I appreciate the very difficult job of writing an EIR on a General Plan and, for the most part, I think the consultant did well with her draft. I hope these comments will help make the final document better.

Sincerely,



Don W. Kelley



Legal Services of Northern California

Mother Lode Regional Office

#22

Auburn

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RECEIVED

January 19, 1995

JAN 20 1995

Tom Miller, Planning Director

Nevada County

950 Maidu Ave.

Nevada City, CA 95959-6100

By hand delivery

NEVADA COUNTY
PLANNING DEPARTMENT

Re: Comments of D.E.I.R. for Nevada County General Plan Update

Dear Mr. Miller,

Legal Services of Northern California represents low income residents throughout most of northeastern California, including Nevada County. On their behalf, we hereby submit these comments and objections to the Draft Environmental Impact Report ("D.E.I.R.") for the Nevada County General Plan Update.

We believe that the mitigation measures set forth in the D.E.I.R. fail to adequately address the environmental impacts that will be caused by the General Plan's treatment of high-density, affordable housing developments in Nevada County. Overall, the D.E.I.R. fails to present analysis, alternatives or mitigation measures addressing the negative environmental impacts that will result from the decreased availability of housing to low and very low income persons. The D.E.I.R. does not identify the negative impact of the General Plan's failure to supply sufficient sites for affordable housing for low and very low income persons. It also fails to adequately analyze the environmental impacts of the General Plan's inadequate analysis of infrastructure needs for those sites that are made available for low income housing.

22.1

Moreover, Mitigation Measure #39 will exacerbate the environmental effects of decreased access to affordable housing in the unincorporated portions of the County. In essence it attempts to solve problems that might be expected with higher density development at the expense of creating a new and greater problem, a lack of affordable housing for Nevada County's low income residents. No feasible plan for development of affordable housing in low density areas is set forth in the D.E.I.R. to compensate for the loss of high density building potential that is necessary for the creation of affordable housing. Nowhere in the D.E.I.R. is there discussion of the environmental impact of concentrating very low and low income people in existing affordable housing or moving them out of the County.

Planning Commission Letter

January 19, 1995

Page 2

While there may be some localized improvements to the environment due to the implementation of the D.E.I.R.'s housing policies, their overall negative impact to Nevada County's environment is not addressed. Specifically, nowhere does the D.E.I.R. take into account that persons who cannot find housing will often be forced to live at the edge of society, in tool sheds and barns or in encampments in the canyons the National Forests. These living arrangements, by necessity, are beyond the reach of environmental, planning, zoning and health and safety requirements. As the Forty-Niner fire readily demonstrated, the more people forced to live this way, the greater the danger posed by humans to the environment. People forced to live on society's margins do not, and often cannot, survive without ignoring some of the County's basic health and safety, much less environmental requirements.

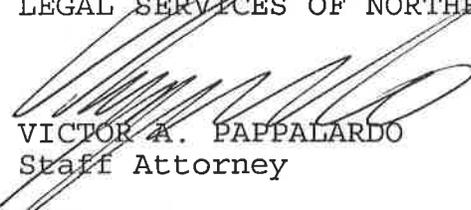
Moreover, many low income, working persons will find it imperative to move out of Nevada County and commute to their jobs from affordable housing in other areas. This will create the negative environmental impact of increased traffic in the County. As studies indicate that low income persons often cannot afford newer, more environmentally friendly cars, the potential negative environmental impact of creating this new class of commuters is great. The D.E.I.R., however, also fails to address this impact of the current General Plan's affordable housing guidelines.

While the above comments are not as comprehensive as we would like, they do point to our central objection to the D.E.I.R. It fails to adequately address the very real environmental problems that are created by the General Plan's limitation of access to affordable housing. In so doing it does not meet its general obligations under the state housing element statutes. This is a very real and serious deficiency.

On behalf of my clients, I thank you for your consideration.

Sincerely,

LEGAL SERVICES OF NORTHERN CALIFORNIA



VICTOR A. PAPPALARDO
Staff Attorney

VAP:ma

San Juan Ridge
Taxpayers Association

P.O. Box 421

North San Juan, CA 95960

JAN 20 1995

NEVADA COUNTY
PLANNING DEPARTMENT

January 18, 1995

Planning Commission
COUNTY OF NEVADA
950 Maidu Avenue
Nevada City, CA 95959

RE: Nevada County General Plan Draft Environmental Impact Report

Honorable Commission Members,

Thank you for the opportunity to review and comment on the above referenced document.

COMMENTS:

We have read through several sections of the DEIR and we are impressed by much of what we find there. We applaud the DEIR preparers for identifying many of the significant impacts that the proposed General Plan will have on our County. However, we do have several specific concerns, as follows:

1. In looking through the DEIR, we see little if any specific mention of our geographical area of interest, the San Juan Ridge. Without such specific information, it is difficult for us to interpret how much of the information in the DEIR will relate to our area.

23.1

For example, there are two GPD's that our organization has expressed concerns about throughout the General Plan Update process; GPDs #91-092 and #91-108, the Ananda Church of God Realization and the Milhous application. Both of these GPD's were tentatively approved by the Planning Commission and the Board of Supervisors, against the strongly worded recommendation to deny the requests by the General Plan Consultant. It was the opinion of the Consultant and of our organization, that approval of these applications would alter the character of the surrounding areas, in that they would permit the creation of parcels much smaller than those otherwise characterizing those areas. These GPD's were deemed incompatible with surrounding land uses and zoning by the Consultant. We do not find the effects that these GPDs would create mentioned in the EIR.

2. Chapter 4.9 deals with Noise. The EIR spells out the CEQA Standards of Significance for noise impacts. These are if 1) projects create noise

levels that would conflict with local noise regulation or 2) if projects would substantially increase noise levels in areas of (existing) sensitive receptors or if 3) proposed projects would substantially increase ambient noise levels and would therefore be incompatible with existing uses. (pg. 4.9-12)

23.2

After having stated these standards, the DEIR then goes on to evaluate noise impacts only as they would relate to the County noise standards (the chart in General Plan Policy 9.1). These County standards are much higher than nearly everywhere on the San Juan Ridge! The DEIR does not evaluate what the noise impacts would be on our community if development that is allowed by the new General Plan would create noise levels as high as those allowed in Policy 9.1 -- *even though those levels are much higher than what we currently experience.*

23.3

3. Mitigation Measure #1 is the recommendation for Site Development Standards. But these Standards are not defined. The recommendation sounds excellent to us, but because this is such an important part of the DEIR, and because many sections of the DEIR refer back to this Measure, we would be much more comfortable having the Standards developed before approval of the DEIR. Without being able to see the actual standards, how can we hope to evaluate them?

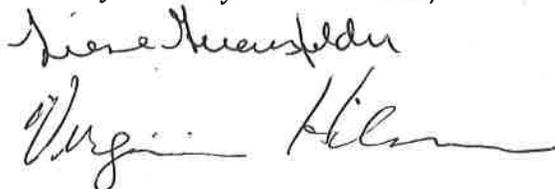
Also, we are very concerned that these Standards will not apply to projects that do not need the Commission's approval (such as individual building permits.) Thus, where densities are allowed to increase in the County, this Mitigation Measure would not have to be applied to many of the new buildings -- resulting in significant adverse impacts that Mitigation Measure #1 was supposed to counteract.

23.4

We feel that a more effective and appropriate mitigation measure would be to reduce the land use densities in the areas where Mitigation Measure #1 is seeking to reduce impacts.

4. We have read the Plan Alternatives in Section 5 of the DEIR. We feel that Alternative #4, the Environmentally Superior Alternative, should be adopted by the County. We should be able to allow for managed growth in the County while at the same time maintaining the quality of life here that we all cherish.

Thank you for your attention,



Liese Greensfelder, President, Steering Committee
Virginia Hilsman, Vice President, Steering Committee

Robert L. White
N.Co. Plan. Comm. 3rd Dist.
13171 Woodrose way
Grass Valley, CA 95945
(916) 273-9679 FAX 1238.718

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January 19, 1995

JAN 20 1995

Mr. Tom Miller, Acting Planning Director
Nevada County Planning Department
950 Maidu
Nevada City, CA 95959

NEVADA COUNTY
PLANNING DEPARTMENT

Dear Mr. Miller:

After reading the Draft EIR prepared by Harland Bartholomew & Associates, Inc. for Nevada County, I have the following comments and questions.

COMMENTS

As I stated at the Planning Commission hearing January 12th, I believe it is important for the Final EIR to state what it does not address. It seems that it is the opinion of some in this community that we must unequivocally adopt all the mitigation measures recommended in the DEIR. It is important that the general public realize that the EIR is a single purpose document. As I understand it, the primary purpose of the EIR is to identify only potential environmental impacts of the General Plan as well as necessary or desirable mitigation measures. Feasibility with respect to social or economic impacts (including fiscal and service impacts, affordability of housing, and community goals) are not addressed. I would like to ensure that the general public understand that it is the responsibility of their elected and appointed officials, as well as those professionals employed by the County, to take these other important community concerns under consideration when certifying the EIR at a later time. I therefore, request that such a statement be included in the Final EIR, clarifying this for the public.

24.1

Another concern I have is that the DEIR contains a significant amount of mitigation measures which would, if adopted, translate into a whole new body of land use regulations and impact fees. This definitely could be considered as more intrusion, by the Government, into our personal lives and property rights. As evident in the Board's on-going

24.2

discussion on instituting a more business friendly attitude and privatizing/downsizing County services, this County appears to be interested in going the opposite direction, with less, not more restrictions. During our hearing, not one person testified they wanted more regulations. The only comments received were in opposition to higher permit and impact fees.

I am very interested in protecting the environment, but, it needs to be done in a manner which recognizes the existing social contract between the County and its citizens. Adoption of excessively restrictive mitigation measures which result in significantly higher fees and extensive regulating is inconsistent with what I perceive as the desires of the people of the County. As we make our decisions on the EIR, it is important that we keep this in mind.

PG 4.1-14

24.3

Paragraph 3 analysis that the reason lower income households locate in urban areas is to gain access to urban services (such as schools, sewer and water) and the reduced dependency on private automobiles. I take acceptance to this analysis in that it is my opinion that the primary reason lower income households, with the exception of seniors, tend to locate in urban areas is to take advantage of reduced rent and housing costs that is a result of higher density development.

PG 4.3-16

24.4

The use of grease and silt traps in future parking lots has been recommended for protection of surface water quality. I would like an in depth explanation of the design, function, effectiveness and cost of these systems.

PG 4.4-9

24.5

The EIR states that according to CEQA, the definition of endangered species includes jeopardy due to predation and competition, I assume from possible other species in some cases. It would be out of the scope of the County's responsibility, and for that matter what I would call immoral and frivolous for the County to try to effect natural evolution. I feel that we must be very cautious not to artificially preserve, propagate or encourage any particular naturally occurring species, so as not to jeopardize another, which I would not be surprised has already happened due to over zealous interpretation of CEQA.

PG 4.4-17

24.6

I take acceptance to the statement that the highest values for resident wildlife occur in areas which have not been disturbed by development. I find that there are more deer

and wild turkey in Lake Wildwood than in some of the places that I hunt.

PG 4.4-25

Effects of development on existing deer herds is discussed and the recommendation by CDFG for mitigation of these effects is to restrict the density of development. I would like to have a workshop or presentation by CDFG to address measures that could be implemented with SDA's that could possibly encourage or aid in the development of deer herds. It is my feeling that with proper planning and procedures this may be possible.

PG 4.10-49

While I am a firm believer in the benefits of sufficient and upgraded levels of insulation to conserve on fuel consumption, I feel that to impose requirements to upgrade existing structures before resale, is beyond the legitimate influence of any governmental body. Because of this, I also question the legality of such an ordinance.

24.7

QUESTIONS

How do the restrictive mitigation measures in the draft EIR compare to those in other counties, both urban and rural?

24.8

It seems that one major result of the mitigation measures proposed by the Draft EIR would be to deny some current property owners the right to develop their properties to the density they have requested during the general plan development process. What should the County expect in the way of "Property Rights" legal challenges to the General Plan if all proposed mitigation measures are adopted? What should the County expect in the way of "Environmental" legal challenges to the General Plan if the proposed mitigation measures are not adopted? What type of legal consequences could result in either case, "Property Rights Challenges", or "Environmental Challenges", in a worse case scenario?

24.9

By restricting density and imposing costly fees and regulation on developers it is inevitable that we will in fact increase the cost of housing and business property in the County. With the exception of government subsidization, how can we keep this county from becoming too expensive for anyone but the very highest income families to live in?

24.10

- 24.11 PG 4.1-3
During the presentation on December 15th, I got the impression that CEQA did not allow for consideration of fiscal impacts with regard to environmental mitigation measures. Under jobs/housing balance the third function addresses fiscal imbalances. Would you explain this apparent discrepancy?
- 24.12 PG 4.1-20
The first part of the last paragraph discusses potential for land use conflicts between proposed SDAs and bordering rural areas. In the latter part of the paragraph it states that the New Town SDA provides mitigation for this occurrence. Does this mean that SDAs such as the New Town proposal are a desirable way to address this problem?
- 24.13 PG 4.1-24
The fifth paragraph deals with loss of open space associated with development in community regions. This paragraph states that "fully one-half of the acreage in the New Town development would remain as open space. Is this an appropriate method of dealing with the impact to open space with regard to future development?
- 24.14 PG 4.3-12
What area of the county does the term "coastal" inundation refer to?
- 24.15 PG 4.3-15
Are there sufficient methods of testing with regard to absorption to predict how much retention or detention of stormwater would be necessary to duplicate a site's original characteristics with any accuracy? I am particularly concerned with the possibility of requiring a developer to supply costly facilities that may not even approximate the original characteristics of a site.
- 24.16 PG 4.3-18
Mitigation measure #10 requires a survey of existing septic tank/leach field systems. I would like to know if a study of sufficient scope to address ground water impacts is economically feasible?
- 24.17 PG 4.4-14
NID ditch leaks are referred to as wetlands. Does this mean that they should be preserved or replaced if repaired?
- PG 4.4-20
The statement is made that very little information is available regarding how loss/fragmentation of habitats may impact particular species and overall species diversity.

Statements on this page go on to assume that development in the New Town SDA and other SDA's will result in the loss of most wildlife habitat. How can we determine the impact to wildlife as a result of SDA's if in the case of the New Town, when one-half of the area is to remain as open space and we have insufficient information about the effect of partial habitat loss?

24.18

PG 4.4-24

Mitigation measure # 15 encourages the use of anything but native plant species for landscaping. Is it the case that there are no non-native species that would be appropriate and non-invasive, and shouldn't the property owner have the right to use them?

24.19

PG 4.4-30

What does the term "incidental take" refer to?

24.20

PG 4.6-4

What is the definition of a natural landform?

24.21

PG 4.6-4

With reference to impact #24, is it the opinion of the consultant that the visual significance of oak trees is greater than that of other species of plants?

24.22

PG 4.6-6

Please elaborate on the repercussions of the "Scenic Corridor" designation on development and existing facilities in areas that fall under this designation.

24.23

PG 4.6-8

With regard to mitigation measure #29, what is meant by a compact development pattern?

24.24

PG 4.7-21

Again I am perplexed about the discussion of fiscal matters such as the funding of roads when it was my understanding that the EIR could not take fiscal matters into consideration. Does this mean that the EIR can address fiscal matters when it is convenient and ignore them when it is convenient not to have to address them?

24.25

PG 4.7-24

Please explain why mitigation measure 32 requires comprehensive development fees for bicycle and pedestrian improvements when paragraph 5 on page 23 states that non auto trails will not significantly reduce automobile dependency or use.

24.26

PG 4.10-13

24.27 Mitigation measure #38 seems to assume that an aquifer study would accurately assess ground water supplies and quality. On page 4.10-6 it states that ground water in the western area is not characterized by well defined aquifers and that the highly fractured characteristics of the subsurface geology, and a variety of other factors, combine to create inconsistent characteristics. Does this not indicate that a reliable study may not be possible?

PG 4.10-23

24.28 It is stated that the county is currently meeting the state mandated goal of a 50 percent reduction in disposal rates by the year 2000 by diverting or recycling approximately 58 percent of total wastes generated by the county. How is it that by diverting or recycling wastes we can deduce that we are reducing disposal rates? It seems by diverting we are not effecting the disposal rate at all.

PG 4.10-48

24.29 Why is propane not considered as one of the primary sources of energy for household use in the county under the Energy section of the Draft EIR ?

PG 5-16

24.30 It is stated that under the planning commission alternative McCourtney Road would be consistent with minimum LOS standards but that under the Proposed General Plan the road would not meet such standards. What specific differences in the two plans account for this and why?

Sincerely,



Robert L White

#25

RECEIVED

JAN 20 1995

NEVADA COUNTY
PLANNING DEPARTMENT

1

January 17, 1995

LOMA RICA RANCH PRESERVATION COMMITTEE
P. O. Box 965
Grass Valley, Ca. 95945
916-265-4385

Mr. Pat Norman
Nevada County Planning Department
950 Maidu Ave.
Nevada City, Ca. 95959

Subject: Nevada County General Plan Draft Environmental Impact Report.

Dear Mr. Norman:

Although we are an ad hoc California Corporation, we feel that we are obligated to comment on the entire proposed Nevada County General Plan, because implementation of this plan directly concerns the development of the specific site, Loma Rica Ranch. The current owners of Loma Rica Ranch, TMI Corporation, did not request a "specific site designation" in the proposed Nevada County General Plan, and we feel the reason for this omission was that this area has been designated as under the "Sphere of Influence" of the City of Grass Valley. Since 1990 TMI has been concentrating on obtaining entitlements from the City of Grass Valley for intense development of Loma Rica Ranch, 646 residential units, and 890,744 non-residential square footage, commercial, office space, and industrial. Because of prudent actions by the Grass Valley City Planning Commission in demanding thorough investigation of the practicality of these requests, approval of this project was delayed, and in the interim TMI is being sued by their investors for fraud and racketeering in amounts of \$100 million plus. The Federal courts have appointed an independent manager to assess TMI's management practices, and there is considerable evidence of criminal wrongdoing by the chief officers of the TMI Corporation.

Our DEIR INPUT IS AS FOLLOWS:

COMMENT #1 - Page 1-4 - OVERVIEW OF IMPACT ANALYSES - The discussion of proposed General Plan reliance on two primary policy concepts as a means to address the physical effects of proposed General Plan growth on the environment admits that these two policies would not ensure mitigation of environmental impacts of proposed General Plan buildout. We contend therefore that this draft EIR is not able to be efficient in identifying unmitigable environmental impacts (because they are not known until specific SDS are presented and evaluated). We also contend that "clustering" as suggested as a mitigation measure in policy 1.18 may create an additional significantly undesirable environmental

25.1

25.2

Ph. 1

preparation and implementation of these SDS is not presented. Therefore, it is unknown whether or not adequate standards would be developed; how these standards would be implemented; and the types of land use, siting, and design mechanisms (including clustering) that would be employed to achieve the intent of the standards.

Additionally, policy 1.18 encourages clustering on sites where significant environmental features and/or environmental constraints are present. However, within the context of the entire Plan, it is unclear whether or not clustering is "encouraged" or "mandated." Policy 1.18 appears to only encourage clustering. However, Policy 13.1 states that clustering "shall" occur on all portions of a project containing "significant environmental features". Policy 13.8 states that measures to minimize disturbance of heritage and landmark trees and groves "shall" include mandatory clustering. Other policies (6.2, 15.3, 16.9, and 19.4) imply flexibility rather than mandating clustering.

*Clustering
not a
Mitigation*

Based on the outcome of the environmental impacts analyses performed in this EIR, policies 1.17 and 1.18 have been revised (see Mitigation Measure #1, in the Land Use section). Revised policies 1.17 and 1.18 provide a program for the preparation and implementation of the SDS. This program would ensure that: effective standards are prepared; appropriate land use, siting (including clustering), and design tools are applied on a site-by-site basis; and project approval occurs in accordance with defined conditions. This revised policy would allow for development while providing for adequate mitigation of significant environmental impacts that could occur on a site-by-site basis. While revised policies 1.17 and 1.18 (Mitigation Measure #1) are presented in the Land Use subsection, it applies to most of the natural resource subsections and is therefore referred to throughout the document.

While this revised policy addresses proposed General Plan buildout on a site-by-site basis, it does not fully address significant environmental impacts that could occur as a result of overall buildout of proposed General Plan land uses at the densities identified on the land use map. This is the case for overall loss/disruption of wildlife habitat (including loss/disturbance of deer winter range) and habitat fragmentation that would occur with buildout of proposed General Plan land uses. These impacts would occur primarily in Rural Regions of the western portion of the County. Therefore, several land use map changes have been recommended (see Mitigation Measures #16 and #18 in the Biotic Resource subsection) as a means to mitigate these impacts.

ranking together, beginning with significant unavoidable impacts, followed by significant impacts that can be mitigated, followed by impacts found to be not significant. This summary should be used in conjunction with a thorough reading of the EIR. The summary is intended as an overview; the EIR serves as the basis for the summary. A summary of impacts that would occur with buildout under plan alternatives is contained at the end of this section.

Significant Unavoidable Impacts

The following impacts have been identified as significant and unavoidable. Although mitigation measures are recommended to help reduce the impacts, they cannot be reduced to a less-than-significant level.

Land Use

Impact #2. Buildout of proposed General Plan land uses and RTP road improvements would result in the conversion of open space areas to urban/suburban uses. This is considered to be a significant impact as proposed General Plan policies would not prevent the significant conversion of existing open space to developed uses.

Plan Policies that Serve as Mitigation

Implementation of proposed General Plan policies 1.1, 1.5(r), 1.14, 1.16, 1.17, 1.18, 5.1 through 5.23, and 6.1 through 6.9 would serve to reduce the impact but not to a less-than-significant level.

Other Mitigation Measures

Implementation of proposed policies identified above, Mitigation Measure #1, above, Mitigation Measures #16 and #18 in the Biotic Resources Section, and Mitigation Measure #2 below would serve to further reduce the impact, but not to a less-than-significant level. Therefore, this impact is considered to be *significant and unavoidable*.

2. The following policy should be added to the Open Space Element of the proposed General Plan.

^{omit}
The County shall consider forming an Open Space District to acquire and manage open space lands. Such a District would be able to acquire open space through dedication, or voluntary purchase from willing sellers of property of easements; the use of eminent domain would not be allowed.

MUST FORM

be a *significant* impact as proposed plan policies would not necessarily minimize land use conflicts that could occur.

Plan Policies that Serve as Mitigation

Implementation of proposed General Plan policies 1.17, 1.20, 1.21, 17.6, 17.14, 17.15, 17.24 and Regional Transportation Plan policies 1.1 and 2.2 would serve to reduce this impact but *not* to a *less-than-significant* level.

Other Mitigation Measures

Implementation of proposed policies identified above and Mitigation Measure #1, below, would serve to reduce the impact to a *less-than-significant* level.

1. Replace proposed General Plan policies 1.17 and 1.18 in their entirety, as follows, in order to provide for: a program for preparing adequate development standards; implementing these standards via the use of appropriate land use, siting, and design tools (including mandatory clustering); and determination of project approval.

Policy 1.17 - The County shall prepare and adopt Comprehensive Site Development Standards. These standards shall be used during the "project site review process" to provide a consistent approach for addressing: the presence of sensitive environmental features and/or natural constraints; clustering and provision of open space as part of site development; the potential for land use conflicts between uses; and the potential for public health hazards.

The County shall prepare and adopt specific Comprehensive Site Development Standards which shall be applicable to all development projects in Community Regions and Rural Regions and protective of the County's unique character, providing guidance for:

- a. Protection of environmentally sensitive resources;
- b. Provision of open space as part of site development;
- c. Prevention and elimination of fire hazards;
- d. Maintenance and enhancement of vegetation and landscaping;
- e. Prevention and elimination of flood hazards;
- f. Transitions between uses and multiple-use site development;
- g. Community design;
- h. Buffering and screening to mitigate adverse effects; and
- i. Incentives to provide for access to public resources and open space values; and
- j. Protection of important agricultural mineral and timber resources.

add

K. EXTENSIVE PROTECTION, PRESERVATION AND PUBLIC ACCESS TO HISTORICAL AREAS.

The standards shall identify the basic requirements for site development in the County, including, at a minimum, standards to mitigate the impact of development on environmentally sensitive resources as defined in the following criteria:

Letter Page 2

Other Mitigation Measures

Implementation of Mitigation Measure #1 (see the Land Use section of this EIR), and #21 and #22 below would serve to reduce the impact to a *less-than-significant* level.

21. The following policies should be added to the Wildlife and Vegetation Element of the proposed General Plan.

- No net loss of riparian or wetland habitat functions or values shall be caused by development.
- Development projects which have the potential to remove riparian or wetland habitat shall not be permitted unless:

- DELETE*
- (a) No suitable alternative site or design exists for the land use;
 - (b) There is no degradation of the habitat or reduction in the numbers of any rare, threatened, or endangered plant or animal species as a result of the project;
 - (c) Habitat of superior quantity and superior or comparable quality will be created or restored to compensate for the loss; and
 - (d) The project conforms with regulations and guidelines of the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, California Department of Fish and Game, and other relevant agencies.
- Future development shall be set back a minimum of 100-feet from all significant wetlands.

Impact #20. Buildout of proposed General Plan land uses and RTP road improvements may result in the loss or degradation of riparian habitats as a result of adjacent development and/or activities such as agricultural and timber production/harvesting, mineral extraction, etc. Fisheries could be impacted by the loss or degradation of riparian habitats. This is considered to be a significant impact as proposed plan policies would not necessarily minimize impacts.

Plan Policies that Serve as Mitigation

Implementation of policies 1.17, 1.18, 13.1, and 13.2 of the proposed General Plan and RTP policy 2.2 would serve to reduce the impact but *not* to a *less-than-significant* level.

Other Mitigation Measures

None warranted.

Impact #28. Buildout of proposed General Plan land uses could generate light and glare that would be visible from major roads and from residences. Light and glare could be created throughout the areas proposed for development by lighting of parking lots, playing fields, industrial/business park areas, interior building lighting, and the use of exterior building materials that could be reflective.

Plan Policies that Serve as Mitigation

Implementation of proposed General Plan policies 18.10 and 18.11 would serve to reduce this impact to a *less-than-significant* level.

Other Mitigation Measures

None warranted.

Traffic and Circulation

Impact #30. Buildout of proposed General Plan land uses and associated population growth will result in a net increase of approximately 887,400 daily trips in the County which would contribute to roadways currently operating at unacceptable levels of service and/or would cause operation of some roadways to drop to unacceptable levels. This is considered to be a less-than-significant impact, as RTP improvements and proposed General Plan policies would ensure that area roadways continue to operate at acceptable levels of service.

Plan Policies that Serve as Mitigation

Implementation of proposed RTP road improvements and General Plan policies 4.1, 4.3, 4.5, 4.6, 4.17, 4.26 through 4.36 would serve to reduce the impact but *not* to a *less-than-significant* level.

Other Mitigation Measures

Reduction of the intensity of use in the Northstar area to levels allowed under existing zoning (which are consistent with the 1980 Nevada County General Plan) along with the reduction in intensity of use to levels allowed in the Penn Valley and New Town areas under Mitigation Measure #16 (see the Biotics section of this EIR) and #39 (see the Public Services and Utilities section of this EIR) would result in reduction of the traffic volumes at the SR 20/SR 49 interchange, allowing the minimum acceptable LOS to be achieved.

Also, these reductions in intensity of use would be likely to similarly reduce the volume of traffic on surface streets in the vicinity, as indicated by the reduction in volumes on McCourtney Road from as high as 11,000 ADT under the proposed General Plan to 6,500 ADT with the reduced land use intensities based upon the existing zoning. Additionally, the following Mitigation Measure #31 would address the impacts of development on the future LOS for Alta Sierra Drive.

31. Amend the circulation chapter of the proposed General Plan to include the improvement of East Lime Kiln Road as a 2-lane minor collector from SR 49 to Shana Drive.

Impact #32. Buildout of proposed RTP improvements and other improvements that could result from implementation of proposed General Plan and/or RTP policy will have physical impacts on the environment and surrounding land uses. This is considered to be a less-than-significant impact as proposed plan policies would ensure that such impacts are fully mitigated.

Plan Policies that Serve as Mitigation

Implementation of proposed RTP policies 1.1 and 2.2 and proposed General Plan policy 4.37, as well as other policies as identified throughout this EIR would serve to reduce the impacts to a *less-than-significant* level.

Other Mitigation Measures

None warranted.

Impact #34. Buildout of proposed General Plan land uses and associated population and employment growth will increase the demand for transit services and facilities. This is considered to be a less-than-significant impact as the proposed General Plan has policies that would provide for adequate facilities to meet this demand.

Plan Policies that Serve as Mitigation

Implementation of proposed General Plan policies 4.17, 4.29, 4.31, and 14.7 would serve to reduce the impact to a *less-than-significant* level.

Other Mitigation Measures

None warranted.

Air Quality

Impact #35. Buildout of proposed General Plan land uses and associated population growth may expose future residents and structures to severe weather conditions or weather hazards if development would be located in areas with such hazards. This is considered to be a less-than-significant impact, as proposed plan policies would minimize these hazards.

Plan Policies that Serve as Mitigation Measures

Implementation of proposed General Plan policies 4.23, 4.24, 10.7 through 10.9 would serve to reduce the impact to a *less-than-significant* level.

Other Mitigation Measures

None warranted.

Impact #36. Buildout of proposed General Plan land uses and associated population growth will incrementally increase air emissions from mobile sources. This is considered to be a less-than-significant impact as air quality in the region will be improving over time. Additionally, proposed plan policies would further ensure that air emissions from future County growth are minimized.

Plan Policies that Serve as Mitigation

Implementation of the proposed General Plan policies 4.17, 4.26 through 4.36, 14.1, and 14.5 would serve to reduce the impact to a *less-than-significant* level.

Other Mitigation Measures

None warranted.

Impact #37. Buildout of proposed General Plan land uses and associated population growth will incrementally increase PM-10 emissions associated with woodsmoke and other sources of suspended particulates. This is considered to be a less-than-significant impact as proposed plan policies would ensure that PM-10 emissions from future County growth are minimized.

5. CEQA CONSIDERATIONS

UNAVOIDABLE ADVERSE IMPACTS

For the purpose of this section, unavoidable significant adverse impacts are those effects of the project which would significantly affect either natural systems or other community resources, and cannot be mitigated to a less-than-significant level. The following significant unavoidable impacts were identified:

- Loss of open space;
- Conversion of agricultural land;
- Traffic impacts on state roads throughout the County which could operate at unacceptable levels with Plan buildout until adequate funds are identified and improvements constructed;
- Increased consumption of potable water and need for substantial expansion of treatment and distribution facilities;
- Need for substantial expansion of wastewater collection and treatment facilities;
- Need for significant expansion of school facilities; and
- Exposure of persons and property to wildland fire hazard.

Add additional as stated under our Comment #11

IRREVERSIBLE IMPACTS

For adoption of a planning document, CEQA requires a discussion of potential significant, irreversible environmental changes that could result. Examples include projects that generally commit future generations to similar uses; irreversible damage that may result from accidents associated with a project; or irretrievable commitments of resources, -

The proposed project, including buildout of General Plan land uses and RTP road improvements will convert some of the existing open space land in the County to a variety of urban, suburban, and rural uses. As discussed in the Land Use section of this EIR, loss of open space is considered to be a significant and irreversible effect. As existing open space land will be committed to developed uses, it is unlikely that such lands would be returned to their natural state in the future. Likewise, development of uses identified above generally commit future generations to similar uses. Additionally, uses of nonrenewable resources during all phases of plan buildout may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely.

L. R. R. P. C.

COMMENT #7 - Page 4.1-26 - LAND USE - OTHER MITIGATION MEASURES - #2 - We request wording change as follows: "The following policy should be added to the Open Space Element of the proposed General Plan."

25.7

The County (omit>shall consider forming) (add-must form) an Open Space District

The District (omit-would be able to) (add-must) acquire land or other real

The County (omit-may also consider formation of) (add-must form) an Open Space Authority (copy of page 4.1-26 attached).

COMMENT #8 - Page 4.5-3 - CULTURAL RESOURCE - The DEIR lists tables of Nevada County historic sites but does not include Loma Rica Ranch. We realize this is because the current owners have not pursued formal historical evaluation of this ranch due to their desire to cover the area with residential and commercial development. However, they did commission in 1992, an investigation and report by the Nevada County Historical Landmarks Commission of the Historically Significant Features of Loma Rica Ranch. This well researched document is on file in the Nevada County Library. Our organization and the Nevada County Land Trust have hopes of pursuing designation of this ranch in the National Register. It would be tragic if this property were not considered in this category of Cultural Resource Sensitivity. We request that Loma Rica Ranch be included in Appendix D, Table 7. (copy of page 4.5-3 and Appendix D. Table 7 attached)

25.8

COMMENT #9 - Page 4.6-8 VISUAL QUALITY - Mitigation Measure #29 - The recommendation of adding a policy to the Aesthetics chapter of proposed General Plan is commendable but we would prefer a specifically worded Mitigation Measure not a policy recommendation. In other words, "to reduce significant undesirable visual impact, the General Plan must demand a development pattern to protect open space buffers between communities and to maintain a geographic distinction between communities". (copy of page 4.6-8 attached)

25.9

COMMENT #10 - Page 4.10-43 and 4.10-44 PUBLIC SERVICES AND UTILITIES- General Plan policies are suggested as serving as Mitigation Measures to supply the need of 528 acres of land for recreational use to serve population at buildout. We request that a Mitigation Measure be specifically stated to alleviate the obvious problem of Nevada County not currently providing a regional park system and the increased need with plan buildout. The Mitigation Measure should recommend park land locations as to ease of public access, both by private and public transportation. (copies of pages 4.10-43 and 4.10-44 attached)

25.10

Other Mitigation Measures

Implementation of proposed policies identified above, Mitigation Measure #1, above, Mitigation Measures #16 and #18 in the Biotic Resources Section, and Mitigation Measure #2 below would serve to further reduce the impact, but not to a *less-than-significant* level. Therefore, this impact is considered to be *significant and unavoidable*.

2. The following policy should be added to the Open Space Element of the proposed General Plan.

CMIT *MUST FORM*
The County shall consider forming an Open Space District to acquire and manage open space lands. Such a District would be able to acquire open space through dedication, or voluntary purchase from willing sellers of property of easements; the use of eminent domain would not be allowed.

CMIT *MUST*
The District would be able to acquire land or other real property interests which could focus on lands which contain unique, valuable or sensitive resources reflecting environmental or biological sensitivity; scenic landscape units; community separators; historic, cultural, and archaeological content; and low intensity recreational potential.

CMIT *MUST FORM*
The County may also consider formation of an Open Space Authority under applicable State legislation to finance the acquisition of open space in the County through a transaction and use tax over a 20 year period; the Authority would enter into an agreement with the District for use of the funds generated by the tax in accordance with an expenditure plan adopted by the Authority.

Impact #3. Buildout of proposed General Plan land uses and RTP road improvements would result in the conversion of farmland to urban- or suburban-scale uses. This is considered to be a significant impact as proposed General Plan policies do not necessarily protect farmland from conversion to urban uses.

Development under the proposed General Plan land use map would result in the direct conversion of most of the remaining 349 acres of prime agricultural farmland in the County. As noted in the Environmental Setting section, prime farmland is located in Chicago Park, near Grass Valley and Penn Valley, north of Alta Sierra, and in other scattered locations. Most of this prime farmland acreage occurs in small pockets on lands designated for Rural 5 or denser development. As stated in the California Government Code, Section 51222, agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is: (1) at least 10 acres in size in the case of prime agricultural land; or (2) at least 40 acres in size in the case of land which is not prime agricultural land. Therefore, if these prime farmland areas were subdivided as allowed under these proposed land use designations, it can be assumed that the prime agricultural land would ultimately be converted as a result of development in these areas.

5 Cultural Resources

covery and which "ation" has

and the wide array of site types. Nevada County contains 978 square feet. Approximately 52,500 acres, or about 8% of Nevada County has been surveyed with relatively "complete coverage." (Complete implementation of a systematic survey at 30-meter transect intervals covers about 29,300 acres surveyed on private lands, 22,800 acres on public lands and 480 acres on Bureau of Land Management lands. Within this total, approximately 1,490 archaeological sites have been recorded to date.

Appendix D correlates data on location of known sites and site types to elevation. This table indicates that prehistoric sites tend to cluster between the 1,000- and 2,000-foot elevation on the west side, where 33% of all sites have been recorded, and between the 5,000- and 6,000-foot elevation on the east side, where 22% of the sites have been inventoried. The fewest prehistoric sites (only 1%) have been recorded in the crest zone. Historic sites, follow a somewhat different elevation pattern than prehistoric sites, with most sites occurring between the 1,000- and 2,000-foot elevation (28%) and the 2,000- and 3,000- foot elevation (18%). About 10% of all historic sites recorded occur on the east side at the 5,000- to 6,000-foot level. The fewest number of historic sites fall within the crest zone.

Considering the total number of cultural sites recorded in the County and given the amount of acreage that has been surveyed, it can be estimated that the potential number of sites expected within Nevada County number about 17,900, leaving about 16,400 potential archaeological sites yet undiscovered. On the average, one site is expected per every 35 acres surveyed within Nevada County. This figure accounts for a relatively high site density, especially when considering that nearly half of the total prior archaeological coverage within the County falls on forested and mountainous public lands which are, overall, less likely to contain cultural resources.

The National Register of Historic Places is the official list of the nation's cultural resources especially worthy of preservation. It was established to help preserve the diversity of our cultural heritage by highlighting the outstanding remaining examples of all site types. 39 sites within Nevada County are either listed on, or have been determined eligible to the National Register (see Table 4, Appendix D). An additional 22 historic properties have been nominated to the National Register, but their eligibility remains to be determined. 19 Nevada County sites are listed as California Historic Landmarks, 27 properties have been established as Points of Historical Interest, and another three sites are on the general State Inventory of Historic Places. Appendix D, Tables 4 through 8, provide a listing of all historic sites identified above.

ADD LOMA RICA RANCH TO

Cultural Resource Sensitivity Models

Cultural resource sensitivity models offer valuable guidelines in community planning by providing sensitivity ratings which estimate the probable likelihood of cultural sites occurring within a given area proposed for development. In this way, project sponsors can anticipate, at the outset, the extent to which cultural resources may become a constraining issue later on. Sensitivity models are not meant to replace a project specific records search

Litter Page 3

Table 6. List of California Historical Landmarks in Nevada County

- No. 131 Pioneer Monument (Pioneer Monument)
- No. 247 - The world's first long-distance telephone line
- No. 292 - home of Lola Montez
- No. 293 - home of Lotta Crabtree
- No. 294 - the little town of Rough and Ready
- No. 297 - site of one of the first discoveries of quartz gold in California
- No. 298 - Empire Mine
- No. 390 - Bridgeport (Nyes Crossing) Covered Bridge
- No. 628 & 629 - Alpha Hydraulic Diggings, Omega Hydraulic Diggings and Townsite
- No. 780-6 - first Transcontinental Railroad - Truckee
- No. 799 - Overland Emigrant Trail
- No. 832 - South Yuba Canal Office
- No. 843 - North Star Mine Powerhouse
- No. 852 - North Bloomfield Mining and Gravel Company
- No. 855 - Mount Saint Mary's Convent and Academy
- No. 863 - Nevada Theatre
- No. 899 - National Hotel
- No. 914 - Holbrooke Hotel

Table 7. List of Points of Historical Interest in Nevada County

- Nev-001 - The Lone Gra e, six to eight miles above Nevada City on Highway 20, 12/16/1966
- Nev-002 - The Red Castle, 119 Prospect Street, Nevada City, 5/19/1971
- Nev-003 - Western Skiisport Museum, Mineral Ridge, Truckee area, 5/19/1971
- Nev-004 - Truckee Jail, Truckee, 5/19/1971
- Nev-006 - Columbia Hill School, Foote Road, Nevada City, 5/19/1971
- Nev-011 - Gilmore Air Field (site of Lyman Gilmore Intermediate School), 29 Gilmore Way, Grass Valley, 1/19/1972
- Nev-012 - Emanuel Episcopal Church, Church Street, Grass Valley, 4/25/1972
- Nev-013 - The Union, Grass Valley Newspaper, 151 Mill Street, Grass Valley, 4/25/1972
- Nev-014 - Methodist Episcopal Church, North San Juan, 4/25/1972
- Nev-015 - Searls Law Office, Church Street, Nevada City, 6/22/1972
- Nev-016 - William Morris Stewart House, 416 Zion Street, Nevada City, 11/1/1972
- Nev-017 - American Hill Diggings, Highway 49 north of Nevada City, 11/1/1972
- Nev-018 - Site of Caldwell's Upper Store, Corner of Nevada & Grove Street, Nevada City, 7/13/1973
- Nev-020 - Pioneer Cemetery, West Broad Street, Nevada City, 3/15/1974
- Nev-021 - Miner's Foundry, 400 Spring Street, Nevada City, 3/15/1974
- Nev-022 - Plaza Grocery, 101 Broad Street, Nevada City, 3/15/1974

*Add Loma Rica Ranch
Bunswick Rd &
Loma Rica Rd.*

Letter Page 3

Other Mitigation Measures

Implementation of the proposed policies identified above along with Mitigation Measure #29 below, would serve to reduce the impact to a *less-than-significant* level.

29. The following policy shall be added to the Aesthetics chapter of the proposed General Plan:

omit *opt demand*
The County shall promote a compact development pattern to protect open space buffers between communities and to maintain a geographic distinction between communities.

Association in the Truckee area, with a golf course, swimming, tennis, downhill and cross-country skiing facilities.

Camping and other passive recreational opportunities are provided by the USFS, BLM, Army Corps of Engineers, State Parks and Recreation, the Nevada Irrigation District, the two parks and recreation districts, and by the Pacific Gas and Electric Company in conjunction with hydroelectric power facilities. In addition, the County has about 2,500 campsites in private campgrounds and water-oriented facilities provided by parks and recreation districts and concessionaires on public lands.

RELEVANT PLAN POLICIES

All proposed General Plan and RTP policies are contained in Appendix A. Policies that are specifically relevant to the evaluation of park and recreation impacts are listed below.

Public Services and Facilities Element

Policies 3.6, 3.7, 3.8, 3.10, and 3.12 through 3.15.

Recreation Element

Policies 5.1 through 5.23.

IMPACTS AND MITIGATION MEASURES

Standards of Significance. In accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, a plan impact would be considered significant if plan population would require additional park and recreation facilities and services or if increased population would significantly impact existing facilities.

Impact #50. Buildout of proposed General Plan land uses and associated population growth would result in the need for 292 acres of additional parkland and associated recreation facilities and services to meet the needs of the new growth. This is considered to be a *less-than-significant* impact as implementation of proposed General Plan policies would provide for development of this parkland acreage.

Population growth associated with General Plan buildout would result in increased demand for park and recreational facilities and services. General Plan buildout would result in a net population increase of 97,987 people. Proposed General Plan policy 5.1 indicates that the County will develop a County park system with a focus on regional facilities serving the County-wide population. The County shall base park and recreational facility planning on a regional parkland standard of 3.0 acres of parkland per 1,000 population (policy 5.5). Given the level of population growth associated with General Plan buildout, this would result in the need for approximately 292 acres of regional parkland. Additionally, in order to achieve this standard, the County would need to provide an additional 236 acres of

parkland to meet the needs of the existing population. As the County currently does not operate a regional park system, approximately 528 acres of regional park land would need to be provided to achieve the parkland standard identified in policy 5.5.

Proposed policies address the provision of regional parkland to meet the needs of new growth. Policy 5.7 indicates that the County shall prepare an updated Master Parks and Recreation Plan reflecting buildout of the General Plan. The updated Plan shall identify land, facilities, and improvements needed to serve new development and to address existing deficiencies. Additionally, park and recreation facilities identified as necessary to meet the needs of new development will be included in the County's comprehensive development impact fee program, Long-range Capital Facilities Plan, and Five-Year Capital Improvement Program (policies 5.7, 5.8, and 5.9). The development impact fees shall be in amounts sufficient to offset the costs of improvements to serve future development. Additionally, policy 5.10 stipulates that a comprehensive and aggressive funding program will be implemented to ensure that all Federal, State and local funding sources are identified and utilized in meeting any funding shortfalls in providing for County park and recreation facilities.

Proposed General Plan policies support the formation of local park districts to provide neighborhood and community parks (policy 5.2). The County shall encourage such districts to prepare Park and Recreation Master Plans based upon buildout of the proposed General Plan and adopt specific levels of service for provision of parkland (policies 5.2 and 5.3). The County shall also encourage all affected special districts to adopt development impact fee programs to pay for the increased costs associated with serving new growth (policy 3.13). Additionally, policy 3.14 indicates that in review of proposed projects seeking discretionary permit approval, the County shall determine whether the capacity of public facilities, or an impact fee program, are adequate to serve the proposed development. If adequate facilities are planned, but not yet available to serve proposed development, the County may require that mitigating measures be undertaken by the project proponent. However, such measures would not be in lieu of development impact fees. Policy 3.15, further indicates that the County shall encourage and may require as condition of project approvals, mechanisms to facilitate the funding of public improvements which are attributable to a given project. Such mechanisms could include creation of an independent district, county service area, or community service district.

While buildout of proposed General Plan land uses would require additional park staff, equipment, and facilities, implementation of proposed policies would provide for development of adequate park and recreational facilities to meet the needs of growth allowed under the proposed General Plan.

Plan Policies that Serve as Mitigation

Implementation of proposed General Plan policies 3.10, 3.12 through 3.15, 5.1, 5.2, 5.3, 5.5, and 5.7 through 5.15 would serve to reduce the impact to a *less-than-significant* level.

Other Mitigation Measures

L R R P C -

4

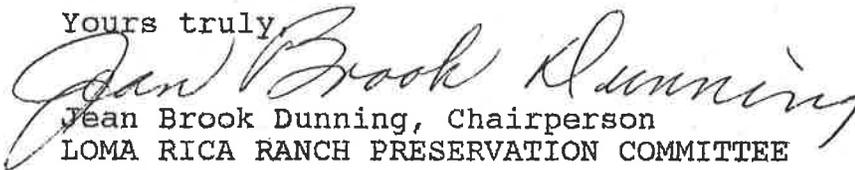
25.11

COMMENT #11 - page 5.1 CEQA CONSIDERATIONS - UNAVOIDABLE ADVERSE IMPACTS- We request an additional significant unavoidable impact be listed as follows; Need for acquisition of 528 acres of land for recreational use to serve current population and the increased population at buildout. (copy of page 5.1 attached)

COMMENT #12 - page 5-18 - CEQA CONSIDERATIONS - Environmentally Superior Alternative - We concur that Alternative 4, the Mitigated General Plan is the preferred alternative, however we believe that the requests we have made for language changes and additions would assist in mitigating some of the significant unavoidable impacts. We hope you will give these suggestions serious consideration.

In view of the recent flooding in Roseville, Citrus Heights, Sacramento and other valley areas we believe Nevada County must plan carefully to avoid future problems. To adopt general plan policies as mitigation measures can be a very dangerous decision. Policies are easy to change with each new Board of Supervisors. Citizens of this county need protection from unwise decisions. The rapid development allowed in the Roseville, Citrus Heights, Sacramento areas with miles of paving, homes built in low lying areas and inadequate drainage has certainly contributed to the millions of dollars of damage for individuals and the affected cities. Overriding of significant unavoidable impacts for economic benefit could prove to be economic disaster. Overtime payrolls, disaster relief, lost business, public facility destruction can "eat up" millions of dollars gained from allowing unwise development.

Yours truly


Jean Brook Dunning, Chairperson
LOMA RICA RANCH PRESERVATION COMMITTEE

CC: Rural Quality Coalition
Wm. N. Roberts, City Planner, City of Grass Valley
Nevada County Land Trust
Nevada County Board of Supervisors

Town Council

Embree B. (Breeze) Cross, Mayor

Sleve A. Carpenter

Kathleen Eagan

Robert W. Drake

Donald C. McCormack



Stephen L. Wright, Town Manager

Jill Brown, Director of Finance

J. Dennis Crabb, Town Attorney

Jon Lander, Public Works

Tony Lashbrook, Community Development

RECEIVED

JAN 20 1995

NEVADA COUNTY
PLANNING DEPARTMENT

January 18, 1995

Tom Miller, Planning Director
Nevada County
950 Maidu Avenue
Nevada City, CA 95959-6100

RE: Comments on D.E.I.R. for Nevada County General Plan Update

Dear Tom:

The Truckee Town Council and Planning Commission have reviewed the Draft Environmental Impact Report for the Nevada County General Plan Update. This letter provides the Town's comments on the document.

Overall, the Town is impressed with the thoroughness of the analysis contained in the E.I.R. Our review of the E.I.R. attempts to maintain consistency with the Town's previous comments submitted on the General Plan (see October 19, 1994 letter, attached).

A. Project Description

1. The project evaluated in the E.I.R. is the March 1994 General Plan circulated by the County. There is no identification or discussion in the D.E.I.R. of the recommendations developed by the Resolution Committee. The project description in the F.E.I.R. should identify the recommendations of the Resolution Committee and state any identified intent relative to the use of the recommendations in the remainder of the update process.
2. The project description defines Rural Regions and Community Regions. Truckee is defined as a Community Region and the area adjacent to and around Truckee is defined as a Rural Region. The project description states that development in the Rural Regions is limited to minimum parcel sizes from 5 acres to 160 acres. However, the General Plan Land Use Map identifies a number of areas within Rural Regions planned for more intensive development. These areas include Castle Peak, Raley's and Waddle Ranch.

26.1

26.2

As these comments will detail later, the Town is concerned that the more intensive development designations around Truckee have not been evaluated in the D.E.I.R. Such an oversight is likely because a review of the General Plan policies and the E.I.R. project description would result in an understanding that these more intensive designations do not exist.

26.3

3. The project description includes a brief discussion of the Nevada City and Grass Valley General Plans. The section identifies the Town of Truckee as a newly created city with no General Plan which is not correct. However, the section goes on to say that the County General Plan Update reflects the most current land use planning for the community.

The Town of Truckee adopted a Draft Land Use Map and policies to guide the completion of our General Plan process. The buildout of this Draft Land Use Map has been generally quantified. A copy of the map and summary of the policies is attached. The Town requests that the F.E.I.R. recognize the existence of this information.

B. Environmental Analysis

1. Site Development Standards

26.4

The E.I.R. recommends the preparation and adoption of specific comprehensive site development standards to provide adequate mitigation for many of the significant impacts created by the plan. The E.I.R. provides a relatively detailed description of what the standards need to address to result in impacts being reduced to insignificant levels. However, the E.I.R. provides no guidance relative to the process through which these standards will be reviewed or what form of subsequent environmental analysis will be conducted in reviewing and adopting the standards. In addition, there is no discussion of what level of development will be allowed prior to the establishment of these standards.

The Town believes the implementation of site development standards is a fundamental element of the mitigation program established for the General Plan. The F.E.I.R. should discuss the process for consideration and adoption of the site development standards, what supplemental environmental analysis will be performed and what types of development will be allowed prior to the establishment of these standards.

2. The E.I.R. recommends the addition of a mitigation measure/policy requiring clustering of all residential development within the Estate, Rural and Forest land use designations. Such clustering is an effective method to preserve open space and minimize environmental effects and is consistent with the Town's Planning goals. The Town supports this mitigation measure and policy direction.

3. The E.I.R. identifies a significant impact associated with the conversion of open space to developed urban/suburban uses. The analysis states that this impact is reduced by the General Plan policies limiting growth in Rural Regions. However, in the eastern County area, there are a number of land uses proposed that conflict with this general plan policy (specifically Raley's, Waddle Ranch, Negro Canyon, and Castle Peak). Based upon these designations, the Town does not believe the impact analysis in this section of the E.I.R. is supportable. No mitigation measure is identified within this section that would reduce this impact. However, a mitigation measure in a later section (4.10) requires that modified to be consistent with existing County Zoning. If this mitigation measure was implemented, the Town's previously identified concern regarding these development designations would be eliminated.

26.5

The Town is concerned about this discrepancy within the E.I.R. analysis and requests application of the later referenced mitigation measure as a method of providing adequate mitigation for this impact.

4. The E.I.R. contains detailed discussion regarding the impacts of development on sensitive migratory deer habitat. However, the section fails to address the specific concerns of urban/suburban development in areas surrounding the Town of Truckee. The Town is concerned that development designations on the Land Use Map may conflict with the deer habitat related mitigation measures within the E.I.R. Specifically, the Raley's, Waddle Ranch and Negro Canyon development designations are located in areas identified as migratory corridors. To assist in addressing this concern, mitigation measures 14, 16 and 18 should be rewritten to apply to eastern as well as western County.

26.6

5. The E.I.R. identifies the loss of timberland through suburban and rural development as a potential significant impact. The analysis finds the impact less than significant based upon policies within the plan designed to protect important timberlands. However, neither the E.I.R. nor the Environmental Inventory contain any mapping of important timberlands. Therefore it is not possible to determine if development designations conflict with timberlands within the eastern County. The Final E.I.R. should contain this information.

26.7

6. The E.I.R. recommends mitigation measures requiring the County to designate scenic corridors along I-80 and State Highways 89 and 267. These mitigation measures are supportive of policies identified by the Town through review of the Truckee Draft Land Use Map. The Town supports this mitigation measure.

26.8

7. The E.I.R. sets forth mitigation measure No. 29 requiring the County to promote a compact development pattern for the purpose of protecting open space and maintaining distinction between communities. The Town believes that the Castle Peak, Raley's, Waddle Ranch and Negro Canyon development designations conflict with this mitigation measure. This issue is particularly significant around Truckee because the Town (Community Region) has more than enough land to accommodate projected development over the next 20 years. These designations also conflict with the General Plan philosophy (Page 1 - 7) of directing urban growth into Community Regions. The Town is very supportive of this mitigation measure and this same support was expressed by the Town in our comments to the Resolution Committee on the General Plan. It is unclear if the implementation of the mitigation measure would result in changes to the Land Use Map. The Town supports this mitigation measure and a modification to the Land Use Map reducing the planned intensity of development on the above referenced properties:

26.9

8. Section 4.10 of the E.I.R. discusses the impact of growth on County services such as Law Enforcement, bicycle paths and Recreation and Park Facilities. The E.I.R. concludes that the impact is not significant based upon General Plan policies requiring the development and imposition of a County-wide impact fee program. It is unclear how such a fee might be applied within the incorporated cities where such services are provided by the City or a Special District. This issue should be clarified in the F.E.I.R.

26.10

9. The Circulation/Traffic Section of the E.I.R. should be modified to limit any significant development along the Highway 267 corridor until the Highway 267 Bypass is constructed. This mitigation measure is necessary to avoid significant unavoidable environmental effects on traffic in the corridor and of the Highway 267/Donner Pass Road intersection. This mitigation measure is consistent with policy direction contained within the Truckee General Plan.

C. Public Notification

The County did not provide notice in the Sierra Sun, Truckee's Newspaper, regarding the public review of the D.E.I.R. Although such notice is not legally mandated, it clearly is important to generate County-wide participation in the General Plan process. The Town requests that notice of the Final General Plan hearings held by the Planning Commission and Board of Supervisors be provided in the Sierra Sun.

Tom Miller Page 5
January 18, 1995

In conclusion, the Town appreciates the opportunity to comment on the D.E.I.R. As indicated above, the Town's Draft General Plan Land Use Map and Guiding Policies are attached. For clarity, a copy of the Town's previous comments on the General Plan are provided as well.

Should you have any questions regarding the Town's comments, please contact our Community Development Director, Tony Lashbrook at (916) 582-7876.

Sincerely,



Steve A. Carpenter
Vice-Mayor

TL/SAC:sm

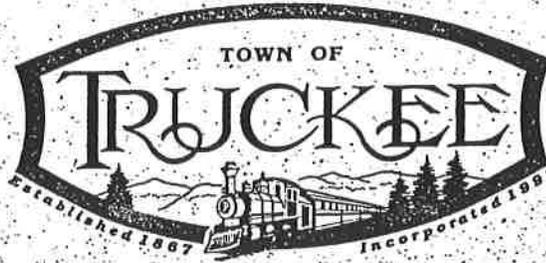
CC: Supervisor Dardick
Planning Commissioner Green

Attachments:

Mayor Eagan's letter of October 19, 1994

Summary of Direction on the Truckee General Plan as approved by the Truckee Town Council on January 5, 1995
Town of Truckee Draft Land Use Map

2b\ncgpcmts.bc



Town Council

Kathleen Eagan, Mayor

Joseph C. (Joe) Aguera

Gary R. Botto

Embree B. (Breeze) Cross

Steve A. Carpenter

Department Heads

Stephen L. Wright, Town Manager

Jill Brown, Finance Director

J. Dennis Crabb, Town Attorney

Jon Lander, Public Works

Tony Lashbrook, Community Development

October 19, 1994

Sam Dardick
Fifth District Supervisor
Nevada County
950 Maidu Avenue
Nevada City, CA 95959

RE: Town of Truckee Comments on the Nevada County General Plan

Dear Sam:

The Purpose of this letter is to summarize the Town's comments on the Nevada County General Plan as expressed at the October 14, 1994 joint meeting of the Truckee Planning Commission and Town Council. Generally, the County's Plan appears very supportive and consistent with Truckee's General Plan effort to date.

The Town has the following comments that they desire to convey to the Resolution Committee:

1. Definition of Community Region and Rural Regions

Community Regions and Rural Regions within the General Plan are not clearly defined within the text or on the General Plan Land Use Map. This could create confusion and ambiguity regarding future zoning and project decisions.

The Town requests that the Land Use Maps and General Plan text be modified to clearly define the boundaries between Community Regions and Rural Regions.

2. Future Consideration of Projects Within Truckee's Sphere Boundary

The General Plan establishes specific policies related to coordination of review if a proposed project is located within Truckee's Sphere of Influence. These policies state that the County will refer the project proponent to the Town for consideration of annexation. If annexation is desired, the project will be turned over to the Town for processing. If annexation is not desirable, the County would consult with the Town on project review. This policy does not provide a

Of particular concern are the following:

Castle Peak - The County General Plan designates a portion of this property as Planned Development allowing Highway Commercial, up to 300 dwelling units and a resort hotel. This land is currently Planned and Zoned for Timber Production. There is a currently identified Community Region on the south side of Interstate 80 approximately 1 mile west of this Castle Peak Property. The Town of Truckee is located approximately 6 miles to the east.

Based upon these factors, the Town is concerned that this Planned Development designation would result in premature and leapfrog development. In addition, it would direct development to the north side of Interstate 80 which is undeveloped at this time. This development could also result in unnecessary conversion of timberland. This land use directly conflicts with a number of significant policies contained within the Nevada County General Plan and should be reconsidered.

Raleys - The County General Plan designates a 683 acre portion of this property directly adjacent to the Town of Truckee for Estate Development. The current zoning designation of this property is FR-160 (PD-20) and Open Space.

As we have discussed, the Town's Draft General Plan has strong policies regarding infill development and linking general plan land uses to 20-year growth projections. Based upon these policies, there are significant areas within the Town that are not appropriate for development on the short to mid-term. The County General Plan contains strongly worded policies that are supportive of these Town Policies.

The Town is very concerned about the establishment of significant development designations on our boundaries. Such designations may inhibit our ability to achieve our General Plan goals and conflict with many of the goals established by the Nevada County General Plan. In all likelihood this property will be located in the future Sphere of Influence for the Town. The Town would request that the land use designation for this area remain similar to the existing zoning designation.

Waddle Ranch - The Town's concerns about the Waddle Ranch property are identical to those enumerated for the Raleys designation. However, the Town recognizes that the Waddle property has historically been planned and zoned for development similar to the land use designation in the Draft General Plan.

Other Development Designations - The Town has general concerns regarding a number of other development designations including - Negro Canyon, Tahoe Donner, Hobart Mills, Airport Industrial and Airport Business Park. The Town expects to complete a detailed analysis and develop specific input regarding these land uses within the next 30 days.

LAND USES BY ACRES HOUSING UNITS POPULATION AND EMPLOYMENT

General Plan and 1995 Plan
17-Jun-95

Land Use Category	Density (dus/gross acre)	Gross Acres	Housing Units	Occupied Units	Population	Non-Rcs 1,000 SF	Employees
RC/OS	1/80	2,070	30	10	30	0	0
OSR	1/10	57	10	0	0	0	0
DRO	1/40	927	20	10	30	N/A	N/A
PUB	0	1,444	N/A	N/A	N/A	653	1,580
PUB/HO	0	23	N/A	N/A	N/A	200	480
NF - PUB	0	133	N/A	N/A	N/A	1,159	100
NF-RC-10	1/10	165	20	10	30	N/A	N/A
NF - RC/OS	0	1,251	N/A	N/A	N/A	0	0
IND	0	241	N/A	N/A	N/A	0	0
C	0	189	N/A	N/A	N/A	1,647	2,080
RC-10	0.5	305	150	70	190	12,657	5,490
RC-5	1/10	2,268	230	110	300	N/A	N/A
RES .5 du/acre	1/5	737	150	70	190	N/A	N/A
RES 1-1.5 du/acre	0.5	1,099	550	260	700	N/A	N/A
RES 1-2 du/acre	1	220	270	100	270	N/A	N/A
RES 1 du/acre	1	364	360	170	460	N/A	N/A
RES 1.2 du/acre	2	1,971	3,240	1,860	5,020	N/A	N/A
RES 3 du/acre	3	94	280	130	350	N/A	N/A
RES 3-4 du/acre	4	332	1,310	610	1,700	N/A	N/A
RH 6-12 du/acre	8	251	2,010	950	2,570	N/A	N/A
PC-TAHOE/DONNER	N/A	3,870	7,000	3,320	8,960	70	300
PC-1	N/A	170	50	50	140	150	300
PC-2	N/A	818	600	288	780	350	700
DSA	N/A	437	620	290	780	1,100	2,266
SSA Commercial	N/A	10	0	0	0	87	180
Residential	N/A	N/A	50	N/A	N/A	N/A	N/A
Res/Open Space	N/A	73	N/A	N/A	N/A	N/A	N/A
TOTAL GENERAL PLAN BUILDOUT		19,519	17,620	8,328	22,500	18,073	13,480
PROJECTIONS-2015			16,271		17,259		8,109

Notes:

- 1 Tahoe-Donner has approximately 7,000 approved housing units, including single and multi family.
- 2 This number includes commercial, industrial, hotel, office, and recreation buildings.
- 3 These units provide affordable employee housing and assume full occupancy.
- 4 Because of the mix of retail, office, and hotel/recreation, 500 sq. ft./employee is applied based on data from Table 3-6 of the Hoffman Report.

**Summary of Direction on the Truckee General Plan
as Approved by the Truckee Town Council on January 5, 1995**

The following text summarizes the direction as revised and approved by the Town Council on the Draft Land Use Map and Guiding Policies for the Truckee General Plan. The information is divided into the following categories: I. Land Use Map Modifications, II. Direction on General Plan Land Use Designations, III. General Policy Direction, IV. Policy Direction on the Planned Communities and the Downtown Study Area.

I. Land Use Map Modifications

- 1) The lands within the Donner State Park were changed from RC\OS to Public. *The text in the "Public" designation refers to publicly owned parks, therefore this was determined to be a more accurate designation for the State Park.*
- 2) Two parcels owned by the National Forest were identified in the Armstrong area. The Designation is now NF/RC-10 instead of RC-10. *This was a correction recommended by Staff.*
- 3) Commercially zoned parcels not owned by Teichert Corp. were removed from the PC-1 and given a commercial designation. *This was a correction recommended by Staff.*
- 4) An RC/OS parcel was identified in the area of existing open space zoning along Donner Creek. *This was a correction recommended by staff.*
- 5) Approximately 700 acres containing the proposed secondary route out of Tahoe Donner were changed to Residential .5 (2 acres per unit density). This land was previously in OSR (approx. 540 acres) and RC-10 (approx. 160 acres). *The rationale behind this change was to provide for additional density in order to make new road construction more cost effective, and to provide opportunities for infill development.*
- 6) A 75 acre parcel located east of Hwy. 89 South between I-80 and the railroad tracks was changed from RC-5 and RC-OS to a "Special Study Area". Development assumptions include a maximum of 10 acres of commercial development and 50 residential units based on approval of a Master Development Plan. *The rationale behind this change was to require more specific analysis of the site prior to development in order to address the substantial constraints on the property.*
- 7) The Downtown Study Area was expanded to the east to include a privately owned parcel and the portion of the Forest Service land visible from Highway 267 near I-80. *The rationale behind this change was to eliminate the NF designation on a privately owned parcel, and to address possible future development in a prominent location should the*

component of future development plans.

- 17) The Commercial designation along Donner Pass Road just east of Northwoods Boulevard was adjusted to exclude parcels in a residential neighborhood. *The rationale behind this change was to minimize commercial encroachment into existing residential neighborhoods.*
- 18) The general locations of future school locations are shown. *These are not intended to be parcel-specific, but do reflect conceptual locations identified by the School District.*
- 19) The conceptual alignment of the Tahoe Donner secondary access road was shifted to the north to connect with the future Hwy. 267 Bypass alignment.

II. Direction on General Plan Land Use Designations

The land use designations applied in the Draft General Plan Land Use Plan are defined below. The abbreviation used on the Land Use Plan is shown following the name of the designation. Densities in all cases are gross densities.

OPEN SPACE

Resource Conservation/Open Space [RC/OS]

This land use designation was applied to lands containing significant mineral resources, environmentally sensitive features, and significant open space uses. Land uses allowed under this designation include open space and mining, where appropriate. In addition, one housing unit would be allowed on an existing parcel.

Open Space Recreation [OSR]

This designation is applied to areas where recreational uses would be compatible with the natural resource values. This designation is intended to protect viewsheds, open space, and recreational land.

Development Reserve Overlay [DR]

This overlay designation is applied to 920 acres of OSR land east of downtown Truckee. The purpose of this designation is to protect lands for potential future development beyond the time frame of the 2014 general plan. Residential uses will be allowed at an average density of one housing unit per forty acres. The potential for these lands to accommodate higher density development would be reevaluated during future General Plan updates.

PUBLIC AND QUASI-PUBLIC LAND USES

Public [PUB]

High Density Residential [RH]

This land use designation allows for development of higher density single and multi-family residential uses. The density range is 6 to 12 housing units per acre. This designation was applied to areas near existing developed areas and close to services.

III. General Policy Direction

Land Use Map Policies

- 1) Provide for accommodation of projected growth within the planning period (1994 to 2014). Provide a surplus of land available for Development beyond the 20 year projections to account for unbuildable residential lots and to ensure competition and flexibility in Commercial and Industrial land uses.
- 2) Locate significant new development around existing developed areas.
- 3) In order to provide infill development and help fund the need for a secondary access road out of Tahoe Donner, increase densities on 700 acres east of Tahoe Donner.
- 4) Future subdivision of estate type parcels (2.5 -10 acre parcel sizes) is discouraged within the Town boundaries outside of existing rural subdivisions.

Affordable Housing

- 1) Designate a sufficient amount of high density residential to accommodate the Town's share of affordable housing.
- 2) Distribute affordable housing throughout the Town instead of concentrating it in one location.
- 3) Include policies which allow granny-flats and in-law units in appropriate areas in order to provide more affordable housing.

Commercial Designation

- 1) Designate an adequate amount of land in the Commercial Designation to accommodate projected demand.
- 2) Include policies in the General Plan which prevent "commercial sprawl".
- 3) Design standards should be developed for freeway oriented commercial development.

improve traffic flow in the area (such as local serving commercial) would be exempt from this policy.

- 2) The General Plan will be prepared based on the assumption that the Highway 267 bypass will be built within the time frame of the general plan.
- 3) The General Plan should include policies which adequately protect lands which may be needed to accommodate future development beyond the time-frame of this general plan.
- 4) Include policies which require new subdivisions to be served by sewer systems except where totally impractical, with the exception of existing parcels that are within existing subdivisions served by septic systems, such as Sugar Pine Estates and Pannonia Ranchos.

IV. Policy Direction on the Planned Communities and Downtown Study Area

The Following Policies apply to Tahoe Donner:

The Tahoe-Donner Planned Community designation recognizes the existing approved Tahoe-Donner community. Major changes to the approved land uses for the community would require a Specific Plan. The following Guiding Policies apply to Tahoe-Donner.

- T-D PC 1. Land uses, activities, and future development at Tahoe-Donner shall take place consistent with approved entitlements for the community.
- T-D PC 2. Major changes in the approved land uses, activities, or site plan for Tahoe-Donner will be subject to approval of a Specific Plan.

The Following Policies Apply to PC-1 (Teichert Property)

Planned Community 1 consists of a highly constrained site at a strategic location. A Specific Plan for the entire site will be required, and all development on the site shall be consistent with the Specific Plan. The following Guiding Policies will guide development of the Specific Plan for the site.

- PC-1 1. The Specific Plan shall include policies and design measures to ensure that development on the site shall be compatible with and shall not adversely affect the historic or natural character of Donner State Park.
- PC-1 2. The Specific Plan shall provide adequate setbacks from Cold Stream and other riparian/wetland areas.

Mixed use development including commercial/office/and residential land uses with affordable housing.	50
Open Space	100

The Following Policies Apply to PC-2 (Hopkins Property)

A Specific Plan for the entire site will be required, and all development on the site shall be consistent with the Specific Plan. The following Guiding Policies will guide development of the Specific Plan for the site.

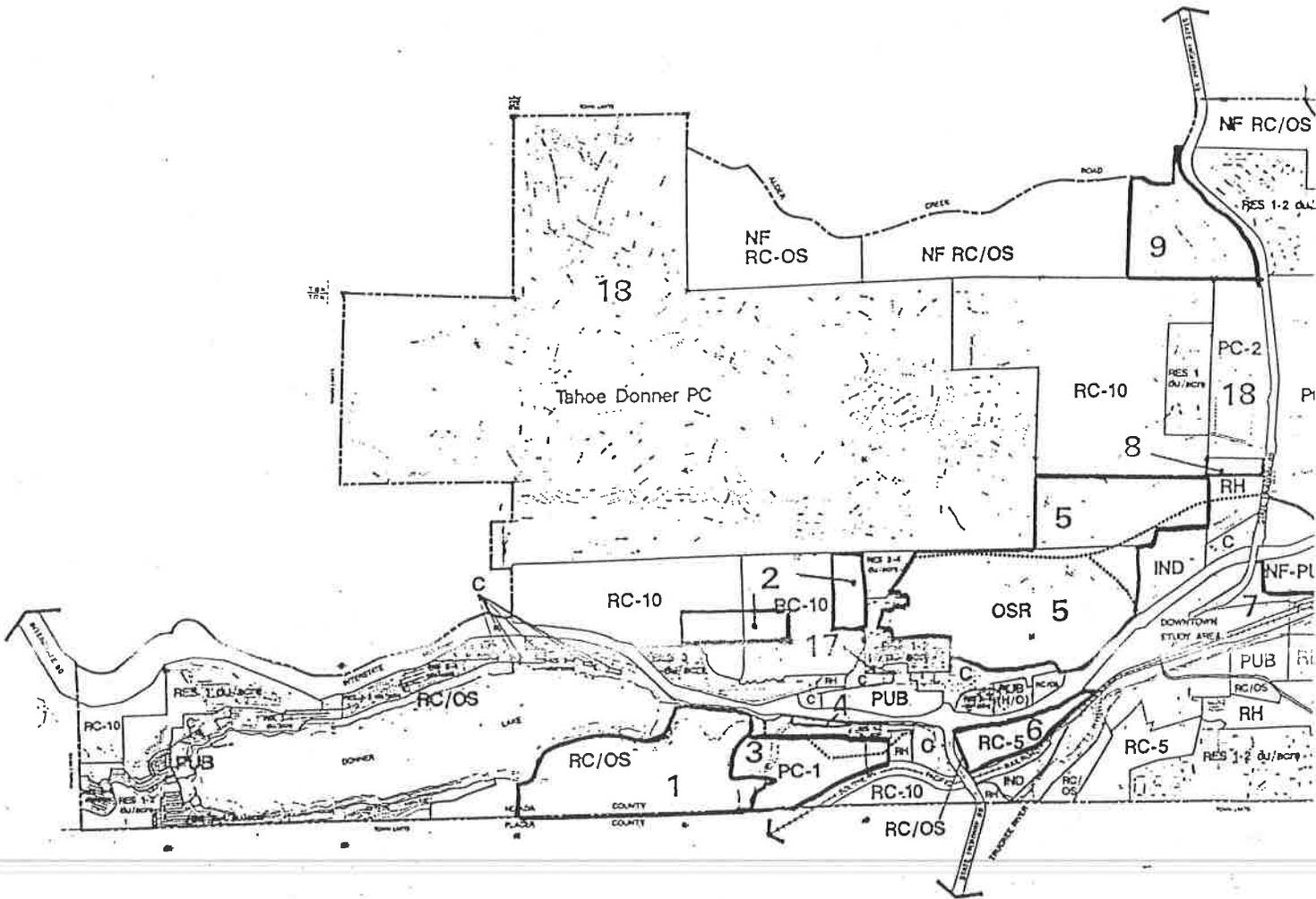
- PC-2 1. Preserve existing natural features and values.
- PC-2 2. Preserve open space corridors connecting to adjacent open space lands to protect wildlife habitat.
- PC-2 3. The planned community shall be sited, oriented and massed to provide for maximum exposure to winter sun and protection from wind and temperature extremes.
- PC-2 4. Landscaping shall complement and be a component of the existing native ecosystem.
- PC-2 5. Maintain open space characteristics in the viewsheds along Highway 89 and Interstate 80.
- PC-2 6. The site shall be developed as a destination recreational community.
- PC-2 7. Provide amenities such as a golf course, riding stables, cross country ski area, hiking/biking trails, recreational center, and hotel.
- PC-2 8. Residential uses shall be clustered. Apartment units shall be interspersed with office and light commercial uses in some areas. Twenty percent of the housing units shall be affordable housing.
- PC-2 9. Retail shopping areas shall be designed at a pedestrian scale, incorporating pathways, courtyards and other activity nodes, and a mix of shopping, offices, residences, and services. Single building forms and large masses of pavement are not considered consistent with this policy.
- PC-2 10. Architecture shall be consistent with the Town of Truckee Design Guidelines.
- PC-2 11. Parking areas shall be screened. Parking shall be provided in scattered small lots, rather than a few large lots.

- DSA 6. Encourage residential uses mixed with office and commercial uses.
- DSA 7. Enhance the desirability of the downtown area as a "destination attraction".
- DSA 8. Study the potential for the old mill site (downtown) to be a location for future mixed use development, including local and tourist serving commercial and public uses.
- DSA 9. Improve roadside landscaping. Reclaim portions of the "no man's land" around the railway.
- DSA 10. Identify funding mechanisms for downtown improvements, including the potential for establishing a redevelopment district.

Development Assumptions:

The following assumptions were used for the Downtown Study Area in calculating General Plan buildout:

Land Use	Existing Development	Additional Development	Total Buildout
Commercial	700,000 sf	400,000 sf	1100,000 sf
Residential (mostly apartments and duplexes)	320 units	300 units	620 units



1994 • GENEFF

#27

**Barbara Green's
Comments on Draft EIR of General Plan
January 16, 1995**

<u>Topic</u>	<u>Page</u>	<u>Comment</u>	
Health & Safety	i	A separate chapter on Health and Safety would allow for more specific discussion of such items as fire suppression.	27.1
Water	2-14	Impact 11: Policies SHOULD provide for avoidance of development in floodplain areas. Loss of life, personal property damage, public cost of clean-up, threat to leach-fields are concerns.	27.2
	4.3-11	Impact 11: include Hirschdale.	27.3
	4.3-13	I support avoidance of stream channel modifications and avoidance of excessive areas of impervious surfaces.	
	4.3-20	A: add eastern Nevada County. Also, building and septic tanks should not be allowed in low-lying areas susceptible to flooding.	27.4
	Biotic Resources	2-18	Mitigation Measure (MM) 14: Habitat Management Plan (HMP) should be coordinated through and supervised by County Fish and Wildlife Commission.
		HMP should be prepared and implemented for EASTERN portion of County also.	27.6
2-19		<u>Restore</u> deleted language re "maximum feasible", "site appropriate", and especially "Invasive, non-native plants that may displace native vegetation", etc.	27.7
2-20		Impact 17: add conifer forest in eastern County.	27.8
2-22		MM 21: a) and b) dilute protection of wetlands -- they should be removed; c) is questionable.	27.9
2-32	Impact 21: Loss or degradation of timberlands is a LESS-than-significant impact??? I disagree.	27.10	

27.11		4.4-15	After Oak Woodlands, add Conifer Forests, and Aspen Groves.
		4.4-28	Add conifers and aspens.
27.12	Water/ Biotic		Need to map wetlands; study aquifer for quantity for buildout and for quality (nitrogen from leachfields?).
27.13	Cultural Resources	2-23	MM 23: Restore "by a registered archaeologist".
27.14	Visual Quality	2-24	Impact 24: add conifer forest in eastern County. MM 25: " " " " " "
27.15			Impact 25: ^{↓RI?} MM 22 doesn't mitigate if diluted (see above).
27.16		2-32	Impact 23: Development on hillsides and ridgelines is less-than-significant? It could be VERY significant if prolific.
27.17		4.6-1	Add category of "Mountains and Forests".
27.18	Air Quality	2-35	Impact 36: I challenge the conclusion that air quality will be improving with buildout!!!!
	Recreation	2-38	Impact 50: I strongly agree that we will need additional parklands.
27.19		3-11	The General Plan needs a Trails Element to identify regional trails, both existing and proposed, identifying missing links that would create a viable trail system which would benefit every segment of Nevada County population.
	Transportation		Above trails system would also serve local transportation needs.
27.20	Land Use	4.1-5	Where is Truckee in this table?
27.21		2-12 & 4.1-24	Include language re private land trusts. I support creation of Open Space District.

Traffic	4.7-4	In I-80, add segment of Truckee to Sierra County, if Raley's property is developed.	27.22
		SR 267 LOS is B ??? Gooseneck Ranch EIR identified LOS F at peak times!!	27.23
	4.7-12	See Transportation above.	
Public Services	4.10-23	We need to recycle more materials. When is ERL going to reach capacity?	27.24
	4.10-46	Library services in Truckee are highly inadequate.	27.45

#28

RECEIVED

JAN 18 1995

NEVADA COUNTY
PLANNING DEPARTMENT

11840 Orchard Glen Way
Grass Valley, CA 95945
January 15, 1995

Nevada County Planning Commission
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

Re: Draft Environmental Impact Report - Nevada County General Plan

Dear Planning Commissioners:

There are portions of the Draft Environmental Impact Report (EIR) that need work which will result in either expanded or additional mitigation measures or acknowledgment of additional significant adverse impacts which cannot be mitigated.

The Traffic and Circulation chapter of the EIR, and the Circulation Chapter in the General Plan, seem to be based on technical computer modeling which focuses on the capabilities of road segments to accommodate projected traffic. The written description of the modeling results gives us no indication that modeling took into account stacking capabilities, stacking capabilities in left turn lanes, signal timing, and intersection operation. Because we see how the circulation system functions in Glenbrook today, we cannot believe that it will function at acceptable levels at Plan build-out.

28.1

It looks like acceptability of service levels in Glenbrook is based on construction of the Dorsey Drive interchange. That project is already controversial and has not even been subjected to the scrutiny of an Environmental Impact Report. The project looks like an expensive Band-Aid which the County will use as an excuse to allow Glenbrook to have even a higher intensity of development to the detriment of existing residential neighborhoods on Spring Hill.

28.2

We support the EIR's mitigation measure which provides that existing zoning be maintained within the Community Regions. Instead of increasing residential densities inconsistent with the character of existing neighborhoods, the County should allocate some of the overabundance of lands designated for industrial for affordable housing. Many of those lands are close to shopping, and residential land uses would generate less traffic.

28.3

28.4

Neither the General Plan or the EIR gives us a clue as to road standards and other development standards which will be applied to new development and the impact of those improvements on private properties. Many communities are served by dead-end roads and it is feared that future development will require that new roads be built through private properties and quiet neighborhoods for the sake of circulation. In reviewing the Land Use Maps, it does not appear that the Plan consultant gave any thought to existing road capabilities when assigning higher densities. The impact on private properties and neighborhoods of road expansions will be significant but has not been addressed at all in the EIR.

28.5

The EIR's recommended mitigation measures to reduce impacts associated with increased impervious surface is not adequate. The inadequacies are particularly relevant in Penn Valley, Higgins Corner and Glenbrook where high ground water levels in areas designated for commercial and higher density residential will make retention/detention basins impractical. Basins might work in new communities where design can be integrated into the original plan, but it is hard to visualize them in existing communities. The County needs to bite the bullet and have master drainage studies and plans prepared for the Community Regions to ensure that existing drainage facilities are appropriately designed.

28.6

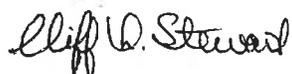
I have concern that the neither the Plan or the EIR includes a fail-safe switch which will turn-off new development if mitigation measures are not implemented in the manner intended in the EIR. Monitoring is a frequently-used measure, but it has little meaning unless the consequences of system failures are included.

28.7

As residents of the Glenbrook Basin, we have seen air quality deteriorate as traffic numbers have increased and traffic flows have slowed. The EIR needs to address the air quality impacts of traffic service levels determined to be acceptable in the Plan. The issue is particularly critical in basins like Glenbrook.

We join our Glenwood Homeowners' Association in requesting that opportunities be provided by the Planning Commission for public comments on the consultant's responses to comments.

Respectfully submitted,



Cliff L. Stewart

cc/Glenwood Homeowners' Association

DRAFT EIR COMMENTS COUNTY PLANNING DEPARTMENT

GENERAL COMMENTS

1. Feasibility of Mitigation Measures in General:

The draft EIR contains a number of mitigation measures which will, if adopted, translate into a substantial amount of new regulations, studies, and impact fees. Given the consistent decline in general fund revenues and staffing levels within Nevada County, are these mitigation measures feasible? Several Planning Commissioners broached this subject at the public hearing on January 12th. Are there less costly ways of achieving the desired mitigation measures? For the decision makers, it would be helpful if the Final EIR included a summary chart which identified the recommended mitigation measure, its estimated cost for implementation, and potential revenue source.

29.1

2. It is somewhat unclear which impacts are significant and unavoidable. The summary beginning on page 2-5 lists 5 such impacts. Page 5-1 lists 7 such impacts. Pages 5-4 and 5-18 list 3 such impacts. The discussions on the following pages appear to show 7 such impacts:

- page 4.1-26 (Impact #2, conversion of open space)
- page 4.1-28 (#3, conversion of farmland)
- page 4.7-22 (#31, State highway system),
- page 4.10-13 (#42, surface and ground water)
- page 4.10-21 (#43, wastewater collection and treatment facilities)
- page 4.10-31 (#46, school facilities)
- page 4.10-39 (#48, wildland fire hazard)

29.2

The summary and other sections of the Report should consistently refer to these 7 impacts as significant and unavoidable, even with mitigation measures.

Also, 3 of the 7 significant and unavoidable impacts (surface and groundwater, schools, and wildland fire) are characterized as "significant, unavoidable impact"; the other 4 impacts simply state "significant". This distinction should be clarified.

SPECIFIC COMMENTS

P.2-1: The table should state that the existing dwelling units is 37, 352. This changes other #s accordingly. This correction is also needed in the table on page 5-19.

29.3

P.2-1 SUMMARY: Guideline §15123(b)(3) mandates that an EIR Summary shall include:

(b)(3) "Issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects."

29.4

The DEIR does so by implication, not expressly as it does for other mandated areas of discussion, including:

(b)(1) "...each significant effect [Significant Unavoidable Impacts 2-5, Significant Impacts 2-9] with proposed mitigation measures [SUMMARY OF IMPACTS AND MITIGATION MEASURES 2-4] and alternatives [SUMMARY OF ALTERNATIVES 2-2]..." and

(b)(2) "...areas of controversy..." [supra].

It appears necessary that the Final EIR identify specifically the issues to be resolved.

29.5 P.2-4: While this section introduces the subject of the "environmentally superior alternative", it does not state or describe this alternative. Please describe.

P.2-6; Impact #3:

29.6

1. How much prime agricultural farm land is within Nevada County?
2. If minimum parcel size is revised to (mitigation measure) 10 acre parcels in prime agricultural land is impact less than significant? This appears to be consistent with California Government Code Section 51222 as cited on Page 2-6.
3. Increased land values (as cited on Page 2-7) may result in conversion of agriculturally utilized land to other uses. Is this a result of the proposed project and/or alternatives, or are increasing land uses a state or national trend which is outside the scope of the General Plan?

P.2-8; Impact #38

29.7

1. Did not the MEI contain an evaluation of the availability/condition of underground aquifer and conclude that the aquifers are fragmented except for eastern county. Would a further study be of benefit? Would it be more realistic to identify this as needing a statement of overriding consideration given the highly variable condition? Also see comments on Page 6 relative to your Page 4.10-13.

29.8 P.2-9; Impact #48 Increased Exposure of Persons and Property to Wild Land Fire

1. Would additional mitigation measures such as prohibition of wood shingle or shake roofing materials serve to reduce this impact less than significant?

P.2-11; Revised CSDS Standards

29.9

1. Important timberlands, are designated as 160 acre minimums per the General Plan (Open Space Chapter, Policy 6.4). Necessity of requiring additional mitigation is questionable given this large minimum acreage designation and jurisdictional control by the California Department of Forestry.

.... Important Agricultural Lands... more specifics are needed to identify the minimum criteria for development of a CSDS, otherwise this statement lacks the necessary degree of specificity. In addition, since the DEIR previously indicated the impact to this resource as significant and unavoidable, why is it proposed as a necessary CSDS?

29.10

P.2-13; Impact #8. The County has a grading ordinance and regulates the development of roads through the land development process. Was the DEIR preparer aware of these existing procedures and processes? Given these procedures are already in existence, what specifically is being advocated by Mitigation Measures 1 and 2?

29.11

P.2-14; Impact #9. MRZ-2 areas to be zoned "ME" Combining District... Please identify compatible General Plan designations.

29.12

P.2-14; Impact #11

The conclusion is that the General Plan would allow increased development in flood plains. Our review of the General Plan and land use maps does not support this finding. Please provide specifics as to where this occurs within mapped flood plains. Also, see our comments on Page 5 relative to your Page 4.3.11, 12.

29.13

P.2-16: Impact #13

The dEIR identifies impacts to surface water as well as mitigation measures necessary to reduce future impacts to less than significant levels. Included within these mitigation measures are oil and grease traps within parking lots, land divisions, or commercial and industrial development. Was the dEIR preparer aware of the NPDS program which has been implemented in the State of California? Please summarize the NPDS program in the Final EIR. Adherence to the NPDS program may save as an alternative mitigation measure/variation to Item (b).

29.14

P.2-16; Impact #14.... Impacts to Ground Water Associated with Septic Use

It is my understanding that the Environmental Health Department has indicated that no such study is warranted. Please confer with Environmental Health and reconsider the need for such a study. If one is warranted, please further explain as to the reasons why. It is difficult to assess the feasibility of implementing this mitigation measure. Please identify the cost and time involved in preparing such a report.

29.15

P.2-17; Impact #15... Biotic Resources

29.16

Mention is made as to the need for a Habitat Management Plan (HMP). However, it is difficult to determine the feasibility of developing such a plan given a lack of such plans within the State of California. Please indicate where (within California) such plans have been prepared and adopted. The cost of such plans, the time it has taken to develop such plans, and the acreage involved. Mitigation system #16 specifies designation of minimum parcel size of twenty (20) acres or larger within Rural Regions within the western portion of the County. Which resource(s) is this minimum designation designed to protect? Could an alternative consisting of the County preparing a Non-Federal HMP (local version) serve the same purpose? If not, please identify the specific resources/goals warranting federal involvement.

29.17

P.2-19; Impact #16... Loss of Deer Habitat... Mitigation Measure 18 requires 40-acre minimums within critical migratory deer winter ranges in Rural Regions within the western portion of the County.

29.18

It is our understanding that this mitigation measure is predicated on State Fish & Game's long standing preference for 40-acre minimums within such areas. Please clarify the basis for this mitigation measure. If Fish & Game's preference is the basis for this mitigation, please review in light of the recommended mitigation measure mandating clustering. Mandatory clustering can achieve the generally desired Fish & Game spatial interest to the same degree achieved by 40-acre minimums. Page 4.4-16 & 4.4-17 indicate deer populations are unstable and declining. Is there any counts or studies to substantiate this conclusion? If so, please cite.

P.2-25; Impact #26... Viewshed of Designated Scenic Routes

29.19

The mitigation measure inaccurately reflects the status and process for Scenic Highway reports. Please contact Caltrans to correctly reflect the current process. As with the Habitat Management Plan, it is difficult to assess the feasibility of implementing this mitigation measure. Please indicate where such reports have recently been adopted as well as the cost and time involved in preparing these plans.

Could an equal mitigation measure, but more cost effective approach consist of developing County Scenic Highway Reports utilize the State format as a Guideline?

P.2-26; Impact #29... Linear "Sprawl"

Given the General Plan direction of concentrating growth within Community Regions, it is difficult to determine where the "sprawl" will occur. Please indicate where this occurs.

29.20

P.4.7-23: Impact #33 is stated in the summary to be considered to be a less-than-significant impact, but in the body of the EIR (at 4.7-23) is identified as significant. Please reconcile.

Not mit. impact < sig.

P.2-30; Impact #43...Increased Wastewater Flows...

The dEIR recommends revising the land use map within the unincorporated portions of the Community Regions to be consistent with existing zoning. Please explain the nexus between this measure and the identified impacts. Additionally, it is difficult to understand the purpose of this mitigation measure, given that the General Plan recommended designations within Community Regions are generally consistent with the cities General Plans and/or public sewer and water expansion plans. After review, if the impact is still determined to be significant, the summary should so state and this impact should be relocated/referenced in summary.

29.21

P.4.1-3 Jobs/Housing balance

The dEIR does not appear to evaluate the impact on the County's ability to provide affordable housing and obtaining a desirable Jobs/Housing Balance given the recommended mitigation measure of deleting the New Town proposal. Please evaluate these impacts given this context.

29.22

P.4.1-20 Standards of Significance: Guideline G lists a number of normally significant effects which would seem to fit most clearly under Land Use, but which are not referenced there, to wit., projects that will induce substantial growth or concentration of population;"

29.23

"(w) Conflict with established recreational, educational, religious or scientific uses of the area.

Please review the General Plan's impact given that the draft General Plan update certainly attempts to concentrate population by directing growth to Community Regions and its designations may induce substantial growth when measured against the baseline of present development.

P.4.1-22: If mitigation measure #1 is intended, in part, to prevent fire hazards, shouldn't fire hazard, as defined by the States Department of Forestry's Fire Hazard Severity Zone mapping, be included in this criteria list? Also, see our comments relative to Impact 48 on Page 2.

29.24

County Planning Department DEIR Comments
January 19, 1995

- 29.25** P.4.1-23: The list does not appear to follow from its introduction. The introduction discusses field review, the list includes mitigation measures/planning tools.
- 29.26** P.4.2-19 Policy 10.13 as revised by Mitigation Measure 3: Is "...an area determined to be seismically active by the State Division of Mines and Geology..." capable of being determined or are there various levels of seismic activity which may render the policy ambiguous, e.g. what level of activity is intended to trigger the investigation requirement? Building Permits? Land Divisions?
- 29.27** P.4.2-19, 20 Impact #7: The dEIR appears to sell itself short on the effect of proposed policy 1.18, failing to recognize that, as revised, it mandates clustering "where environmentally sensitive resources as defined in Policy 1.17 [which include steep slopes and areas with high erosion potential], are present." Please review and reconsider whether or not this is a significant impact.
- 29.28** P.4.3-11, 12 Impact #11: Again, the dEIR sells itself short given the recommended modification of Policy 1.17 because floodplains as defined by FEMA are environmentally sensitive resources clustering is mandated to protect (see comment to Impact #11 on Page 2).
- 29.29** P.4.3-12, measure 5: Definitions should be included for "critical facilities" and "non-essential public structures".
- 29.30** P.4.3-18, measure 12: The relationship of "fill" to septic tanks should be made clear.
- 29.31** P.4.4-23, 24 Mitigation Measure #16: This proposed mitigation measure "...would result in the elimination of the New Town SDA..." yet there is no apparent discussion of the impact on the plan of suggesting such a limitation. This is significant in view of the report of the consultant on the Public Services & Facilities Impact Analysis about the necessity for the new town to make the numbers work (consider also the effect upon affordable housing and meeting growth pressures) as well as the preparers of the General Plan. If inclusion of a mitigation measure would itself create new significant effects, these, too, must be discussed, though in less detail than required for those caused by the project itself. The relationship to Mitigation Measure #10 is unclear. Please explain.
- 29.32** P.4.4-27 Other Mitigation Measures: Shouldn't the dEIR include reference to Mitigation Measure #18 as well?
- 29.33** P.4.6-3: State Highway 174 should be added to the list of those highways eligible for "designated scenic highway" status.
- 29.34** P.4.6-5 Other Mitigation Measures: For Impact #24 (impact on stands of oak trees), Mitigation Measure #19 is also an applicable mitigation measure.
- 29.35** Mitigation Measure #30: is there one? There appears to be a numbering problem. Please clarify.

P.4.7-15 Impact #30: If the correct measure of significance is a substantial net increase in traffic in relation to existing traffic, even if it does not result in failure of a level of service, (see prior comment), this impact cannot be considered to be less-than-significant. In this regard, the Environmental Checklist also inquires whether the proposal will result in the "[g]eneration of substantial additional vehicular movement." There is no mention of current daily vehicle trips for comparison purposes¹, but 887,400 new trips (generated by more than a doubling of the population) should be viewed as substantial additional traffic. For the mitigations to work, you must assume that all identified improvements are made in a timely manner (including the Dorsey extension and interchange and widenings that may be considered controversial, e.g. making McCourtney 6 lanes from Old Auburn to SR 20, making Rough & Ready Hwy 4 lanes from Bitney Springs to Grass Valley) and make some special adjustments in how you view roads in Community and Rural Regions (e.g. Allison Ranch Road, Alta Sierra Drive, McCourtney Road [see p. 4.7-19]). The EIR might more appropriately describe increased traffic as a substantial impact and also treats it as unavoidable even with mitigations.

29.36

29.37

P. 4.7-24, policy 4.28: This policy change should refer to "bicycle" rather than "pedestrian" facility.

29.38

P.4.8-9: The two models appear to have conflicting conclusions. The URBEMIS model, projecting air quality to buildout, projects a significant increase in air emissions from mobile sources. The BURDEN7F model, projecting to the year 2,010, projects a decrease in emissions due to improving vehicle emission rates. Given that this Report analyzes impacts to buildout of the Plan, it is unclear why a "less than significant" impact was concluded.

29.39

P.4.10-13 Mitigation Measure #38: This mitigation measure involving an aquifer study doesn't make sense. The growth served by aquifer, to wit., that in the eastern county relying upon the Martis Valley aquifer is concluded to have adequate groundwater supplies to serve increased demand (see discussion 4.10-12). The unknown causing the EIR to conclude that there may be unavoidable impacts involves proposed development on individual wells in the western part of the County (see discussion 4.10-12) where groundwater is not characterized by well-defined aquifers (see discussion 4.10-6). Thus the proposed aquifer study would do little to provide necessary information on the quantity and quality of well water on private property in the western portion of the County -- precisely the information which is needed. (Also see previous comments on P.2-8).

29.40

29.46
P.4.10-21 Mitigation Measure #39: Future development will occur to some degree given this recommended Mitigation Measure. Wouldn't identification of criteria (i.e. soil types, setbacks, etc.) be more appropriate to the purpose of this Mitigation Measure?

¹ Table 4.8-3 on page 4.8-10 of the Air Quality section estimates daily vehicle trips for 1994 at 362,393 and estimates a 152% increase to 2010 total of 556,524. If these numbers are correct (and reconcilable because buildout is not assumed by the year 2010), 887,400 new trips would be an increase of 345%!

County Planning Department DEIR Comments
January 19, 1995

- 29.41** P.4.10-25 Standards of Significance: The stated standards fail to state considerations pertaining to hazardous waste, though Impact #45 makes it clear it was considered. The statement of standards utilized thus appears to be in need of modification.
- 29.42** P.4.10-32 Service Providers: The second paragraph prematurely predicts consolidation of Forty-Niner and Penn Valley fire protection districts and omits any mention of the Grass Valley and the Nevada City fire departments. Please revise.
- 29.43** P.4.10-34 Figure 4.10-2: The copy included completely obliterates the fire district boundary lines. Please provide a legible map.
- 29.44** P.4.10-35 Standards of Significance: The listed standards fail to include impact on ingress and egress routes, identified on 4.10-32 as "the main problem" and presumably encompassed in the significant effects listed in Appendix G to the Guidelines (see z relating to interference with "emergency evacuation plans"). However, the discussion of evacuation routes under impact #48 (4.10-38) makes it clear emergency access issues were considered. It would appear preferable to include this consideration under standards.
- 29.45** P.4.10-35 Impact #47: The discussion here uses a net increase of population of 97,987 which does not match either Table 2-1 or Table 3-3 (97,250). Given the existing and probable future construction of residences in forested areas, does it make sense to say that increased exposure of persons and property to wildland fires is a significant, unavoidable impact (#48), but increased demands for structural fire protection services (#47) is a less-than-significant impact?
- 29.46** The meaning of the last sentence of the first full paragraph on 4.10-36 is unclear. If a development fee is established, what is the justification for agreements "to partially supplement development fees"? What is the referenced source of funds for "building new stations"?
- 29.47** P.4.10-41 Impact #49: The last sentence of the third full paragraph states that in use of development fees collected from new development (under a program to be developed), "[p]riority will be given to improvements which resolve or decrease an existing deficiency. This is an improper use of development fees. Development fees are to be used to service new development so that the level of service is not decreased by the new development. It is our understanding that it is unlawful to upgrade the service or make up for past deficiencies at the expense of new development. This comment, derived from policy 3.7 points out a need to revise policy 3.7 to bring it in line with existing law. As the policy is improper, it should not be relied upon in mitigation and the environmental document should be adjusted accordingly.
- 29.48** P.4.10-48 Energy: It's a good idea to consider impacts related to energy use, especially wasteful use of fuel and energy (see Guidelines Appendix G[o]). However, any discussion of the impacts identified and the suggested additional mitigation measures 40, 41 and 42 is missing. Please address.

P.5.1 Unavoidable Adverse Impacts: Guideline §15126(b) provides that "[w]here there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described." **29.49**
While use of the alternative design terminology raises some questions about applicability of this section to a general plan EIR, it seems the EIR should address why the project is being proposed notwithstanding unavoidable adverse impacts.

P.5-1 Irreversible Impacts: Guideline §15126(f) provides for discussion of irreversible environmental changes. Please revise the heading. **29.50**

P.5-2 Short-term Uses Verses Long-term Productivity: Guideline §15126(e) provides, "In addition, the reasons why the proposed project is believed by the sponsor to be justified now, rather than reserving an option for further alternatives, should be explained." This mandate is not addressed in the EIR in this section. Please address. *A6749* **29.51**

P.5-16, 3rd paragraph: Relative to McCourtney Road, the Planning Commission draft provided for more growth in this area, including the Deadman's Flat SDA, than the proposed Plan. Therefore, why would the McCourtney Road LOS be higher under the Commission draft than the proposed Plan? **29.52**

P.5-21: Shouldn't the impacts with alternative 4 generally reflect "lesser than proposed project"? **29.53**

P.6-1 References: It would be preferable that this listing be captioned "ORGANIZATIONS AND PERSONS CONSULTED", rather than "PERSONS CONTACTED", and that the representative capacity of the persons be shown. This would more clearly parallel the requirements of Guidelines §15129 that the EIR "...identify all federal, state, or local agencies, other organizations and private individuals consulted...". **29.54**

A>GPEIRPD2.DOC

BANNER MOUNTAIN #30 HOMEOWNERS ASSOCIATION

RECEIVED

JAN 20 1995

P.O. Box 1075, Grass Valley, CA 95945

NEVADA COUNTY
PLANNING DEPARTMENT

January 20, 1995

To: The Nevada County Planning Department

Re: Comments on the Nevada County General Plan DIER

The ability of the County's existing roads to serve existing and future traffic volumes, from a safety perspective, has not been adequately addressed. There are numerous references to capacity and level of service, but only vague or low priority references to road safety and emergency access roads.

30.1

On page 4.10-32, the DIER even states that the State wildland fire protection standards do not apply to existing roads. Existing uses on existing roads may not be subject to bringing the roads up to standards, but this should not be the case for discretionary developments. If a development is dependent on existing non-standard roads for access, the roads should be improved before the development is constructed.

Policy 4.2 calls for improving circulation systems for safety during the land development process. This could be interpreted as saying that existing roads should be improved to appropriate standards along with new developments, but this is very unclear.

Policy 4.7e says to improve local circulation to address safety and emergency service needs. Again, this is very vague, but should be listed as a higher priority than items b, c, and d under policy 4.7.

The General Plan Land Use maps show some new Emergency Access Roads, but the funding or feasibility of these roads is not addressed in the DIER. It refers to a few policies that don't really apply to new facilities of this magnitude. Are these roads feasible? What impacts would be associated with their construction?

30.2

In order to adequately address the need to upgrade the County road system, from an everyday safety and an emergency access standpoint, additional mitigation measures are needed. One should provide that all existing or proposed roads which would act as emergency evacuation routes for new developments should be upgraded to the appropriate fire safe standards, before any building permits are issued. This should include an analysis of the evacuation route at least until it reaches a secondary evacuation route, as defined in Policy 10.9.

30.3

Another mitigation measure is needed to address the upgrading of the County's roads to appropriate standards, for everyday safety reasons, as traffic volumes increase. The cost of upgrading all of the County's roads to at least the minimum standards should be included in the comprehensive development fee program. The minimum standards which apply should be based on the buildout volume for each road segment.

30.4

And lastly, a mitigation measure should be prepared which requires the assessment of existing roads from a road standard perspective along with new developments. Since roads standards are primarily safety standards, allowing development to generate increased traffic volumes on roads which do not, or would not, meet the minimum safety standards, should not be allowed. This is especially important for collector roads.

Sincerely,

A handwritten signature in cursive script that reads "Jim Brake". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Jim Brake, President
BMHA



RECEIVED

#31

JAN 20 1995

NEVADA COUNTY
LAND AND DEVELOPMENT

SIERRA NEVADA GROUP

MOTHER LODGE CHAPTER

SIERRA CLUB

Comments regarding the adequacy of the Draft EIR Nevada County General Plan January 20, 1995

Upon review of the Draft EIR two areas stand out which were not adequately addressed.

Forest zoned lands. The current proposed General Plan designates Forest zoned land to require a 40 acre minimum. Current zoning (I believe this is true) designates a 160 acre minimum. Which acreage designation will best protect the forest resource? How will the smaller acreages, and subsequent development, impact such forest issues as sensitive species in areas where these lands are in alternating sections with Tahoe National Forest lands in areas with old forests. What effects will these potential additional residential/recreational intrusions in the forest have on protection of forest resources particularly timber and sensitive species, from fire?

31.1

Rezoning at Soda Springs and Castle Peak. The effects of rezoning current Forest zoned lands in the Castle Peak/Soda Springs area are not addressed at all in the Draft EIR. This high elevation area (7,000 feet) is totally dissimilar from the rest of the western county and therefore has its own set of particular concerns. Among them are sewage disposal and water quality issues from sewage disposal and surface runoff in the headwaters of the South Yuba River (particularly in light of the cumulative effects with existing development), snow removal and its related costs, and public safety issues during periods of intense storms and highway closure (this area has average April 1 snow accumulation of about eight feet and an extreme of over twenty five feet).

31.2

Richard Thomas  for the Conservation Committee

#32

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JAN 20 1995

NEVADA COUNTY
PLANNING DEPARTMENT

Willow Valley Neighborhood Association
10342 Haskell Road
Nevada City CA 95959

January 20, 1995

Nevada County Planning Commission
c/o Nevada County Planning Department
950 Maidu Avenue
Nevada City, CA 95959

Re: Comments on the Draft Environmental Impact Report for the Nevada County General Plan

Dear Commissioners:

The Willow Valley Neighborhood Association wishes to address and comment on several aspects of the Draft Environmental Impact Report for the General Plan. These comments not only refer to our specific region, but also to impacts in other areas of Nevada County. We will feel the impact of the new General plan not only where we live, but where we work, and as we travel throughout our County.

The Draft EIR is generally well done, except in a few areas where it is believed additional mitigation is required to reduce impacts below the level of significance. The consultant has recommended some necessary mitigation measures to enable the County to reduce a number of impacts below the level of significance.

It has been obvious through the entire General Plan update process that the consultant did not use a comprehensive **environmental constraints analysis** in preparing the General Plan Land Use Maps. The result is that many lands are designated for land uses and densities they cannot accommodate without encroachment on steep slopes, damage to wetlands, loss of vegetation and habitat, incompatibility of adjoining land uses, etc.

32.1

The Draft EIR has added mitigation measures aimed at preserving the environmental resources, and ensuring land use compatibility, which will be applied at the time development is considered (Habitat Management Plan, Comprehensive Site Development Standards, etc.). The problem is that if a developer buys a parcel which is zoned Community Commercial, or zoned for 15 units per acre, and pays the prevailing market price on a per acreage basis, and then he finds that the parcel is only marginally developable because of these standards, He is going to ask why the County zoned the parcel that way in the first place.

If lands are not suitable for the designation, the designation should not be applied. The most obvious areas are along Brunswick Road between Sutton and Idaho Maryland where slopes, vegetation and wetlands will be likely be lost to multiple-family residential zoning from 6 to 15 units per acre (plus density bonuses). We already know about Loma Rica Ranch. There are similar constraints in areas designated for higher intensity uses adjacent to Lake of the Pines. Penn Valley Land Use Maps have been improved by the Resolution Committee. But it is by no means certain that their work will be accepted by the Planning Commission and Board.

32.2

The EIR lacks discussion on the potential environmental effects of the policies in the Housing Chapter which set aside development standards for "affordable" (very low, low and moderate income) housing. This is particularly relevant when it is recognized that no environmental analysis went into placing the land use designations on the Land Use Maps. Again, sites designated for densities ranging from Residential (1.5 acre per unit) to Urban High (now 15 units per acres) may not be suitable for these densities without loss of vegetation, loss of wetlands, disturbance of steep slopes, adverse visual impacts, etc. Although the consultant has recommended the preparation and adoption of Comprehensive Site Development Standards, it is not clear whether those standards would be set aside pursuant to Policy 8.4 d. which provides exceptions for affordable housing projects. Policy 8.19 refers to consideration of environmental and public service constraints, and County development standards, but the issue remains less than clear. Recognizing the amount of area set aside for residential uses, and the amount of affordable housing which could be proposed, the impact is significant.

Policies in the Public Facilities and Services Chapter 3 of the General Plan provide for the County to prepare and adopt a comprehensive development fee program to fund the County's Capital Facilities Plan which will also be prepared. That Plan will address all the hard facilities (not salaries, operation and maintenance) which can be funded with development fees (buildings, patrol cars, guns, libraries and books, desks, etc.).

The County retained a consultant to prepare a Public Services and Facilities Analysis of the Final Draft General Plan. The Analysis included (1) a Market Analysis and Development Forecast (to determine whether projected development would meet market demands and land use balance needs); (2) a Public Facilities Analysis to address the required expansions to County owned capital facilities and development fees necessary to fund facilities (note the analysis only addressed County facilities, not NID, schools, fire districts, State, etc.); and (3) a Public Services Fiscal Impact Analysis which analyzed budgetary trends and projected costs and revenues associated with build-out under the proposed General Plan.

The analysis provided some important information on development forecasts and General Plan land use supply by Community Region. It will be useful in countering allegations that (1) loss of the New Town and (2) keeping existing zoning in Community Regions,

will throw the General Plan out of land use balance because we will not have enough land left to accommodate demanded single-family residential and multiple-family residential units. The analysis shows, that the General Plan provides for an overabundance of lands designated for Industrial uses in all Community Regions, and those lands could be redesignated for residential uses (including affordable housing projects) instead of increasing densities in existing residential neighborhoods.

The General Plan consultant had originally placed some affordable housing on the Pendola property adjacent to Yuba River Lumber Company. The Planning Commission took the designation off Pendola's property and increased the density on the Glenwood Pines parcel. The PSFA indicates there is enough industrial land designated County wide to serve us for 298 years (enough in the Grass Valley Community Region for 278 years - enough in the Nevada City Community Region for 309 years). The County should evaluate lands designated for industrial use and determine opportunities for high density housing projects (located appropriately next to job opportunities). This would eliminate the need for incompatible density increases in established lower-density residential neighborhoods.

32.3

Early in the General Plan process the County did traffic counts on road segments (not intersections) and determined the existing service levels. Since some segments were already at LOS D it was decided that D should be an acceptable service level in the Community Regions. That standard is reflected in Policy 4.3 in the Circulation Chapter of the General Plan. What is not recognized is the capabilities of the intersections and their relationships to one another.

32.4

Congested traffic contributes to air quality degradation, which is particularly critical. The staff of the Northern Sierra Air Pollution Control District commented on the Administrative Draft of the EIR and should be looked to for comments on the Draft EIR. It is difficult to look at the traffic numbers generated by Plan build-out, and the Level of Service standards chosen, and still conclude that build-out will not result in significant adverse impacts on air quality.

32.5

Also lacking in the Circulation Chapter in the Plan, and in the Traffic-Circulation section of the EIR, is any mention of road standards. Although the County has not wanted to put standards in the General Plan, because that makes them too hard to set aside when they want to do so, it leaves the developer and the public no clear understanding of what kind of road standards to expect. It is also unclear whether road standards would be set aside for "affordable housing", since the "exemptions" available to affordable housing projects in the Housing Chapter of the General Plan are less than clear. *Coincidentally, the EIR should address emergency access issues, air quality (dirt roads?), etc.*

32.6

Significant unavoidable impacts would occur on State roads if needed roadway improvements are not funded and constructed as necessary to provide for minimally acceptable Levels of Service

Buildout may result in State roadways operating at unacceptable levels of service, until needed roadway improvements can be funded and constructed. This is considered to be a **significant** impact as proposed policies would not necessarily ensure that funding would be available to construct improvements needed to maintain acceptable Levels of Service on State roadways

General Plan policies and Regional Transportation Plan policies will serve to reduce the impact to a less than significant level on local roads, but significant unavoidable impacts will occur on State roads if needed roadway improvements are not funded and constructed as necessary to provide for minimally acceptable Levels of Service.

32.7

We do not agree that the policies in the Plan ensure that funds are available to improve local roads. Development fees can only be charged to fund projects necessary to accommodate new growth. Development cannot be charged to pay for improvements necessary to remove deficiencies in the existing system. Effective mitigation would ensure that a funding mechanism is in place to pay for deficiencies, before development fees are collected for the infrastructure needed to accommodate new growth.

32.8

One shortfall in the traffic modeling done for the General Plan is that the model only addressed road segments, not intersections. Many road improvements necessary to maintain service levels are under State control (The EIR has determined significant adverse unmitigable impacts on the State system), and also are under the control of the three cities, Grass Valley, Nevada City and Truckee.

For example, the Dorsey Interchange, which is part of the road improvement program which is allowing the Draft EIR to determine that growth will not significantly impact the circulation system in Glenbrook, lies within the city limits of Grass Valley. The interchange is very controversial as evidenced by the workshop held in Grass Valley City Council chambers this summer. Property owners on Dorsey Drive maintain that an interchange at Dorsey will be of even poorer design than the Brunswick interchange. The proposed design will leave the professional offices as an island. The multiple-family and single-family residences along the route will be subjected to unacceptable noise level increases.

There are other aspects of the Regional Transportation Plan which will be controlled by Grass Valley and will likely not be politically feasible (one-way loop on East Main Street and Richardson Street, etc.). Without these links, not to mention a funding source for both existing deficiencies (from existing taxpayers) and road needs generated by growth (development fees), the Draft EIR cannot conclude that the impact on local roads will not be significant.

A finding of insignificance can be reached, only if you can conclude that (1) the cities will approve the Regional Transportation Plan Improvements which lie within their jurisdiction; and (2) that funding is available to clear deficiencies. It should also be noted that the cities and the County will all have to collect the same road development fees to be applied toward the projects required to improve the urban circulation system.

The EIR notes that the finding regarding traffic is mitigated by additional mitigation measures referred to elsewhere in the document, including (1) reduction in development allowed on Amaral's 720 acre Northstar property down to the level of existing zoning (2) reduction in densities around Penn Valley and at the New Town to 20 acre parcels, (3) **reducing densities within Community Regions to existing zoning** and (4) amending Circulation Chapter to include the improvement of East Lime Kiln Road as a two-land minor collector from SR 49 to Shana Drive in Alta Sierra. If these measures are not included, a significant adverse impact finding will have to be made.

32.9

Drainage

The General Plan states that the County shall also strongly encourage the formation of independent or dependent entities for the purpose of maintaining drainage facilities to handle stormwater runoff. Also, for all discretionary projects, the County shall require that maintenance of all onsite drainage facilities and all offsite facilities constructed as part of the project is assured through a permanent, legally-enforceable mechanism.

In all the large subdivisions, since the 1960's, the County has required dedication of drainage easements, and the easements have been accepted by the County but never maintained because of the lack of a funding source. This mitigation measure will be difficult to carry-out because of the likely reluctance of the taxpayer to pay additional costs associated with a County Service Area or other mechanism.

32.10

The County also lacks a comprehensive drainage plan for any of the urbanized areas. The EIR addresses this issue by requiring on-site retention basins, etc., which may or may not be adequate, particularly where drainage problems are associated with impacted wetlands and high ground water rather than just storm flows. Most important, The EIR does not recognize that as each successive development solves it's own drainage problems by diverting run off from adjacent properties, these waters will be canalized and combined to rapidly overwhelm current drainage systems. A **Comprehensive Drainage Plan** is essential before any increased density in land use designation can be made without creating a significant environmental impact on all down stream residents.

32.11

Ground Water

The EIR provides little discussion on potential overdraft of ground water by Rural Region development on ground water wells. The County has very limited information on ground

32.12

water availability, and the direct and cumulative effects of potential overdraft are not discussed. This is a potential, significant adverse impact unless the Draft EIR's recommended mitigation measure is retained to require a ground water study (hard to do and expensive in foothills) .

32.13 It should be understood, and discussed in the EIR, that **ground water overdraft is growth-inducing**. If, for example, an area is zoned for 10 acre parcels and wells begin to fail and cannot be replaced, the property owners will look to the Nevada Irrigation District for an alternative water supply. Since it is not economically viable to extend piped water to 10 acre parcels for domestic use, the minimum parcel size will need to be reduced. The District has indicated previously that two acre minimums are the largest parcels to which piped water can be feasibly be extended.

Wet Lands

32.14 The recommended mitigation measures will not adequately lessen the impact of development on wetlands, water courses and water bodies, or riparian habitat. **The impact of the General Plan on these resources remains significant.**

What has happened in the past is that potential developers will damage or eliminate the wetlands or remove the riparian habitat before he files a project application. It also happens where no project is proposed but the property owner wishes to maximize use of his property.

The County should be required to have prepared an inventory of wetlands, water courses and water bodies and appurtenant riparian habitat. These areas should be clearly defined and then protected by strict zoning regulations which would apply whether the property was subject to a discretionary application process or not.

It is also not acceptable that the additional mitigation recommended by the Draft EIR provides protection for significant wetlands. With only 10% of wetlands in the United States remaining, all wetlands are deemed environmentally significant. Even in urban areas there are resident populations of wildlife, and wetlands become increasingly important for ground water recharge and cleansing of both surface and ground waters.

One of the continuing allegations during the General Plan process has been that the consultant did not identify environmental constraints before assigning land use designations and densities. This flaw was not recognized in the Environmental Impact Report. Mitigation is needed to ensure that environmental resources will not be lost in order to "... encourage development within the Community Regions."

Air Quality

all 32.5

Air quality impacts will be significant unless all the other mitigation measures recommended by the Draft EIR in regard to traffic, etc. are retained. The lack of road standards in the Plan raises the question of whether new dirt roads will increase air quality impacts.

Buildout will incrementally increase PM-10 emissions associated with woodsmoke and other sources of suspended particulates.

Increased generation of domestic solid waste disposal smoke.

Conflicts within the Hazardous Waste Management Plan

Fees

Policies in the Public Facilities and Services Chapter 3 of the General Plan provide for the County to prepare and adopt a comprehensive development fee program to fund the County's Capital Facilities Plan which will also be prepared. That Plan will address all the hard facilities (not salaries, operation and maintenance) which can be funded with development fees (buildings, patrol cars, guns, libraries and books, desks, etc.).

Although the Plan speaks to requirements for bike lanes which are shown on the Bicycle Master Plan, and a Pedestrian Master Plan that provides for a comprehensive system of sidewalks, trails, etc., it is not clear whether road standards will include those requirements on local roads so pedestrian and bicycle access to arterials and collectors are ensured.

32.15

CLUSTERING

It is questionable whether clustered residential development has less impact than widely-dispersed residences on large parcels. "Clustering" probably means different things to different people.

32.16

Clustering can be interpreted in a variety of ways:

- I. Land is be divided so that minimum parcel sizes are maintained but building sites are restricted to protect sensitive areas from any encroachment and disturbance. This leaves each parcel under the ownership of one owner who is responsible for any violation of the resource protection restrictions.

This is likely the most reliable way to ensure that resources are protected, although access to sensitive or environmentally-important area are restricted from use by others unless easements are granted to others by the original subdivider. **The downside of easements is that the owner may be reluctant to maintain and pay taxes and insurance on property which is available for use by others.**

The alternative with this option is to provide for dedication of the parcel containing the sensitive resources to a land trust or to the County (if the Open Space District proposed by members of the Resolution Commission is implemented). **The downside hear is that no money is available to care for of cover the liability of public ownership. Public access would also tend to devalue adjacent parcels.**

- II. Land is divided so that the density (number of dwelling units allowed on the original parcel according to the zoning and General Plan) is maintained, but there is no minimum parcel size. Smaller than minimum size lots are created on developable portions of the original parcel, and the sensitive areas of the original parcel are retained in one or more larger parcels commonly owned by all the lot owners in the subdivision.

This works well for large subdivisions like Lake of the Pines, Lake Wildwood and Tahoe Donner where the common areas are owned by a large, well-financed and staffed homeowners' association. For small homeowners' associations, however, there appears to be little incentive to pay taxes, insure and maintain common areas, except private roads, and the homeowners' association, or original developer, may come back to the County wanting to dispose of the common parcel or resubdivide the property to eliminate the common parcel. This situation has occurred most recently in Scotts Flat Pines and in the Lamarque Court affordable housing project in Grass Valley

- III. The original parcel is divided into varying lot sizes with the density allowed by the zoning and General Plan maintained (lot size averaging). Lot lines are based on usable building site areas which don't encroach into sensitive areas. Building sites are restricted on any lots with sensitive areas.

This method works rather well if the properties are zoned "Planned Development" and the zoning is conditioned to make it clear why lot sizes were averaged. Zoning, of course, can be changed. **With no effective constraints on the developer's tendency to optimize profits, the Draft General plan will encourage dense suburban development on the most profitable portion of rural parcels. These Enclaves of Suburbia will have little in common with their rural neighbors, and can in no way be seen as complimenting the rural quality of Nevada County.** The Resolution Committee recommendation to eliminate lot size minimums as an incentive to cluster will, if adopted,

remove, what at times has been, the one effective tool to induce at least a rural appearance in clustered developments.

The EIR has missed some policies which will have environmental effects. Because CEQA does not require analysis of impacts associated with social or economic effects, unless they can be found to translate into environmental effects, the issues associated with "neighborhood integrity" are not discussed.

For example, Policy 3.2 provides that "The County shall encourage development within Community Regions where higher density development can more efficiently be provided with a full range of public facilities and services."

The Policy does not recognize that encouraging development without tempering that encouragement with recognition of environmental constraints and maintenance of rural character is inconsistent with the "General Plan Philosophy" which states that the Central Themes of the Plan are: Fostering a rural quality of life; sustaining a quality environment; development of a strong diversified, sustainable local economy; and planned land use patterns will determine the level of public services appropriate to the character, economy and environment of each region." 32.17

Building Height

Development in non-residential districts could result in buildings as tall as 60 feet creating a dominant visual feature and contrasting significantly with adjoining land uses

Mitigation measures provides that the maximum allowable height limit for Community Commercial, Highway Commercial, Business Park, Industrial and Recreation designations should be 45 feet. Discretionary permits could be required for special uses that would need to exceed the allowable height.

Submitted in furtherance of public dialogue,

Willow Valley Neighborhood Association



Eben W. Haskell, Representative

cc/ Richard Ellers
Harold Berliner
Rural Quality Coalition
Federation of Neighborhood Associations

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JAN 20 1995

#33

NEVADA COUNTY
PLANNING DEPARTMENT

20 January 1995



SYRCL
South Yuba River Citizens League
220 Main Street #3
Post Office Box 841
Nevada City, California 95959
916/265-5961 • Fax 265-5961

Nevada County Planning Department
Eric Rood Administrative Building
950 Maidu Avenue
PO Box 6100
Nevada City, CA 95959-8617

Re: SYRCL's Comments on General Plan Draft Environmental Impact Report

Dear Mr. Norman,

I am writing on behalf of SYRCL, the South Yuba River Citizens League. SYRCL is a non-profit citizen-based educational organization dedicated to the preservation and protection of the Yuba River ecosystem. Our membership consists of approximately 1,000 individuals, families, businesses, and property owners in the South Yuba canyon who value the economic, recreational and other benefits of a free-flowing South Yuba River.

We believe that the EIR consultant has done a good job of identifying the environmental impacts associated with the updated General Plan document and has, for the most part, presented workable mitigation measures to deal with those impacts. However, there are a few areas where SYRCL is concerned that the measures aren't specific enough or can't be guaranteed and therefore shouldn't be viewed as truly mitigating the impact.

LOSS OF OPEN SPACE

One of our biggest concerns is the loss of Open Space. Open Space is identified on Page 4.1-10 of the Draft EIR as one of the major factors contributing to Nevada County's so-called rural quality: "[t]he rural qualities of Nevada County relate to the amount and distribution of open space lands." In addition, the top two themes supposedly guiding the vision for development of the County, according to the General Plan, are (#1) Fostering a rural quality of life, and (#2) Sustaining a quality environment. Yet loss of Open Space remains one of the Draft EIR's five Significant Unavoidable Impacts, meaning that even with the recommended mitigations, the impacts on Open Space cannot be reduced to a level that is considered less-than-significant. This seems highly contradictory.

33.1

In an effort to do everything possible to protect Open Space in some areas to help compensate for the conversion to urban/suburban uses elsewhere, SYRCL strongly supports the following measures:

- implementation of proposed General Plan policies 1.1, 1.5(r), 1.14, 1.17-18, 5.1-23, and 6.1-9.

In addition, SYRCL recommends including adoption of the Resolution Committee's recommended changes to existing Policy 5.21, calling for protection of the South Yuba River and designation of publicly owned lands adjoining the river as Open Space, as a further mitigation measure. This can serve to further balance out the unavoidable impacts of loss of Open Space due to proposed General Plan buildout.

33.2

Within existing General Plan Policy 6.9, we recommend adding rivers and streams to the list of sensitive areas considered for open space setbacks.

33.3

Along the same lines, SYRCL recommends including Mitigation #17, calling for non-development buffers adjacent to stream corridors, as a further mitigation for the loss of open space.

We also recommend that the mitigations for this Impact include the Resolution Committee's recommendation to establish scenic stream corridors, Policy 18.2, for the same reasons. That recommended policy reads as follows: "To provide for scenic

33.4



stream corridor protection along designated streams, the County shall prepare standards and procedures whereby local groups, associations, or similar organizations can apply for designation of a segment of any stream as a local scenic stream corridor. If approved, a Scenic Stream Corridor Plan shall be prepared.”

- Mitigation #1: replacing proposed General Plan policy 1.17 with more specific Comprehensive Site Development Standards to help protect environmentally sensitive resources and Open Space values.
- Mitigation #2: creation of an Open Space District and Authority to hold and manage Open Space lands received through voluntary sale, deed or granting of easements.
- Mitigation #16: calling for 20-acre minimums in rural regions within the western portion of the County.
- Mitigation #18: calling for 40-acre minimums in critical migratory deer winter ranges in rural regions of the County.

SURFACE WATER AND GROUNDWATER QUALITY

33.5 Additional demand on surface and groundwater supplies is listed as another unavoidable impact that cannot be mitigated to a less-than-significant level. To help address this issue, SYRCL supports Mitigation #38, which calls for the County to undertake a Countywide aquifer study. Such information would make it possible to track and quantify future changes in water quality, as well as providing important hard data on how much water we actually have versus how much it is projected we'll need over time. In order to be most effective, however, **this mitigation measure should be more specific in spelling out who exactly could conduct the study and what other agencies, such as the U.S. Forest Service, the Bureau of Land Management, Department of Fish & Game, various water agencies, local universities, the Sierra Nevada Ecosystem Project (SNEP), etc., might already have such information or be able to help in the implementation of the County's study.**

33.6 In addition, we believe that the relative “significance” of Impacts #13 and 14, the decrease in surface water quality due to runoff and sedimentation and the decrease in groundwater quality due to increased use of septic systems, can't be fully established until the water quality and groundwater studies are completed. Without a baseline, how can we determine whether these impacts can be mitigated enough to be considered “less-than-significant”? Therefore, **we believe that these impacts must be listed now as “Significant Unavoidable Impacts” that cannot be reduced to a less-than-significant level at this time.**

33.7 I'd also like to know what scientific data was used to come up with 100-foot setbacks for installation of septic tanks or leachfields. I definitely agree that setbacks are necessary; but we've heard about 50-foot, 100-foot, and 200-foot setbacks recently, and **I'd like to know why the consultant chose 100-foot as the mitigating factor.**

LOSS OF WILDLIFE HABITAT

33.8 Many of the mitigations listed under Open Space above, including the ones suggested by the EIR consultant and the additional mitigations recommended by SYRCL, would serve to mitigate the loss of wildlife habitat outlined in Impacts #15, 16, and 18. Therefore, SYRCL recommends including **adoption of the Resolution Committee's recommended changes to existing Policy 5.21, calling for protection of the South Yuba River and designation of publicly owned lands adjoining the river as Open Space, and the Resolution Committee's recommendation to establish scenic stream corridors, Policy 18.2, as further mitigation measures related to the protection of wildlife habitat.** These would be in addition to the measures already suggested by the EIR consultant, including Mitigations #14, 15, 16, 17, 18, and 20.

Related to Mitigation #14, which calls for a Habitat Management Plan, it would be helpful for the EIR consultant to include information on other agencies that could help in the inventory section of the Plan, including the Sierra Nevada Ecosystem Project (SNEP), Department of Fish & Game, U.S. Forest Service, etc. In addition, other studies already underway, such as the Forest Service's West Side Wild & Scenic Suitability Study could have useful information to help flesh out the Habitat Management Plan.

33.9

LOSS OF RIPARIAN HABITAT AND WETLANDS

SYRCL is similarly concerned about the projected loss of riparian habitat and wetlands outlined in Impacts #19 and 20. In addition to Mitigation Measures #1, 14, 16, 17, 20, 21 and 22, already listed in the Draft EIR, SYRCL recommends adoption of the Resolution Committee's recommended changes to existing Policy 5.21, calling for protection of the South Yuba River and designation of publicly owned lands adjoining the river as Open Space, and the Resolution Committee's recommendation to establish scenic stream corridors, Policy 18.2, as further mitigation measures related to the protection of riparian and wetlands habitat.

33.10

LOSS OF RIVER CORRIDOR SCENIC VALUES

In addition to supporting Mitigation Measures #1, 21 and 22, SYRCL recommends adoption of the Resolution Committee's recommended changes to existing Policy 5.21, calling for protection of the South Yuba River and designation of publicly owned lands adjoining the river as Open Space, and the Resolution Committee's recommendation to establish scenic stream corridors, Policy 18.2, as further mitigation measures related to the protection of scenic values along the County's river and stream corridors.

33.11

OTHER GENERAL CONCERNS

The discussion of the characteristics that define "rural quality" in the first paragraph of the "Overview of Impact Analyses," p. 4-2, fails to mention (1) the county's abundance of natural resources: rivers, lakes, mountains, trails, campgrounds, etc., (2) the proximity of these resources to various population centers throughout the county, and (3) the recreational and spiritual value these resources hold for county residents. SYRCL would recommend including language to this effect in this paragraph.

33.12

In addition, SYRCL strongly recommends the adoption of the Resolution Committee's recommendations both because of the tremendous effort that went into developing the compromises contained in those recommendations, as well as because the recommendations in many cases serve as further mitigations to the many environmental impacts listed in the Draft EIR, including some of those that cannot be mitigated to a less-than-significant level by the General Plan policies currently proposed.

33.13

Thank you for the opportunity to provide input on the Draft Environmental Impact Report for the Nevada County General Plan. Since we are the ones who will be living with the consequences of this Plan, it is only fitting that we have a say in its contents.

Sincerely,



Kerri L. Varian
Executive Director

RECEIVED

JAN 20 1995

BALDWIN'S EP RANCH

Bob & Karen Baldwin/Owners
13400 Combie Rd.
Auburn, CA 95602
916-269-2069

NEVADA COUNTY
PLANNING DEPARTMENT

Jan 19, 1995



County of Nevada
Planning Commission
950 Maidu
Nevada City CA 95959

Draft EIR--Comments

As owners of a large parcel of land the the Lake Combie/Higgins Corner area of Nevada County, we have many concerns about the draft EIR and what it will mean to us as PRIVATE PROPERTY OWNERS and lifetime taxpayers of this county. We will speak to Land use since we are most familiar with this issue.

Our family ranch has been in this location since the early 1900's. We now own and pay taxes on 400+ acres in the Lake of the Pines/ Bear River area. We are members of the Farm Bureau, Tahoe Cattlemens and CABPRO. We consider ourselves to be conservations and stewarts of the land. This draft EIR Land-Use section completely ignores all of our Private Property Rights guaranteed by the US Constitution. These mitigation proposals justify the taking of proerty without compensation and then forms a new bureaucracy to oversee our "Open Space".

34.1

There is a section (Pg. 2-11) that concerns clustering as a means of developement. Cluster housing is a useful tool but certainly should not be mandatory. Throughout this document. we fine more and more government. Rural, estate and forest General Plan land -use all stress 40 acre minimums, with rural quality, endangered species, flora and fauna, clustering and an agency to oversee this newly acquired "open space". Page 2-12 calls for permanent easements, irrevocable trusts, deed restrictions and other mechanisms to assure permanent status of clustering. Who is going to pay the bill? A 20 yr. use tax!!! We think not. What about the land owner? Does he not have anything to say about what becomes of his land?

We thought we had a say in what happens to our land when the opportunity to file a GPD application presented itself. GPD's were filed, fees accepted and Planning Commission recommendations pointed to a favorable SDA. Now we find that this was simply an appeasement to quiet the masses and was nothing more and smoke and mirrors.

We believe in the Right-to-Farm portions of the EIR. We believe in sustainable agriculture; We know the day of the large farm/ranch in Nevada County is gone as is the dinosaur. Our concern is what happens when we are unable or do not wish to continue our ranch operation. How do we get through the EIR/ General Plan restrictions? Will "mitigation" and other legal mumbo-jumbo keep us Home on the range until we are six feet under?

We are not pleased with the EIR and it's mitigations. We feel that it is an attempt to take control of our properties. There is a bad case of Not In My BackYard [NIMBY] syndrome in this county. I have mine keep everyone else OUT.

We have examined the Alternatives that are presented on Pages 2-2/2-4. We favor the Planning Commission Alternative #3. We believe that this alternative was developed to allow those persons who, in good faith, filed their GPD and paid their fee to have some input into this process. The SDA is a fair way to handle these predeadline GPDs.

Alternative #4--Mitigated General Plan-- The word "mitigate" means to cause to become less harsh or hostile; to make less severe or painful; Alleviate. This alternative possiblilty has turned neighbor against neighbor;the supervisors chambers into a battle ground. What is less harsh or hostile about that? Less painful for whom? This alternative would alleviate the private property rights of the common citizen and forever instill a "Them and Us" mentality in Nevada County.

Bob: Karen Baldwin

Bob & Karen Baldwin
13400 Combie Rd
Auburn, CA 95602-8917

cc Nevada Co. Board of Supervisors

#35

A. C. PIER, D.V.M., Ph.D.
PROFESSOR OF VETERINARY MEDICINE,
MEDICAL MYCOLOGY AND MYCOTOXICOLOGY
EMERITUS

RECEIVED

P.O. Box 3806
Laramie, Wyoming 82071
Telephone (307) ~~742-6630~~
Home: 745-5283

JAN 20 1995

NEVADA COUNTY
BOARD OF SUPERVISORS

cc: *Planning Board*

County Board of Supervisors
Nevada County
Nevada City, California, 95959

Fax:916 265 1234

Board members:

Jan. 20, 1995

I wish to state my evaluation of the Environmental Impact Report associated with the proposed Nevada County General Plan. I have been appraised of this report at a late date and must Fax my opinion to reach you in time for your meeting on this subject tomorrow. As a tax payer and land owner in Nevada County, I am very concerned that many elements of the environmental impact report appear to be woefully unrealistic and would promote a plan that is far too intrusive on property owner rights to make their homes and develop their lands. I urge a great deal of restraint on this issue in its present form.

35.1

Thank you for your consideration of these comments.

Sincerely,

A. C. Pier

RECEIVED

JAN 20 1995

NEVADA COUNTY
PLANNING DEPARTMENT



RECEIVED

#36

JAN 20 1995

RECEIVED

January 20, 1995

NEVADA COUNTY
PLANNING DEPARTMENT

JAN 20 1995

Nevada County Board of Supervisors

NEVADA COUNTY
BOARD OF SUPERVISORS*cc: Board
Planning*

Dear Board:

I urge you to reject the Santa Cruz stile EIR. I lived in Santa Cruz County for 9 years, and left to protect my net worth. In Santa Cruz Co (the Peoples Republic of Santa Cruz), these regulations have no affect on those willing to pay the PRICE and the staff has additional income. As an example, while looking at some land in Santa Cruz, I asked the Realtor was he sure he could get the septic approved. His reply was he was sure because the head of the sanitation dept. of the next door county acted as his consultant, and that the two dept. heads had a reciprocal agreement (private of course). So the more regulations that are imposed (particularly TAKING REGULATIONS and that's what Santa Cruz County is all about) the more corruption you will have.

After the Loma Prieta Quake, the County showed its true colors by denning permits to rebuild to many victims under various rules. While right next door undamaged houses remained, and those with the RIGHT connections in the drug culture of Santa Cruz were allowed to rebuild.

As a land owner, and soon to be resident of your County, I urge you NOT take the path of Santa Cruz County.

I would appreciate a reply.

Sincerely,

A handwritten signature in cursive script that reads "William Thomas". The signature is written in dark ink and is positioned above the typed name.

William Thomas
43559 Southerland Way
Fremont, CA. 94539



Federation of Neighborhood Associations of Nevada County

January 20, 1995

Tom Miller
Acting Planning Director
County of Nevada
Rood Center
Nevada City, California 95959

RECEIVED

JAN 20 1995

NEVADA COUNTY
PLANNING DEPARTMENT

Dear Tom,

Thank you for the opportunity to comment on the adequacy of the draft EIR on the proposed Nevada County General Plan.

We are pleased to see that the EIR is so open about the impacts we can expect under buildout of the proposed General Plan. We hope that it will be used responsibly to create a better Plan.

FONA's main concern is the neighborhoods and particularly how the land use map will affect the neighborhoods. We are concerned that the EIR speaks very generally to a number of impacts which will affect neighborhoods in varying ways including traffic, land use compatibility, and other issues. Our recommendation is that the Final EIR take a closer look at some of the area and neighborhood specific impacts which will be raised today and in the written comments. Otherwise, we risk an inadequate EIR which under reports impacts.

38.1

Traffic is an impact that affects all of our neighborhoods. We are concerned that the EIR does not address safety and quality of life impacts on local residential roads. Yet we know of many inadequate situations. If we do not address these local roads, mitigation will not be designed, and we will not progress on funding improvements to them. We would also like to see a more detailed look at the indirect impacts of major road widenings proposed. How will they affect surrounding neighborhoods? What will the visual impacts be? How many trees will be lost? How will the improvements affect our rural quality? Surely 6 lanes on McCourtney Road and 4 lanes on Rough and Ready Highway will not see only less than significant impacts. We should also note that the EIR uses road standards which are inappropriate to a rural area which will also result in under reporting of impacts and loss of potential revenue to fix them.

38.2

38.3

Other public facilities and services discussed in the DEIR use inappropriate levels of service. These must be revised to reflect local conditions and to include standards for staffing and operation budgets so that impacts are not under reported and our mitigation fees are designed to reflect the true cost of development. Existing residents should not have to pay the costs of new

38.4

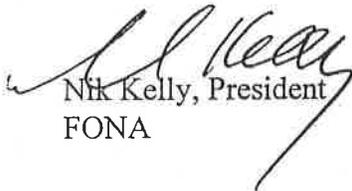
development or suffer lowered levels of service.

38.5 The proposed Site Development Standards are a good idea. But they are only proposed at this time and so we cannot evaluate how effective they will be in mitigating impacts of new development in our neighborhoods. Where land use densities have been proposed for an increase in many neighborhoods, the logical mitigation measure is a reduction in densities back to existing zoning levels. Site Development Standards can then be used to mitigate any remaining impacts.

38.6 Finally, a number of unavoidable impacts are identified in the EIR. We hope the consultants will work to find mitigation measures to resolve these issues in the final EIR. A number of them, such as schools and wildland fire affect the neighborhoods and we cannot leave them hanging if we are to protect our rural quality of life. If we cannot effectively mitigate impacts of the Plan, then we must consider adopting the environmentally superior alternative identified in the EIR.

Again, thank you for the opportunity to comment.

Sincerely,



Nik Kelly, President
FONA

Federation of Neighborhood Associations of Nevada County

P.O. Box 81

• Grass Valley, California

• 95945

January 20, 1995

NEVADA COUNTY PLANNING COMMISSION
950 Maidu Avenue
Nevada City, CA 95959

RECEIVED

JAN 20 1995

NEVADA COUNTY
PLANNING DEPARTMENT

RE: Comments on the Nevada County Draft Environmental Impact Report

Dear Honorable Planning Commission,

The Draft Environmental Impact Report (DEIR) has not described the existing environment of Nevada County to a degree sufficient to make comparative assessments of the existing General Plan, the Draft Plan and the Project Alternatives. The DEIR does not adequately describe the project, the purpose and intent of the project, and the overall broad objectives stated in the central themes of the Draft General Plan. Without these two basic assessments it is impossible to accurately assess the potential impacts on the existing environment, and the environment envisioned with the new plan.

The DEIR assumes that there are vast areas of undeveloped open space lands within the County that will be substantially changed by adopting the Goals and Objectives and Land Use Maps of the Draft General Plan. However, this assumption is not supported by factual evidence or reports that would support the impacts identified and mitigation measures suggested in the DEIR. **39.1**

The Draft General Plan strongly encouraged a substantiable quality environment and a strong diversified local economy. The physical impact assessment prepared by Recht Hausrath & Associates estimated that County expenditures will exceed revenues by approximately \$4.2 million. In order to maintain vital services the County needs to either cut expenditures or increase revenues. With limitations on taxation of existing improvements by Proposition 13 revenue shortfalls will continue. The report further concludes that because of the Counties location continued demand for development will take place over the next twenty years. Thus without providing areas for development continued pressure on existing developed areas will most likely result in a change of the existing quality and character. Recognizing this demand the Draft General Plan proposed specific development tools such as Special Development Areas (SDA's) and Planned Development (PD) Land Use Designations and designated specific areas for growth in order to meet the increasing demand. These tools were designed to provide extra layers of environmental protection by requiring specific plans and other methods in site assessments prior to development to ensure that these areas provide the needed land use balance and environmental protection envisioned by the plan.

39.2 The DEIR has not accounted for the rationale behind developing these SDA's and PD areas. While it can be argued that development of these SDA's and PD areas can produce environmental impacts, the same argument can be made that not providing development opportunities can cause direct environmental impacts to the existing environment by over populating existing areas and lack of revenue to repair and maintain existing infrastructures. It is essential that the EIR take into account the balance needed to address these competing interests.

The DEIR Project Description, description of the existing Environmental Setting, and the outline of Project Alternatives does not take into account the premise in which the General Plan was prepared. The following are comments on these specific topics that if incorporated could change the criteria for determining the level of significant referred to in the DEIR.

I. Project Description:

39.3 The DEIR underestimates the reason for preparing the General Plan Update within the Project Description (Pg. 3.3). Without an accurate account of the reason for preparing the update the basic goal of the plan (project) is lost. Without this baseline the potential to overestimate significant impacts on the environment affects the content of the EIR.

Analysis:

The Project Description (Pg. 3.3) of the DEIR summarizes the need for preparation of a General Plan Update initiated in 1990 as:

- 1) Rapid growth over the past decade
- 2) A strain on infrastructure
- 3) Threats of losing resources

However the Nevada County Board of Supervisors Resolution 90-62 outlines the need for a comprehensive update as follows:

- 1) In 1990 a population of 83,000 exceeded the General Plan projection of 64,600 causing concern that as major subdivisions reached build-out that:
 - a) Major roads will be burdened and revenue for improvements and maintenance would fall short;
 - b) Affordable housing becomes questionable;
 - c) Land use balance becomes uncertain;
 - d) Basic facilities required to meet public needs are lacking.
- 2) The County Water and Sewer Master Plan, prepared in 1971, requires data updates to address the current population and regional needs.
- 3) The General Plan is twelve years old.

- 4) The State Office of Planning and Research recommended major general plan revisions occur every four to five years.
- 5) The goals and objectives adopted by the Citizen's Committee in the mid 1970's may not be consistent with the goals and objectives of today's residences.

Based on the Board of Supervisors Resolution 90-62, the Nevada County General Plan Update was developed as a long term policy guide for the physical, economic, and environmental future of the County. As such, the General Plan philosophies, central themes and supporting themes were developed to address these facets. In order for the plan to meet its objective, these facets must interrelate.

It is important that the EIR not underestimate the basic parameters used in preparing the General Plan Update. It was not simply growth and threat of lost resources, but a comprehensive effort to provide a balanced guide to reflect all the needs of the community. Evaluating a long term policy guide for the physical, economic, and environmental future can pose an inherent conflict with respect to competing interests depending on one's outlook. It is essential that the DEIR Project Description reflect the need for these elements to interact. The Project Description needs to be broadened to emphasize the multi-level approach used in developing the plan. If adoption of mitigation measures as outlined in the DEIR undermines the ability of the plan/project to achieve its goals, then the mitigation measures may not be feasible.

For example, if the purpose of the General Plan is "intended to be used by County decision makers to review new development in order to ensure that such development will contribute to achieving the visions for Nevada County for which is inherent in the plan" then it is necessary for some level of new development to be permitted. The DEIR assesses and concludes that most of the policies within the Draft General Plan will result in a potential for a significant impact on the environment if implemented. Mitigation may occur if the DEIR authors substitute language into the policies (i.e., Project Alternative #4). However, it is questionable whether any given land in Nevada County could pass the test of implementing these mitigation measures as written. Therefore the question arises how can we allow for a moderate amount of growth that will "contribute to achieving the vision for Nevada County as inherent in this General Plan" (see Pages I-6 & I-7 General Plan and General Plan Philosophy, Nevada County Draft General Plan)?

Summary:

The Project Description needs to be rewritten to explain why a general plan update is needed and how the new plan is or isn't superior to the existing plan. Isolation of the Draft General Plan impacts, and not explaining the reason for preparing the plan creates a setting that is not representative of the existing conditions. This can affect the criteria for determining the level of significance of any given action.

II. Environmental Setting:

39.4

The Environmental Setting described in the DEIR does not adequately describe the environment in the vicinity of the project as it existed before commencement of the project from both a local and regional perspective (see Section 15125 CEQA). The DEIR underestimates the level of development, associated population and the amount of open space available within the County therefore, many of the recommended mitigation measures may not be achievable within many of the subregions of Nevada County.

Analysis:

Most of the rural areas in Nevada County have land use patterns that are already established, i.e., parcelization has already occurred (examples are Cement Hill, Red Dog Road, Alta Sierra South, Rough & Ready, Scotts Flat, Penn Valley, etc.). In many of these areas the Draft General Plan has recommended land use densities that are lower than the existing parcel sizes. The densities proposed on the Land Use Maps limits development opportunity to only properties significantly larger than that density. Both the Draft General Plan and the DEIR assume that build-out will occur at the densities shown on the plan. Without knowing the parcel sizes and acreage patterns of an area the impacts of development as described in the DEIR may be overstated and the impact from build-out of existing parcels understated. Section 15125 of the CEQA Guidelines requires a description of the environment in the vicinity of the project as it exists before commencement of the project from both a local and regional perspective. Without an accurate description of the land use patterns, acreages in the area and the potential for development within subregions, the resulting impacts and mitigation are unknown. For example, many of the rural areas have residential land use patterns with poor road conditions and no secondary road outlets, are located in fire hazardous terrain and have parcel sizes at a density less than proposed in the Draft General Plan. The DEIR must have assumed that these subregions have large tracks of land capable of being subdivided and that continuing to subdivide will cause significant impacts to the physical environment. To mitigate this impact the DEIR suggests minimum 20 acres parcel sizes (see Mitigation I.16 and Mitigation I.18 for Mandatory Clustering). However if the land use designation shown on the General Plan Map precludes or significantly limits further subdivision the benefits provided by additional subdivision request (i.e., secondary access roads, fuel modification zones, right-of-way dedications, fire flow storage facilities, archaeological and biological assessments, etc.) are foreclosed. This allows little opportunity for correction of a problem. There are many existing parcels in Nevada County that have yet to construct homes. The DEIR must recognize that homes can be constructed on existing parcels. This further adds to the problem and existing impacts/conditions become worse. This condition continues to impact fire districts providing service to the area, threatens existing habitats with catastrophic fire risk, and subjects humans to hazardous living conditions. Without having these areas identified, we are uncertain as to what causes the greatest environmental impact "do nothing," "reduce densities," or "provide increased densities." In general, the DEIR recommends mitigation measures that may in fact be causing more problems than solutions.

This is not to say that wholesale development and new subdivisions are the answers to all but neither is 20 acre lot sizes, wildlife studies and mandatory clustering when existing land use patterns are already established. Without an assessment of the existing physical conditions we have no idea of what we have or what potential impacts could occur.

Summary:

In general, development opportunities of any significance are few. In preparing the Draft General Plan the County recognized the need to allow for a moderate amount of growth (see Pg. I-7 Draft General Plan, March 1994) to meet social and economical obligations to the community and to comply with the mandated elements required in a General Plan. Recognizing the limited development opportunities within the County, the General Plan directed development needs to meet the goals of the plan to special areas within the County and used a land use designation and a specific policy to provide environmental protection and to ensure balanced use. These areas are called Special Development Areas (SDA's) and Planned Development (PD). These designations were special tools designed to provide opportunities to the environment while still meeting the goals of the General Plan.

The DEIR should address these special areas in terms of their purpose to meet the goals of the plan. The EIR should also assess the impacts of removing these special areas as recommended in the DEIR. The Plan should have the ability to meet the general need of the community, the State mandated elements of a General Plan and the basic goals of the Draft General Plan.

III. Project Alternatives:

The Draft Environmental Impact Report (DEIR) does not adequately describe the various alternatives and their potential impacts.

Analysis:

Alternative A-1 "No Project":

The "No Project" alternative should be changed to the "No Development" alternative. Under the "No Development" alternative as suggested in the DEIR no additional development could occur in the County. However, this is unlikely since the County recognizes existing parcels and they can be developed with uses that are classified as Ministerial Projects (Ministerial Projects are those defined as not requiring discretionary decisions and are categorically exempted from environmental review either by local ordinances or the State CEQA Guidelines). Thus existing undeveloped parcels within the County can continue to host single family residences and other uses that are listed as categorically exempt. In a memorandum dated October 18, 1994 the Nevada County Planning Department estimated there were 16,131 vacant lots within the County, which would equate to 35,372 additional people for a total population of 122,075 people permissible with the existing parcelization.

As stated elsewhere in this report many portions of the County have established land use patterns that do not provide sufficient emergency access roads which are located in fire hazardous terrain or in sensitive wildlife areas. The addition of 35,372 people within 16,131 homes surely must have a potential for a significant adverse effect on the existing environment.

Under the "No Development" scenario, it appears that discretionary permits would be the ones subject to the "No Development" limitation. This would include most commercial permits, industrial development permits, extended residential support services, and other resource oriented permits. The effects of not allowing such development could have disastrous results on both the physical environment and the economic conditions of the County. Such impacts could be; 1) loss of potential sales tax revenue as a result of limitations on commercial development; and 2) congestion at existing intersections serving the commercial centers of the Glenbrook Basin, Lake of the Pines, and Penn Valley/Lake Wildwood areas as continued residential population increases. The growing population will be limited to the purchase of goods and services from existing commercial developments. This can create impacts in areas such as; 1) air quality; 2) road capacity; and 3) public service.

Under this condition it is difficult to see how the EIR Consultant could recommend the "Environmental Superior" alternative to be the "No Project" alternative as described in the DEIR on Page 2-4.

Alternative B-1 "Build-Out Of The Existing General Plan":

This alternative is appropriately labeled the "No Project" alternative. This alternative would leave the existing General Plan in place. The EIR should evaluate the impacts of maintaining the existing General Plan and the changes that could occur to the existing physical environment with this plan. In addition, the OPR Guidelines state that the EIR must evaluate build-out and the environment envisioned by the existing General Plan. This is an important element because it allows us to compare the proposed General Plan to the conditions that could exist if the existing General Plan were to be build-out. This allows us to consider the advantages or disadvantages of the new plan.

39.6 The DEIR merely addresses build-out of the existing plan however, does not make a comparison of build-out of the existing plan to the existing environment and the potential impacts that could occur. We have no way of comparing the necessity for continuing with a General Plan Update.

Alternative 2 "Preliminary Draft General Plan":

39.7 This alternative is actually the "Project" and should not be listed as an alternative. As stated in previous portions of these comments it is difficult to make a comparison of the impacts the "Project" will have on the existing physical environment because the existing physical environment has not been defined.

Existing conditions for the various subregions of the County have not been assessed in terms of roads, build-out potential and development opportunities to determine if the proposed General Plan can actually be implemented. Only when assessment of the existing physical condition has taken place can we truly determine the impacts the Draft General Plan will have.

Alternative 3 “Planning Commissions Alternative”:

The “Planning Commissions” alternative was amended by the Board of Supervisors and as such should not be used as an alternative. A more appropriate alternative would be the Resolution Committee’s actions completed in the Fall of 1994. These actions should be adopted by the County, since they reflect some degree of community consensus. The results of those actions are public information, and a comparative analysis of the results of those actions on the physical environment and the Draft General Plan would be an appropriate project alternative.

39.8
39.9

Alternative 4 “Mitigated General Plan”:

Alternative #4 is recommended by the Consultant as the “Environmentally Superior” alternative. As pointed out, an assessment of the existing environment has not taken place, therefore we have no way of knowing if many of the mitigation measures suggested in this alternative can be implemented. In general, if there is no development opportunity, it is unlikely that the mitigation measures suggested will provide any solutions to existing problems. The General Plan Population and Parcel Comparison Analysis prepared by the Planning Department dated October 18, 1994 (copy attached) identifies subregions known as the South, Central, Central Scotts Flat, North San Juan, Lowell Hill, and North Washington show minimal, if any change, from existing parcelization and population with the densities shown on the Land Use Maps of the General Plan. It is highly likely that many other areas in the County also have minimal development potential. Therefore, the mitigation measures recommended in Alternative 4 may have little effect. Granted there may be large parcels in the County where these mitigation measures can be effective however, not to the same degree envisioned by the consultant. If this is true, do we need such a costly and regulatory environment?

39.10

“Environmental Superior” Alternative:

As pointed out in Alternative 1-A the “Environmental Superior” alternative is not a “No Project” or “No Development” alternative.

Summary:

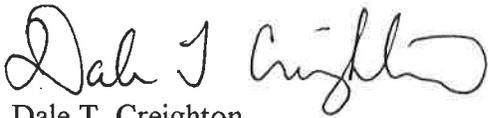
The alternative section should be rewritten to state the following:

- 1) Clearly define the impacts of “No Development.”
- 2) Compare the impacts to the existing environment with the “No Project” (existing General Plan and build-out of existing general change) and the Draft General Plan (now and at build-out).

- 3) Use the results of the Resolution Committee actions as a "Project" alternative to the Draft General Plan.
- 4) Reevaluate Alternative #4 using the results of existing environment assessment to determine if the recommended mitigation can truly be effective in allowing the County to meet the four central themes stated in the Draft General Plan.
- 5) Reevaluate the "Environmental Superior" alternative.

Very truly yours,

SYLVESTER ENGINEERING, INC.



Dale T. Creighton
Director of Planning

DTC:sb

\\pdocs\846\bos1.ltr

Revised

10-18-94

FINAL DRAFT GENERAL PLAN - ADDITIONAL POPULATION AND PARCELS

AREA: VACANT 1994 PARCELS POP.	VACANT PARCEL POP.	1994 POP. + VACANT PARCEL POP.	FDGP BUILDOUT POP.*	ADDITIONAL POP. - PARCELS	
Grass Valley:					
16,700	814	1,954	18,654	30,700	12,046 - 5,019
Nevada City:					
5,600	390	936	6,536	6,800	249 - 104
Truckee:					
9,300	4,286	7,715	17,015	35,600	18,615 - 10,342
Lake Wildwood					
4,800	418	1,003	5,803	8,000	2,197 - 915
Penn Valley					
1,500	123	295	1,795	6,000	4,240 - 1,767
Lake of the Pines:					
4,700	209	502	5,202	7,600	2,353 - 980
New Town:					
23	35	84	87	12,700	12,597 - 5,249
Alta Sierra:					
7,800	832	1,997	9,797	12,100	2,303 - 956
South:					
11,400	1,841	4,418	15,818	15,000	0
West:					
6,100	1,762	4,229	10,329	11,700	1,371 - 571
Central:					
10,700	1,773	4,255	14,955	12,800	0
Central: Scotts Flat:					
900	507	1,217	2,117	2,000	0
North-North San Juan:					
4,100	890	2,136	6,236	6,300	64 - 27
North-Lowell Hill:					
1,600	550	1,320	2,920	2,400	0
North-Washington:					
400	416	998	1,398	2,200	802 - 334
East:					
1,100	1,285	2,313	3,413	3,600	187 - 104
Total:					
86,700	16,131	35,372	122,075	175,500	53,414 - 22,256

*Rounded to nearest 100

Notes:

1. **Area: 1994 Populations** refers to each Community and Sub-Rural Region and an estimate of the January 1994 population for that region based on 1990 census data and State Department of Finance 1994 population estimates.
2. **Vacant Parcels** is an estimate of vacant buildable parcels as of October 1994 based on Assessor's office data.
3. **Vacant Parcel Population** is based on vacant parcels multiplied by either 2.4 people (western County) or 1.8 people (eastern County) per parcel as assumed by the Plan consultant (Volume 2, page VI-4).
4. **1994 Population and Vacant Parcel Population** shows the maximum population if no additional parcels are created.
5. **Final Draft General Plan Buildout Population** is taken from Volume 2, pages VI-6 through VI-12 for Community Regions and from Planning Department analysis for the Rural Sub-Regions. The one exception to this is Lake Wildwood, which reflects a slight reduction in buildout population as a result of the approval of a land division that will effectively preclude implementation of the UMD designation in this area.
6. **Additional Population and Parcels** shows the additional population, if any, allowed by the Draft Plan. In several instances (Central, Central-Scotts Flat, and North-Lowell Hill), the Draft Plan number is actually less than the total of 1994 population and vacant parcel population. This is likely due to the higher degree of parcelization (many of which are vacant) and/or the amount of lands planned for multi-family densities.

COUNTY OF NEVADA

#40

DEPARTMENT OF HOUSING AND COMMUNITY SERVICES

10433 Willow Valley Road
Nevada City, California 95959
(916) 265-1388

January 20, 1995

TO: Thomas Miller, Acting
Planning Director

FROM: James M. Carney, *JMC*
Director

SUBJECT: General Plan Draft EIR Comments Regarding
Affordable Housing

RECEIVED

JAN 20 1995

NEVADA COUNTY
PLANNING DEPARTMENT

Thank you for the opportunity to comment on the November 1994 Draft EIR for the Final Draft Nevada County General Plan. My comments are as follows:

1. The subject draft EIR does not appear to contain a response to comments I submitted via a letter dated July 26, 1994 relative to environmental impacts of lack of suitable sites for affordable housing. I have confirmed with Pat Norman that my letter was received and forwarded in August 1994 to the consultants.

If the subject draft EIR did address my comments I would appreciate the author of the draft to point out where in the EIR document such response is located so that I may submit appropriate comments.

40.1

If the author did not address my comments, then I am re-submitting my letter of July 26, 1994 so that the draft EIR may include a serious analysis of the potentially significant and possibly unmitigatable environmental impacts of the draft General Plan not including sufficient sites to accommodate the state mandated need for affordable housing as expressed in the adopted fair share housing allocation for Nevada County's unincorporated area.

2. Impacts of Lack of Affordable Housing Sites - Should the Nevada County General Plan not provide sufficient sites for affordable housing what are the regional impacts on surrounding communities to house low and moderate income workers currently working in Nevada County, but commuting from residences in surrounding communities.

40.2

While the Draft EIR includes a discussion of jobs/housing ratios (page 4.1-4) and information that "...32 percent of the work force commutes into the County..." (page 4.1-4) the report fails to discuss the types of jobs that such commuters hold in Nevada County, nor the relationship of the numbers/percentages of those jobs at each income range to housing at correspondingly affordable prices and rents available in Nevada County. And, where there are differences in the jobs/housing balances what are the numbers/percentages of those commuters who live outside the county due to lower housing costs.

Also, the report fails to discuss the environmental impacts of the jobs/housing imbalance, especially negative regional impacts on leap-frog sprawl, transportation, traffic circulation and air quality. In this regard the EIR should address the potential significant environmental impacts which cannot be mitigated and the impacts that can be mitigated to less than significant levels. What mitigations measures are suggested to reduce potential impacts? Also, the EIR should include in the Chapter on CEQA Consequences under each section a discussion relative to the lack of affordable housing sites in the draft Nevada County General Plan.

3. Costs of Mitigation Measures - Implementation of mitigation measures such as an increase of development fees for open space districts (page 2-5) and bicycle plans (page 2-27), increased site development standards (starting page 2-10), requirements for "urban street designs" (page 2-16) in a rural community, and imposition of habitat management plans (pages 2-18 and 2-21) will increase housing costs. Such housing cost increases will mean that some housing in the low and moderate income cost range cannot be built in Nevada County. Consequently, low and moderate income workers holding jobs in Nevada County will be forced to seek lower costs housing in surrounding communities. Thereby, negative regional environmental impacts - frog growth, transportation, traffic congestion and air quality impacts, will be increased. Alternately, the high cost of housing in Nevada County would cause low and moderate income workers, and employers, to seek economic opportunity elsewhere.

40.3

Implementing one set of mitigations may cause other unintended environmental impacts, as well as undersirable social and economic consequences (increased housing costs and/or loss of jobs). Such

effects may be sufficient over-riding reasons for not accepting certain mitigations measures.

4. **Housing Affordability** (page 4.1-4) - This section is inaccurate and inadequate. The conclusion that "housing for very low and other low income group households should be provided for in the urbanized areas of Nevada County" is made without documented support. The conclusion ignores the regional fair share housing plan. The conclusion ignores that 29% of the county low income households in fact currently live in affordable housing in the county unincorporated area (source 1990 Census). The conclusion is inconsistent with the adopted Housing Element of the General Plan which includes information as to the need for low income housing, as well as numerous policies to preserve and develop affordable housing in the unincorporated area. Examples of low income housing permitted in the unincorporated areas by existing policy and ordinances include secondary units and "granny flats" mobilehomes on single lots, and clustered housing with density bonus such as self-help and cohousing. Further, the conclusion ignores that a number of low rent multifamily projects have been built in the unincorporated area in recent years, in particular in the Brunswick area, as well as rural communities such as Alta Sierra.

40.4

In addition, the section cites data from the 1980 Census which is outdated by fifteen years. The attached Housing Needs Analysis dated December 1993 provides up to date data. The existing Housing Element (adopted November 1992 and updates) and the Housing Analysis report included in Volume II of the Draft General Plan prepared by HBA in 1992 will also provide more up-to-date information, as well as a more comprehensive analysis of housing affordability in Nevada County.

Without this comprehensive overview in the EIR it would be impossible to have a basis for a serious and adequate analysis of the environmental impacts of the lack of sites provided in the draft general plan for affordable housing development.

I look forward to a written response to my comments of July 26, 1994 and January 20, 1995. Again, thank you for the opportunity to provide comments on the subject draft EIR.

Attachments

COUNTY OF NEVADA

DEPARTMENT OF HOUSING AND COMMUNITY SERVICES

10433 Willow Valley Road
Nevada City, California 95959
(916) 265-1388

July 26, 1994

RECEIVED

TO: Tom Miller
Acting Planning Director

JUL 27 1994

FROM: Jim Carney *JC*
Director, Housing and Community Services

NEVADA COUNTY
PLANNING DEPARTMENT

SUBJECT: Comments on Draft EIR - General Plan

The subject DEIR does not discuss affordable housing. Pursuant to CEQA Section 15125 (b), the DEIR needs to include an analysis of the consistency between the general plan, including its housing element and other related plans, specifically such plans as the air quality management plan and the Regional Fair Share Housing Needs Plan.

Components of such an analysis could include, but not be limited to, the following:

- Are there sufficient sites designated for residential land uses, unconstrained from development by environmental and other conditions, to meet the state mandated regional fair share housing needs as outlined in the housing element, by the revised date of 1999? The analysis should cover all housing types (single family and multifamily) for each income range - very low, low, moderate and above moderate other income.

- If there are sufficient sites to meet the broad range of housing needs, that projection could be identified as a beneficial mitigation of air quality impacts as discussed in the DEIR. Also, such provision of housing would improve the jobs:housing ratio and thus have a beneficial impact on traffic and circulation, and air quality impacts discussed in the DEIR.

- Conversely, if the general plan does not contain sufficient sites for residential land uses to meet the total regional fair share housing need plan, what are the potential negative impacts - will lower income workers continue to commute into the county for light manufacturing, commercial, retail and service sector jobs. What are the potential impacts on jobs:housing ratio, air quality, traffic and circulation?

Post-It® Fax Note	7671	Date	1-20-95	# of pages	2
To	Jim Carney	From	Pat Norman		
Co./Dept.		Co.			
Phone #		Phone #	1877		
Fax #		Fax #			

Page Two

- Without sufficient affordable housing what social and economic impacts might occur? (Page 1-1 last sentence inappropriately dismisses the need to discuss the social, economic or beneficial impacts.) Without adequate affordable housing to meet the existing need and the amount associated with whatever new growth might occur, what are the negative environmental impacts? DEIR should address

- The DEIR discusses certain mitigation measures which if implemented could increase the costs of providing affordable housing. For example, discussion on pages 2-6, 2-7, 2-8 and 2-9 suggest additional development standards. Such standards, if implemented in order to reduce one set of potential negative environmental impacts could decrease housing sites and increasing the costs of building affordable housing on available sites which in turn could have the effect of causing other environmental hazards. As stated above, the lack of affordable housing has other negative environmental, social and economic impacts - longer commutes, leap-frog sprawl, traffic and circulation impacts and reduced air quality. Lack of affordable housing also, leads to overcrowding - impacts on the existing housing stock - deterioration, health and safety hazards, increased pollution from overused septic systems, etc. Homelessness also results from lack of adequate housing. As a result some persons reside in places unintended for human habitation - along rivers, in forests and in parks - causing increased deterioration and degradation of the environment due to inadequate sanitary facilities and the resultant increased pollution.

- What would be the impact on affordable housing sites, if all or part of the recommended mitigations contained in the DEIR are adopted? What would be the resultant environmental, social and economic impacts?

Each of the potential impacts, (negative and beneficial) discussed above, must be considered in the context of the an analysis of consistency between plans as required by CEQA.

Thank you for the opportunity to submit comments on the DEIR for the general plan.

Nevada County
Housing Needs Analysis

December 1993

Commissioned By:
County of Nevada

Prepared By:
Rural California Housing Corporation

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Exhibit A:	Housing Condition Survey Results & Methodology
Exhibit B:	Market Rate Apartment Rent Survey by Apartment Complex Subsidized Apartment Rent Survey by Apartment Complex

NEVADA COUNTY: EXISTING CONDITIONS & HOUSING NEEDS

Demographics

Nevada County lies within the northern portion of the State of California. The county stretches from the eastern end of the Sacramento Valley across the Sierra Nevada mountains to the State of Nevada, and covers 978 square miles. Nevada County is bordered by Placer County to the south, Sierra County to the north, Yuba County to the west and the State of Nevada to the east. The western part of Nevada County lies in the Foothills of the Sierra Nevada Mountains at an average elevation of 2,500 feet, and it is more heavily populated than the eastern portion of the county. The eastern portion of the county is nestled in the Sierra Nevada Mountains at an average elevation of 6,000 feet.

Nevada City, Grass Valley, and the newly incorporated Truckee are three incorporated cities in the county. Grass Valley and Nevada City are located in the western portion of the county. These two communities, which are only a few miles apart from each other, form the most densely populated areas of the county with the greatest need for affordable housing. However, the bulk of the population resides in the unincorporated portion of the county, but not clustered in any large community. Truckee is the county's third largest community. Truckee's unique climatic conditions and proximity to Donner Lake, also make it a popular seasonal vacation hub. This community is in the easternmost part of the county, 30 miles from Reno, Nevada.

Nevada County is one of the fastest growing counties in California. The population of the county nearly doubled between 1970 and 1980. The 1990 U.S. Census reveals a growth rate in the unincorporated county of 56.6% between 1980 and 1990 and a countywide growth rate of 52%. Table 1 compares the change in the unincorporated area with the change in the incorporated jurisdictions of Nevada City and Grass Valley.

TABLE 1. POPULATION GROWTH BY AREA

Jurisdiction	1970	1980	Percent Change	1990	Percent Change
Nevada City	2,314	2,431	5.0%	2,855	17.4%
Grass Valley	5,149	6,687	30.1%	9,048	35.1%
Unincorporated	18,883	42,517	125.2%	66,607	56.6%
Western County		36,821		57,187	55.3%
Eastern County		5,696		9,420	65.4%
Total County	26,346	51,645	96.0%	78,510	52.0%

Source: U.S. Census, 1970, 1980 and 1990

The data shows that most of the population increase over the last decade has been in the unincorporated county (57%), compared to a 17% increase in Nevada City and a 35% increase in Grass Valley. From 1980 to 1990, the eastern portion of the county grew at a faster rate than the western portion of the county, with the western portion of the county increasing at 55% and the eastern portion increasing at 65%. However, the western portion of the county is by far the most heavily populated area of the unincorporated county.

Paralleling the county's population growth is an increase in the number of households, as shown in the following chart:

TABLE 2. HOUSEHOLD GROWTH, 1980 - 1990

Jurisdiction	1980	1990	Percent Change
Nevada City	1,059	1,289	21.7%
Grass Valley	3,037	4,148	36.6%
Unincorporated	15,916	25,321	59.1%
Total County	20,012	30,758	53.7%

Source: U.S. Census, 1980 and 1990

The census data reveals a 59% increase in the number of households from 1980 to 1990 in the unincorporated area and a 54% increase countywide. During the 1980s, the number of households in the county increased by 10,746. Of these households, 88% established residency in the unincorporated portion of the county.

With respect to ethnic mix, Nevada County's population is predominately white (nearly 94%). A small portion (4.2%) of the residents are Hispanic (1990 Census). The average number of persons per household in the county ranges between 2.4 and 2.6, a figure which has remained fairly constant over the past decade. In 1990, 18% of the population was elderly (over 64 years), which is substantially higher than the state average of 10.5%. This imbalance is most likely due to the influx of retirees who have established their primary residence in Nevada County. In 1990, over 56% of this elderly population were considered low income, which is defined as having an income below 80% of county median income.

Wage and Salary Employment

Nevada County was a major mining area during the gold rush era. Nevada City and Grass Valley are examples of historic gold rush towns, now tourist destinations. Due to this tourism and a growing population, the services and retail trade sectors are the largest industries in the county. Lumber and sawmill operations play an important role in the

economy of the eastern half of the county. Employment in winter recreation industries helps balance seasonal employment in other industries.

The following table depicts the estimated number of wage and salary employees by industry in 1980 and in 1991, outlining the growth in employment in Nevada County from 1980 and to 1991.

TABLE 3: ESTIMATED NUMBER OF WAGE AND SALARY WORKERS BY INDUSTRY -- NEVADA COUNTY, 1980 and 1991

Industry	1980		1991		Percent Change
	Number	Percent	Number	Percent	
Total All Industries ¹	13,075	100%	21,225	100.0%	62.3%
Agriculture/Forestry/Fisheries	50	0.4%	50	0.2%	0.0%
Total Nonagriculture	13,025	99.6%	21,150	99.6%	62.4%
Construction/Mining	825	6.3%	1,750	8.2%	112.1%
Manufacturing	1,850	14.1%	2,975	14.0%	60.8%
Lumber/Wood	525	4.0%	475	2.2%	-9.5%
Other Manufacturing	1,325	10.1%	2,500	11.8%	88.7%
Transportation	650	5.0%	525	2.5%	-19.2%
Wholesale Trade	250	1.9%	475	2.2%	90.0%
Retail Trade	2,950	22.6%	4,900	23.1%	66.1%
Finance, Insurance, Real Estate	675	5.2%	1,175	5.5%	74.1%
Services	2,675	20.5%	5,400	25.4%	101.9%
Government ²	3,150	24.1%	3,975	18.7%	26.2%
Federal	425	3.3%	450	2.1%	5.9%
State, Local, Education ³	2,725	20.8%	3,550	16.7%	30.3%

Source: California State Employment Development Department, March 1990 Benchmark

¹Employment reported by place of work--does not include proprietors, the self-employed, unpaid volunteers or family workers, private households workers and persons involved in labor-management disputes. Detail may not add to total due to independent rounding.

²Includes all civilian employees of federal, state, and local governments, regardless of the activity/in which the employee is engaged.

³Local government includes employees of counties, cities, and special districts. Education includes employees of public schools at both the state and local level.

The highest percentage of growth over the 11 year period occurred in the construction/mining industry (112% increase) followed by the services industry (102% increase). However, the largest increase in estimated number of workers in an industry occurred in the services industry (2,725 workers) followed by the retail trade industry (1,950 workers).

In June 1992, the State Employment Development Department published projections for Nevada County's economic growth for the period of 1989 to 1996. According to this report, the economy of Nevada County is expected to continue expanding through the projection period, continuing recent area growth trends. However, growth will occur at a slightly slower pace than in prior years. The EDD predicts that 3,450 jobs will be added during this period, representing an overall employment expansion rate of 17.3%. This growth is expected to expand most quickly in the current four main industries in Nevada County--services, retail trade, government and manufacturing--the four sectors which currently account for over 80% of the employment in the county. Overall, the employment projections for the county reflect a slowing economy and slowdown in area population growth. However, expanding services and retail trade sectors--with their typically low wage employment--create an even higher demand for low cost, affordable housing.

Incomes

The 1990 census found the median household income for the county to be \$32,200. The Department of Housing and Urban Development (HUD) estimates that in 1993, Nevada County median household income is \$40,700. The Department of Housing and Urban Development defines a low income as household as one where the total wages of household members is earning below 80% of area median income. Very low income households are those earning below 50% of area median income.

TABLE 4. NEVADA COUNTY MEDIAN INCOMES

Income Level	1990	1993 (Estimates)
Median Income	\$32,200	\$40,700
80% of Median Income (Low Income)	25,760	32,560
50% of Median Income (Very Low Income)	16,100	20,350

Source: U.S. Census, 1990
HUD, 1993 Estimates

According to the 1990 U.S. Census, 38% of the households earned less than 80% of the county median income adjusted for household size (low income), and 21% earned less than half of the median county income (very low income). Census data from 1990 reveals greater wealth in the unincorporated portion of the county.

TABLE 5. NEVADA COUNTY HOUSEHOLD INCOME DATA BY AREA

Households	Grass Valley		Nevada City		Unincorporated		Total County	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Less than 80% of Median	2,507	60%	698	51%	8,581	34%	11,787	38%
Between 50% and 80% of Median	852	20%	260	19%	4,267	17%	5,380	17%
Less than 50% of Median	1,655	40%	438	32%	4,314	17%	6,407	21%
Total Households	4,174	---	1,374	---	25,259	---	30,807	---

Source: U.S. Census, 1990

According to the 1990 U.S. Census outlined in the above table, there are higher concentrations of low income households in the incorporated cities. Grass Valley has the highest concentration of low income households with 60% of the households earning below 80% of county median income (total low and very low income), with a breakdown of 20% earning between 50% and 80% of median income (low income) and 40% earning below 50% of county median income (very low income). Within the incorporated communities, the median household income in 1990 was \$20,966 in Grass Valley and \$25,061 in Nevada City, compared to \$35,241 in the unincorporated area of the county. The 1990 U.S. Census reports that 5,974 people (7.7% of the total population in Nevada County) were below the poverty level. Again, the higher concentrations of population below the poverty level were living in the incorporated cities.

Housing Affordability

Household income and housing costs are the two major determinants of affordability. Housing affordability is defined by the percentage of a household's gross income spent on housing costs. It is common for housing finance agencies to use a housing affordability index of 25% of income. Any rent or housing payment over 25% of the tenant household's gross income would be considered unaffordable. House or rent payments below 25% would be considered affordable. With utilities included, the affordability index increases to 30%. That is, rent plus tenant paid utilities (excluding telephone) should cost no more than 30% of household income. For purposes of this analysis, we will use 25% as an affordability factor (not including utilities).

Table 6 outlines the percentage of income paid for housing costs throughout the county.

TABLE 6: HOUSEHOLD INCOME BY PERCENTAGE OF INCOME SPENT FOR HOUSING BY TENURE

Percentage of Income Spent	Low Income Households		Non Low Income Households		Total Households	
	Number	Percent	Number	Percent	Number	Percent
Total Households						
0% - 24%	2,790	30.2%	10,282	66.4%	13,072	52.9%
25% - 29%	866	9.4%	1,980	12.8%	2,846	11.5%
30% - 34%	739	8.0%	1,184	7.6%	1,923	7.8%
35%+	4,364	47.3%	1,905	12.3%	6,269	25.4%
Not Computed	467	5.1	126	0.8%	593	2.4%
Total	9,226	100.0%	15,477	100.0%	24,703	100.0%
Renter Households						
0% - 24%	587	14.2%	2,004	59.3%	2,591	34.4%
25% - 29%	384	9.3%	574	17.0%	958	12.7%
30% - 34%	412	9.9%	280	8.3%	692	9.2%
35%+	2,461	59.3%	393	11.6%	2,854	37.9%
Not Computed	305	7.3%	126	3.7%	431	5.7%
Total	4,149	100.0%	3,377	100.0%	7,526	100.0%
Owner Households						
0% - 24%	2,203	43.4%	8,278	68.4%	10,481	61.0%
25% - 29%	482	9.5%	1,406	11.6%	1,888	11.0%
30% - 34%	327	6.4%	904	7.5%	1,231	7.2%
35%+	1,903	37.5%	1,512	12.5%	3,415	19.9%
Not Computed	162	3.2%	0	0%	162	0.9%
Total	5,077	100.0%	12,100	100.0%	17,177	100.0%

Source: U.S. Census, 1990

Table 6 finds that 78% of lower income renter households in Nevada County are overpaying for housing, and 52% of lower income owners are overpaying. More significantly, nearly 60% of the lower income renters are paying in excess of 35% of their income toward housing costs, and 38% of lower income owners are paying more than 35% of income toward housing expense. Of the total renters, including low income and non-low income, 60% are overpaying for housing costs, as compared to 38% of total homeowners who are overpaying for housing. The chart also indicates that 44% of all households in Nevada County are overpaying for housing expenses.

Table 7 is a list of average wages in certain economic sectors of Nevada County--selected because they represent the largest job growth centers in the county--and the housing allowance of the employees drawing those wages, based on the 25% of income standard. This table illustrates the economic resources that people working in the county have available to purchase housing. The typical service worker in 1990 could afford a mortgage of only \$60,000 (based on 7.5% interest rate) if the worker spent only 25% of income towards payments on principle and interest. When we add in the required property tax and insurance payments of approximately \$100 monthly, the service worker would have \$319 available for principal and interest payments. This typical wage earner now qualifies for a mortgage of only \$46,000. Homeownership is clearly out of reach of the employees in the service industry in Nevada County.

**TABLE 7. WAGES, INCOMES AND HOUSING ALLOWANCES
NEVADA COUNTY, 1990**

Income Source	Wage/ Income ¹	Monthly Housing Allowance ²	Maximum Mortgage ³
All Wage Employees	19,655	409	59,000
Service	20,157	419	60,000
Retail	14,053	292	42,000
Manufacturing	29,065	605	87,000
State/Local Government	25,995	542	78,000
Construction	25,312	527	76,000
Two Wage Earners ⁴	34,210	712	102,000
Public Assistance--AFDC (1990: One Parent, 2 Children)	8,328	174	25,000
1990 Median Income (Family of 4)	32,200	670	96,540
Low Income	25,760	537	77,000
Very Low Income	16,610	346	50,000

Wage Source: Bureau of Economic Analysis, June 1992

¹All wages are based on 1990 annual average wages

²Housing allowance calculated at 25% of income for rent or mortgage payment.

³Maximum mortgage calculated at 7.5% interest rate for a 30 year term.

⁴Two wage earners' annual salary based on annual incomes of a service worker and a retail employee.

Table 7 also presents housing allowances for a typical family on public assistance and for income groups broken down by percent of median income. For those whom homeownership has always been a distant dream, it has become increasingly difficult to afford even safe rental housing. In the example, a single mother of two children with AFDC as her only source of income would need to find an apartment renting for a maximum of \$174 to pay only 25% of income for rent.

Housing Type and Tenure

In 1990, single-family dwellings accounted for 82% of the total county-wide housing stock, multi-family housing represented less than 9% and mobile homes just over 9%. Since 1980,

the stock of single-family houses as a percentage of total housing stock increased 5%, while the percentage of multi-family units and mobile homes as compared to the total housing stock decreased by a combined 5%. Table 9 examines the housing stock by type of unit in 1980 as compared to 1990.

TABLE 8: PERCENTAGE OF HOUSING STOCK BY TYPE 1980 AND 1990

Jurisdiction	Single-Family	Multi-Family	Mobile Homes	Total Units
1980 All County	76.7%	12.7%	10.6%	24,759
1990 All County	81.8%	8.8%	9.4%	37,352
Nevada City	74.2%	19.2%	6.6%	1,399
Grass Valley	53.6%	39.6%	6.8%	4,385
Unincorp. Co.	86.1%	3.0%	10.9%	31,568

Source: U.S. Census, 1980 and 1990.

The difference in the percentages of single-family vs. multi-family homes is most severe when comparing the unincorporated areas and the incorporated cities in 1990. While 84% of the county's housing stock is located within the unincorporated portion of the county (31,568 units), only 3% of the housing stock in the unincorporated areas is multi-family. The cities of Grass Valley and Nevada City, with 16% of the county's housing units, have devoted a combined total of 35% of their housing stock to multi-family units.

The following table compares the percentage of increase in population with the percentage of increase in housing stock.

TABLE 9: NEVADA COUNTY TOTAL POPULATION GROWTH COMPARED TO INCREASED HOUSING UNITS, 1980 AND 1990

Year	Total Population	Single-Family Units	Multi-Family Units	Mobile Home Units	Total Units
1980	51,546	18,986	3,141	2,632	24,759
1990	78,510	30,560	3,299	3,493	37,352
Percent Increase	52%	61%	5%	33%	51%

Source: U.S. Census, 1980 and 1990

From 1980 to 1990 the population increased from 51,645 to 78,510, representing a 52% population increase. The above chart notes that the number of single family homes and mobile homes substantially increased from 1980 to 1990--61% and 33% respectively. However, the number of multi-family housing units, which are often the only source of affordable units to lower income households, increased only 5% over this ten year period. That is, from 1980 to 1990, only 158 multi-family units were added to the county's total housing stock, while there was an increase of 4,187 low income households in the county (a 55% increase). In addition, it is important to note that not all multi-family units are affordable to lower income households. Many of the multi-family units are market rate housing, which remain unaffordable to low income people.

Tenure can also be broken down by location. The following table represents the number and percentage of renter occupied units vs. owner occupied units in 1980.

TABLE 10: HOUSING TENURE BY AREA

Jurisdiction	Year Round Housing Units				Seasonal Housing Units	
	Renter Occupied		Owner Occupied		Number	Percent
	Number	Percent	Number	Percent		
Nevada City	538	41.7%	751	58.3%	28	2.1%
Grass Valley	2,440	58.8%	1,708	41.2%	20	4.8%
Unincorporated County	4,894	19.3%	20,427	80.7%	3,447	12.0%
Total County	7,872	25.6%	22,886	74.4%	3,495	10.2%

Note: Totals for year round units based on occupied units.

Source: U.S. Census, 1990

This table shows that 81% of the year round housing units in the unincorporated portion of the county were owner occupied while 19% were renter occupied. The incorporated areas of the county, on the other hand, differ dramatically in tenure--55% of the houses are renter occupied and 45% are owner occupied. Compared to the tenure of the state of California as a whole, Nevada County has a much higher percentage of homeowners (74.4%) than the state's 55.6% owner-occupied units.

In addition, 10% of the total housing stock is seasonal housing, most of which are vacation rentals. The seasonal housing is mainly in the unincorporated areas of the county, namely the eastern portion of the county in Truckee. This seasonal housing data tends to skew the

county's vacancy rate reported in the 1990 Census. The 1990 Census shows Nevada County's vacancy rate to be a high 17%. But in actuality, the census data shows that more than half of these vacant units are seasonal/vacation rentals and should not be included in the count for vacant units.

In 1991, the Sierra Planning Organization issued its Regional Housing Allocation Plan for Placer, Nevada, El Dorado and Sierra counties in accordance with state law. Table 11 summarizes the allocation for Nevada County. This plan issues a target for housing production for each jurisdiction with a goal of each jurisdiction providing its fair share of the regional housing supply for every income group.

TABLE 11: 1990-1997 HOUSING ALLOCATION

Geographic Location		Income Group				Total
		Very Low	Other Low	Moderate	Above Moderate	
Grass Valley	Households	0	31	133	948	1,112
	Percent of Total	0%	3%	12%	85%	100%
Nevada City	Households	0	16	42	101	159
	Percent of Total	0%	10%	26%	64%	100%
Unincorporated	Households	2,821	1,464	2,098	3,165	9,549
	Percent of Total	30%	15%	22%	33%	100%
Total County	Households	2,821	1,511	2,273	4,214	10,820
	Percent of Total	26%	14%	21%	39%	100%

Source: Sierra Planning Organization, Regional Housing Allocation Plan, 1991

This plan shows that in order to meet the total housing production goal, 2,821 units should be developed in the county between 1990 and 1997. Since Grass Valley and Nevada City already have a substantial portion of the very low and low income households (1990 U.S. Census data), the Regional Housing Allocation Plan calls for all of the new very low income units and 97% of the other low income units to be built in the unincorporated portion of the county.

The County, in its 1992 Housing Element takes exception to the housing allocation plan, arguing that the plan does not consider the cost of providing affordable housing in an area that is largely without public services, such as transit, schools, sewer and water. The unincorporated portions of the county are characterized by rural large lot development of single family homes. Many of these homes are served by private wells and septic tanks and

depend entirely on the automobile for transportation. Thus, the Housing Element argues, development of affordable housing in the unincorporated area, particularly multi-family dwellings, typically is not feasible.

Housing Conditions

Nevada County's housing conditions stem from the age of the structures and the maintenance or lack thereof performed on each structure. The county's housing stock is relatively new compared to that of the state and consequently, overall housing conditions are quite good. While approximately half of the state's housing stock was built prior to 1960, only 22% of Nevada County's housing stock was built prior to 1960. The relative young age of the county's housing stock can be explained by the county's surge in population growth during the 1970s and 1980s, with the accompanying housing that was built since 1970.

TABLE 12: AGE OF OCCUPIED HOUSING STOCK BY TENURE

Year Built	Total Units		Owner-Occupied Units		Renter-Occupied Units	
	Number	Percent	Number	Percent	Number	Percent
1989-March 1990	1,215	4.0%	1,005	4.4%	210	2.7%
1985-1988	4,395	14.3%	3,425	15.0%	970	12.3%
1980-1984	5,462	17.8%	4,406	19.3%	1,056	13.4%
1970-1979	10,140	33.0%	7,891	34.5%	2,249	28.6%
1960-1969	2,839	9.2%	2,151	9.4%	688	8.7%
1950-1959	1,821	5.9%	1,314	5.7%	507	6.4%
1940-1949	1,515	4.9%	993	4.3%	522	6.6%
Before 1940	3,371	11.0%	1,701	7.4%	1,670	21.2%
Total Units	30,758	100%	22,886	100%	7,872	100%

Source: U.S. Census, 1990

The above table shows the substantial differences in the age patterns of housing occupied by owners and renters. In comparison to homeowners, renters were more likely to live in older units. Specifically, 34% of the renter housing stock was constructed prior to 1960, while only 17% of the homeowners housing stock was built prior to this date. The County's Housing Element explains this situation by the fact that many older single-family units are converted for use as rental units.

Besides the structure's age, maintenance and upkeep also determine the condition of the housing. In 1992, Rural California Housing Corporation conducted a housing conditions survey in specified areas throughout the county. County officials selected 11 communities in the unincorporated area to be surveyed to determine housing rehabilitation need. Survey results indicate that 29% of the overall housing stock of Nevada County's unincorporated area is in need of repair.

Individual housing units were surveyed in each of the 11 communities, utilizing a windshield survey technique in which houses are rated from outside conditions only. Exterior conditions of each unit were evaluated based upon State Department of Housing and Community Development-adopted criteria which rate the condition of five elements--foundation, roofing, siding, windows and doors. The conditions of the houses are then classified according to state criteria in one of five categories: (1) units that do not need any repair (standard), (2) units with minor repair/rehabilitation needs, (3) units with moderate repair needs, (4) units with major repair needs, and (5) units that are dilapidated beyond cost effective repair.

The state criteria rates as "standard/sound" units that are structurally sound and do not need any repair or show signs of deferred maintenance.

"Minor" rehabilitation are units that appear structurally sound but show signs of deferred maintenance or upkeep. The house may need a roof replacement or new windows and exterior paint.

"Moderate" rehabilitation involves the repair of more than one rated system. This category varies widely--from a unit that needs a replacement floor and new siding to a unit that needs the replacement of the roof, electrical system, windows and doors.

"Substantial/major" rehabilitation replaces several major systems, such as complete or partial foundation work, repair or replacement of exterior siding, reconstruction of roof rafters and deck prior to replacing shingles and complete replumbing.

"Dilapidated" units are those that are in such serious disrepair that basically all rated systems need repair, and compliance with Uniform Building Code would not be cost effective.

It is important to note, however, when reading housing condition data, that units are evaluated from the outside only. While drive-by inspections can determine whether or not a home needs a new foundation or roof, it cannot identify such items as whether the plumbing needs to be replaced or whether the home has an unsafe electrical system. However, the status of the items evaluated does suggest the condition of the overall structure.

The following table gives a summary of the housing condition survey. While overall, only 29% of the housing stock is in need of some repair, there are also significant pockets of deterioration and disrepair in the surveyed areas. Exhibit A provides more detailed results of the survey and a description of the survey methodology.

TABLE 13: Nevada County Housing Conditions By Area

Community	Units Needing Rehabilitation					Standard Units	Total Units
	Minor	Moderate	Major	Dilapidated	Subtotal		
Truckee	117	159	95	17	388	208	596
Nevada City	76	137	50	24	287	294	581
Grass Valley	203	323	39	64	629	834	1463
Mooney Flats	5	9	3	4	21	31	52
Floriston	14	7	3	1	25	16	41
Washington	5	54	7	2	68	49	117
Penn Valley	63	69	1	13	146	442	588
Greenhorn	8	14	0	0	22	141	163
Glenshire	33	6	0	0	39	968	1007
Alta Sierra	57	47	2	56	162	1068	1230
Sierra Meadows	22	5	0	0	27	349	376
Total Units	603	830	200	181	1814	4400	6214

Source: Housing Conditions Study for Nevada County, Rural California Housing Corporation, 1992

Note: Results displayed in total number of units surveyed.

TABLE 14: Nevada County Percentage of Housing Conditions By Area

Community	Units Needing Rehabilitation					Standard Units	Total Units
	Minor	Moderate	Major	Dilapidated	Subtotal		
Truckee	19.6%	26.7%	15.9%	2.9%	65.1%	34.9%	596
Nevada City	13.1%	23.6%	8.6%	4.1%	49.4%	50.6%	581
Grass Valley	13.9%	22.1%	2.7%	4.4%	43.0%	57.0%	1463
Mooney Flats	9.6%	17.3%	5.8%	7.7%	40.4%	59.6%	52
Floriston	34.1%	17.1%	7.3%	2.4%	61.0%	39.0%	41
Washington	4.3%	46.2%	6.0%	1.7%	58.1%	41.9%	117
Penn Valley	10.7%	11.7%	0.2%	2.2%	24.8%	75.2%	588
Greenhorn	4.9%	8.6%	0.0%	0.0%	13.5%	86.5%	163
Glenshire	3.3%	0.6%	0.0%	0.0%	3.9%	96.1%	1007
Alta Sierra	4.6%	3.8%	0.2%	4.6%	13.2%	86.8%	1230
Sierra Meadows	5.9%	1.3%	0.0%	0.0%	7.2%	92.8%	376
Total Units	603	830	200	181	1814	4400	6214

Source: Housing Conditions Study for Nevada County, Rural California Housing Corporation, 1992

Note: Results displayed in percentage of units.

The preceding charts indicate that of the 6,214 units surveyed within the unincorporated county, 29% are in need of some sort of repair. Of these units, 181 units are dilapidated, beyond cost effective repair. A majority of the units that need repair are located in the more populated areas of the county. The more densely populated areas, such as unincorporated Grass Valley, Nevada City and Truckee, have the highest number of substandard units. A total of 65% of Truckee's units are in need of repair, with over 28% of those substandard units in serious disrepair. In unincorporated Grass Valley, there are a significant number of dilapidated units, with 10% of the substandard units being dilapidated and beyond cost effective repair. Also noteworthy is the state of disrepair of the housing stock in the small communities of Floriston (61% needing rehabilitation) and Washington (58% needing rehabilitation). In Floriston, most of the units need only minor repairs, but in Washington, the majority of the units in disrepair need moderate rehabilitation.

Rental Housing Supply

According to the 1990 U.S. Census, median rent in Nevada County in 1990 was \$598. The incorporated communities of Nevada County had the lower median rents, as compared to the total county median of \$598. Accordingly, the median rent in Nevada City is \$516 and Grass Valley's median rent is \$486, both below the county-wide median rent. Truckee, however, had a slightly higher median rent at \$573, but still fell below the county median.

TABLE 15: MEDIAN RENT, 1990

Community	1990
Alta Sierra	\$901
Glenshire-Devonshire	\$906
Grass Valley	\$486
Lake of the Pines	\$1,001
Nevada City	\$516
Penn Valley	\$523
Truckee	\$573
Total County	\$598

Source: U.S. Census, 1990

An apartment rent survey of 14 market rate apartment complexes and six subsidized apartment complexes in the county was conducted in September and October of 1993 by Rural California Housing Corporation. The survey included 985 apartments, of which 485 are subsidized units and 500 are market rate units. The survey found an overall vacancy rate of 4% for market rate units, a zero percent vacancy for subsidized units and a vacancy rate of 2.8%. Mobile home data is not included in this report because rents are for spaces only and do not include the actual mobile home, since mobile home dwellers must provide their own mobile homes when living in a mobile home development. Exhibit C at the end of the report provides rental cost breakdowns for each apartment project surveyed. The following table summarizes the types of units that were surveyed.

**TABLE 16: NEVADA COUNTY APARTMENT SURVEY,
MARKET RATE APARTMENTS**

	Studio	One Bedroom	Two Bedroom	Three Bedroom
Total Units	4	89	343	64
# of Complexes	1	6	12	4
Vacancy Rate	0%	4.5%	3.8%	0%
Lowest Rent	\$475	\$320	\$515	\$590
Highest Rent	\$475	\$675	\$695	\$795
Average Rent	\$475	\$492	\$617	\$713

Source: Rural California Housing Corporation, October 1993

The survey results indicate that there are very few market rate studio apartments--only one complex with four studio apartments located in Truckee with all rents set at \$475. The survey included 89 one-bedroom apartments located in six complexes with an average monthly rent of \$492. The survey found that one-bedroom units have the highest vacancy rate at 4.5%. Two-bedroom units, with a total of 343 units surveyed in 12 complexes, have an average rent of \$617. The rents range from \$515 to as much as \$695. The vacancy rate for a two-bedroom unit is 3.8%.

Survey results demonstrate a shortage of three-bedroom units, with only 64 market rate units in four apartment complexes. The need for three-bedroom units is evidenced by the zero percent vacancy rate. Rents range from \$590 to \$795, with an average rent of \$713.

The survey of six subsidized apartment complexes found a total of 485 units. Of these units, 12 are studio, 237 are one-bedroom, 208 are two-bedroom and only 28 are three-bedroom. The survey results indicate that there are no vacant units in any of the six complexes, and there are a total of 704 households on the waiting lists (for all six apartment complexes). In

Home Prices

According to the 1990 U.S. Census, the median value of Nevada County's owner-occupied housing units in 1990 was \$154,700. Grass Valley had the lowest median house value at \$115,500, followed closely by Truckee with a median value of \$116,700. Nevada City was closer to the county-wide median with a median value of \$151,000. Lake of the Pines, in the unincorporated portion of the county reported the highest values with a median value of \$207,900.

TABLE 18: MEDIAN HOME VALUES, 1990

Community	1990
Alta Sierra	\$166,800
Glenshire-Devonshire	\$121,800
Grass Valley	\$115,500
Lake of the Pines	\$207,900
Nevada City	\$151,000
Penn Valley	\$133,500
Truckee	\$116,700
Total County	\$154,700

Source: U.S. Census, 1990

The Board of Realtors collects data on existing home sales only, so the sales on newly constructed homes in new subdivisions are not reflected in their data. The following table gives an average sales price by community. Median sales prices broken down by geographic location were not available, so we present the average prices here to show trends in each community. It should be noted, however, that averages, more so than medians, are distorted by extreme values--in this case, very high and very low prices that are not typical of the community. Table 19 gives an average sales price by community.

**TABLE 19: AVERAGE SALES PRICE FOR SINGLE FAMILY HOUSING
IN NEVADA COUNTY BY AREA, OCTOBER 1993**

Jurisdiction	1992		1993	
	Units	Average Sales Price	Units	Average Sales Price
Grass Valley	173	132,898	151	139,284
Nevada City	132	217,689	129	188,717
Alta Sierra	36	162,623	42	155,250
NC/Courtney	30	203,865	16	213,576
Penn Valley	59	141,933	64	150,325
Peardale/Chicago Park	38	198,889	56	161,308

Source: Nevada County Board of Realtors, November 1993

The following table outlines the countywide trends for sales prices from 1986 to 1991 for houses sold on property with less than five acres. Again, it should be noted that averages, more so than medians, are distorted by extreme values--in this case, very high and very low prices that are not typical of the area.

TABLE 20: AVERAGE SALES PRICES -- NEVADA COUNTY, 1986 TO 1991

1986	1987	1988	1989	1990	1991
\$101,407	\$112,199	\$125,321	\$155,055	\$177,431	\$186,257

Source: Nevada County Board of Realtors, November 1993

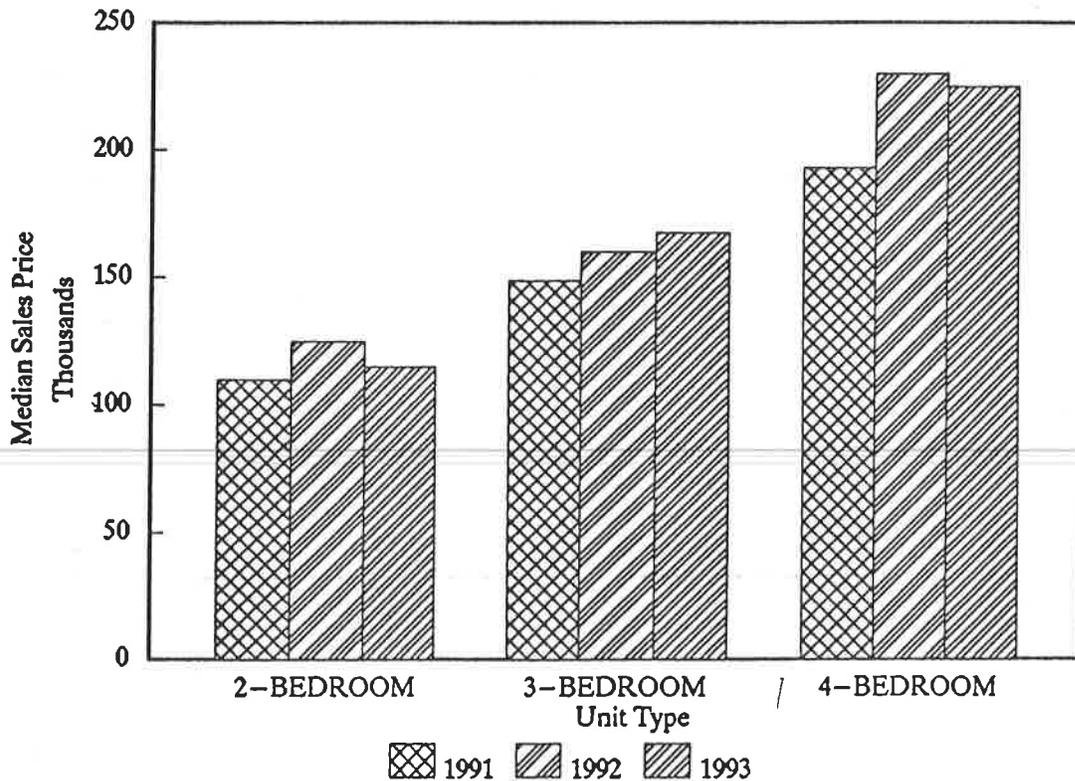
Median sales prices for the Truckee area were available and are shown in the following table.

TABLE 21: TRUCKEE MEDIAN SALES PRICES, 1991-1993

Unit Size	1991	1992		1993	
	Median Sales Price	Median Sales Price	Percent Change	Median Sales Price	Percent Change
2-Bedroom	\$110,000	\$125,000	13.6%	\$115,000	-8.0%
3-Bedroom	\$149,000	\$160,250	7.6%	\$167,750	4.7%
4-Bedroom	\$193,000	\$230,000	19.2%	\$225,000	-2.2%

The data shows that the median sales price of homes in Truckee substantially increased between 1991 and 1992 but has stabilized over the past two years. Table 22 is a bar graph that further illustrates this trend.

TABLE 22: TRUCKEE MEDIAN SALES PRICE



Rental Housing Affordability Analysis

In 1993, the California Coalition for Rural Housing conducted a study analyzing affordability trends in California using county-level data on income and housing costs. (The final report will be published in 1994.) The study compared 1980 and 1990 U.S. Census data to determine which counties were the least affordable in the state of California.

The analysis included a study of the increase in median gross rents from 1980 to 1990 and found that Nevada County ranked sixth in the state among high-growth counties (20 counties) and 25th in the state among all California counties (58 counties). That is, Nevada County's median gross rent increased from \$285 in 1980 to \$598 in 1990, representing a 110% increase in median rent. The study concluded that faster growing counties saw greater increases in median rents over the ten year period than did slower growing counties. The most significant increase in rents were mainly high-growth, semi-rural counties located within close proximity of expensive urban areas and high-growth majority-rural counties located in the Sierra Foothills, the latter representative of characteristics of Nevada County.

The study ranked several affordability factors or indicators to determine rental housing affordability, and Nevada County ranked among the top ten least affordable counties in the following categories:

1. Rents as a percentage of incomes
2. Numbers of low-income households vs. low-income units

It should be noted that this study used an affordability factor of 30% of income rather than 25% of income, as we have throughout the rest of the report.

Survey results reveal that in the first indicator, rents as a percentage of incomes, Nevada County rates among the top ten highest rankings for the most unaffordable counties in the state. In this indicator, the study analyzed the percentage of income that very low income households would have to devote to rent in 1990, finding that Nevada County ranked sixth in the state (among 58 counties) in this category of most unaffordable counties. Specifically, very low income households in Nevada County, earning below \$16,100 annually, would have to pay 44.6% of their income toward the median rent of \$598.

The study also used another method to determine affordability under the first indicator category, namely, comparing the equilibrium rents with median rents. In this analysis, the rent a very low income household could afford to pay (\$403, the equilibrium rent) was compared to the median rent (\$598). Thus, if a very low income renter could only afford to pay \$403 without exceeding 30% of income, but the actual median rent in the county was \$598, this very low income renter could only afford to pay 67% of the median rent. In this analysis, Nevada County again ranked among the top ten least affordable counties in the state, ranking sixth.

In indicator 2, Nevada County again ranks in the top ten list for most unaffordable counties in the state. In this indicator, the study compares numbers of very low income households vs. number of very low income units. Nevada County ranks fifth in the state with a ratio of 2.57, which translates to 2.57 very low income households for every affordable unit. The following table outlines the results of this indicator.

TABLE 23: GAP BETWEEN # OF VERY LOW INCOME HOUSEHOLDS AND # OF AFFORDABLE RENTAL UNITS, 1990

Income @ 50% of Median	Rent @ 30% of Median	# of Very Low Income Households	# of Affordable Units ¹	Household/Unit Ratio
\$16,100	\$403	6,407	2,497	2.57

¹Includes contract rents reported on occupied units and rents asked for vacant-for-rent units. Affordable is defined as units affordable for very low income households.
Source: U.S. Census, 1990

This analysis shows that in 1990 there were 6,407 very low income households trying to rent only 2,497 units affordable to very low income households. Thus, it is easy to see why a high percentage of very low income renters are overpaying for housing in Nevada County.

Housing Affordability Gap

The gap in housing affordability can be illustrated by comparing the monthly housing allowances of the typical Nevada County households presented in Table 7, with the average cost of renting an apartment or paying for a home mortgage based on typical county costs.

The service worker referred to earlier, who could only afford payments on a \$60,000 mortgage, would need to make a \$94,700 down payment to purchase a \$154,700 home (1990 median value based on 1990 U.S. Census). Even a two wage earning household would have to spend more than 25% of their income to rent a three bedroom house, and most would not qualify for a mortgage on a median priced home. Three bedroom homes (using the median sales price of \$154,700 and assuming a 20% down payment) require monthly payments of \$860, which is beyond the reach of most families with two Nevada County wage earners.

While moderate income renters have more choices for affordable housing, low-income renters are spending far more than 25% of income for housing. A family of four with an income of 50% of the area's median income would be far out-spending their housing allowance to rent the average three- or even the two-bedroom apartments surveyed in unincorporated Nevada County. A single mother receiving \$694 from AFDC for her two children, cannot afford

market rents, since to be affordable, an apartment would need to cost no more than \$174 per month. Rent on an average-priced two-bedroom apartment (\$492) would consume 71% of this family's income. Even with the food stamp allowance added in, her 25% of income housing allowance would still come to just \$239.

Table 24 presents the affordability gap from the perspective of a housing developer trying to house lower income families in newly constructed single family homes. With the cost of developing a no-frills 1,200 square foot single family home in Nevada County approaching \$153,000, only households fortunate enough to have incomes of \$53,800--132% of the area median income--can afford to purchase new homes with a 10% down payment. To be affordable to low-income families, 80% of median income, a single family home must be developed for \$90,000. Such a feat would require a \$63,000 subsidy to the developer, or a dramatically different way of developing housing.

TABLE 24

**HOUSING AFFORDABILITY GAP
NEWLY CONSTRUCTED SINGLE FAMILY
NEVADA COUNTY**

DEVELOPMENT COSTS	
COST ITEMS	COST ESTIMATE
Housing Construction Cost 3br/2ba 1,200 sq.ft. @ \$55/sq.ft.	\$66,000
Land (Finished Lot)	\$50,000
Soft Costs	\$10,000
Permits & Fees	\$12,000
Overhead/Profit	\$15,000
Total	\$153,000

AFFORDABILITY					
		Above Moderate Income	Above Moderate Income	Moderate Income	Low Income
Sales Price		\$153,000	\$140,000	\$120,000	\$90,000
Down Payment (10%)		\$15,300	\$14,000	\$12,000	\$9,000
First Mortgage		\$137,700	\$126,000	\$108,000	\$81,000
Monthly Payment	7.5%	\$960	\$880	\$760	\$570
Taxes & Insurance		\$161	\$146	\$125	\$108
Monthly Housing Cost		\$1,121	\$1,026	\$885	\$678
Minimum Monthly Income*		\$4,483	\$4,103	\$3,540	\$2,713
Minimum Annual Income		\$53,800	\$49,240	\$42,480	\$32,560
Percent of Median Income		132%	121%	104%	80%

Median Income Based on 1993 HUD Estimates: \$40,700
 *Based on 25% of income spent on housing costs.

Clearly the development community by itself cannot house low-income households. While today there may be some isolated instances of developers purchasing land at bargain rates and cutting costs enough to create housing affordable for moderate-income households, this accomplishment is a rarity. If left unchecked, housing costs will continue to escalate, and both for-profit and nonprofit developers who want to construct housing for less affluent county residents will be unable to do so.

The alternatives include an expanded County Section 8 program, to assist low income families in their efforts to rent unaffordable apartments. Other solutions include direct subsidies to both for-profit and nonprofit developers who agree to maintain rents and home prices at levels affordable to low and very low income households. Developers can be encouraged to make use of federal and state financing mechanisms available for low income housing and to make use of development incentives, such as the state-mandated density bonus, to write down the cost of development.

#41

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JAN 20 1995

NEVADA COUNTY
PLANNING DEPARTMENT

January 18, 1995

Nevada County Planning Department
Eric Rood Administrative Building
950 Maidu Avenue
P.O. Box 6100
Nevada City, CA 95959-8617
Attention: Pat Norman

Dear Mr. Norman:

On behalf of the owners of the properties known as the Stonebrook Planned Community (GPD #164), we respectfully submit the following comments to the Nevada County General Plan Draft Environmental Impact Report.

Background:

As landowners within Nevada County that have substantial investment and personal interest in the long-term environmental and economic well being of the county, we offer our comments in the spirit of cooperation and in recognition that not everyone in the County will share the goals and vision for the future of the County including growth and environmental protection.

We have been actively involved with the County's General Plan and EIR process for many years now and share the goals and objectives set forth in the current draft of the General Plan which the Draft EIR evaluates. As is demonstrated in the attached correspondences from our representative, First Granite Bay, the Stonebrook Planned Community has from the beginning evolved substantially in response to comments and concerns from the local community, elected and appointed officials and from site specific environmental studies and land use planning which substantially mitigates environmental impacts by avoiding environmental constraints from the beginning. Our comments are formed within the context of our ongoing involvement within the process and the need to accomplish the goals stated in the General Plan balanced with practical, implementable and financially feasible environmental mitigation.

Comments:

Format:

An EIR summary matrix should have been included to aid the reader in understanding the full range of mitigation measures and impacts being proposed. In its absence, the document is difficult to read. Why was the EIR matrix omitted?

41.1

41.2 In addition, contrary to allowances within State law (Article 7. Section 15080) which allow the combining of General Plan and EIR documents, the County documents come in separate volumes and are subject to different review and approval processes. Consequently, neither document can "stand on its own" and only by simultaneously reading and cross-referencing both documents can one truly understand the full scope of the goals, objectives, policies and mitigation. In fact, it is impossible to distinguish the difference between what makes a General Plan policy versus a mitigation measure. Why were the documents not combined as permitted by State law?

41.3 The maps contained throughout the Draft EIR are illegible and cannot be understood even on the general level. The maps are key sources of information, yet they cannot be read and are unusable. Will new graphics be available as part of the EIR so that the reader can properly understand the implications of map symbols and classifications?

Alternatives Considered:

41.4 Throughout the Draft EIR a substantial error is made and repeated when describing and analyzing "Alternative 3: Planning Commission Alternative". Specifically, the Planning Commission's recommendation relative to the proposed Special Development Areas (SDA) Stonebrook contain significant statistical errors which lead to false conclusions regarding environmental impacts. For example, the "planning commission alternative" incorrectly describes the Stonebrook proposal as a project of 3,000 units with a populations of 6,450 people and the creation of 1,300 jobs, and evaluates environmental impacts based on these statistic. In fact, the planning commission alternative relative to Stonebrook only proposes 1,000 clustered units, 250 acres of open space and 66 acres of commercial/business park uses over 1,004 acres. The Draft EIR identifies and analyzes a project which has been inadvertently exaggerated on the order of 300%.

41.5 In addition, no consideration is given to environmental mitigation proposed by the Stonebrook project relating to preservation of open space, wildlife habitat, buffering and provision of public improvements which are included in the Planning Commission Alternative as reflected in GPD 91-164 and accompanying proposals. Consequently, the EIR erroneously evaluates -the environmental impacts associated with the alternative and concludes (on pages 5-14, -15 and -16) that implementation of the alternative would create greater environmental impacts in the areas of open space, hydrology, biology, traffic, and noise than the proposed General Plan. In fact, the Stonebrook proposal offers specific mitigation for the preservation of open space, biology and specific mitigation relative to the provision of public services and streets which, taken with the proposed General Plan, offer far superior mitigation and environmental protection than the so-called "mitigated General Plan", for the same area.

Page Three
January 18, 1995
Mr. Pat Norman

Will the Draft EIR be revised to accurately assess the Stonebrook project as recommended by the Planning Commission and as contained in GPD #164 including specific proposals which have been submitted by First Granite Bay? Objective analysis of the facts will conclude that the Stonebrook project will have far less environmental impacts than indicated in the Draft EIR. This error in describing the Stonebrook SDA represents a major flaw in the Draft EIR analysis and conclusions.

Alternative 4: Mitigated General Plan

More troublesome is that the document makes sweeping and unsubstantiated assumptions regarding impacts. For example, the EIR concludes that mitigation for wildlife, loss of open space, among others, will be satisfied by maintaining and/or down-zoning rural areas to 20 - 40 acre minimum lots, irrespective of local site specific conditions or designs. No specific examples or analysis of how this alone will offer mitigation to associated impacts to development are given and the reader is asked to accept this premise at face value. This speculative reasoning is discouraged by CEQA (Section 15145) and contains serious flaws which must be addressed.

First, by requiring minimum 20 - 40 acre lots, the idea of clustering development, a central concept in the General Plan, is all but dismissed in areas designated as rural. In fact, there are many instances in Nevada County and elsewhere where the presence of 20 - 40 acre lots, as opposed to clustering, creates greater environmental impacts due to the need to stretch utilities and roads to service a much broader area. Consequently, wildlife corridors and habitats become more disjointed, drainage patterns are diverted, and more vehicular miles must be driven to and from the home. In addition, some large parcels that have already been environmentally impacted through previous activities such as agriculture, mining and development may in fact be able to be rehabilitated if development could be clustered into smaller parcels.

41.6

The mitigation measure does not necessarily mitigate environmental impacts since permanent controls over the use of open space, the introduction of intrusive domestic animals and protection of site specific biologic habitats are not addressed.

41.7

Finally, the Draft EIR is silent on the legal and economic implications of this "down-zoning" of private property. Existing Zoning and General Plan designations and private property rights are being discarded and replaced with a "down-zone" mitigation measure which cannot conclusively be demonstrated to accomplish environmental mitigation.

41.8

For the above reasons, we believe that the proposed mitigation measure does not pass the standard for adequacy as required by CEQA, Section 15151.

Page Four
January 18, 1995
Mr. Pat Norman

Comprehensive Site Development Standards:

41.9 Page 2-10 proposes a mitigation measure which requires the County to prepare and adopt Comprehensive Site Development Standards covering any development subject to a discretionary permit. In light of the comprehensive nature of the proposed guidelines, additional language should be added which stipulates how these guidelines will be paid for and by when will they be adopted. In the absence of the County having adopted guidelines which satisfy the mitigation, can individual projects prepare their own guidelines for County adoption? Or will all discretionary approvals be put "on-hold" until the County finds the funding and staff time to prepare the guidelines?

41.10 This standard should not be presented as a mitigation measure since it can only be applied to projects following preparation and adoption of a subsequent action. Again, CEQA demands that mitigation measures be "reasonably feasible" (Section 15151).

Wildlife and Vegetation:

41.11 Page 2-18 proposes additional mitigation related to loss of wetlands. Since a significant portion of the County designated for agricultural uses have irrigation ponds, seeps and wells to maintain crops and livestock, some of these areas have developed wetland-like environmental characteristics. How will these areas be measured within the context of the mitigation measure which provides that "no net loss of habitat functions or values shall be caused by development"?

41.12 When will the Habitat Management Plan be prepared and adopted and how will it be paid for? In the absence of an adopted plan, how will discretionary approvals be handled?

41.13 Mitigation #21, page 2-22, should be clarified to make allowances for manmade wetlands so that agricultural activities do not inadvertently become subject to "wetland" regulations.

In conclusion, we appreciate the opportunity to comment on the Draft EIR and welcome your response. Please feel free to call me should you have any questions or need clarification.

We have attached all relative correspondence relative to Special Development Area Stonebrook which has been placed into the public record and respectfully request that the Draft EIR be revised to accurately reflect the Planning Commission's recommendation.

Sincerely,



Ed Fralick
With Attachments

MEMORANDUM

To: Stonebrook Project Team
From: Keith Fichtner
Date: October 15, 1993
RE: **FINAL LAND USE BREAKDOWN**

At the recent Planning Commission hearing Stonebrook was approved by a vote of 5-0 for a designation of Special Development Area (SDA). The commission further instructed planning staff to present back to commission the land use and density breakdown of Stonebrook. I have met with members of staff to present our vision of this breakdown. Tom Miller, Planning Director wanted to decide this BEFORE the County Supervisors public hearings later this month.

The following represents the Planning Commission approved breakdown as compared to our Concept plan breakdown. It is important to note that the Planning Commission recommendation for Stonebrook is SDA with the staff recommended breakdown below.

LAND USE	Planning Commission ACREAGE	Planning Commissions UNITS	Stonebrook Requested/GPD ACREAGE	Stonebrook Requested/GPD UNITS
1. Commercial	16 ac		17 ac	
2. Business Park - Employment	50 ac		6 ac	
3. Residential Urban High Density	15 ac	300 du max	24 ac	230 du
4. Residential Single Family	673 ac	700 du max	739 ac	760 du
5. Open Space - Recreation	250 ac		217 ac	
TOTAL	1004 acres	1000 dwelling units maximum		990 dwelling units

#42

COUNTY OF NEVADA

BUILDING DEPARTMENT

Eric Rood Adm. Bldg.
950 Maidu Avenue
P.O. Box 6100
Nevada City, CA 95959-6100
(916) 265-1444

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JAN 20 1995

NEVADA COUNTY
PLANNING COMMISSION

January 20, 1995

The Nevada County Planning Commission
Eric Rood Administrative Center
Nevada City, Ca.

Subject: Comments on Draft EIR

I believe some references, recommendations and concern's referenced in the EIR are inappropriate and may represent an unnecessary burden on site development in Nevada County. Please consider the following:

1. Seismic Hazard; Revised policy 10.13 and supporting comments would appear to indicate that a Geotechnical Investigation identifying seismic, fault rupture and soil collapse hazards should be required for all development within that area designated as Zone III.

The 1966, Truckee Earthquake did minor damage to structures, although described as extensive, due to the size of the area it covered. Buildings designed by today's Code's will resist greater seismic events with less damage than those building codes in place in 1966.

The language used in describing the potential seismic hazard is typical for Seismic Zone 4. In Seismic Zone 3 we do have a potential for damage and the possible threat to life, but I believe current codes and policies adequately address these hazards.

42.1

2. Slope Stability; I believe current codes and policies adequately address the potential for landslides or slippage. We currently require soils and geotechnical investigations on a site by site basis depending on physical characteristics.

A general requirement for this type of investigation would be an excessive requirement.

42.2

42.3

3. Onsite detention and/or retention of storm water on residential property; Will create enforcement difficulties and further reduce the usable area of property.

I believe this is contrary to the predominant rural environment of our area. Soil in our area allows for substantial surface percolation and historically has proven adequate except for 50 year or greater storm events. Considering this empirical data and the implementation of the relatively low percentages of impervious surface provided for in Table 4.3-1 (pg. 4.3-14) I believe current procedures are adequate. Even at build-out it is reasonable to assume that current procedures will continue to provide for acceptable storm water flows of our existing water courses.

42.4

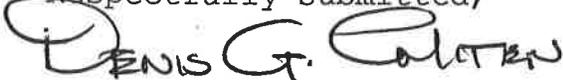
4. Habitat Management; A site specific Biological Inventory for a proposed project is a substantial expense. This requirement should only be required where Endangered species have been identified. The Habitat Management Plan should identify these areas as specifically as possible and only require this Inventory where an Endangered species has been identified, not where it is suspected to exist.

42.5

5. Archaeological and/or historical investigation; The language "or are likely" (pg.4.5-8, Item 23) could mean anyplace in Nevada County. This is an expensive requirement. "Where physical evidence indicates significant arch. etc." would be less subjective and more equitable.

Thank you for the opportunity to comment on this important document. Although the EIR is only a guide, references in it should be germane to the conditions in our area and provide for reasonable application.

Respectfully Submitted,



Denis G. Coliten, CBO
Chief Building Inspector

Revised comment # 43
January 20 1995

#43

Nevada County Planning Commission
950 Maidu Avenue
Nevada City, CA 95959

Subject: General Plan Draft Environmental Report

Dear Sir:

Thank you for the time and the effort expended by the Commission and its consultants in the preparation of the Draft Environmental Impact Report. Since the report has been available for public review we have come to appreciate how it attempts to meld the proposed General Plan into a workable document of goals, objects, and policies for the citizens of Nevada County. We understand that, whereas the proposed General Plan expresses an overall view of the County's future, the Draft EIR attempts to mitigate the overall view to specific changes in the physical condition of the County as a result of the implementation of the proposed General Plan.

The Draft EIR mostly accomplishes its purpose. We propose here to bring to your attention areas of mitigation not addressed or not addressed adequately in the Draft EIR, especially as it relates to our community and neighborhoods on Cement Hill. This letter addresses two major concerns: the lack of sufficient ingress and egress in the event of a wildland fire in our neighborhood and the negative ramifications of development which would occur with the granting of proposed GPDs and other infill density increases for our area.

Cement Hill is a large physical and social environment made distinct from other areas of the County by its location and the historical and continuing use of its land. We are bounded by the Yuba River Canyon, the State Highway 49 corridor, and the city limits of Nevada City. On its eastern end, it abuts Nevada City with smaller residential lots and parcels. To the west, parcels become larger away from Cement Hill Road. Where the road dead ends, to the north, south, and west, parcel size and land use become more rural and agricultural. On the north and extreme west end is the Yuba River Canyon and State Parkland.

Prior to the existing General Plan, parcelization along private roads was allowed with relative ease. This has resulted in the land use pattern we have today, of fingers of residential use extending into open and agricultural lands zoned to 40 acre minimums. Cement Hill Road, a dead end, classed as a secondary collector, is the only way on or off the hill for the vast majority of its residents.

With the advent of the existing General Plan, the spread of parcelization was brought under control, resulting in the preservation of the physical conditions which attracted us to the Cement Hill area. We acquired, use, and live in our hill environ because of the land use patterns and protection afforded by the General Plan. We also live in fear of destruction by fire because of the shortcomings of the existing and proposed General Plans.

The existing General Plan rightfully necessitates a full Planning Commission review process of any further parcelization. The proposed General Plan would allow the creation of 54 new parcels on approximately 200 acres on the west end by the blanket acceptance

of GPDs and infill density increases without any significant or meaningful mitigation. The proposed General Plan would change parcels currently zoned Agricultural 40 to Rural 10, with a vague statement regarding the creation of "a primary collector road to be developed to serve the Cement Hill area", (see GPD 91-32 etc.).

No provision is made for a change in the transportation designation of Cement Hill Road. The proposed General Plan circulation map shows a new primary collector extending from the end of Cement Hill Road via a circuitous route across Bodie Ridge Road, through undeveloped land, across a steep ravine, to Cedarsong Road and eventually State Route 49. No consultation with the land owners along Cedarsong Road was ever done. No funding source is identified. In terms of GP policy 3.1 and RTP Policy 1.1 no mitigation is provided. Under the existing General Plan these proposed zoning changes and resultant parcel splits would not be allowed without a full and public review by the Planning Commission. Such a review would include open and public discussion of their singular and collective impacts, plus reasonable and appropriate mitigation of their various impacts on land use, biotic resources, visual quality, traffic and circulation, and public services including public safety. Perhaps a feathering in from 40 acre parcels to 20s to 10s would be one suggestion. We propose that the Draft EIR recognize these concerns and recommend against the inclusion of this infill in the proposed General Plan to the Board of Supervisors.

43.1

We believe the Draft EIR should additionally address and mitigate the following vis-a-vis our neighborhood:

43.2

1) re Impact #3, "conversion of farmland to urban-suburban scale". The implementation...of Policies 1.18, 16.1, and 16.4 through 16.9 would serve to reduce the impact but not to a less-than-significant level. This impact relates specifically to our neighborhood where farmlands of local importance exist. The Standards of significance should be revised to include farmlands of local significance. The Planning Commission should not recommend the inclusion of these GPDs and infill density increases in the General Plan for this reason. There is no overriding consideration which can justify this conversion.

43.3

2) re Impact #15, "direct loss of wildlife habitat and/or habitat fragmentation". Acceptance of this infill with the proposed General Plan would preclude the effectiveness of Policy 1.18 and Mitigation Measures #14 and #16. The proposed implementation of a Habitat Management Plan would be side stepped by the acceptance of the proposed infill. The Habitat Management Plan should be used to define parcelization size which is critical to deer herd impacts and other wildlife. Mitigation Measures #14, #15, and #16 will not necessarily be effective without appropriate parcel sizes to begin with. Our recommendations are to exclude the GDPs and density increases from the General Plan recommendation, otherwise significant, unmitigatable impacts will result in this impact area.

43.4

3) re Impact #16, deer habitat and movement. Acceptance of these GPDs and infill density increases before hand does not allow implementation of existing General Plan Policies and thwarts proposed Policies 1.17, 1.18,

13.1, and 13.2 plus Mitigation Measures #1, #16, and 17. Please refer to our discussion of item #2 above for further explanation.

- 4) re Impact #23, " scattered rural development on hillsides and ridge lines". It is difficult if not impossible to see how the acceptance of these GPDs and infill could be made to conform with proposed General Plan Policies 18.3, 18.6, 18.7, 18.8, 1.17, and 1.18. Revised Policy 1.18 does not include ridge line development as a concern; it should be included. In addition, for non-discretionary permits, there will be no review against the Site Development Standards and impacts can go unchecked. For example, it is difficult to believe that the Standards will be applied to all building permits. However, this should be specified in Policy 1.18 to insure mitigation. Additionally, development along the view and ridge line of the Yuba River Canyon would conflict with policy mitigations noted in impact statements #25, #26, and #28. Their concerns should be addressed in the EIR. It must be clearly demonstrated how these policies will avoid impacts or impacts must be considered unmitigated and the GPDs and infill density increases recommended for denial in the EIR. 43.5
- 5) re Impact #25, #26, #28, " river corridors and road improvements within the view shed". Again, it is difficult if not impossible to see how the acceptance of these GPDs and infill density increases could be made to conform with proposed General Plan Policies, ie. 1.17, 1.23, 3.8, 10.12, 18.3 through 18.11 plus of implementaion Mitigation Measures #26 and #27. This must be clearly demonstrated in the EIR. 43.6
- 6) re Impact #31, " State roadways operating at unacceptable levels of service". The Draft EIR does not address the adequacy of Cement Hill neighborhood roads as they currently or at buildout impact State Route 49 from the freeway to the Yuba River Bridge. This is a significant oversight and needs to be addressed in a traffic volume and level of service study as done for other areas of the County as shown in Table 4.7-4. This would demonstrate existing impacts which will be increased by the proposed density increases. Most significantly, the proposed GPDs and infill bypass every element of the second paragraph under the heading of Impact #31 on page 4.7-21. The residents to be affected by the proposed primary collector road have never been consulted as to their opinions about this great change in their physical environment. The existing residents are only interested in having an emergency access road. Through traffic is not desirable. 43.7
- 7) re Impact #32, " physical impacts on the environment and surrounding land uses". "This is considered to be a less-than-significant impact as proposed plan policies would ensure that such impacts are fully mitigated." RTP Policy 1.1 stipulates that " transportation facilities should be compatible with adjacent land uses." Acceptance of the GPDs and infill density increases reverses the spirit and intent of RTP Policy 1.1. Acceptance into the General Plan of the GPDs and infill means that 43.8

43.9

43.10

because of a vague statement regarding the creation of a primary collector road in the language of the GPDs, the road designation will determine the land use and not the other way around, as intended by the existing and proposed General Plans.

It has not been demonstrated whether or not RTP Policy 1.1 nor Circulation Policy 4.37 are implementable. It is difficult to believe that all road improvements can be made compatible with existing neighborhoods and result in less-than-significant impacts. In our case, it is clear that the introduction and imposition of an entirely new road into our rural neighborhood will result in grading, visual, tree loss, character, and compatibility impacts. These must be discussed. Alternative mitigation can be found, such as a safety-access-only road as we recommend in item #8 below.

43.11

- 8) re Impact #8, "increased demand for structural fire protection services". This is the impact that links all the others together and raises questions about the appropriateness of the GPDs, infill density increases, and the vague mitigation requirement for "a primary collector road". Acceptance of these intensifies land use, degrades biotic resources and visual quality, and increases traffic and circulation problems. The burden on public services and safety is left unmitigated. Specifically, Policies 3.2 through 3.15, and 10.1 and 10.4 are not met or mitigated. Over the last few years the Planning Commission has expressed concern about the inadequacy of public safety on and about Cement Hill. Despite dead end roads, our neighborhoods so far have escaped disaster. "As development occurs in rural areas, there is increased danger of fire spreading from homes into forest or from forest into residential areas," ie. the 49er fire, Champion Mine fire, and the Trauner fire.

There is a need for an emergency escape route off of Cement Hill. The Draft EIR does not address this issue. Mitigation Measures #1 and #16 are violated before hand if the infill is accepted with the General Plan.

In the existing General Plan, a mechanism for creating an emergency access road off Cement Hill is provided. The Planning Commission has, in open public discussion, debate and resolution, provided for an emergency road, as evidenced in Use Permit Tentative Map Approval-Chaides, PM 91-46, January 9, 1992. While this map is defective in the Commissions intent and directed routing of the emergency road, it, if corrected and accepted, would provide a measurable positive increase in public safety on Cement Hill. Regardless, the GPDs and other density increases proposed in our neighborhood are not justified given the existing road and fire safety impacts. The new escape route will help but not fully mitigate impacts. No increases in density are justified.

Cement Hill is a large and diverse community with concerns and available solutions to these concerns. The lack of discussion in the Draft EIR of the proposed General Plan policies and land use impacts on our neighborhoods must be corrected. In the cases listed above, it must be

clearly demonstrated how the General Plan policies and EIR mitigation measures will avoid impacts in our neighborhoods. We do not feel they will, and alternative mitigation measures must be explored to meet the intent of CEQA. We suggest that the corrective action is to deny additional density infill at this time.

In conclusion, we request your consideration of our concerns and suggested mitigations.

Yours Truly,

A handwritten signature in black ink, appearing to read "Timothy A. Hagan", with a horizontal line extending to the right.

Timothy A. Hagan

Greater Cement Hill Neighborhood Association

P.O. Box 783

Nevada City, CA 95959

#43A



United States
Department of
Agriculture

Forest
Service

Tahoe
National
Forest

P.O. Box 6003
Nevada City, CA 95959-6003

(916) 265-4531
TDD (916) 478-0310
FAX (916) 478-6109

Reply To: 1909.12/2300

Date: JAN 20 1995

Mr. Thomas Miller, Acting Planning Director
County of Nevada Planning Department
Eric Rood Adm. Building
Nevada City, CA 95959-8617

RECEIVED

JAN 20 1995

NEVADA COUNTY
PLANNING DEPARTMENT

Dear Mr. Miller:

After review of the Draft Environmental Impact Report for the Nevada County General Plan, my staff have identified one concern they would like your consultants to address. It is my understanding that the zoning on the north side of Interstate 80 at Castle Peak Road has changed from general forest to 50 acres of UMD and 5 acres of HC. This appears to be inconsistent with management direction in our Forest Plan for lands adjacent to this area in our Castle Management Area number 044. Discussion of this Management Area starts on page V 261 with management direction on page V 262 under III Resource Management Emphasis and IV Management Area Standards and Guidelines. Essentially this management direction calls for "enhancing dispersed recreation opportunities and maintaining the remote qualities that make the area attractive". The concern is that UMD zoning will allow for a level of development and increased use that will make it impossible for the Forest to manage for a semi-primitive motorized recreation opportunity spectrum and to maintain the remote qualities being emphasized in the management direction.

43A.1

I would appreciate it, if your staff would evaluate this situation and work with my staff to identify possible approaches to resolving this issue. You can contact our Recreation Planner, Phil Horning, at telephone number (916) 478 6210, for clarification on implications of the management direction for the Castle Management Area.

Sincerely,

JOHN H. SKINNER
Forest Supervisor

for

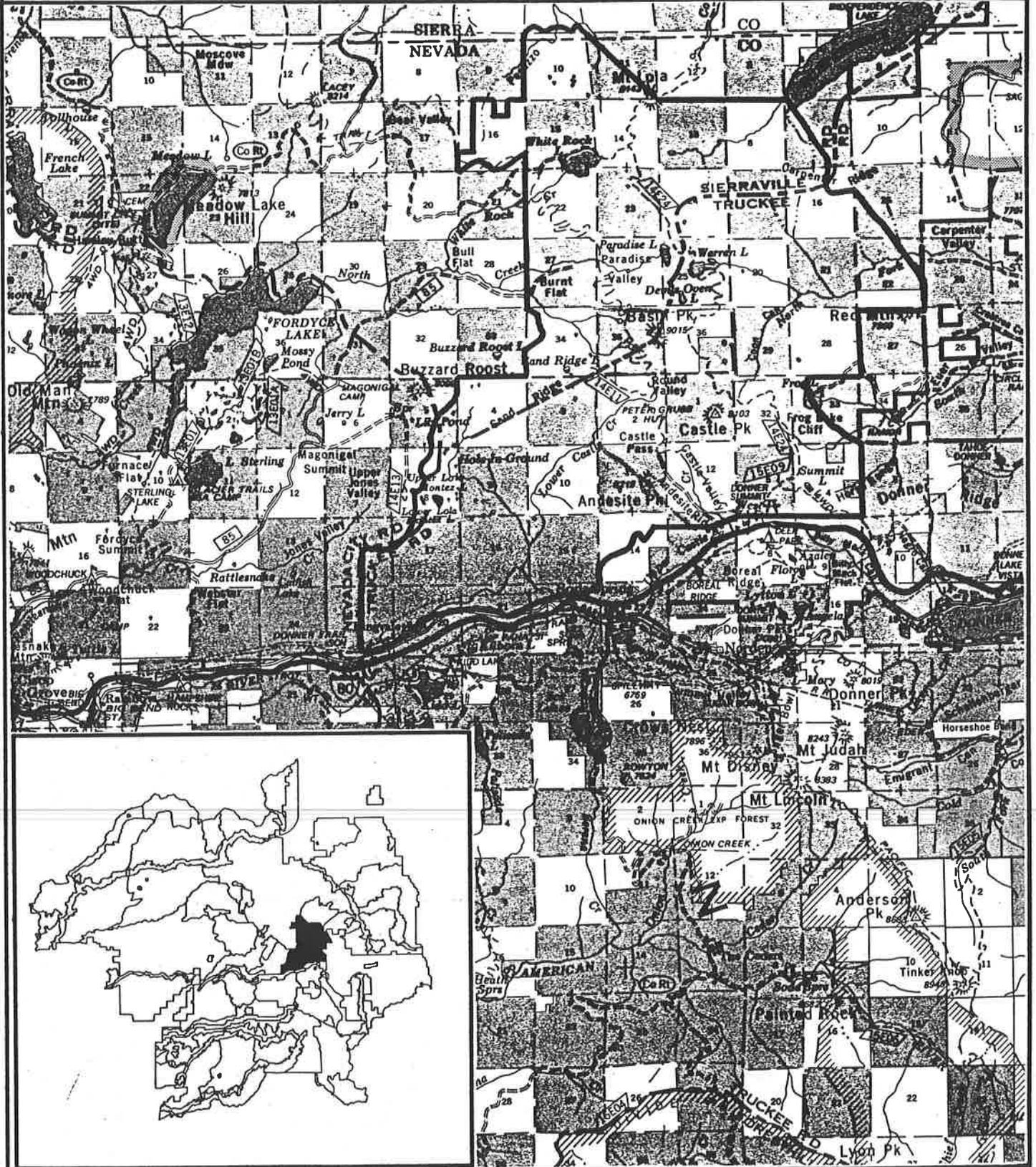
Enclosure



MANAGEMENT AREA 044

CASTLE

T18N, R14E



044 CASTLE

24,365 GROSS ACRES

10,784 NFS ACRES

I. DESCRIPTION

This management area (MA) is located along the crest of the Sierra Nevada between Castle Peak in the south and Mt. Lola in the north. The area contains portions of the Truckee and Sierraville Ranger Districts. This area of high elevations (7,500 to 9,000 feet) is steep, with rocky soils, and is covered by sparse vegetation. Stands of timber, primarily true fir, and meadows are scattered throughout. There are 1,208 acres of wetlands. There are 43 acres of unsuitable productive forest land. Castle Peak with its surroundings are among the most scenic areas in the Tahoe National Forest.

The area contains several jeep trails and logging roads but is for the most part unroaded. Access to most of the timber is difficult. A large private Company owns much of the intermingled private land within the area. Several of the private landowners have, or will soon have, roaded and harvested the timber on their properties. Several foot trails exist, including a portion of the Pacific Crest Trail, which crosses the area from Castle Pass to White Rock Creek. One shelter under special-use permit to the Sierra Club is located in Round Valley. Castle Valley is used by Pacific Southwest Forest and Range Experiment Station personnel in the winter for research relating to land management activities.

Several small lakes and perennial streams exist within the area. The stream that feeds Independence Lake at the west end in Section 8 is the only known spawning area for the lake's population of Lahontan cutthroat trout. Perazzo Canyon, which forms the northwest boundary of the area, is a candidate stream for introduction of Lahontan cutthroat trout.

The selected emphasis species are deer, rainbow, brown, brook, and Lahontan cutthroat trout, and the meadow, wetlands, and riparian groups. This MA contains habitat suitable for willow flycatchers. The northern portion of Section 10 (headwaters of Perazzo Canyon) contains an unusual diversity of botanical species. Mountain maple, ash, dogwood, hemlock, heather, and numerous unidentified succulents and wildflowers are present.

The southern portion of the area has intensive dispersed winter recreation use from both the general and commercial publics. The limiting factor for winter use is parking. Parking on the Castle Valley Road has caused congestion problems. Parking at either East or West Interstate 80 roadside rests for back country travel is illegal. Boreal Ridge ski area has an agreement with the California Snow Park program to provide parking along the frontage road south of the Interstate. All parking is outside this management area. The entire area also is used by recreationists during the summer months.

This area includes a portion of the inactive White Rock Sheep Allotment. It also contains the Summit and a portion of the Rattlesnake Grazing Allotment. There are some eroded areas in the northern portion of this area.

II. SUMMARY OF ISSUES, CONCERNS, AND OPPORTUNITIES

Conflicts between motorized and non-motorized recreation users have occurred within the area, both summer and winter. The motorized publics have requested additional routes into the area, particularly from the south. Thus far, the development of routes has been constrained by the lack of rights-of-way across private parcels and by difficult terrain. No over-the-snow travel routes have been established through Castle Valley, resulting in that portion being closed since 1981.

Summer motorized use has also resulted in watershed resource damage, especially in the White Rock area. Several individuals and groups want to maintain the roadless character of the area and want the Forest Service to acquire the private land in the area.

Visual quality is a critical resource management concern within this management area. This concern focuses on lands seen as middleground from Interstate 80. This highway is included in the Master Plan of State Highways Eligible for Official Scenic Highway Designation and thus requires special consideration to preserve the character of its scenic backdrop.

There is a concern over the spawning area for Lahontan cutthroat trout and an opportunity for introduction of this species into Perazzo Creek. Protection of willow flycatcher habitat is a management concern.

An opportunity exists to reopen the White Rock Grazing Allotment (possibly for use of both cattle and sheep).

There is an opportunity to evaluate the unusual diversity of botanical species in the northern portion of Section 10.

There is an opportunity to resolve the long-standing winter parking issue by acquiring land near I-80 and developing a parking facility. There is an opportunity to develop a cross-country ski trails system in conjunction with private property developments.

III. RESOURCE MANAGEMENT EMPHASIS

Retain and improve, where possible, the willow flycatcher habitat.

The resource management emphasis is to enhance dispersed recreation opportunities and maintain the remote qualities that make the area attractive. Continue efforts to separate motorized and non-motorized recreation users by implementing the designated route concept. Close the Castle Valley part of the MA to over-the-snow vehicle use. Manage timber primarily through special cutting practices to maintain the health and vigor of the timber stands and to enhance other resource values, i.e., range and wildlife. This will result in a nearly natural-appearing landscape with few user conflicts. Rehabilitate eroded areas.

Maintain the scenic quality of views from I-80.

Permit development of cross-country ski-training facilities in conjunction with development on adjacent private lands. Continue to work with the State and private sector to develop a public parking solution for winter sports.

Retain National Forest System lands in this area and acquire private lands as they become available. Consider land ownership adjustment with adjacent or other owners. Secure rights-of-way across private land as needed.

IV. MANAGEMENT AREA STANDARDS AND GUIDELINES 1/

- A. Recreation Opportunity Spectrum - Semi-primitive motorized.
- B. Visual Quality Objective - Retention for the foreground and middleground as viewed from Interstate 80, Castle Valley, Round Valley, all trails, and other concentrated use areas. Partial retention in any remaining background area.
- C. Transportation Management Policy - Forestwide Standards and Guidelines apply to open portions.
- D. Off-Highway Vehicle Restrictions - The Pacific Crest Trail is closed. Designated routes only, summer. Open over-the-snow, except in the Castle Valley and Round Valley areas, where travel will be restricted to designated routes only.
- E. Forestwide Standards and Guidelines - All apply.

V. AVAILABLE MANAGEMENT PRACTICES 2/

- A1 Nordic Cross-Country Skiing
- A4 Open OHV
- A5 Restricted OHV
- A8 Developed Recreation & Interpretive Service Sites Management, Public Sector
- A9 Recreation Management (Private & Other Public Sector)
- A11 Recreation or IS Site Construction or Rehabilitation
- A13 Development or Rehabilitation of Private & Other Public Recreation Facilities

- C1 Stream Fisheries - Nonstructural Improvement and Maintenance
- C2 Stream Fisheries - Structural Improvement and Maintenance
- C3 Lake Fisheries - Nonstructural Improvement and Maintenance
- C4 Lake Fisheries - Structural Improvement and Maintenance
- C5 Early Succession Vegetation Management
- C6 Midsuccession Vegetation Management
- C7 Late Seral Stage Vegetation Management
- C8 Structural Habitat Improvement and Maintenance

- D2 Range Management - Permanent Range Type (Extensive Management)
- D5 Range Management - Transitory Range Type (Extensive Management)
- D7 Range Improvement - Nonstructural (Permanent and Transitory)
- D8 Range Improvement - Structural (Permanent and Transitory)

- E2 Seed Step Cutting Method
- E3 Overstory Removal Cutting Method
- E4 Intermediate Cutting - Existing Stands
- E5 Commercial Thinning - Regenerated Stands
- E6 Seed Tree Cutting Method

- E7 Special Cutting
- E9 Special Cutting - Urban/Rural/Wildland Interface
- E10 Artificial Stand Reestablishment
- E11 Natural Stand Reestablishment
- E13 Release and Weeding
- E14 Precommercial Thinning

- F1 Water Resource Improvement
- F4 Soils Resource Improvement

- G1 Minerals Management - Locatables
- G3 Minerals Management - Leasables

- J1 Land Adjustments - Retain and Acquire

- L1 Timber Access Road Development - Road Construction/Reconstruction
- L3 Trail Construction/Reconstruction - Foot Traffic Only
- L4 Trail Construction/Reconstruction - Foot & Equestrian Traffic Only
- L5 Trail Construction/Reconstruction - Foot, Equestrian, and Trail bike.
- L6 Trail Construction/Reconstruction - Special Requirements
- L8 Transportation Management, Roads - Open
- L9 Transportation Management, Roads - Regulated Use
- L10 Transportation Management, Roads - Closed
- L11 Transportation Management, Roads - Obliterated
- L12 Transportation Management, Trails - Open
- L13 Transportation Management, Trails - Restricted Use
- L14 Pacific Crest National Scenic Trail Management

- P2 Fire Protection - High Country Non-Continuous Fuels

VI. PROPOSED RESOLUTION OF ISSUES AND CONCERNS

Reduce watershed resource damage by confining summer OHV use to designated routes. Revegetate and stabilize problem areas.

Minimize Nordic ski/snowmobiling conflicts by restricting Castle Valley and Round Valley to designated routes only. Seek land ownership adjustments that will enhance dispersed recreation by acquiring key parcels.

Identify and retain all willow flycatcher habitat.

The VQO's established ensure that the scenic quality of the I-80 corridor is maintained.

Address specific issues of providing for non-commercial Nordic cross-country ski opportunities in site-specific, project-level environmental analyses.

VII. SPECIFIC MONITORING AND EVALUATION

Monitor the effects of range use on water and soil resources in sensitive areas. Monitor recreation user groups' reactions to reopening of White Rock Grazing Allotment. Monitor recreation use and resultant impacts throughout the MA. Monitor the Lahontan cutthroat trout spawning in Section 8, and evaluate the potential for introduction of this species in Perazzo Canyon.

Monitor willow flycatchers to determine population trends.

Evaluate unusual botanical area in northern portion of Section 10.

1/
2/

Refer to Resource Support Element Maps and Forestwide Standards and Guidelines.
Refer to complete Descriptions of Management Practices in Chapter V.

January 18, 1995

Board of Directors

Chairman
Maskey Heath
Superior Propane

Ty Short
Retired

Mark Smith
Vector Engineering

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Robinson Enterprises

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Borgnis Enterprises

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Todd Juvinall Enterprises
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Secretary-Treasurer
Lindy Amo

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10 Minute Oil&Lube

Linda Shane
Shamrock Land, Inc.

Ross Guenther
Emperor Gold

Margaret Urke
Assistant Director

Nevada County Planning Commission
950 Maidu Avenue
Nevada City, CA 95959

CABPRO Response to Comments
DEIR, Nevada County General Plan Update

RECEIVED

JAN 20 1995

NEVADA COUNTY
PLANNING DEPARTMENT

The following constitutes **CABPRO's** comments and recommendations on the EIR of the Nevada County General Plan. The process is now in its fifth year and **CABPRO** wishes to assist the Commissioners in the finalization of the Plan. We represent over 2800 working families, all of whom have a great stake in the documents before you. We urge the Commissioners to carefully review the contents of the EIR since each word has profound impacts if not interpreted correctly. Please review the last five pages, in particular.

CABPRO supports an EIR that correctly reflects reality. The DEIR lacks in a number of areas and we have decided that the most efficient method of analysis is to list each mitigation measure with discussion and recommendations following.

The Planning Commission and Board of Supervisors voted on a very workable document in 1993 and 1994. The Plan reflected the wishes of the full Steering Committee, public and others involved with the process. The election of November 1994 was a mandate for completion of the Plan as reflected in the pre-primary format. Unfortunately for Nevada County citizens, the DEIR is not reflective of the mandated impartiality demanded by CEQA. It is not clear whether the DEIR identifies the Board or Planning Commission versions of the General Plan as the "proposed plan". Careful reading reveals that most of the recommendations come from only a few Notice of Preparation (NOP) documents, disregarding all the other input from elected officials or the public. This is a giant travesty which should be rectified in the deliberations of the Commission.

2800

"Serving over 1500 Families"

Board of Directors

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Assistant Director

44.1

CEQA Guidelines Section 15146(a) states "An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy". Under discussion following Section 15146, CEQA authors state, "Some activities such as the adoption of local general plans may deal with issues on a level of broad generalities". This Section means just what it says.

The DEIR will be broad and general because specificity on such a huge scale would be impossible. The DEIR should suggest mitigations to environmental concerns which then allow the decision makers to be flexible in their approach to these mitigations. The DEIR does not do this. Most mitigations are to specific and mandate specific actions which tie the hands of present and future decision makers. There are many mitigations which do little other than add to the many hoops private property owners must go through to realize the use of their land and property. The status quo, or perhaps even a backward slide to the past is reflected in many of the mitigations. A Plan is supposed to look to the future. This DEIR mandates an embrace of the distant past. Though the past may be romantic and preferable to many, it is not realistic.

CEQA Guidelines Section 15151 states; "An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the **environmental effects of a proposed project need not be exhaustive**, but the sufficiency of an EIR is to be reviewed in the light of **what is reasonably feasible**.

Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure".

Board of Directors

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Assistant Director

CEQA Guidelines Section 21083(c) states in part; ...“The Criteria shall require a finding that a project may have a “significant effect on the environment” if any of the following conditions exist; (c) **The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly”.**

CEQA Guidelines Section 15003(e) states; “The EIR process will enable the public to determine the environmental and economic values of their elected and appointed officials thus allowing for appropriate action come election day should the majority of the voters disagree. (*People v. County of Kern, 39 Cal. App. 3d 830*)

CABPRO believes this policy statement to be reality in Nevada County. The people spoke on November 8, 1994.

CEQA Section 15088

Evaluation of response to comments.

(a) The Lead Agency shall evaluate comments on environmental issues received from persons who received the draft EIR and shall prepare a written response. The Lead Agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.

(b) The written response shall describe the disposition of significant environmental issues raised (e. g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency’s position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.

(c) The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, the Lead Agency should either:

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- (1) Revise the text in the body of the EIR, or
- (2) Include marginal notes showing that the information is revised in the response to comments.

CEQA Section 15091

Findings.

(a) No public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the funding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR

(b) The findings required by subsection (a) shall be supported by substantial evidence in the record.

(c) The finding in subsection (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives.

CEQA Section 15093

Overriding Considerations.

(a) CEQA requires the decision-maker to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

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(b) Where the decision of the public agency allows the occurrence of significant effects which are identified in the final EIR but are not at least substantially mitigated, the agency shall state information in the record. This statement may be necessary if the agency also makes a finding under Section 15091(a)(2) or (a)(3).

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the Notice of Determination.

As CEQA states, perfection is not mandated in the review of this document. Changes to each mitigation are allowed. The Commission can add, or delete mitigations as long as findings are made.

Mitigation Number One Page 4.1-21

1. *Replace proposed General Plan policies 1.17 and 1.18 in their entirety as follows, in order to provide for: a program for preparing adequate development standards; implementing these standards via the use of appropriate land use, siting, and design tools (including mandatory clustering): and determination of project approval.*

Policy 1.17 - The County shall prepare and adopt Comprehensive Site Development Standards. The standards shall be used during the "project site review process" to provide a consistent approach for addressing: the presence of sensitive environmental features and/or natural constraints; clustering and provision of open space as part of site development; the potential for land use conflicts between uses; and the potential for public health hazards.

The County shall prepare and adopt specific Comprehensive Site Development Standards which shall be applicable to all development projects in Community Regions and Rural Regions and protective of the County's unique character, providing guidance for:

- a. Protection of environmentally sensitive resources;*
- b. Provision of open space as part of site development;*
- c. Prevention and elimination of fire hazards;*
- d. Maintenance and enhancement of vegetation and landscaping;*
- e. Prevention and elimination of flood hazards;*
- f. Transitions between uses and multiple-use site development;*
- g. Community design;*
- h. Buffering and screening to mitigate adverse effects; and*

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i. Incentives to provide for access to public resources and open space values; and
j. Protection of important agricultural mineral and timber resources.
The standards shall identify the basic requirements for site development in the County, including, at a minimum, standards to mitigate the impact of development on environmentally sensitive resources as defined in the following criteria:

- Wetlands (as delineated in the National Wetlands Inventory (NWI));
- Important deer habitats, as defined by Fish and Game's Migratory Deer Range Maps;
- Landmark oaks, defined as any oak 35+ at dbh;
- Landmark groves, defined as areas with 10+% canopy closure based on CDF's Hardwoods Map;
- Rare and endangered species, as found in NDDDB and Inventory of Rare and Endangered Vascular Plants of California, 1994;
- Riparian corridors within 100 feet of intermittent or perennial water courses, as shown on USGS quad maps;
- Significant cultural resources, as defined by Appendix K of CEQA;
- Floodplains, as defined by FEMA, precluding development and land disturbance within floodways and restricting development within the floodway fringe, through the establishment of floodplain setbacks and associated development regulations;
- Important timberlands, as defined by Site Class 1 through 4, or a moderately high to very high site index (85+) using soils survey maps;
- Important agricultural lands, as defined by State Important Farmland map;
- Significant mineral areas, defined by State DM&G's MRZ-2 classification maps;
- Earthquake faults, as defined by State Fault Map of California, 1975, or as determined by the State DB&G;
- Avalanche hazard, as defined by Avalanche Hazard Study;
- Steep slopes (30+%);
- Areas with high erosion potential, as delineated in Figure 3.3 of Nevada County Master Environmental Inventory.

Where such resources are present, the standards shall require the professional field inventory and review shall be undertaken to delineate the extend of the resource and determine the impact of the proposed development:

- Identification of building envelopes;
- Conservation easements/deed restrictions;
- Use of common vs. individual driveways;
- Specification of location and type of fencing;
- Identification of setbacks and/or buffers;
- Development restrictions;
- Use of Transfer of Development Rights; and
- Offsite mitigation/mitigation banking.

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The County shall approve a project for a discretionary permit only if it can be demonstrated that the project as designed and sited meets the intent of the SDS performance criteria.

Policy 1.18 - Clustering of development is an effective and direct means to provide for the maintenance of the rural quality of life and protection of environmental resources which are important to Nevada County. Therefore, clustering of all land divisions shall be required within the Estate, Rural, and Forest General Plan land use designations in order maintain the open, pastoral character of development which gives definition to the Rural Regions, and to protect environmental features by preserving areas contain.

In all other residential use designations (including Residential, Urban Single-Family, Urban Medium Density, and Urban High Density), clustering of development shall be strongly encouraged to maintain viable open space onsite to contribute to open space linkages through and between land use areas. In addition, clustering in these land use designations shall be mandatory for all discretionary projects where environmentally sensitive resources, as defined in Policy 1.17, are present.

Clustering may be achieved by building site clustering with creation of permanent open space: restriction of buildable area on individual lots; or other means which are consistent with the protection of the natural resources and environmental characteristics on the site.

No specific amount or ratio of open space shall be required; however, the amount of open space shall not be less than the amount of land area on the site subject to significant environmental features, as defined in Policy 1.17. Where the entire site is affected by significant environmental features, clustered development shall occur on the least sensitive habitat or resource area, as defined by an environmental analysis. Within such defined areas, maximum subdivision parcel size shall be limited to that needed to meet water and sewage disposal standards, as determined by the Department of Environmental Health.

Open Space created through clustering shall be assured of permanent maintenance as open space by mechanisms such as, but not limited to, dedication, permanent easement, irrevocable trust, deed restrictions, or other mechanism assuring its permanent status.

The allowable number of dwelling units for any clustered development shall not exceed the number of units determined by dividing the total acreage of a parcel by the maximum permitted density specified in Policy 1.22 for the land use designation in which the parcel is located.

1. Replacement of General Plan policies 1.17 and 1.18 in their entirety makes no sense. Both of those policies set out the guidelines for

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adopting **flexible** development standards and clustering **options**. The existing proposed language clearly deals with those two concepts in a manner that everyone can understand and support.

2. The DEIR seeks to specify items which are better handled in follow-up ordinances. This direction was clear through all of the public hearings of 1993-94. The public should have input into each specific concept during the fine tuning and enactment process of ordinance hearings. Additionally, most if not all of the items listed by the consultant as items in CSDS's are required in a mandated **Initial Study in CEQA**.

However, if the Commissioners wish to leave the DEIR author's rewrite in place, **CABPRO** recommends the following changes to better reflect the direction given in past meetings and hearings.

Policy 1.17

1. First line remove "and adopt" and insert "**flexible**".
2. Second line partially reword as follows; "These standards will be applicable to all development projects to provide a consistent approach for addressing....."
3. Second Paragraph, first line replace specific with "**flexible**".
4. Fourth Paragraph starting with ...The standards shall identify...change the last line to read....development on environmentally sensitive resources **such as**: *Each of the subsequent listed items starting with Wetlands needs to be modified or removed*. The additional description and/or caveat to describe the resource should be deleted. Times change and so do laws. With the removal of the descriptors, the County will not be locked into items which may become outmoded soon after approval of the Plan.
5. Remove the paragraph and its bulleted descriptors starting with "**Where such resources are present**". It is not necessary to create another costly hoop for a property owner when these items are already mandated by CEQA in the initial study.
6. The last paragraph of proposed Policy 1.17 should be modified by removing the word "**only**" after discretionary permit.

Policy 1.18

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(Please read policy 13.1 in the proposed General Plan because the consultant left out the full meaning of clustering as defined in the policy)

1. Third line of first paragraph; remove "shall be required" and replace with "**are encouraged**".
2. Replace "in order to maintain" in the fourth line to, **in order to encourage** the maintenance of the open, pastoral character....
3. Second paragraph, line five change "shall be mandatory" to "**is encouraged**". Flexibility needs to be maintained by the property owners. There will be many instances where clustering is not sensible or needed. The policy as written leaves no discretion to the decision makers to modify a project where clustering does not work.
4. Fourth Paragraph, sixth line, "maximum" should be **minimum**.
5. Fifth paragraph in its entirety should be deleted. This paragraph is verbatim to the one contained in the proposed General Plan and should be studied carefully by the Commissioners. Open Space is very desirable and CABPRO supports the ideal of Open Space. However, in light of the Tigar v Dolan case, it would appear that the County would become liable for the purchase, ownership and maintenance of Open Space if it is for a public purpose. Open Space requirements are common in existing County ordinances. There could also be other uses for Open Space which this provision would disallow (such as agriculture). Perhaps a generic statement about the desirability of Open Space could be made, with follow-up legal input on the Supreme Court decision given at a later time.
6. The last paragraph of Policy 1.18 fails to provide for a density bonus as detailed in other sections of the General Plan and as mandated by State law. This should be added as an incentive.

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It is important to note and CABPRO strongly recommends, that until the CSDS and the other issues with Policies 1.17 and 1.18 are codified, that the County follow existing laws, ordinances and policies. The reason is that everything would come to a grinding halt if every property owner had to wait until the new implementation measures are codified.

As we have waited five years now on the General Plan, the specter of another two to four years of waiting for ordinances to be in place would destroy what is left of the rights of property owners (as well as the tax base for the County).

Mitigation Number Two Page 4.1-26

2. *The following policy should be added to the Open Space Element of the proposed General Plan.*

The County shall consider forming an Open Space District to acquire and manage open space lands. Such a District would be able to acquire open space through dedication, or voluntary purchase from willing sellers of property of easements; the use of eminent domain would not be allowed.

The District would be able to acquire land or other real property interests which could focus on lands which contain unique, valuable or sensitive resources reflecting environmental or biological sensitivity; scenic landscape units; community separators; historic, cultural, and archaeological content; and low intensity recreational potential.

The County may also consider formation of an Open Space Authority under applicable State legislation to finance the acquisition of open space in the County through a transaction and use tax over a 20 year period; the Authority would enter into an agreement with the District for use of the funds generated by the tax in accordance with an expenditure plan adopted by the Authority.

1. An Open Space District is an interesting concept. However, over 30% of Nevada County is owned by public agencies which are not developable. This represents over 200,000 acres of our county. Existing ordinances as well as the policies in the General Plan in the Open Space Element (Chapter 6) are strong statements about Open

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Space. If the County achieved full buildout, the amount of acreage per capita would still be about 4.27 acres. With existing rules on lot coverage, it seems unlikely that Open Space will be an endangered species. It also seems unlikely that the taxpayers will be keen on another entity that will be charging them money. Without a funding mechanism, mitigation such as this is meaningless and has no bearing on the effectiveness of the DEIR itself. **Therefore this provision could be removed without damaging the intent of the environmental protections it purports to conserve.**

44.5

Mitigation Number Three Page 4.2-19

3. *Revise policy 10.13 as follows:*

As part of the project site review process, require significant soils and geologic investigations to identify and evaluate the various geologic and seismic hazards that may exist for all proposed development including subdivisions. Such investigations shall be required within an area determined to be seismically active by the State.

Division of Mines and Geology or within an area having potential geologic hazards, including slope instability and excessive erosion.

1. How does this measure equate to the density? Is the height of a structure the issue? UBC covers seismic issues very thoroughly so perhaps this mitigation measure regarding density is superfluous.

44.6

Mitigation Number Four Page 4.2-24

4. *Add the following policy to Chapter 17 of the proposed General Plan.*

The County shall zone lands identified as MRZ-2 areas in the "ME" Mineral Extraction Combining District as a means to provide for the public awareness of the potential for surface mining to occur where it has been established that important minerals are present. The "ME" District shall be used only on those lands which are within a compatible general Plan designation and which are not residentially zoned.

1. The County went through years of hearings and public testimony before adopting the Mineral Management Element. The people even voted on the issue and supported the ordinances as written. It would seem the issue of rezoning all MRZ-2 lands as "ME" could be

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44.7 counterproductive. Since a sub-surface mining operation could be feasible in an incompatible zone (Policy 24), it would stand to reason that an "ME" zoning could prohibit that kind of appurtenance to a mine. Presently, subsurface mining is conditionally permitted throughout the county regardless of General Plan designation (Policy 23). With the proposed mitigation number four only allowing mining in "ME" zones, much of the subsurface minerals will be lost. **This mitigation measure should be deleted.**

Mitigation Number Five Page 4.3-12

5. Add the following policies to the Water Element of the proposed General Plan.

- Approve only those grading applications and development proposals that are adequately protected from flood hazards and which do not add flood damage potential. This may include the requirement for foundation design which minimizes displacement of flood waters, as well as other mitigation measures.
- Require new utilities, critical facilities and non-essential public structures to be located outside the 100-year flood plain unless such facilities are necessary to serve existing uses, there is not other feasible location, and construction of these structures will not increase hazards to life or property within or adjacent to the flood plain or coastal inundation areas.
- When constructed within a floodplain, require elevation of the habitable portions of residential structures to be above the 100-year flood level. Require flood-proofing or elevation of non-residential structures. Require that foundations do not cause floodwater displacement except where necessary for flood-proofing.

44.8 1. Presently, building in floodplains is heavily regulated. The FEMA maps for Nevada County have identified areas in Nevada County where floodplains exist (though in many cases not very accurately). The CFS's in those floodplains don't generally generate the types of flooding we have seen in the Midwest, for example. Existing policies in the proposed General Plan adequately protect life and limb from the types of hazards pointed out in the DEIR mitigation. UBC also covers the concerns expressed in the foundation of structures. The present grading ordinance also covers the issue of fill within the floodplain and is based on science.

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The second paragraph discusses utility placement. Are we talking about above ground or subsurface or both? How can a utility exist if they can't cross a flood plain? There is no science CABPRO can find that would support a prohibition as suggested in the DEIR. Also, the word "coastal" is in the last line. Does this "coast" mean anything to Nevada County? If not, it should be removed.

44.9

- 2. Third paragraph issues are, CABPRO believes, covered in the UBC for building in floodplains. Therefore this is a duplicative mitigation.

44.10

Mitigation Number Six Page 4.3-15

- 6. *For all discretionary development, the County shall require full onsite retention/detention of stormwater flow so that the rate of runoff from the developed site is not greater than that from the site prior to development.*

- 1. Though a worthy goal, how is it possible to retain or detain 100% of the runoff? If a retention pond is created, wouldn't this become a wetlands at a later date, especially if rushes or other hydroponics plants started growing? Is the facility to be sized for a 25, 50, 100 year, or greater storm? What if the downstream drainage facilities or channels are sized properly for a storm event? Would the requirement be mandatory in that case? Since impervious surfaces, specifically roads, are recommended in the DEIR to be paved to reduce dust, how does that interact with this mitigation?

44.11

Mitigation Number Seven Page 4.3-15

- 7. *The County shall strongly encourage the formation of independent or dependent entities (Community Service Area, County Service Area, special district or equivalent entities) for the purpose of maintaining drainage facilities to handle stormwater runoff.*

- 1. There is a lack of studies regarding the need for drainage facilities in Nevada County. The City of Grass Valley has the Wolf Creek Drainage Study which was used to set mitigation fees in the Glenbrook Basin. Since the State law mandates AB1600 studies before a fee can be set, it would seem the issue of drainage studies must be solved first. There must be a problem with drainage identified before any prudent

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elected official would proceed on this issue. The DEIR fails to identify any known problem areas of the county which would require a study. FEMA maps identify (somewhat inaccurately) the areas prone to high water and their respective floodplains. Were the measurements and water flows utilized by the consultant? It needs to be further quantified.

Mitigation Number Eight Page 4.3-15

8. *For all discretionary projects, the County shall require that maintenance of all onsite drainage facilities and all offsite facilities constructed as part of the project is assured through a permanent, legally-enforceable mechanism.*

1. CABPRO agrees that maintenance of drainage facilities is very important. However, if facilities are located offsite and are of a public importance and/or ownership, then the public becomes responsible for the long term maintenance and costs. It would seem unjust for a single property owner to assume the burden of improvements and maintenance in perpetuity, of publicly owned infrastructure. Onsite should be maintained by the property owner at his expense. A permanent, legally enforceable mechanism for the onsite maintenance would be accomplished through the CUP mitigations and requirements. Please review GP Policy 10.12.

44.13

Mitigation Number Nine Page 4.3-16

9. *New development shall minimize the discharge of pollutants into surface water drainages by providing the following improvements or similar methods which provide equal or greater runoff control: (a) include curbs and gutters on arterials, collectors, and locals consistent with adopted urban street designs; and (b) oil, grease, and silt traps for parking lots, land divisions, or commercial and industrial development.*

44.14

1. The rural ambiance may be negatively impacted if curbs and gutters are made mandatory. Perhaps the author of the DEIR should review the road design and construction standards used by Nevada County. Within those requirements and guidelines are items which already cover the concern in this mitigation.

Mitigation Number 10 Page 4.3-18

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10. *In order to determine the potential long-term effects of the continued use of septic tank/leachfield systems on groundwater quality, a survey of existing system conditions and failures within the County should be undertaken to supplement the limited existing information. Based upon the documentation of existing failures and problems resulting from the study, this proposed survey should recommend specific courses of action to take to mitigate groundwater impacts. Such actions may include more stringent requirements for new development, using septic systems, protections of aquifer recharge areas, and new requirements regarding protection of wells. The survey should include consideration of the variables listed in Table 4.3-2. This table presents an outline of study components and variables as identified in the Public and Private Sewerage Systems Report (HBA, 1992), which should be considered in developing a scope for such a survey.*

1. CABPRO has no problem with another study being undertaken on septic tank failures. Sanitation is of a paramount concern to all residents. We are not convinced however, that the concerns raised by the consultant as to the suggested approach are necessarily valid. Environmental Health assures the viability of septic designs, along with tests to determine the soils, percolation rates and proper setbacks. This mitigation doe not necessarily cover any new ground and, other than costing additional taxes or fees, may not be purposeful. **44.15**

Mitigation Number 11 Page 4.3-18

11. *Prohibit installation of septic tanks or leachfields within 100 feet of all natural waterways including perennial or intermittent streams, seasonal water channels, and natural bodies of standing water. An exception may be made for the repair of existing systems if the 100 foot setback cannot be maintained, and adequate provisions are made for quality protection.*

1. There is no proven science that says a 100 foot setback is any better than another number. The use of the word "prohibition" is a very strong term and should not be used lightly. Please give the science utilized which supports your requested prohibition. The policies sited (11.2, 11.4, 11.5, 11.6, 3.1, and 3.5) in the present General Plan cover the concerns raised in the DEIR mitigation measure. The list of the types of water courses, especially intermittent streams and seasonal **44.16**

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water channels, adds lands that are unnecessary. Since Nevada County is a hilly county and contains many parcels which are oddly shaped or smaller than the underlying zoning allows, this would, in effect, disallow the use of thousands of acres of private property.

- Existing septic systems are, in many cases, sub-standard. To repair them may not be viable. Therefore, new technology should be allowed in the replacement of these systems. This also begs the question, what is the difference between an existing system needing repair and new systems installed regarding the setbacks as suggested in the mitigation measure?. This is a further indication that there is no good science to back up the use of a prohibition in mitigation number 11.

Mitigation Number 12 Page 4.3-18 and 19

- Prohibit the location of septic systems and leachfields within the 100-year flood plain. Allow the placement of fill within the 100-year flood plain in the minimum amount necessary not to exceed 50 cubic yards and only as part of a permitted development and only if it can be demonstrated that the fill will not have adverse impacts on- or off-site.*

- Current science says that some types of septic system installations can work in areas such as floodplains. Mound systems come to mind. If it can be proven that a system will work, then the word "prohibit" should be removed.
- The amount of fill within a floodplain needs to be determined by science. Since the definition fails to recognize that benefits to the general public, as well as a specific parcel, could be derived from fill in a floodplain, it is overreaching to prohibit. The County ordinances already deal with fill in floodplains. These have proven to work quite well over the years. To be permitted to place fill should not have to be tied to a "project" as the mitigation states. This has no benefit to environmental protection, but only forces the placement of fill at other locations that would not be part of a project. This takes away many constructive uses of fill and overlooks the benefits of proper placement to the general public in some cases.

Mitigation Number 13 is Missing

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Mitigation Number 14 Page 4.4-23

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14. *The following policies should be added to the Wildlife and Vegetation Element of the proposed General Plan.*

- *No net loss of habitat functions or values shall be caused by development where significant environmental features or significant habitat, as defined in Policy I.18, are identified during the review of proposed projects. No net loss shall be achieved through avoidance of the resource, or through creation or restoration of habitat of superior or comparable quality, in accordance with guidelines of the U.S. Fish and Wildlife Service and the California Department of Fish and Game.*
- *Habitat that is required to be protected, restored, or created as mitigation for a project's impacts shall be monitored and maintained in accord with a County-approved Habitat Management Plan.*
- *The land use designations and associated acreage's identified on the proposed General Plan land use maps for Special Development Areas should be modified as necessary at the Specific Plan stage to protect sensitive natural communities and other important biotic resources*
- *The County shall prepare and implement a Habitat Management Plan for the western portion of the County. This plan shall include result in a descriptive and mapped inventory of habitat types and associated characteristic plant and wildlife species. This plan shall also describe special status species known to occur within the County or typically associated with habitats found in the County. This information shall be used as the basis for developing and adopting a program for the management of habitat and associated species in the western portion of the County. This program shall include but not be limited to recommendations related to site development standards, habitat protection/restoration programs, and General Plan land use map changes. General Plan land use map changes could include the identification of favorable sites for future ecological services. The County should redesignate the ecological reserve areas as Open Space/Resource Conservation on the land use map. Identified areas suitable as reserves could serve as the possible "mitigation banking" sites where future development projects could contribute to the purchase and maintenance of selected reserves through contribution to a conservation impact fee.*
- *The County shall investigate establishing interagency agreements with adjoining counties where new developments could impact significant natural resource areas shared by adjoining counties. The agreements shall require notification of development projects within one mile of the County's borders and provide for review and comment by affected counties.*

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44.18

44.19

44.20

44.21

1. In all of our research, CABPRO has been unable to locate the science to justify this complicated and wordy mitigation measure. Please define habitat so that CABPRO can have a better understanding of the concept. Does the concept involve humans as part of a habitat, as well as every other plant and creature? This mitigation seems to be an unrealistic, utopian vision, which cannot work in the real world. The State Department of Fish and Game, and the myriad of Federal and State studies, (ongoing at this time) are inventorying the national biodiversity. It would seem as though this measure is duplicative and not needed. The General Plan and a bulk of the mitigations in the DEIR spend a lot of time discussing avoidance of significant sensitive habitat. Please point out the justification and location for creation or restoration of alternative habitat areas. Please supply some real world private sector examples of this concept of Habitat Management Plans, (not government run).
2. The Second Paragraph discusses monitoring and maintenance of the habitat through the HMP. If the habitat was a single tree that had to be removed in a project, would the HMP require perpetual monitoring and maintenance of a tree planted somewhere else?
3. The third paragraph is covered in the SDA policies of the General Plan and is therefore superfluous and should be removed.
4. The fourth paragraph states that the County shall prepare an HMP. This work is being done by the State and Federal governments. The county initiating and paying for something already being done with different taxpayers dollars makes no sense. Since the county has over 200,000 acres of government lands which are undevelopable, it would seem that habitats are, for the most part, protected.
5. The fourth paragraph discusses "mitigation banking". This is a unique concept and may have some merit. Unfortunately, the lands, which may be part of these banks, are private property. How would the county deal with the value of these private lands since Tigar v Dolan has placed limitations on public takings? How could the tax implications and property tax issues be resolved? Please supply existing examples of this concept.
6. The fourth paragraph discusses a "conservation impact fee". Since all fees must be justified through the AB1600 process, how would this be accomplished? Values would have to be placed on the habitats and

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then the cost spread over how many people? What is the basis in science for a conservation impact fee? Do you have examples of the practical use of these fees? Please supply them.

- 7. Last paragraph. While contact and working agreements may be desirable with adjoining counties, it would seem difficult for Nevada County to force them to participate. This is not a realistic mitigation. Change the wording to "work with" or something similar. 44.22
- 8. This mitigation measure is apparently based on the desire to see no more parcelization of the county. In the consultants DEIR analysis on page 4.4-24, first and second paragraphs, it is stated, "Development patterns resulting in parcels less than 20 acres in size are assumed to generally result in lower habitat acres. However, it should be noted that there is a lack of research available which specifically defines the minimum habitat land area necessary to maintain habitat value". This is amazing! 44.23

Environmental research is not lacking in this area. The State Department of Fish and Game Draft Environmental Document regarding Deer Hunting, dated February 11, 1994 is a good source for information regarding habitat, especially for deer and their habits.

On page 121 under the heading *PRESETTLEMENT DEER POPULATIONS* the EIR states, "Prior to settlement by European man (before the 1700's), deer in California appear to have been less abundant than in modern times because of the lack of large scale habitat disturbance (figure 3-3)". The EIR then delves into the studies of habitat changes and many other facts and figures to back up their claim. All this since European man has come to California and the population has increased 10,000 percent!

There are currently estimated to be 705,000 deer in California. The EIR states, "The current deer population trend is lower than it was from 1950 through the early 1970's, but greater than most estimated historical levels prior to 1940". Since the increase in population has been beneficial to the deer populations it would appear the theory of large parcels is based on opinion rather than fact.

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Deer have ample room on public lands which total close to 50 million acres of California. Another 5.5 million acres of private land is currently zoned TPZ. 15 Million acres of private land is under the Williamson Act (page 131 of Deer EIR). Just these three land categories total 70.5 million acres or 70% of all the land in California.

Nevada County is contained in the D-3 Zone of the State Fish and Game areas for deer. The estimated population of deer is 19,200 (page 156 Deer EIR). These estimates have been determined by the State to provide for a healthy herd which is biologically sustainable. The State then set the hunt totals at 1600 deer.

Page 227 of the Deer EIR under the heading **SYNTHESIS OF CUMULATIVE EFFECTS ANALYSIS** is perhaps the best place to look for the so-called impacts. It states as follows;

“The cumulative impact trends, as provided by this analysis, have been used as part of the analysis of alternatives in Chapter 5. The most biologically **conservative** (negative) projected trend for 1994, considering available habitat, was used to limit carrying capacity for deer population modeling for project areas. This procedure ensures that the cumulative effects are included in the development of hunting strategies for deer populations.

After a thorough evaluation of the proposed project over time, in conjunction with other related past, present and reasonably foreseeable or probable future projects and changing environmental conditions (wildfire, illegal take, drought, etc.), the Department has concluded that **there will be no significant adverse cumulative impacts on deer populations in the State**. This conclusion was based upon a careful analysis of the environmental impacts of the project, together with other projects and environmental conditions”.

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Under item 2 on page 227 of the Deer EIR it states as follows;

“Over a period of more than 100 years of hunting of deer in California, no significant negative cumulative impacts on deer have occurred.....”

Under item 6 on page 228 of the Deer EIR it states as follows;

“After careful modeling of changes in deer habitats, the Department has concluded that these changes, together with the proposed project, do not constitute a significant environmental impact”.

This conclusion by the State included the issue of parcelization of habitats in all zones, including D-3, in the State. Though there could be local impacts to individual herds, the State has deemed a “no significant impact”, to deer Statewide. It would seem that in this instance, the DEIR for the County should defer to the State document, which is much more detailed. There is no justification in science or from a private property rights scenario which would justify the large parcel sizes suggested by the State letters in the Nevada County DEIR.

Mitigation Number 15 Page 4.4-24

15. Revise proposed General Plan policy 13.3 as follows:

As part of the Comprehensive Site Development Standards, require the ~~maximum~~ feasible use of drought tolerant native ~~and/or site appropriate~~ plant species for landscaping of all new multi-family residential, commercial, ~~and industrial, and public projects.~~ Invasive, non-native plants that may displace native vegetation on adjoining undeveloped land shall not be used. Landscaping with native trees and shrubs shall be encouraged to provide suitable habitat for native wildlife, particularly in proposed open space uses of future development.

1. In line one change the word “require” to “**recommend**”. The balance **44.24** of the mitigation is tolerable.

Mitigation Number 16 Page 4.4-24

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- 16. *Revise proposed General Plan Land Use Maps to redesignate lots of less than 20 acres to provide for designations with a minimum parcel size of 20 acres or larger in Rural Regions (outside of Rural Centers) within the western portion of the County, except as indicated in Mitigation Measure #10 below. This redesignation would primarily affect lots in the San Juan Ridge, around the Penn Valley area, and in the southwestern portion of the County. This redesignation would also result in the elimination of the New Town SDA in the southwestern portion of the County.*

1. SEE COMMENTS ON MITIGATION NUMBER 14 for Mitigation #16

Mitigation Number 17 Page 4.4-27

- 17. *The following policy should be added to the Wildlife and Vegetation Element of the proposed General Plan.*

Non-development buffers shall be maintained adjacent to stream corridors through the use of clustering, the designation of a Planned Development, or the implementation of other siting and design tools. Buffers shall be sufficient in size to protect the stream corridor for movement, as well as provide some adjacent upland habitat for foraging.

44.25

- 1. Though a worthy goal, this mitigation measure is once again based on no scientific information. Opinions of the DEIR author, or any other individual or official must be backed up by the correct information. The DEIR states on page 4.4-22, second paragraph, **“However, it should be noted that there is a lack of research available which specifically defines the minimum habitat land area necessary to maintain habitat values”.**

The justification for this mitigation is therefore based on “good feelings” and/or opinion, not science and data. The Deer EIR says there are many more deer in California today than before European man came here. It says that parcelization, and disruption of habitat is responsible for this increase in deer numbers. CABPRO submits that this mitigation will in fact harm the ability of deer to gain proper

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forage, and will disrupt their life cycle and reduce herd and deer numbers in California.

Implementation of policies as stated in the General Plan (1.17, 1.18, 13.1, and 13.2) sufficiently mitigate the concern for the issues raised by the DEIR author. Buffers, setbacks and other land use standards in existence or recommended in the General Plan will ensure the wildlife protection sought by the DEIR author. Forbidding development (definition?) in stream corridors is very broad and could feasibly contain many items. Remember, this is private property and if all the value to the owner is removed, the local government must pay under the Fifth Amendment.

Mitigation Number 18 Page 4.4-27

18. *Revise General Plan land use map to provide for a 40-acre minimum parcel size in critical migratory deer winter ranges in Rural Regions within the western portion of the County (see Figure 4.4-4)*

Though an interesting idea, once again, there are no facts? Please read **44.26** the Deer EIR of 1994. There is no proof or science that substantiates the conclusion of the DEIR author in the document. It appears this mitigation is derived from the letters from the State DFG contained in the DEIR.

The DFG letters and the conclusions and recommendations contained in them, are in direct conflict with the Deer EIR of the State DFG. **There appears to be internal inconsistency within the DFG as to the deer herds.** This could be because the local managers for DFG have a view or opinion on how they want things to be and how they really are. This could help explain the difference of opinions within the DFG. Since there are already 200,000+ acres of Nevada County in government hands, it would seem unwise to issue such an unproved mitigation as this one on the remaining private lands.

Privately owned lands, no matter how much some government employee doesn't want to believe it, are private, taxed properties. We all care about the environment, and its creatures, but humans are a part

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of the environment too. To dictate the future of the private lands in Nevada County, solely on the whims, desires or opinions of a government employee or environmental preservationist, is not right.

2. Therefore this mitigation measure is unwise, unrealistic and anti-property rights, and should be removed.

Mitigation Number 19 Page 4.4-29

19. *The following policy should be added to the Wildlife and Vegetation Element of the proposed General Plan.*

Development in the vicinity of significant oak groves shall be designed and sited to maximize the long-term preservation of the trees and the integrity of their natural setting.

- 44.271. Change the word "preservation" to "**conservation**" in the second line. It has been alleged that one of the major reasons the Valley Oaks are dwindling in supply (are they?) is that the increased number of deer in California are consuming the acorns and seedlings, thereby not allowing regeneration. There should be science to back up the mitigation.

Mitigation Number 20 Page 4.4-30

20. *The following policies should be added to the Wildlife and Vegetation Element of the proposed General Plan.*

Project review standards shall include a requirement to conduct a site-specific biological inventory to determine the presence of special status species or habitat for such species that may be affected by a proposed project. The results of the biological inventory shall be used as the basis for establishing land use siting and design tools required to achieve the objective of no net loss of habitat function or value for special status species.

The Habitat Management Plan shall be prepared to comply with the requirements of the Federal Endangered Species Act (FESA) and the California Endangered Species Act (CESA). The plan shall provide the background data, impact analysis, and mitigation programs necessary to obtain a FESA Section 10(a) and CESA Section 2081 permit authorizing incidental take of federal and state listed threatened and endangered species that occur in areas proposed for future development. Prior to

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implementation of an adopted Habitat Management Plan, project applicants proposing the development of project that would impact a federal or state listed species, or a species that is proposed for listing, shall be individually responsible for obtaining federal and state incidental take permits on a project-by-project basis.

1. This mitigation measure is a duplication of current CEQA requirements. The initial study and environmental checklist are the most effective tools in CEQA to cover issues raised in this proposed mitigation. The Habitat Management Plan is duplicative of the work and studies on the books, which have been done by the State and Federal Government. To force a landowner to do another set of plans (better done by government) for the same thing is unnecessary. **44.28**
2. Laws regarding endangered species are already on the books and quite extensive as to the rights of private property owners. Requiring more hoops at the local level for laws that already exist is another example of big government gone awry.
3. **Remove this mitigation as unnecessary and duplicative. This would not harm the environmental protections envisioned in this mitigation, but just acknowledge these laws exist at other levels of government.**

Mitigation Number 21 Page 4.4-32 and 33

21. *The following policies should be added to the Wildlife and Vegetation Element of the proposed General Plan.*
 - No net loss of riparian or wetland habitat functions or values shall be caused by development.
 - Development projects which have the potential to remove riparian or wetland habitat shall not be permitted unless:
 - (a) No suitable alternative site or design exists for the land use;
 - (b) There is no degradation of the habitat or reduction in the numbers of any rare, threatened, or endangered plant or animal species as a result of the project;
 - (c) Habitat of superior quality and superior or comparable quality will be created or restored to compensate for the loss; and

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(d) The project conforms with regulations and guidelines of the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, California Department of Fish and Game, and other relevant agencies.

Future development shall be set back a minimum of 100-feet from all significant wetlands.

44.29

1. Since the recommendation by the DEIR author is permissive, ("should" in line one), CABPRO recommends that this mitigation be removed in its entirety. The items listed in the mitigation are duplicative of existing laws, ordinances and other regulations. These suggested mitigations are covered in the policies listed in the proposed General Plan.
2. The last paragraph is perhaps the most onerous item in mitigation #21. There is no science that CABPRO can find which says that 100 feet is the best number for a setback from a wetlands. No one can agree (nationally) on a definition of wetland, let alone what distance human beings and their belongings should be located from them. Even if there were an agreed upon definition of a wetland, it would seem premature to guess that 100 feet is the correct setback (if any setback is required). Remember, this is private property and if it is to remain open space through ordinance, the government may have to buy that land. Most significant to CABPRO is the lack of justification by the DEIR author in the discussion prior to the mitigation measure on pages 4.4-31 and 4.4-32. Rather than implementing a pipe dream with no facts, this measure should be removed.

Mitigation Number 22 Page 4.4-34

22. The following policy should be added to the Wildlife and Vegetation Element of the proposed General Plan.

Setback future development a minimum of 100-feet from top of bank, or the width of riparian vegetation if greater, from all water bodies.

44.30

1. This measure is unnecessary. 100 foot setbacks from the high-water mark are on the books and fully protect the values the DEIR author says need to be protected. The difference here is that, the DEIR wants

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the 100 feet to begin at the top of the bank or the width of riparian vegetation if greater, from all water bodies. **This could be hundreds of feet if the land is relatively flat since a riparian area could be manipulated by definition.**

2. "All water bodies" is quite a mouthful. What size water body? Is this rivers, streams, ponds, vernal pools? These items are covered quite succinctly in the policies mentioned by the DEIR author in the proposed General Plan. Again, there is no science or fact in either the discussion prior to the mitigation in the DEIR, or in any publication or book that CABPRO can find. Something this far reaching, which potentially affects thousands of acres of private property, needs real justification, not just opinion.

Mitigation Number 23 Page 4.5-8

23. *Revise Cultural and Historic Resource Element policy 19.6 as follows:*

....Where review indicates significant archaeological or historical sites or artifacts are, or are likely, present, an on-site field review by a registered archaeologist shall be required. If a site or artifacts are discovered, the find shall be evaluated and potential significance determined. If significant cultural resources may be directly or indirectly impacted by proposed development, appropriate mitigation shall be developed and implemented in accordance with California Environmental Quality Act standards, including Appendix K, prior to onset of ground disturbance. Avoidance of significant cultural resources shall be considered the mitigation priority. Excavation of such resources shall be considered only as a last resort when sufficient planning flexibility does not permit avoidance. On-site field review, evaluation of site significance, and development of mitigation measures, as identified above, shall be performed by a qualified professional archeologist.

1. This mitigation is duplicative of existing state law and guidelines. 4.31
These laws and guidelines are, and have proven to be, sufficient to the protection of historical and cultural resources. The author needs only to cite the laws already on the books, rather than adding this mitigation measure.

Mitigation Number 24 Page 4.5-8

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24. *Site development standards for cultural and historic resources, as stipulated in revised policy 1.17 (see Mitigation Measure #1) and policy 19.5, shall be developed in accordance with revised policy 19.6 (see Mitigation Measure #23), above, and shall incorporate the use of the Cultural Sensitivity Modeling contained in Appendix D.*

1. Since CABPRO's recommendation is NOT to adopt a revised 1.17 and 1.18, this mitigation should be deleted. The standards for historical and cultural resources are mandated in state and federal laws. There is no need to duplicate them.

Mitigation Number 25 Page 4.6-5

25. *The County shall adopt a regulation to protect heritage trees, native oak trees, and significant oak groves. All native tree species with a trunk diameter of 36 inches or greater should be protected.*

1. This mitigation is very confusing. It is nice to be able to "protect" these trees, but there are a number of problems which must be cleared up.

- 44.31 A. State regulations are now in place from the Board of Forestry that deal with tree harvesting on all private lands. This measure will be dealt with in the courts to determine its constitutionality. Also this mitigation is in conflict with the proposed solar access mitigation later in the DEIR.
- 44.32 B. There is no definition of a "heritage tree". Are we to assume that a definition will be forthcoming from the DEIR author? Besides the opinion of the DEIR author regarding the "significant visual resource", what scientific basis is used to back up this mitigation?
- 44.33 C. The DEIR author says that "native oak trees" and "significant oak groves" need protection. How was this conclusion arrived at? Native oaks could be Blue and Black Oaks, which are harvested commercially for many uses. They are a valuable commodity which is not in

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44.35

D. All native tree species should be protected is very broad. The rules for commercial harvest are regulated by the State. The trees on private property are the possession of the owner. Does this mitigation mean a tree cutting ordinance would have to be passed? **Perhaps the best way to handle his mitigation is change the concept to "conserve" or "conservation".**

44.36

E. Where did the magic number of 36" for protection of native tree species come from? Most marketable trees, which means long lengths of straight and knot free lumber, comes from these large trees. There are, presently, active programs to encourage people to get into the moulding business. This is being handled by the Soil Conservation Service, (Ron Zinke, Bob Roan) and is a few years old. Perhaps a discussion with Mr. Zinke or Mr. Roan would be enlightening to the author. This mitigation measure would be in direct conflict with other public policy now implemented, that is practical and makes sense. This mitigation is onerous and should be modified or removed.

IMPACT #25 Page 4.6-5

Impact #25. Buildout of proposed General Plan land uses in close proximity to the County's river corridors could adversely affect the scenic value of the waterways, especially if vegetation adjoining the waterways were removed for new development. This would be considered a significant impact as plan policies do not necessarily provide for projection of visual quality along river corridors.

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Plan Policies that Serve as Mitigation

Implementation of proposed General Plan policies 1.17, 1.23, 3.8 and 10.12 would serve to reduce the impact but not to a less-than-significant level.

Other Mitigation Measures

Implementation of the policies above, and Mitigation Measures #1 (see Land Use section of this EIR) #21 and #22 (see Biotic Resources section of this EIR) would serve to reduce the impact to a less-than-significant level.

- 44.37 1. Since there is no definition of "in close proximity", this mitigation is not needed. Setbacks are already determined by ordinance and other laws, and have worked quite well in the real world. There is no need for this impact to be mitigated.

IMPACT #26 Page 4.6-5

- 1. Same comments as Impact #25.

Mitigation Number 26 Page 4.6-6

26. *The County should designate scenic corridors along the following routes: Interstate 80 and Highways 49, 89, 174, and 267 for their entire length in the County; Highway 20 from Highway 49 to Interstate 80; Donner Pass Road (Old Highway 40), from the Interstate 80 intersection at Soda Springs to Donner State Memorial Park. These corridors should be placed within the SC "Scenic Corridor" Combining District, with boundaries based upon adopted studies.*

- 44.38 1. Existing and proposed General Plan policies are now worded strongly enough to address this mitigation measure's concerns. Since the mitigation uses the word "should", it appears the consultant feels no predisposition to mandate this item. Therefore, this measure is duplicative and should be removed.

Mitigation Number 27 Page 4.6-6

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27. *The following policies shall be added to the Aesthetics chapter of the General Plan:*

The County shall request that the State Department of Transportation prepare Scenic Highway Reports for all those highways in the County as shown on the State Scenic Highways Master Plan for which such reports have not been prepared. The County shall request the preparation of such reports within one year of the adoption of the General Plan, and shall implement these studies by zoning specified areas along such routes within the SC "Scenic Corridor" Combining District within five years of the acceptance of a report.

In addition to the designation of visual corridors within the SC "Scenic Corridor" Combining District zoning, mandatory clustering shall be required for all residential development along designated visual corridors.

1. 44.39 The County can certainly request the State to provide the studies and reports requested by the mitigation measure. However, there is no way we can force them to do it. A mitigation that relies on another agency to do something in the future may not be a proper mitigation.

To then force the County to zone lands as Scenic Corridor within five years of the report causes CABPRO the same concern.

2. 44.40 **Mandatory clustering** is required as a part of the scenic corridor zoning as stated in the third paragraph. Does this only apply to new development? The measure is laudable, but is it realistic? CABPRO favors discretion in the clustering issue. Many sites in Nevada County may not allow clustering because of topography or other constraints. Human structures can be viewed as beautiful and an enhancement to the rural atmosphere and environment. Clustering, in some cases, may force, through economic mechanisms, a lower standard regarding esthetics. Therefore, clustering should be an option not a mandate.

Mitigation Number 28 Page 4.6-7

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28. *The maximum allowable height limit for Community Commercial, Highway Commercial, Business Park, Industrial and Recreation designations should be 45 feet. Discretionary permits could be required for special uses that would need to exceed the allowable height.*

- 1. CABPRO has no disagreement at this time with this mitigation measure.

Mitigation Number 29 Page 4.6-8

29. *The following policy shall be added to the Aesthetics chapter of the proposed General Plan:*

The County shall promote a compact development pattern to protect open space buffers between communities and to maintain a geographic distinction between communities.

- 44.41 1. There are no open space buffers between the two cities. This mitigation measure is superfluous and unnecessary and should be removed.

Mitigation Number 30 is Missing

Mitigation Number 31 Page 4.7-21

31. *Amend the circulation chapter of the proposed General Plan to include the improvement of East Lime Kiln Road as a 2-lane minor collector from SR 49 to Shana Drive.*

- 1. CABPRO has no difficulty with this mitigation.

Mitigation Number 32 Page 4.7-24

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32. *Replace General Plan Policy 4.33 in its entirety to provide for inclusion of bicycle and pedestrian facilities as follows:*

The County shall impose comprehensive development fees in amounts sufficient to offset the costs identified as the appropriate share of the bicycle and pedestrian improvements under the approval Bicycle and Pedestrian Master Plans which are necessary to serve future development. The comprehensive development fee structure shall ensure that future growth fully mitigates its direct and cumulative impacts on the County.

and revise Policy 4.27 and 4.28 as follows; by adding

4.27 New development adjacent to or including any designated pedestrian facility shall be coordinated with provision of such facility under Policy 4.33.

4.28 New development adjacent to or including any designated pedestrian facility shall be coordinated with provision of such facility under Policy 4.33.

1. This mitigation measure serves no purpose except a utopian vision of life. The cost of the Bicycle Plan is close to \$100,000,000 and that was from a few years ago. What are the environmental reasons for this mitigation? The DEIR author states (page 4.7-23, Impact #33, paragraph four) that "Additionally, provision of adequate bicycle and pedestrian facilities and services may also help achieve the County's goal of reducing dependency on the automobile". This is a pipe dream based on the recommendations in the DEIR. The only practical place to put these kinds of facilities is in the more urbanized areas. Cost and efficiency could be spread over more people. However the DEIR propose to leave existing zoning in place within the Community Regions, thereby defeating any ability to raise the funds to implement this mitigation! Since the areas outside of the Community Regions will be larger parcels (20-40 acre minimums), how will it be possible for this mitigation to be paid for by mitigation fees? The cost would be (at 50,000 dwelling units, or is it parcels?), \$2,000 per unit/parcel. **44.42**
2. CABPRO urges the Commissioners to review the existing language of policies 4.27 and 4.28. They accurately reflect reality and do not impose another batch of mitigation fees on the homeowner. Our

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recommendation is to remove the DEIR mitigations and to stick with existing language.

Mitigation Number 33 Page 4.8-12

33. *The County shall, as part of its development review process, ensure that proposed discretionary developments address the requirements of NSAQMD Rule 226.*

1. This item is done through the CUP process. Construction dust is usually a mitigated item in a project review anyway. CABPRO has no objection to mentioning this again in the DEIR.

Mitigation Number 34 Page 4.8-12

34. *The County shall, as part of its Road Improvement Program, consider the benefits to air quality from the paving of unpaved roads.*

1. CABPRO agrees with this mitigation to a point. Areas that are truly rural should not be mandated to pave simply because of dust. Each zone in the RTP has different needs and wants. This should be done on a project by project analysis. **Please review this mitigation in regards to DEIR Impact #13 on page 4.3-15. There may be a direct conflict in goals.**

44.43

Mitigation Number 35 Page 4.8-12

35. *The County shall revise proposed General Plan Policy 14.4 to include all types of biomassing options (e.g., composting, mulching, grinding, co-generation, feedstocks, etc., in addition to clipping).*

1. CABPRO is in agreement with this mitigation measure.

Mitigation Number 36 Page 4.8-14

36. *Revise Noise Element policy 9.10 as follows:*

Require the preparation of a comprehensive noise study for all land use projects determined to have ~~to~~ a potential to create noise levels inconsistent with those

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standards found in Policy 9.1, and in accordance with the methodology identified in the Noise Element Manual contained in General Plan Volume 2, Section 3-Noise Analysis, Appendix A.

- 1. CABPRO supports the use of noise analysis for projects that could create a problem. However, we are not convinced that using the Noise Element Manual in General Plan Volume Two, Section 3-Noise Analysis, Appendix A (page III-21) is the total answer in methodology. Perhaps this should be referenced because better methods may arise, or present methods may be proven untrue. **44.44**

Mitigation Number 37 Page 4.8-15

- 37. *Revise Noise Element policy 9.11 as follows:*

Provide for adequate design controls to assist in minimizing fully mitigate the significant adverse impacts of future noise generating land uses through increased setbacks, landscaping, earthen berms, and solid fencing.

- 1. How do you fully mitigate anything? The present wording of policy 9.11 is a more realistic measure. Noise is a very complicated issue, and is many different things to many people.. Nevada County dealt with this issue for years and the present General Plan policy accurately reflects the wishes and desires of the County residents. Also, the Board of Supervisors and the Planning Commission directed that the Noise Element remain as is. This was because it works in real life. CABPRO recommends the removal of this mitigation as unrealistic and unworkable. **44.45**

Mitigation Number 37 Page 4.8-15

- 38. *The County shall undertake a Countywide aquifer study to assess groundwater supplies, quality, demand, and use. IF the results of the evaluation indicate that overdrafting is occurring, alternate water sources should be provided. Rural development may be required to tie into a surface water supply system versus a groundwater system.*

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44.46 1. CABPRO fully supports and encourages any measure that protects the drinking and agricultural water supply of Nevada County. CABPRO has no problem with another study of the only County aquifer. However, that aquifer in the Martis Valley has just been studied by the PUD in Truckee. Since there are no other aquifers in Nevada County, it would seem unreasonable to ask county taxpayers to pay for something that doesn't exist. Fractured rock is the medium that most wells in Nevada County are contained within. Also, since the results of a drilled well are proprietary information, the County would have to secure the approval of every single property owner in Nevada County who has or wishes to drill a well.

44.47 2. The mitigation measures also state that "Rural development may be required to tie into a surface water supply system versus a groundwater system". This has been declared unattainable by the State. Surface water supplies are not an acceptable source of drinking water according to the State. N.I.D. has been mandated to supply piped water to those now using the surface ditches of N.I.D. for drinking water. CABPRO believes it does not promote the public health to require rural residents to tie into surface water. Piped, treated water is the safest method to protect the public health. With large parcels as recommended by the DEIR, it would seem impossible to pay for the piped systems. **Therefore, this mitigation measure would not add to the environmental protection of Nevada County, but would harm it. CABPRO recommends the removal of this mitigation.**

Mitigation Number 39 Page 4.10-21

44.48 39. *Revise the land use map within the unincorporated portions of the Community Regions to be consistent with existing County zoning.*

1. This mitigation is almost unbelievable! The DEIR author bases this mitigation on an incomplete analysis of the infrastructure or the zoning of the Community Regions. How can any of the goals for future planning be met by putting one's head in the sand? A General Plan deals with the future. This mitigation refuses to recognize the issue of dealing with the growth that will inevitably arrive by hamstringing most

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of the policies worked out in countless hours and years of public discourse.

2. The County must assure enough zoning for the expected population. Many General Plan policies deal with how to do just that. Development must pay its own way. Fees, exaction's and other mechanisms are spoken to as the primary way to update, upgrade and provide for the future growth. To say we remain stagnant and not address the impacts of that future growth, places any who read this mitigation in bewilderment.
3. We have the classic chicken and the egg question. Unfortunately, the DEIR author doesn't address the problem, she avoids it altogether. If we are to improve the infrastructure, which benefits all, then the land use patterns and zoning must be analyzed and allocated accordingly. In this instance, the DEIR author has not done this. It was analyzed by HBA and the proposed zoning of the Community Regions reflects their correct and proper analysis.
4. This status quo mitigation does great damage to the primary goal of directing growth to the Community Regions. This is a central theme of the General Plan! The land use patterns and zoning of the current plan have been proven to be inadequate. This inadequacy is reflected in how the cities have pre-zoned their spheres of influence. The cities have studied these areas in great detail and have long ago given the best view of how these lands should be zoned. The General Plan also states that these areas should reflect as close as possible what the cities want. There are just too many policies which would be destroyed if this mitigation were to be implemented. The 5 year process and all the citizen input would be totally disregarded were this measure to be accepted.
5. Affordable housing opportunities would be virtually destroyed since no more higher density lands would be available. Where is the impact analysis by the DEIR author on this very important issue. Since the Community Regions are the only viable areas for affordable housing (because they have sewer, water, and other items as listed in the

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44.50

Housing Element), how can this mitigation be justified. Testimony by Grass Valley City Engineer Rudi Golnick at a Planning Commission Hearing in 1994 refutes the conclusion of the DEIR author. He stated that sewer plant improvements are ongoing, and that studies will be completed as soon as January 1995, for expansion. It would seem that good planning means looking at these types of things before a conclusion is reached.

44.51

6. N.I.D. has stated many times, and has policies on the books, that show the water supply system is very adequate and can reasonably accommodate future growth. Natural gas is in many areas of the Community Regions. Fire protection is good, and these lands are in close proximity to schools, colleges and other infrastructures.

44.52

7. The DEIR author has stated many times throughout the DEIR that infrastructures need to be improved, upgraded and studied. Why? If the status quo is all that is required, who needs the rest of the document. CABPRO would like to know , what is the existing zoning population and dwelling numbers in comparison to that proposed in the General Plan? What sort of infrastructure demands will be placed on the County or cities by that existing zoning?

8. CABPRO believes that rather than remaining at the status quo, and debilitating the environment by the implementation of this mitigation measure, that it should be removed. Good planning for people and the environment are contained in the proposed General Plan. The DEIR author offers no enhancement to the environmental questions which should have been analyzed.

Mitigation Number 40 Page 4.10-49

40. The County should adopt a Solar Access ordinance requiring the dedication of easements for solar access as a condition of subdivision map approval (as allowed by the 1978 Solar Rights Act of California).

1. How does this measure fit with the Heritage Trees mitigation (#25)? If a Heritage Tree is in a proposed easement, whose rights prevail? Also,

see #44.32

Nevada County is not flat and many parcels are on the north face of a **44.53** mountain or hill. Energy regulations may provide the same benefit as a solar access ordinance. If this is true, should this mandate on subdivisions be applicable?

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Mitigation Number 41 Page 4.10-49

41. The County should adopt a Retrofit Ordinance requiring specific energy conservation measures such as attic insulation before resale of residential units, which would have the greatest effect on older units.

1. Real Estate Law deals with the requirements spoken to here. A **44.54** Retrofit Ordinance is unnecessary and onerous. The County should not get involved in the sales contract of willing private parties. If a person wants to buy an old house without insulation, that should be their right. This measure is unclear as to the environmental impacts it is addressing. Are they local, regional, national or global?

Mitigation Number 42 Page 4.10-49

42. During project approval and review, the County should evaluate and critique a project's attempt to promote alternative energy sources (e.g. passive solar design) and the incorporation of adequate tree cover on the west side of dwellings and along streets to help reduce the cooling demand during summer months.

1. The issues covered by this implementation measure are already covered in the UBC and other State energy requirements. This **44.55** mitigation is duplicative and unnecessary.

CABPRO's CONCLUSIONS

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It appears the DEIR is a salvageable document. Its purpose is to guide the decision makers in their assessment of the identified impacts and recommend measures to offset those impacts. The decision makers must then take the document and determine if each mitigation is reasonable. Reasons need not be limited to the environment sans humans. Humans, and their socio-economic needs and desires are a legitimate area of review for the decision makers. If they determine that mitigations have a significant impact on humans, they have the right to change, delete or modify those mitigations.

CABPRO supports a sustainable environment. We want Nevada County to always look like Nevada County. We believe that a reasonable General Plan can provide for the balance we all seek to maintain, between the needs of people and everything else. However, the DEIR and the General Plan must consider private property rights in the process. Balance must be struck between the Constitutional Rights we are all protected by. The desire of the government, through its regulations and laws is to increase its control over our rights. General Plans provide a mechanism that determines how far government intrudes into that most precious resource in the United States, our private property.

The following comments were added after the previous 40 pages were completed.

44.56

The Erosion Hazard Map (figure 4.2-6) is not the same map contained in the MEI. This needs to be corrected.

44.57

Table 2-1 on page 2-1 (also Table 3-3 on page 3-9) of the DEIR are incorrect. According to the 1990 census, there are 37,352 existing dwelling units as of the census date. The DEIR uses a total of 30,758 in Table 2-1. This is a difference of 6,594 dwelling units. At 2.15 persons per dwelling unit (Volume II, page II-68 of General Plan) this is an overstatement of 14,177 persons. The revised total, on this one item for table 2-1 decreases

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the population buildout number to 161,583 persons. This is about a 13% error.

This error compounds itself since the base number is used for most of the other calculations throughout the DEIR. Items such as traffic, electrical Kwh and dwelling unit totals have to be adjusted. This is without any land use changes to the maps.

Other numerical errors abound, which in CABPRO's estimation, substantially alters the conclusions of the DEIR author. If you begin with an incorrect number which bears on the outcome (achieved by mitigations derived from the population impacts), then how can Alternatives be justified? We think that the downward adjustments of the population figures, mitigates many of the concerns raised by the DEIR author. If, for instance, a number of impacts don't happen because the lower population increase fails to trigger the expected impact, then there is no impact. No mitigation required! Most of the mitigations are prejudiced on people moving to Nevada County in certain numbers. The DEIR author assumes that 175,760 people is the correct number (Proposed General Plan). If only 150,000 people is the correct number, the loss of 25,760 people and their impacts puts the General Plan below the Environmentally Superior Alternative of 156,000 people. These lower numbers are a huge mitigation in themselves!

Another number that is incorrect as used by the DEIR author is the multiplier for high density housing types (RES, UMD, UHD). **Technical Memorandum No. 1 from HBA dated 2/15/91** stated that the multiplier is 1.7 persons per dwelling unit in those higher density categories. This is much lower than 2.15 or 2.32 (depends on which person you believe), that is used in HBA's General Plan and the DEIR. Since 30% of all new dwelling units are to be higher density, this equates to the following;

44.58

50,987 dwelling unit increase in Proposed General Plan
Less **6,594** understatement of 1990 census dwelling units
This totals **44,393** dwelling units
30% of 44,393 is **13,318** dwelling units.
At 2.15 persons per dwelling unit this equals **28,634** people.

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At 1.7 persons per dwelling unit this equals 22,641 people.
This shows an overstatement of 5,993 people.

This lowers the previously adjusted total of 161,583 people to 155,590 people.

Also added into the total for population is the zoning of PUBLIC lands. We at CABPRO doubt that these lands will ever be built on, therefore it makes no sense to zone these lands in the first place. This lowers the total again by the following method;

Roughly 334,885 acres of public lands at 160 acre minimums would produce about 2,000 dwelling units.

2,000 dwelling units times 2.15 is 4,300 people. This must be removed from the total of 155,590 for a total of 151,290 people.

Truckee must be removed from the total as well. They have adjusted their proposed General Plan down by 13,000 people. They used a 1.2 persons per dwelling unit as their multiplier.

44.58 This brings the total of the countywide population to 138,290.

All this without changing one land use map or adding one regulation! This population number is almost 20,000 people less than the DEIR's Environmentally Superior Alternative of 156,000!

44.58

This error of the multiplier by HBA and the DEIR author are almost unconscionable. CABPRO can understand that mistakes happen. Unfortunately, no one has bothered to repair this egregious mistake! The revised total of 138,290 people at buildout of the General Plan is one most can except realistically and politically. **This total includes the Newtown as well. No land use map changes were utilized to get to this total.**

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It seems therefore, that other forces have been at work on the Proposed General Plan and the DEIR. Why would professionals utilize bad numbers when they have been told and shown, time and time again, the correct ones.

These numbers are not made up but come from the HBA documents and the Census.

All theories about impacts must be re-figured. Schools, roads, water, housing, everything! To not adjust the documents to correct the true numbers is at best irresponsible and at worst, criminal. Nevada County citizens must be able to rely on a General Plan that reflects the correct numbers and reality. Reality is not a bunch of made up numbers, extrapolated out to mitigate some desired impact or conclusion.

We trust the errors will be fixed. It is OK to make mistakes, but unwise to neglect the repair.

The map (figure 4.2-7) which purports to show the Mineralized lands in Nevada County, fails to acknowledge the other important minerals spoken to in the Mineral Management Element. Aggregates are a huge part of the mineral base, yet no mention is made of this important resource. The map shows only the gold bearing areas (assumption?). Since many of the rivers and streams contain active aggregate production operations, shouldn't these be shown? Any area which has a potential to supply aggregates should also be recognized.

44.59

Table 4.4-3 lists the California Wolverine under the heading of Special Status Species Known to Occur in Nevada County. There has been one sighting of a Wolverine (and this is not for sure) since European man came to Nevada County 150 years ago. To list it as a known to occur is incorrect and should be removed from the chart.

44.60

Table 4.10-10 contains errors in the section dealing with Tahoe Truckee Unified School District. Listed schools contributing to the total number of school children contains schools from an adjoining county (Placer). Since Nevada County has no control over Placer County land use decisions,

44.61

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Shamrock Land, Inc.

Ross Guenther
Emperor Gold

Margaret Urke
Assistant Director

shouldn't the number of students be decreased? Those students have no impact on the zoning and population numbers of Nevada County.

Table 4.10-11 must be adjusted to reflect the correct numbers as per the 1990 census. The revised student totals are computed as follows; see #44.58
6,594 overstated dwelling units split up into 1,978 multi-family and 4,616 single family units. (30% and 70% as per General Plan)
This represents a 13% overstatement which equates to a 3,350 student overstatement (25,769 x .13). Coupled with the removal of the Truckee errors this represents a major numerical correction. Since these numbers are used for mitigation fees and long range planning for school facilities, this could potentially save millions of dollars for new home owners and buyers.

Table 4.10-12 would thus be adjusted to reflect the real number of students. For example, the number of new classrooms would decrease by 107 and news schools would decrease by almost 4.

With all these errors corrected, it becomes evident that the Proposed General Plan would be the preferred Alternative. The total population buildout would be under 140,000, which is a number embraced by both sides of the General Plan issue. The Environmentally Superior Alternative in the DEIR reflects a population of 156,000. The mitigations in the DEIR reflect the 156,000 population. The reasoning of the DEIR author appears consistent with the impacts brought on by the higher number. If almost 20,000 people less come to Nevada County, CABPRO believes this in itself is a huge mitigation measure. CEQA demands a review of the environmental impacts associated with the projected growth. In CABPRO's view, the mitigation measures become almost moot in the analysis of those impacts. Of course there will be impacts, and they should be mitigated properly. However, if a population buildout is 30-40% less than proposed in the General Plan, in our view, the Plan has been mitigated in a de facto sense.

44.62

Board of Directors

Chairman
Maskey Heath
Superior Propane

Ty Short
Retired

Mark Smith
Vector Engineering

Pat Shane
Sha-Neva, Truckee

Lowell Robinson
Robinson Enterprises

Jerry Borgnis
Borgnis Enterprises

Monty East
Retired

Todd Juvinal
Todd Juvinal Enterprises
and Executive Director

Bill Mecorney
Flying Fish

Secretary-Treasurer
Lindy Amo

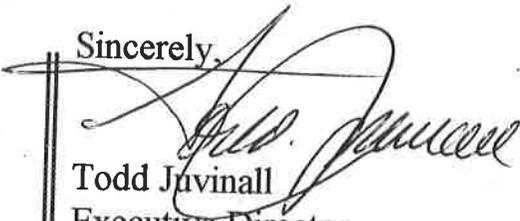
Walter White
10 Minute Oil&Lube

Linda Shane
Shamrock Land, Inc.

Ross Guenther
Emperor Gold

Margaret Urke
Assistant Director

Sincerely,



Todd Juvinal
Executive Director
CABPRO

cc: Nevada County Board of Supervisors
Doug Latimer, CAO
Tom Miller, Planning Director

#45

RECEIVED

TO: Nevada County Planning Dept
Eric Rood Admin Bldg
950 Maidu Av PO Box 6100
Nevada City CA 95959
Attn: Pat Norman

JAN 20 1995

NEVADA COUNTY
PLANNING DEPARTMENT

From John V. Meeks
13545 Spenceville Rd
Penn Valley CA 95946
432-4429

Date Jan 16 1995

Re: Comments, questions on Draft EIR SCH#94042072

INTRODUCTION

We address, per CEQA guidelines, the substantial adverse change in physical conditions existing in the area, caused by road traffic, to the physical persons of non-motorized travelers, including death and destruction as physical effects resulting from the collision of motorized with non-motorized road users.

Failure to treat the non-motorized public as a major environmental entity and a quasi-legal class, impacting and being impacted, will be a fatal defect in the EIR, in this and future General Plans and Policies, and in all governmental actions.

CEQA GUIDELINES APPENDIX VI section 15000 et seq., Appendix G page 696 "Significant Effects" states "A project will normally have a significant effect on the environment if it will: (m) "Displace a large number of people;" also (v) "Create a potential public health hazard..." thus directly relating CEQA EIR requirements to the following analysis.

Impact #46 of the EIR "...generation of 25,796 school-aged children" illustrates that both the General Plan and the EIR look on People as an impact and fail to consider them as part of the Environment. In the entire Ch 10 "Safety" of the Gen Plan, the safety of buildings, dams, utilities etc. is addressed in 20 "Policy Statements."

Nowhere does the proposed Gen Plan or Draft EIR consider physical Safety or Land Use effects on humans, particularly school students, senior citizens, handicapped and pedestrians, who are impacted as non-motorized users of roads. These people may also be drivers at other times, with conflicting attitudes and competitive behaviors.

Nevada County is dominated by the automobile. Location of homes, businesses and schools is controlled by car/truck access. Paved roads in Nevada County are only wide enough for motor vehicles, and are little used by the large number of thereby displaced bicyclists, joggers, school children, skaters, senior citizens' electric vehicles, blind persons, horseback and horse carriage drivers and pedestrians, due to clear and present physical danger to LIFE, a physical condition adversely affected by physical collision impact.

45.1

PROPOSED

[A mandatory Public Safety Easement be constructed separated from and parallel to all new or reconstructed pavement, to be dedicated to and owned by Park Districts, Land Trusts and/or community groups which would retain liability while receiving public and private funds for expansion and maintenance.]

California Civil Code 846 exempts landowners from legal duty and liability to recreational users. Multi-purpose trails the width of a bulldozer blade are features of progressive communities in California, included in development costs when roads are built, connecting with county trail networks, increasing land values and keeping them higher over the years. Construction costs are low and chipped biomass is used for maintenance.

Physical safety of our school-age youth now forces them to travel to school by bus or auto. Public Safety Trails would allow them to walk, bike etc., reduce auto traffic, tie together communities through shared recreation and provide off-street youth activities in a visible advertisement of rural life-style. Physical separation from motor vehicles by ditches, fences and berms would be required for physical safety.

COMMENTS AND QUESTIONS

Impact #1

Land Use Conflicts Page 2-10 DEIR cites the following General Plan Policies listed as Mitigations:

Policy 1.17 a proposed new Gen Plan policy, re Site Development Standards, would protect deer, vegetation and minerals by use of fencing, buffers and setbacks.

45.2 QUESTION #1: Shall non-motorized traffic, as a class, be similarly protected as a Policy 1.17 environmentally sensitive resource in all SDS; if not, why does the proposal refer to "public safety hazards" and exclude public physical safety?

Policy 1.18 a proposed new Gen Plan policy re Clustering, would protect open space thus created by dedication, permanent easement, irrevocable trust, deed restrictions, et al.

45.3 QUESTION #2: Shall access to open space, by non-motorized traffic, from clustered residences under Policy 1.18 be separated from motorized traffic by Public Safety multi-purpose trails wherever motor traffic can be a hazard?

Policy 1.20 refers to industrial uses adjacent to public facilities or institutional uses, buffering to "mitigate visual, noise, light and glare and other adverse impacts."

QUESTION#3: Shall the physical safety of non-motorized human traffic access to Policy 1.20 institutional uses, particularly all medical facilities and all public offices abutting new industrial uses, be protected from motor vehicle traffic by Public Safety easement trails?

45.4

Policy 1.21 refers to buffers protecting public facilities and institutional uses in areas designated for industrial use.

Question #4: Shall the physical safety of non-motorized human users of Policy 1.21 facilities be protected from motor vehicle hazard by separated Public Safety trails?

45.5

Impact #2

"Open Space Conversion" Page 2-5 DEIR cites the following General Plan policies listed as mitigations:

Policy 1.5 Land Use criteria, sections (r) Open Space and (t) Planned Development recognize clustering, public health and aesthetic concerns, access to arterial and major collector roads, and "internal vehicular and pedestrian circulation designed to provide safe and convenient linkage between the various uses."

QUESTION#5: Shall "bicycle, horse and other non-motorized" be added to "vehicle and pedestrian circulation" designed to provide human safety, or shall they be subject to denial by lack of specificity?

45.6

Policy 1.16 Special Development Areas (e) "A multimodal circulation system will be provided which encourages the use of modes other than the private automobile..."

QUESTION #6: Shall "separated and protected from auto traffic lanes" be added to Policy 1.16(r) and also applied to other SDS descriptions?

45.7

Policy 5.1 County Park System. "Regional parks...may include open play, picnicking, walking, cycling..." Prominently omitted are equestrian recreation, wheelchair and skateboard uses.

QUESTION #7: Shall equestrian, wheelchair and skateboard uses be added to the wording of Policy 5.1, or shall they

45.8

remain excluded by omission from said Policy for lack of specificity?

Policy 5.4 Linear Parks or Greenways. "Inclusion of bikeways and pathways..." omits equestrian, wheelchair and skateboard uses.

45.9

QUESTION #8: Shall equestrian, wheelchair and skateboard uses be added to the wording of Policy 5.4, or shall they remain excluded by omission from said Policy for lack of specificity?

Policies 5.6, 5.14, 5.15, 5.16 re "Planning...development of a comprehensive system...County Bicycle ... Non-Motorized Trails Master Plans...including provision of active and passive recreation..."

The only user identified is limited to "bicycle," allowing arbitrary local restriction without Policy guidance.

45.10

QUESTION #9: Shall all Non-Motorized Trail Master Plans require Policy guidance wording to include or exclude wheelchairs, skates, skateboards, horses, mules, ponies, llamas, dogs on leash, animal drawn vehicles, emergency and maintenance motor vehicles?

Impact #33

"Demand for Bicycle and Pedestrian Facilities" Page 2-27
DEIR cites the following Gen Plan Policies as mitigations:

Policy 4.27 refers to a Pedestrian Master Plan within Community Regions, emphasizing "efficient, safe routes." Sierra Services for the Blind, 546 Searles, Nevada City, (personal communication) calculates that there are 260 blind citizens in western Nevada County, 25% of whom can use white canes but dare not set foot on Nevada County pavement; and that "Nevada and Placer counties have the highest per-capita blind and visually impaired population in the State of California." (Published data)

45.11

QUESTION #10: Shall future pedestrian facilities protect the physical safety of all users including children, blind, handicapped and senior citizens from motorized traffic by curbs and other physical barriers?

Policy 4.32 encourages sidewalks within Community Regions "...or pedestrian use shall be included within the roadway prism."

45.12

QUESTION #11: (Same as Question #10)

Policy 4.33 (including proposed replacement wording #32 P27)
All development projects abutting bicycle routes...Bicycle
Master Plan shall construct frontage improvements consistent
with the Plan.

QUESTION #12: Shall the Bicycle Master Plan be revised to
require physical means to separate bicycle users from
automobile traffic? (A stripe painted on the edge of the
road provides no safety--it only reduces the legal
liability of the driver who kills someone in the driving
lane?)

45.13

Policy 4.34 "County Road Improvement Projects shall
incorporate improvements consistent with the Nevada County
Pedestrian and Bicycle Master Plans."

QUESTION #13: Shall County Road Projects consistent with the
Pedestrian and Bicycle Master Plans require physical means
to separate foot traffic, including horse, from automobile
traffic?

45.14

CONCLUSION

In the interests of those significantly affected per
CEQA Guidelines Appendix G (m) "Displace a large number of
people" (non-motorized traffic displaced from legal use of
pavement by automobile users) and (v) "Creation of a
potential public health hazard...(death and injury to
non-motorized legal traffic by collision with motorized
traffic)

We respectfully request all persons and agencies
concerned with the EIR and General Plan not to overlook the
cumulative involvement in the governmental process of
traditionally fragmented and disregarded users, and to
integrate all future motorized-user road system improvements
with the Public Health and Safety needs of non-motorized
citizens, by requiring parallel multipurpose off-pavement
trails serving school children, seniors, bicyclists,
pedestrians, equestrians, handicapped and athletic users.

John V. Marks

#46

RECEIVED

JAN 20 1995

NEVADA COUNTY
PLANNING DEPARTMENT

Elizabeth J. Martin
Nevada County Planning Commissioner, District IV
14318 Pilot Peak Lane Penn Valley, CA 95946
(916) 432-9093

January 20, 1995

Pat Norman
Nevada County Planning Department
P.O. Box 6100
Nevada City, CA 95959

Dear Pat and Planning Staff,

After careful review of the draft EIR for the Nevada County General Plan, and considering the testimony at last week's public hearing on this document, I am submitting the following comments for your consideration and response:

1) Two of the key mitigation measures to preserve rural quality and the environment are revisions of Policies 1.17 & 1.18. Both of these proposed revisions are good ideas, but may be infeasible or hard to enforce, both tests of the adequacy of mitigation measures required by CEQA. This is partially due to the vague nature of the revised policies, calling for adoption of Site Development Standards, for example, without clarifying who is responsible for preparing the standards, what the adoption process will be, and a timetable or deadline for adoption. While the proposed monitoring for adoption of mitigation measures may ease this problem, the lack of specific language speaking to this process leaves the monitoring activity without teeth.

46.1

In addition, because the final language of these proposed policies is not available, it is not clear how we can measure the impact of the policies in mitigating environmental impacts. I am afraid that this vague recommendation for creating policies (or, in other places in the document, conducting studies) is not a real mitigation measure and fails the tests required by CEQA.

46.2

I recommend that these problem be eased by **adding language** within each policy that states that these policies be adopted within 12 months of adoption of a final General Plan, and that the adoption process will include adequate public notification and public comment.

see #46.1

2) Mitigation measure 14, requiring a Habitat Management Plan be prepared and implemented, faces this same vague implementation problem. This Mitigation measure should **specify a timetable for adoption** - I recommend 18 months after adoption of the final General Plan.

see #46.1

see #46.1 3) The Public Services and Utilities portion of the document addressing solid waste impacts states that impacts will be mitigated to a less-than-significant level by adoption of General Plan policies 3.25 & 3.24. However, these policies suffer from the same vague, unenforceability mentioned above. Policies 3.25 (an "action policy!") states only that "the county will develop a long range plan for disposal of solid waste."

46.3 This policy recommends only creation of a plan - it does not indicate by when this plan must be created, or, more importantly, that it must be implemented. Creating a plan without requiring implementation is not an adequate mitigation measure. This treatment of the impact of growth on our solid waste services is **inadequate**. This section of the document **must be re-written to specifically address criteria that the proposed "long range solid waste plan" must meet**. I suggest language which requires consideration and adoption of composting and recycling elements for solid waste disposal, careful siting criteria to avoid water quality, traffic and other impacts, and coordination with area governmental agencies including the incorporated cities of Nevada County.

46.4 4) The traffic section of the document uses as its sole test of adequacy of roads at buildout the engineering measurement tool of level of service. This tool was designed for highways, and does not speak to the rural roads that we have in Nevada County. Safety problems are not discussed adequately, especially in regard to snow and ice problems. In addition, the windy and narrow character of these roads, with many driveways and small intersections, make safety at least as important as LOS figures. Either new criteria which include safety issues must be inserted in this document, or reasons for basing growth impacts on traffic solely upon LOS and ignoring safety, must be documented fully in this EIR or the document must be judged inadequate.

46.5 In addition, many area roads that are not listed in the traffic table will experience significant traffic increases under this plan. For example, the segment of Spenceville Road, which runs between Indian Springs and Penn Valley Drive, is not mentioned at all in this EIR. This road segment has two churches, a business park, a fire station and an elementary school. It is a crucial link between Highway 20 and Indian Springs Road, both of which are identified as segments which will experience great traffic increases - yet this link is ignored. Reasons for ignoring this link must be outlined, or information about impacts on this road created.

46.6 5) The most clear, un-mitigable impact of growth is on open space and farm land. Proposed mitigation measure #2, page 4.1-26 suggests that the County "shall consider" forming an Open Space District, but the EIR clearly states that this will not mitigate the expected ag land loss. I believe this mitigation

measure would be greatly strengthened by changing the language to strike "consider," thereby making creation of this Open Space District mandatory.

In addition, conversion of prime agricultural land, or farms considered to be historic or of statewide importance, should be prohibited, in order to begin to mitigate some of the anticipated farm land loss. This could be done through amending Policy 1.17 to prohibit conversion of these types of farms and agricultural lands in the site development standards.

46.7

At this time the document identifies these significant impacts but suggests nothing that even begins to mitigate these impacts. I believe this leaves the EIR open to charges of being inadequate.

6) The recommendations of the "Resolution Committee" should be incorporated and analyzed in the final version of the EIR, in order to make this a document useful for decision making.

46.8

Overall, I'd like to thank the Planning staff and consultants who have worked so hard on this document. I feel that many of the mitigation measures, especially those which lead to the removal of the SDA from the northwestern portion of the county, are crucial and well conceived. I look forward to your response to my comments and to the many public comments that I am sure you have received on this document.

Sincerely,



Elizabeth J. Martin

cc: René Antonson, County Supervisor, District IV

#47

Owens and Associates

101 Providence Mine Road, Suite 102, Nevada City, California 95959
Telephones: (916) 265-9081 (800) 223-5417 FAX (916) 265-3260

January 19, 1995

#47

Tom Miller, Director
Planning Department
County of Nevada
950 Maidu Ave.
Nevada City, CA. 95959

Subject: Comments on Nevada County General Plan - Update/Draft EIR

The following represents my observations, concerns and questions regarding the subject document:

1. According to CEQA the EIR must describe the range of alternatives to the proposed project that could feasibly obtain the project's basic objectives. The project's basic objectives include but are not limited to the following:
 - o "The purpose for the general plan update as noted in the proposed general plan (the one adopted by the Board of Supervisors) pg. 1-5, "Rapid growth in the past decade..... with ever increasing demands for highways, water, schools and other public facilities. It is because of this growth.....the 1990 general plan was prepared."
 - o Pg. 1-6 explains that the goals, objectives and policies were compared against four central themes: rural quality, quality environment, strong diversified, sustainable economy and level of public services.
 - o The Nevada County Board of Supervisors in their Resolution 90-62 directed that policies of the up-dated general plan result in economic stability/sustainability, housing affordability etc.

The proposed project (general plan update) may not be able to do what it says it will do within the confines of recommended mitigation measures.

Additionally:

- o Public Resources Code 21001, finds that the policy of the state relative to CEQA is to: (d) " ensure that the long-term protection of the environment is consistent with the provision of a decent home and suitable living environment for every Californian" and (e) create conditions under which man and nature can exist in productive harmony to fulfill social and economic requirements of present and future generations"
- o Elements of the General Plan must include provision for housing development, improvement and site adequacy for all economic segments of the community.

- o Gov. Code 65580(e) finds that "local government also have a responsibility to consider economic , environmental and fiscal factors as well as community goals set forth in the general plan.

The DEIR creates an environment wherein other goals of the general plan quite possibly cannot be met.

47.1

2. Alternative 1 - No Project-No New Development

This alternative assumes no impact. How does one account for the existing 16,000 legal parcels most of which have not pulled permits. Do we just refuse permits?

3. Alternative 3 - Planning Commission Alternative

47.2

The Planning Commission's "advisory" draft plan was reviewed, revised and then approved by the Board of Supervisors to be sent forward for EIR analysis. What was the justification for using the Planning Commission's review of the Preliminary Draft General Plan as an alternative?

47.3

4. Table 5-2 - Summary of Quantifiable Impacts of Plan Alternatives

Under Alternative 1A explain 2,968,582 daily automobile trips as compared to 373,409 vehicle miles traveled. Should not those numbers be reversed?

5. CEQA, Sec. 15125 - states that when a proposed project (draft general plan) is compared with an adopted plan, the analysis (CEQA) shall examine the existing physical conditions as well as potential future conditions discussed in the plan.

47.4

I still do not accept the validity of many of the assumptions of "existing conditions". While the Master Environmental Inventory was an interesting document it broadstroked areas of constraints without really validating which parcels can reasonably be developed. Therefore the population numbers are still suspect and recommended mitigations to lesson impacts of what may be non-existent future populations may be unnecessarily draconian. The exception to this concern applies to those chapters that specifically document another technical procedure with wide acceptability...i.e. Biotic resource section references a 1994 data base search through the California Natural Diversity Data Base.

There were sections that noted that "additional agency information was gathered during the preparation of the DEIR. What was that "additional information " and which agency

provided the new information.

I still maintain we do not have a enough understanding of existing conditions to adequately analyze the proposed additional mitigation measures.

- 6. Other communities are recognizing the validity of transportation demand management strategies as a land use mitigation. i.e. If a employer agrees to have a telecommuting policy for employees whereby "x" number of employees work off site "x" number of days this serves as a mitigation measure to transportation, energy, water consumption, waste disposal etc. Contributions to expansion of transit can also be a transportation mitigation.

I would like to see a more specific discussion of TDM as a low cost land use mitigation affecting "intensity of use". When you don't have to park as many cars trees don't get cut down, water run-off is avoided etc. .

47.5

- 7. Terms such as "could be" , " could be somewhat" "would/may not necessarily" ., permeate the discussion of effective policies and possible impacts. These terms are ambiguous at best and when used should include in the discussion "under what set of circumstances a definitive impact would in fact be recognized where a specific mitigation measure would be imposed".

47.6

Example: pg. 5-18 - " It should be noted that implementation of land use map changes as identified in Mitigation Measures #14 through #18 and #39 could provide adequate commercial and industrial land to achieve the County's identified jobs/housing balance of 1.2 jobs per dwelling unit identified in policy 2.5. Which of these mitigation measures need to be removed or revised to change the "could" to "would"?

This is just one of many mitigations that "could" or "would" preclude the ability of a balanced general plan being adopted.

- 8. Page 5-19 - In referring to "net increase" in employment for each alternative....what is the base level of employment we are increasing. Is this job creation within the county or just people who are employed somewhere. Can it be assumed that population could increase without the corresponding increase in jobs within the county requiring an increasing percentage of the population to commute in and out with the attendant air, safety, degradation of streets and roads etc. impacts?

47.7

The percentage of employed vs population increase appears skewed. Explain the formula/rational in assuming 86% of the increased population will be employed in light of the fact that currently over 40% of the adult population is considered "retired". It may be some of these may be retired from their primary career and are employed/own a local business (usually service/retail, consulting of some sort).

47.8

- 47.9** 9. Explain more specifically how an open space district can serve as a mitigation. Considering the political climate where several supervisors ran on a platform that no new taxes or anything that could be construed as a tax would be imposed without a vote of the county, any mitigation based on taxation would not be feasible.
- 47.10** 10. Relative to fire related impacts, discuss the viability as a mitigation of construction standards in high wild-fire areas such as steel construction, alum. siding, no shake roofs, on-site fire water capacity (pond, pool), enforceable clearing requirements, access and emergency road construction/availability requirements.
- 47.11** How does mandated clustering in all rural regions serve as a mitigation measure against exposure of persons and property to wildland fire.
- 47.12** Pg. 4.10-38 - notes that high severity fire zones under the proposed general plan include extensive areas with lot sizes as small as 3 to 5 acres. If existing lots are already 3 to 5 acres how can the proposed general plan result in "increased exposure".
- 47.13** 11. Mitigation Measures #14-18 - relative to providing 20-40 acre minimum parcel sizes in rural regions where existing parcelization allows for such designations. How do we know if this is a viable mitigation measure unless we know what the existing parcelization is in rural regions?
- 47.14** 12. Just because something is zoned commercial or industrial does not mean it is usable for that or any other revenue/job generating activity. What evidence is available to suggest that each parcel zoned industrial/commercial will, in fact, result in the estimated number of jobs.
- 47.15** 13. Explain how mitigation measure #39 limits the need for future expansion of existing wastewater and treatment facilities.
- 47.16** 14. Pg. 4.10-10- Density of 2.5 too high for Nevada County.
- 47.17** Pg. 4.10-11 - Commercial and industrial water usage determined on per employee basis. What numbers of employees per acre were used. Table 4.10-4 - Explain 17,480 est. industrial jobs available at buildout of project. I question the validity of this number for a rural business setting.
- 47.18** 15. Mitigations relative to growth inducing impacts assume that public service facilities will expand to meet the growth. (i.e. growth forces expansion) no matter the cost or public opinion. Given the decreasing financial ability of Grass Valley and Nevada City to expand their systems and the lack of interest in the county for any regional solutions, are not the directive policies in the proposed general plan that refer to infrastructure

(capacity, financing and capability of public services and facilities are coordinated with the timing of development) sufficient mitigation? Refer to directive policies 3:10-27.

16. Impact #3: Where, specifically, is the prime and other significant farmland located. **47.19**
 What is the existing parcelization in these areas? Relative to the Penn Valley area, if the population were decreased by 12,300 individuals what would be the resulting environmental impact on the prime/significant farmland?

17. Impact #16: Disturbance of habitat used by deer for movement, winter and summer range and fawning. (pg. 2.-20) Suggests revising GP land use map to provide for a 40 acre minimum parcel size in critical deer winter ranges in Rural Regions.

What is existing parcelization in critical deer winter ranges? Mitigation #2 requires mandatory clustering in an area of critical habitat. Explain why we need both 40 acre minimums and mandatory clustering? Please check on the Fish and Game Dept. requirements. **47.20**

18. Analysis of alternative mitigations: Using policy recommendations from the Resolution Committee as follows: 1.3, 1.5.a, 1.5.i, 1.5.k, 1.5.r, 1.16, 1.22, 1.23, 1.25, 3.5, 3.6, 3.19, 5.20, 6.10, 8.1.c, 8.2.b, 8.2.c, 8.4.d, 8.g, 8.17, 8.21, 18.2, 18.8 and 18.9. Include objectives: 3.2, 8.1, and 18.3. **47.21A**

19. Mitigation #16 would result in the elimination of the New Town SDA.

According to the Public Services and Facilities Analysis prepared by Recht Hausrath and Associates the development of the new town is critical to a favorable jobs/housing balance.

If we continue to have a jobs/housing imbalance and the commute patterns and numbers continue at the same ratio as indicated in the 1980 and 1990 census.....i.e.. lower paid service and support personnel who cannot afford housing in Nevada County commuting in each day and higher paid residents, who can afford housing, employed outside the county.....what is the environmental impact caused by increased traffic, congestion, air quality etc. **47.21B**

In addition to the New Town what specific parcels would be affected. (A colored map would be most helpful. **47.22**

20. Impact #46 - Buildout of proposed GP land uses could result in 25,769 school-aged children.

I question the numbers used in determining the projected school aged children. What if: the County continues to attract an older population and its existing population **47.23**

stays and continues to age (1990 census showed that 40% of Nevada County's residents are over the age of 45/30% over the age of 50.)?

- 47.24 What would be the potential decrease in school age population from areas that would have predominantly attracted employed families with school age children such as the New Town, and parcels zoned UHD, UMD and USF where the number of dwelling units per acre should some of the proposed decreases or elimination of density occur? Which mitigation measures could be eased or eliminated altogether?
- 47.25 21. Where mandated clustering is recommended as a mitigation measure change to "direct county staff/project proponent to utilize clustering of development wherever feasible." Evaluate change as an alternate mitigation.
- 47.26 22. Pg. 2-12 Why "is not giving definition to the Rural Region" an environmental impact?
- 47.27 Policy 1.18: Because of the mandated maximum subdivision parcel size considerable open space will in fact be created.....there is a financial and legal implication with this mitigation....i.e. who pays to take care of it, liability issues, who has access to it; public/private use, etc.
- 47.28 23. 2-20 - Impact #18 - elimination, interruption or disturbance of special status species or their habitat. Mitigation 20: I don't understand - explain the significance of a FESA Section 10(a) and CESA Section 2081 permit.
- 47.29 The Habitat Management Plan appears costly and difficult to monitor for a variety of reasons including the fact that private roads abound in the areas that would conceivably be monitored creating public access problems. What examples do we have of similar programs in similar environments? What is the staffing level? If the monitoring indicates adverse conditions what recourse does the county have?
- 47.30 24. 2-29 Impact #41 - Where are the railroads? How many miles of track in Nevada County?
- 47.31 Overall I am concerned that the mitigation measures recommended in the EAR will prove to the "straw that breaks the camels back" resulting in a legally inadequate general plan that is incapable of doing what it says it will do. Nevada County will be unable to meet its housing responsibilities. Economic stagnation will become not just a fear but a reality. The County of

Nevada will not have the financial ability to meet the needs of the current population as the children of today become the adults of tomorrow who wish to remain in the community, work and raise their families. As middle-aged and seniors of today get older, their health and safety will become even more compromised because of the lack of revenue to fund necessary public services.

Thank you for your consideration of the aforementioned concerns.

Sincerely,



L. Johanne Owens

#48

#48

LAW OFFICE OF
RICHARD F. ELLERS
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NEVADA CITY, CALIFORNIA 95959
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RECEIVED

JAN 20 1995

NEVADA COUNTY
PLANNING DEPARTMENT

January 20, 1995

Nevada County Planning Department
950 Maidu Lane
Nevada City, California
95959

Re: Rural Quality Coalition (RQC)
Comments On Draft EIR For General Plan

Dear Nevada County Planning Department,

Enclosed you will find the comments of the Rural Quality Coalition to the Draft Environmental Impact Report prepared in connection with the proposed new Nevada County General Plan.

Much thought and work has been expended in connection with the preparation of these comments. While the comments are detailed this is out of a concern that the rural quality of life in Nevada County be maintained through the process of the adoption of the new general plan.

If any planning commission member, supervisor or planning staff wish further clarification of the position of the Rural Quality Coalition in regard to the Draft EIR, feel free to contact this office at any time.

Yours Truly,



Richard F. Ellers

Enc.



January 20, 1995

Tom Miller
Acting Planning Director
Nevada County
PO Box 6100
Nevada City, California 95959

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NEVADA COUNTY
PLANNING DEPARTMENT

Dear Mr. Miller,

This letter provides comments on the adequacy of the Nevada County General Plan Draft Environmental Impact Report (DEIR) for the Rural Quality Coalition of Nevada County.

The Rural Quality Coalition has been involved in the General Plan update for some time both in the creation of an environmentally sound plan and in the public review process under the California Environmental Quality Act (CEQA). In particular, relative to CEQA, the group provided comments to the Notice of Preparation of the EIR dated May 24, 1994 and verbal comments at the public hearing on January 12, 1995.

The DEIR notes numerous impacts which will occur as a result of buildout and implementation of the General Plan. We agree with much of the analysis and support many of the mitigation measures proposed. The document is well organized and easy to understand. However, at this stage there appear to be inadequacies under CEQA which we hope will be rectified in the Final EIR (FEIR). We urge the County to commit the resources necessary to allow the consultants to conduct the additional analysis and mitigation formulation which will be necessary to fully answer our comments. In preparing the Final EIR, we request that a revised DEIR in legislative revision format accompany the Response to Comments for so that the public and decision makers can better understand the changes made.

Our comments are organized around the following critical concerns:

- Whether or not our comments on the **Notice of Preparation** were adequately answered
- Adequacy of the **Alternatives** discussion
- Appropriateness of the **Standards of Significance**

-Adequacy of the **Impact discussions**

-Adequacy of the **Mitigation Measures**

-Incorporation of the **Resolution Committee recommendations**

INTRODUCTION

Each of these concerns are introduced generally below and related to individual sections of the DEIR later in our comments.

Notice of Preparation Comments

In many cases our Notice of Preparation (NOP) comments have been responded to in the DEIR. In other cases, the subject of concern was not discussed or not discussed adequately or in great enough detail. The DEIR should provide discussion of all of our NOP comments.

Alternatives

Our Notice of Preparation comments clearly spelled out our concerns in this area and listed a number of alternatives which we felt were necessary to ensure the addressing of a full range of alternatives. We are concerned that a full range of alternatives was not included, that quantification of the alternatives was not adequate in some cases to ensure a substantive discussion, and that alternatives not discussed, considered infeasible, or rejected for other reasons were not outlined and the reasons for their rejection not substantiated. In particular, we feel that the environmentally superior alternative identified, DEIR Alternative 4, should be revised to incorporate additional mitigation identified during the Final EIR process to ensure that it mitigates as many impacts as possible and to the greatest degree possible which is a goal consistent with the project objectives.

Standards of Significance

We requested in the Notice of Preparation comments that clear impact thresholds be used. The DEIR met this goal in most cases with a section on Standards of Significance in each Impact chapter. We appreciate this clarity. However, in some cases thresholds were not given or thresholds appropriate to our local conditions were not used. This problem should be rectified and impact conclusions modified where necessary.

In impact areas where environmental problems currently exist, the thresholds should be low. In particular, where existing conditions have resulted in significant impacts which are not currently being mitigated, Plan related additive impacts should be considered unmitigable. In *Kings County Farm Bureau v. City of Hanford* (5th Dist. 1990) the "drop in the bucket" theory of discounting

cumulative impacts was discounted. An example is impacts to library services in the county. We are currently operating our libraries at an unacceptable service level; any additional pressure on this system would be considered significant.

In addition, the use of environmental thresholds which are appropriate to local conditions in Nevada County has been a discussion point throughout the General Plan process. CEQA notes that an "ironclad definition of significant effect is not possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area." (CEQA Guidelines, Section 15064 (b).) Further, "In determining whether an effect will be adverse or beneficial, the Lead Agency shall consider the views held by members of the public in all areas affected. If the Lead Agency expects that there will be a substantial body of opinion that considers or will consider the effect to be adverse, the Lead Agency shall regard the effect as adverse." (CEQA Guidelines, Section 15064 (c).)

We provide specific examples of our concerns in these two areas within our comments on individual impact chapters.

Environmental Impacts

The DEIR discusses numerous impacts and we feel that this will help us all better understand the Plan that is under consideration. However, many of the impacts have been over generalized and as a result may appear less than significant. When the county is looked at in more detail - area by area and neighborhood by neighborhood, impacts can be more clearly seen. We feel that a more detailed approach, more specific to subareas of the county would provide a more useful and accurate analysis and is needed to ensure a legally adequate EIR.

Related to this issue of over generalization, we do not agree that this DEIR adequately addresses the impacts of rezoning consistent with the General Plan. As a Program EIR, additional detail should be expected in the next level of analysis which would logically be environmental review of the Zoning Map and revised Zoning Ordinance. This would allow for a more specific look at individual neighborhoods and allow for a phased approach to zoning to the full density allowed under the General Plan if it is determined to be inappropriate at this time for environmental or other reasons.

While the DEIR is in essence a Program EIR, this does not dismiss the agency's responsibility to address impacts in as great detail as possible given the action at hand or to create mitigation measures for which implementation success is measurable. "A program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible." (CEQA Guidelines, Section 15168 (5).)

The indirect impacts which could result from implementation of a number of the recommended mitigation measures have also been omitted or under reported.

Again, we provide specific examples of these areas of concern in our comments on individual impact

chapters.

Mitigation Measures

A number of very constructive mitigation measures have been recommended. However, it is important to explore all available mitigation measures even if they are not selected (CEQA Guidelines Section 15126(c)) and *Stevens v. City of Glendale* (1981).) In some cases, the DEIR "drops the ball" and concludes that an impact is unmitigable when, in fact, mitigation measures may be available. We urge the consultant and staff to work a bit harder to identify mitigation measures.

We submitted a number of mitigation measures for consideration in our Notice of Preparation comments. These and all other available mitigation measures should be discussed and the reasons for choosing one over the other(s) should be stated. We submit additional measures for consideration in these comments.

Evidence must be given to demonstrate that the recommended mitigation measures are capable of: (a) "avoiding the impact altogether by not taking a certain action or parts of an action"; (b) "minimizing impacts by limiting the degree or magnitude of the action and its implementation"; (c) "rectifying the impact by repairing, rehabilitating, or restoring the impacted environment"; or (d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action." (CEQA Guidelines, Section 15370.) In many cases, adequate information is not given to evaluate whether or not a mitigation measure is capable of meeting any of these mandates.

In some cases, further study or the adoption of as yet unwritten ordinances is recommended as mitigation with no assurances as to the outcome. The courts have discounted this approach in numerous instances. In *Kings County Farm Bureau v. City of Hanford* (1990) the EIR's groundwater impact analysis was determined to be inadequate because it relied on a vague "mitigation agreement" without demonstrating that water would be available for purchase. In *Oro Fino Gold v. County of El Dorado* (1990) the post-approval formulation of plans was considered inadequate mitigation and that "in the absence of overriding circumstances, the CEQA process demands that mitigation measures timely be set forth, that environmental information be complete and relevant, and that environmental decisions be made in an accountable arena." We do not feel that future staff creation of Site Development Standards, for example, constitutes an accountable arena. In *Sundstrom v. County of Mendocino* (1988) it was noted that mitigation measures are only adequate if the EIR demonstrates that the approving agency possessed "meaningful information" reasonably justifying an expectation of compliance." We maintain here that where mitigation measures in the DEIR recommend further study or adoption of standards, ordinances, and fees mitigation below the significance level has not always been demonstrated. Information must be provided which will give evidence of assured mitigation. In other cases, policies within the Plan are not assured of mitigation because responsibility or timing has not been assigned or because no implementation measure has been identified. The EIR should recognize this fault and recommend appropriate mitigation or conclude that impacts will be unmitigable and identify an appropriate alternative. We note our specific items of concern later in these comments.

We discussed previously the relationship of a Program EIR to the adoption of further tiers of regulation. In most cases, we maintain that because it is a land use plan that is under consideration, changes to the draft land use map should be the first tier of mitigation attempted rather than reliance on future regulation.

Finally, we should note that the DEIR does not include information which would substantiate any overriding considerations in favor of not adopting the mitigation measures proposed and the environmentally superior alternative.

Resolution Committee Recommendations

The Final EIR should include the Resolution Committee recommendations which are mitigating in nature as mitigation measures or an alternative to the draft Plan until such a time that they are made part of the project description by the Planning Commission. We have called out most of these in our comments. The unresolved issues of the Committee should also be handled in this manner since they will still be an important part of the public debate. In this way, we can ensure that the Alternatives section of the EIR will meet the CEQA mandate of discussing a full range of alternatives. It makes sense to provide the decision makers with an environmental analysis of the options which have been and will be seriously discussed.

COMMENTS ON INDIVIDUAL DEIR CHAPTERS

Alternatives

48.1

Environmentally Superior Alternative. One of the key conclusions in the DEIR is that an environmentally superior exists - EIR Alternative 4. This alternative is heading in the right direction. As the environmentally superior alternative, this alternative should be devised to avoid significant environmental impacts which are unavoidable under the Plan as proposed (CEQA Guidelines, Section 15126 (d), (d) (3)). In order to fully meet this objective, this alternative should incorporate any additional mitigation which is recommended in the Final EIR as well as the Resolution Committee recommendations which are adopted by the Planning Commission. Throughout these comments, we recommend numerous mitigation measures. These measures should be incorporated into Alternative 4, again to fully meet the goal of CEQA Section 15126.

CEQA requires agencies to implement feasible alternatives identified in EIRs for projects that will otherwise cause significant, unavoidable environmental impacts such as the draft General Plan (Public Resources Code, Section 21002, 21081; CEQA Guidelines, Sections 15002 (a) (3), 15021 (a) (2), 15091 (a)).

Full Range of Alternatives. None of the features we had requested for discussion in our Notice of Preparation comments were incorporated into the DEIR Alternatives chapter. While our key concern is the creation of the environmentally superior alternative, this cannot be accomplished without

evaluating a full range of alternatives. A range of alternatives is needed which will produce information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned (*San Bernardino Valley Audubon Society v. County of San Bernardino*, 1984). These alternatives must all feasibly attain the project's basic objectives. The DEIR very widely defines the project sponsor objectives as "to provide a long-term policy guide for the physical, economic and environmental future of the County, which meets State requirements..." (DEIR p.3-3). Thus, any number of project alternatives could meet these objectives as evidenced by the numerous alternatives discussed during the public debate. In the final analysis, the alternative which is determined to be both environmentally superior and feasible must be adopted as discussed in our comments on the environmentally superior alternative above.

The following alternatives still need discussion within the DEIR:

-Existing Zoning

48.2

-More Rural Land Use Designations in Spheres of Influence. The intent is to allow these areas to act as holding zones until these areas are annexed. It is assumed that annexation will occur when the cities are in a position to provide adequate public facilities, thus avoiding potential environmental impacts described in the DEIR. This alternative would also result in a form of phasing which would assist in avoiding other environmental impacts discussed throughout the DEIR until such a time as solutions are available.

-Project as Proposed Without GPDs. The relative impact on County subareas without the more major of the GPDs proposed should be individually discussed. We do not feel that this type of analysis is precluded by legal precedent which requires discussion of alternatives to those that relate to the project as a whole. Since the project is a land use plan, different configurations of the map are obvious alternatives. Regardless, this type of discussion is certainly not prohibited and would provide quantification of alternatives being discussed by the public.

48.3

-Phased Growth. This concept as a form of providing for planned, orderly growth has been discussed throughout the process. A related option would be to tie residential growth to jobs creation, or commercial development to the market to the market available to avoid impacts to existing businesses. The intent should be to avoid significant impacts identified in the EIR.

48.4

see #48.1

-Revised DEIR Alternative 4 as described under our discussion of the environmentally superior alternative above.

It is also important to discuss the full range of alternatives because it is unclear whether or not Alternative 4 actually serves as an alternative. Since it consists of mitigation recommended throughout the DEIR, it could functionally be implemented through adoption of the mitigation

measures.

48.5 Again, we feel that a full range of alternatives has not been discussed. One of the three alternatives, the Planning Commission Alternative (3) would result in a greater population than the draft General Plan and, thus, does not meet the intent of CEQA to identify environmentally superior alternatives. Both Alternatives 2 and 3 provide for almost exactly the same buildout population as the proposed General Plan with little differences in the distribution of land uses. Only one alternative is mitigating in nature. The result is a very minimal alternatives discussion. A "reasoned choice" cannot be fostered by such a minimal range of alternatives. Any of the alternatives described above could be feasibly implemented and thus implementation would not be "remote and speculative". In fact, variations on these themes have been used in other communities.

48.6 Alternatives Not Evaluated (DEIR p. 5-4). If any of these alternatives are rejected for discussion, the EIR should include an explanation. The Goleta II case discusses this issue. Our concern is that it be made clear to us all alternatives which were considered but rejected, particularly if an infeasible determination was made so that we can fully participate in the discussion. The DEIR falls short in this area. It does not state reasons for not evaluating the alternatives listed in our NOP comments and only lists the Steering Committee review alternatives as not evaluated, with no explanation given.

48.7 Quantification of Impacts of Alternatives. A number of impacts have not been quantified under each Alternative discussion. An adequate analysis requires a map or some form of inventory which shows the differences between the proposal and existing zoning as well as the land uses proposed under each of the alternatives. A chart comparing acreage of various land use alternatives under each alternative is necessary to truly understand each proposal. This will allow quantification of a number of impacts which are discussed in a qualitative manner including loss of open space and agriculture and biotic impacts. Quantification of impacts to all of the potentially impacted roadways is also needed under each of the alternatives to allow for a reasoned choice. (See DEIR p. 5-9, paragraph 3.)

48.8 Alternative 1b: No Project - Buildout Under Existing General Plan (DEIR p.5-7). The first two paragraphs of this section gloss over a very important issue which has received much discussion during the General Plan update - that of existing zoning. The DEIR notes: "A majority of lands have been zoned to less than the maximum allowed. This zoning is generally similar to the proposed General Plan in Rural Regions." (DEIR p. 5-7.) However, little analysis and no spatial comparison is given. The fact that the proposed General Plan is greater in density than existing zoning in many areas within Community Regions and critical subareas within the Rural Regions is not discussed. This is an example of the over generalization of impacts which we discussed earlier. The issue of the retention of existing zoning as land use densities has been suggested by many groups during the Plan process, is feasible, and should be evaluated carefully. It would also allow an analysis of the land use map without the GPDs.

Alternative 2: Preliminary Draft General Plan (DEIR p. 5-10) and **Alternative 3: Planning Commission Alternative** (DEIR p. 5-13). We see no evidence of overriding considerations to adopt either of these alternatives or the proposed General Plan given the increased level of impacts under each compared to the environmentally superior alternative identified in the DEIR. All of the alternatives provide for a substantial amount of growth, a jobs:housing balance, and an adequate ratio of housing for a variety of income groups. We urge adoption of the environmentally superior alternative when it is revised to address remaining significant impacts to the greatest extent possible.

Land Use

Standards of Significance. The Standards of Significance (DEIR p. 4.1-20) do not reflect local conditions. The following standards should be added:

-Conversion of unique farmland, farmland of local importance, or grazing lands in ownership patterns of 40 acres +. **48.9**

-Introduction of land uses into an area which are not normally expected in the prevailing land use of the area or change in the established character of a neighborhood. This issue of community character is extremely important in a rural community and must be addressed with a standard of significance and impact discussion in the EIR. **48.10**

These standards better reflect Nevada County's rural and suburban level of impact concern as well as the importance of relatively small moderately productive farmland when compared to the statewide inventory of farmland.

Impact #1. This section should be revised to evaluate potential impacts against the first local standard of significance listed above. To ensure an adequate discussion, the areas of potential land use incompatibility should be called out in map form so that the impacts can be identified and specific mitigation designed. This is an example of over generalization of impacts discussed in the Introduction to these comments. This is a key impact area in the analysis of a land use plan. An adequate discussion cannot result without looking at specific subareas and the land use designations distributed within them. An example is the Gun Club expansion allowed on the land use map east of Nevada City in a residential neighborhood. There are numerous other examples. **see #48.10**

The issue of retention of impacts to neighborhood character is not discussed in the DEIR. When specific subareas of the county are looked at in more detail, it will become obvious that neighborhood character and other impacts will be significant under buildout of the proposed Plan. All available mitigation measures must be explored, including allowing Neighborhood Plans to be prepared in Rural Regions as well as Community Regions. The EIR should also note that further environmental review must be conducted when the Zoning Map is adopted since it will allow a more detailed look at issues which may not have been discussed in the General Plan Program EIR format.

48.11 Mitigation Measure #1. It has not been demonstrated that this mitigation measure will meet the goal of CEQA Guidelines Section 15370. While the Site Development Standards are a good idea, there is no evidence that the unwritten standards can mitigate, for example, all or most of the potential land use compatibility impacts which could result as the Plan builds out. This is particularly true since the areas of potential incompatibility have not been clearly called out. In fact, it is unlikely that the Standards can mitigate land use compatibility impacts in many instances. We have this concern for all impact areas the Standards are intended to address. An example is, the creation of urban size lots in a neighborhood with a long established rural character such as the Glenwood neighborhood.

There is no assurance that the Standards will be adopted. In fact, the County in the past has demonstrated a reticence to adopt similar standards. There is also the potential that the Standards will be developed in an "unaccountable arena" since it is unclear whether or not they will result from a discretionary approval. If staff were to create the standards, there would be no public opportunity to review them for the ability to carry out the mitigation expectation. The Standards should apply to all ministerial and discretionary permits or mitigation cannot be assured. This impact must be considered unmitigable and all potential mitigation measures must be explored including those listed below.

48.12 There is also no evidence that RTP policy 2.2 which states that significant impacts of transportation improvements shall be avoided or fully mitigated can be implemented. We are happy to see this policy included. But it is impossible to completely mitigate the land use compatibility and related impacts of, for example, an entirely new road or major improvements in existing rural neighborhoods such as the widening of the Rough and Ready Highway from 2 to 4 lanes. The impact must be considered unmitigable and all potential mitigation measures must be explored including those listed below.

48.13 The first tier of mitigation attempted should be alteration of the land use map. This form of mitigation is the most direct, effective, and mitigation is assured because it is accomplished within the Plan., not as a result of standards and actions to be undertaken in the future. The following land use changes should be recommended as mitigation measures and incorporated into the environmentally superior alternative. All of these changes would also address significant impacts discussed in other sections of the DEIR; including impacts 1, 4, 12, 13, 14, 15, 28, 29, 30, 31, 32, 36, 37, 42, 43, 44, 45, 46, 47, 49, 51. Additional impacts relative to each individual recommendation below are noted in parentheses.

-Recommendations of the Resolution Committee which are mitigating in nature and which are not already proposed as mitigation in the DEIR:

-#5, 6, 7, 8. Reduce Sunset, Squirrel Creek, Alta Hill, Ridge Road areas to RES.

-#10, 11, 12, 13. Reductions in density in the Penn Valley area. (Relates additionally to Impacts 8, 11, 17, 24, 19, 20.)

-#15. Mystic Mine Rd. area. Reductions in density. (Relates additionally to Impacts 8, 11, 17, 24, 19, 10.)

-#16. Rough and ready area. Reductions in density. (Relates additionally to Impacts 8, 11, 17, 24, 19, 20.)

-#19. Lake Vera/ Round Mountain Neighborhood Assoc. recommendations for reductions in density. (Relates additionally to Impacts 23, 21, 19, 20, 17, 24, 25, 16.)

-Items discussed by the Resolution Committee which were not resolved and are mitigating in nature:

-Creation of sending and receiving zones on the land use map as part of a Transfer of Density Rights system to deal with areas that have received increased density on the proposed land use map as well as biotic resource, open space, and agriculture impact issues discussed in the DEIR. (Relates additionally to Impacts 2, 16, 17, 24, 18, 19, 20, 25, 26, 21, 23.)

-#34. Eliminate GPDs 91, 51, 28, 63. (Relates additionally to Impacts 2, 16, 17, 18, 19, 20, 25, 26, 21, 23.)

-#35. Reduce density on Baldwin Ranch to a point that significant quality of life impacts will not result to neighbors receiving pass by traffic and to address biotic resource, open space, and agriculture issues discussed in the DEIR. (relates additionally to Impacts 2, 19, 24.)

-#44. Reductions in density in Cement Hill neighborhood and delete extension of Cement Hill Road in favor of an emergency access only. (Relates additionally to impacts listed under #34.)

-#48. Retain existing zoning densities as land use densities in Willow Valley/ Scotts Flat area. (Relates additionally to impacts listed under #34.)

-#49. Central Scotts Flat/ Willow Valley area: change proposed 5 acre densities to 10 acre parcel sizes. (Relates additionally to impacts listed under #34.)

#50. Retain existing zoning densities as land use densities in Harmony Ridge area. (Relates additionally to impacts listed under #34.)

#52. Retain existing zoning densities as land use densities in Negro Canyon, Hirschdale, and Crest areas. (Relates additionally to impacts listed under #34.)

#53. Grass Valley area. Remove strip commercial designation from Rough and

Ready Highway, return to residential designations. Retain Hell's Half Acre/ Kenny Ranch at same density but add a PD overlay with Open Space specifically designated on vernal pool and steep slope areas. 1 acre density in Glenwood area. Designate Deadman's Flat Rural Residential. (Relates additionally to Impacts 2, 18, 8, 19.)

#54, 55. Loma Rica Ranch. Allow for convention center and lodging, RES for area east of Brunswick outside of the ranch, retention of the full 60 acre historic horse ranch and track in Open Space designation, Open Space designation in wetland area and a visual buffer strip of at least 600 feet along Brunswick Road. Please note that we have requested discussion in the Alternatives section of the possibility of including the City spheres of influence in a relatively low density holding zone until annexation occurs in order to avoid the public facility, traffic, and community character impacts due to premature development in these areas. (Relates additionally to impacts listed under #34 as well as Impact #22.)

-#56. Separation between the Grass Valley and Nevada City Community Regions. (Relates additionally to Impacts 2 and 23.)

-#57. Conway Ranch: Same density, but 50% of land in OS or Ag. (Relates additionally to Impacts 2, 17, 24, 19, 20, 26.)

-#58. Area east of 5 Mile House, use existing GP designations - no Commercial. (Relates additionally to Impacts 2 and 26.)

-#60. Establish scenic stream corridor plan designation along Deer Creek. (Relates additionally to Impacts 2 and 20.)

-#61. Nicolaysen Ranch. Keep existing zoning density. (Relates additionally to Impacts 2, 8, 17, 24, 19, 25, 23.)

-#64. NW corner of Hwy. 20 and Pleasant Valley Rd. Reduce commercial area to 3 acres. (Relates additionally to Impacts 26, 17, 24.)

-#65. Open Space band in meadow north of Highway 20 in Penn Valley area. (Relates additionally to Impacts 17, 24, 26.)

-Other recommended land use map changes:

- a. Use of existing zoning densities as land use densities in areas not discussed above where increases in density over existing zoning have been proposed and where the DEIR does not recommend further reductions as mitigation. (For instance, the New Town is not listed here because the DEIR recommends its deletion.)

b. Retention of the existing land use designations at the Gun Club east of Nevada City to ensure non-expansion of this incompatible land use. (Relates additionally to Impact 39.)

c. Northstar: Remove Commercial designations or reduce to neighborhood commercial acreage which would serve the market for the planned population only so as not to detract from existing retail areas and downtown Grass Valley. (Relates to socio-economic impacts to existing retail which the EIR still needs to discuss. Also relates to Impacts 2, 19, 20.)

d. Raley Ranch: Retain existing densities and cluster to ensure significant open space. (Relates to Impacts 2, 18, 16, 8, 20, 25, 21, 23.)

e. Dog Bar Road Village: Delete Business Park and Commercial designations. This is not a far removed residential area of the County. Existing retail and business centers and those proposed in more urban areas can serve this function and are only a few miles away. Trip reduction cannot be demonstrated at this location since neighborhood shopping is nearby. This new commercial area would seriously alter the rural character of this neighborhood. (Relates to socio-economic impacts discussed under c above as well as impacts listed in the introduction to this section.)

h. Donner Summit: Retain existing density.

-Recommended policy additions:

- Use of Neighborhood Plans in Rural and Community Regions. **48.14**
- Creation of subarea Planning Commissions **48.15**
- Reduction of coverage in Neighborhood Commercial designation to 80% **48.16**
- Maximum of 10 acre size for Neighborhood Commercial sites in Rural Places **48.17**

Given the numerous significant impacts and particularly significant, unmitigable impacts every available mitigation measure must be explored and implemented. There is no overriding consideration which would substantiate retaining proposed land use densities over the reductions recommended above.

Mitigation Measure #2. We support this measure with the following wording change: shall consider forming and Open Space District should be changed to "shall form an Open Space District". Without this change, mitigation would not be assured. **48.18**

This impact would also be addressed by the creation of a system of Transfer of Density Credits as **48.19**

part of Plan adoption which should include sending and receiving areas on the land use map. The system could also be used to mitigate loss of agricultural lands and allow ranchers to receive a greater return on their property. Other sending zones could be areas of the county where existing impacts are occurring which may not be mitigable or where retention of open space is critical for visual or habitat management concerns. Receiving zones should be areas which have been designated for increases in density in the proposed Plan. In an effort to address all potential mitigation measures this measure should be recommended.

48.20 Impact #3, Agricultural Land. As discussed previously, the Standards of Significance should be revised to reflect local conditions in this impact area. In addition, additional forms of mitigation should be explored. What have other jurisdictions done in the area of agricultural preservation? Are there tax and other incentives which can be offered locally? As discussed previously, all potential mitigation measures must be explored. We should not "drop the ball" on exploring solutions to this critical impact.

48.21 Impact #4, Conflict with City Plans. The ability of the three cities to ensure the retention of their essential character and to limit impacts on existing infrastructure requires some control over land use planning in their spheres of influence. The proposed General Plan does not mitigate potential impacts in either of these areas. A mitigation measure should be added which would keep lands within the Spheres within a fairly low density residential holding zone (for instance, 1.5 acre minimum parcel sizes) until they are annexed to the City. This would preclude the County from approving commercial or other intense land use proposals which might not be consistent with the character of the City or would impact existing retail and infrastructure. The Cities are best able to determine when these types of land uses should occur within their Spheres and are best able to provide public facilities for these urban type uses.

48.22 Paragraph 2, DEIR page 4.1-29 notes that the proposed General Plan land use designations are equal to or less intense than those proposed by the cities. A map should illustrate this conclusion to substantiate it. For instance, certain RTP proposals are not on the City plans (the one way couplet in Grass Valley and the Boulder Street Bypass in Nevada City). Certain commercial, PD, and industrial designations may be more intense under the County designations.

Traffic and Circulation

48.23 Environmental Setting (DEIR p. 4.7-1). Level of Service (LOS) for all local roads of impact concern should be discussed. Many of our local roads are below standard. Without evaluating existing conditions on these roads, impacts of improvements needed under buildout of the General Plan are under reported. In addition, because significant, unmitigable impacts are reported, Policy 4.4 is being violated (land use map correlation with transportation system).

48.24 Unsafe conditions other than high accident locations should be noted (under standard roads, overly steep roads, etc.).

Standards of Significance (DEIR p. 4.7-13).- Quality of life standards should be listed. Safety standards should be listed. Minimum road standards should be factored into the standards; please see public hearing comments from Jim Brake for a discussion of this issue. (We make recommendations relative to these issues later in this section.) These areas are just as critical to local residents as level of service and need to be spelled out in similar detail so that we can understand how impacts were determined. To further reflect local conditions, the standards should be revised for use in determining impacts within the cities to reflect traffic volumes which the cities have determined to be acceptable given LOS, quality of life, and safety concerns. Please see our discussion of the need for a reflection of local conditions in the Standards of Significance section of our Introduction to these comments.

48.25

LOS as one of the standards of significance should be changed to volume to capacity so that conditions will not be allowed to deteriorate within the wide range of an LOS. (Will require revision of Policy 4.1 as mitigation.)

48.26

Impact #30, Level of Service on Roadways (DEIR p. 4.7-15). We do not agree with this conclusion; the standards of significance do not reflect local conditions and local roadways are not considered at all.

Consistency with minimum road standards is the most important criteria for collector roads, not LOS. A mitigation measure similar to #32 is needed to ensure that development fees pay an equitable share of the costs required to upgrade the County's roads (collector and local) to appropriate standards as volumes increase. Policy 4.5 and Implementation Measure 15 described on DEIR p. 4.7-20, paragraph 3 would monitor the road system annually for those components of the road system that are at or approaching unacceptable levels of service. Mitigation cannot be assured under this system because funding will not be assured. Changes to ensure mitigation would require an overall program similar to Mitigation Measure #32 for roads (collector and local) and revisions to Policy 4.10 to require denial of General Plan amendments if unmitigated deficiencies exist and to deny or defer any discretionary project for the same reason if improvements are not scheduled within 3 years. (Also see our public facility financing comments.) Policy 4.11 should also be revised to apply to all public roads, regional and local. The impacts of future growth must be determined for local and collector roads now or mitigation fees will be lost in the interim.

48.27

THE DEIR text, page 4.7-20 last paragraph, notes that a reduction in intensity on surface streets surrounding the SR 49/20 interchange after mitigation "would be likely" to be similarly reduced in traffic impacts. However, this is not quantified nor substantiated. The Final EIR should include this analysis.

48.28

Intersection impacts have not been analyzed, an inadequacy which should be corrected in the FEIR. This is particularly important in the Brunswick basin where impacts may be unmitigable.

48.29

After mitigation impacts to Allison Ranch Road have not been quantified and, thus, conclusions are not substantiated. The FEIR should include this analysis.

48.30

- 48.31** Impacts in the Brunswick basin are unclear and the discussion appears inadequate. We incorporate by reference the concerns listed in the Glenwood Homeowner's Association comments on the DEIR.
- 48.32** In Table 4.7-4 (DEIR p. 4.7-16) The column headings "Without Improvements" and "With Improvements" should be modified to specify "Capacity Improvements." A note should also be added to explain that this table does not address safety improvements required by increases in traffic volumes.
- 48.33** Alta Sierra Drive is shown with a buildout LOS of D, from Highway 49 to Ball Road. This is not within any community boundaries, so some improvements should be listed.
- 48.34** Boulder Street, with a buildout of 8000, would operate at LOS D, not C, according to Table 4.7-3, since it is classified as a minor collector. This may be acceptable to the County, but since this road must pass through a residential area of the City of Nevada City, it should be up to the City as to whether or not this volume is acceptable. Outside of the Community Region, Boulder/ Red Dog at these traffic levels would not meet County standards. When judged against the City's concerns and the revised standards of significance, direct and indirect impacts can be expected to be significant and unmitigable. Density reductions in the feeder area is the only available mitigation measure. This is the case for numerous local roads (ex: Willow Valley, Cement Hill, North Bloomfield) which should be inventoried and discussed in the EIR.
- 48.35** The Rough and Ready Highway, at a buildout volume of 12,000 may theoretically operate acceptably at buildout if it is widened to 4 lanes, but the impacts to Grass valley may still be significant. What improvements would be necessary within City limits? Is this projected volume acceptable to the City of Grass Valley?
- 48.36** Table 3-5 and 4.7-4 list the road improvements that would be necessary to maintain acceptable LOS on County roads. It should be clearly stated, however, that the feasibility of these improvements has not been determined. If any of these improvements are determined to be infeasible in the future, what effect would it have on the ability to develop in that area?
- 48.37** Table 4.7-4, Table 4.7-1, and the combined table in Appendix G only list one volume for each road segment. This is misleading. Some of the road segments have a very wide range of volumes. These roads should be listed in smaller segments and a note should be added to explain whether or not these volumes represent the highest volume on that segment. Listing the highest volume is appropriate, but this does not appear to be the case for some of the road segments.
- 48.38** Even with the additional mitigation we have recommended, we expect that the additional analysis we have requested will result in significant, unmitigable impacts. Given this conclusion, all available mitigation must be explored including a decrease in land use densities proposed in areas feeding the impacted roadways.

Impact #31 (DEIR p. 4.7-21). On page 4.7-21, the next to last paragraph, the prioritization of

improvement projects is discussed. Policy 4.7 is described as a priority list. If this is the case, the appropriateness of these priorities should be evaluated. Safety is the top priority, but it should include the upgrading of roads to meet minimum standards as traffic volumes increase, and improving local circulation for safety and emergency service needs. Improvements to reduce congestion should be next, with rideability and alternative mode projects being lowest priority. 48.39

In this same paragraph, the County's alternative in response to proposed developments in areas with deficient roadways is also described. In the second sentence, the term "LOS" should be replaced with the word "Conditions," and Policies 4.1 and 4.3 should not be the only criteria referred to. As stated above, safety is the first priority, including minimum road standards. All of the standards of significance listed at the bottom of DEIR page 4.7-13 revised per our comments should be used as criteria. Policy 4.8 should also be revised to replace the word "desirable" with "minimum," and consistency with road standards added as another criteria as mentioned previously. 48.40

Impact #32, Indirect Impacts of Road Improvements (DEIR p. 4.7-22)- RTP Policies 1.1 and 2.2 and Circulation Element Policy 4.37 are cited here as mitigation. The impacts of the entire RTP and Circulation Element facilities are glossed over in this section. They basically state that road improvements will be designed to be compatible with land uses and designed to avoid significant impacts. As worded, mitigation under these policies cannot be assured. Every possible impact from the construction or widening of a road cannot be anticipated at this time. There is certainly the potential for significant environmental impacts to occur from future projects. An example is the proposed Cement Hill Road extension. What will the visual, neighborhood character, grading, and quality of life impacts be? What about night lighting impacts of new and widened roads (which were addressed by Policy 4.37 in the 9/93 Plan draft)? How can 2 additional lanes on the Rough and Ready Highway result in less than significant visual, tree loss, and neighborhood character impacts? The specifics of the one way couplet in Grass Valley have not been evaluated for environmental impacts. These are just a few examples. 48.41

A number of specific improvements have been listed in the RTP and Circulation Element. (We assume that the improvements listed in the subregional transportation study are specific projects which are anticipated in the DEIR. This should be made clear. If they are not assumed, they should be since they are being presented to the Transportation Commission in this light.) We have recommended that local roads and intersections be looked at also. If specific improvements have been listed, some specificity must be given to the impact discussion. While we do not expect engineered drawings, impacts in each of the general alignments can be anticipated at this time and should be discussed to ensure an adequate EIR. All available mitigation can then be explored including deletion of certain improvements or a decrease in densities feeding the road in question. 48.42

Impact #33, Pedestrian Facilities (DEIR p. 4.7-23). Policy 4.32 should be evaluated. Simply encouraging sidewalks as frontage improvements along with urban and suburban developments is not consistent with the Statewide Pedestrian Safety Plan which should be used in the standards of significance. Sidewalks or separated pedestrian walkways should be required in these areas. Forcing pedestrians to walk in roadways is not appropriate. 48.43

48.45 **Fire Hazard.** On DEIR page 4.10-32, it is stated that Fire Safe standards do not apply to existing roads. This should be clarified. Existing uses on existing non-standards roads are legal, but if a discretionary development is proposed which would be dependant on a non-standard road for access, the project approval should include bringing the road up to standard. This criteria should be added to the standards of significance and the impact discussion adjusted accordingly. The indirect impacts of bringing these roads up to standard in specific areas of concern should be evaluated. The policies in the Public Facilities Element should also be analyzed against this concern.

see #48.25 **Impact Issues Not Discussed-** Traffic related Quality of Life impacts analyzing the combination of safety, annoyance, noise, and glare in residential neighborhoods as traffic levels increase must be analyzed in a quantified manner if possible. Appropriate criteria should be added to Policy 1.18 to ensure analysis of this issue in the future as well as to Circulation Policies 4.1, 4.7, and 4.8.

see #48.25 Safety impacts have not been adequately addressed as we discuss in the sections above and should relate to local road standards. Mitigation should include bringing these roads up to standard. If we do not recognize these below standard roads now, we are under reporting impacts and losing the opportunity to collect needed mitigation fees.

Visual Quality

48.46 **Standards of Significance** (DEIR p. 4.6-4). As noted in our Notice of Preparation comments, an impact evaluation system which reduces the subjectivity of this type of analysis is needed. Visual quality and unique visual features need to be considered. In this way, the standards would better reflect local conditions.

48.47 **Impact #23, Development on hillsides and ridgelines.** The critical policy is 18.6 which does not prohibit ridge line development. This change should be added to ensure that impacts will be mitigated below the significant level.

48.48 **Impact #26, Scenic roads.** To reflect local concerns, local scenic roads should be inventoried and potential impacts to their character should be evaluated. Mitigation should be included to protect the character of these roadways such as the inclusion of these corridors in the proposed Design Guidelines since it is expected that significant impacts will occur. Examples include the widening of Rough and Ready Highway and commercial development proposed along it which would result in a change in character of the corridor.

48.49 **Impact #28, Light and glare.** The policies cited cannot possibly mitigate impacts to below the significant level. The rationale must be given. The increased level of urbanization proposed will result in increased night lighting in a relatively rural area and this cannot be avoided. New residential areas, roads, and non-residential areas will contribute to these impacts. All available mitigation must be explored including the development of very detailed lighting standards.

48.50 **Impact #29, Linear sprawl.** We appreciate the discussion of this impact. However, the associated

mitigation measure is vague and needs detailed implementation measures to ensure its effectiveness and ability to be monitored. As an example, a visually effective separation of the Grass Valley and Nevada City Community Regions is necessary .

Issues Not Discussed. The mitigation measures listed in our Notice of Preparation comments should be included as they address the impacts discussed. **48.51**

Impacts to visually important historic features and unique visual features are not discussed. An example is the expected loss of numerous historic and scenic open ditches as urbanization increases. These features must be inventoried before impacts can be addressed. All available mitigation measures must be explored including increased PD or OS designations for critical areas and the use of TDRs.

Cultural Resources

Issues Not Discussed. The DEIR needs to better reflect local conditions by noting the significance of historic features other than buildings. Historic road alignments, structural remains (fences, walls, signs), historic bridges, historic open irrigation ditches, etc. are important to the historic fabric of the County whether or not they meet the CEQA Appendix K criteria. This should be noted in the standards of significance and an inventory of these types of features should be called for in the mitigation measures. **48.52**

Relatively high densities or incompatible land uses are proposed in areas of known historic/ cultural resources. An example is the 60 acre Loma Rica Ranch and race track. How will this historic ranch be ensured of preservation under this policy? Where these resources are known at this time, they should be designated OS, Rec, or Ag to ensure avoidance of significant impacts. **48.53**

Significant, unmitigable impacts to cultural resources may still result as the County urbanizes because of the many actions which can destroy cultural resources independent of discretionary land development projects. Greater detail should be added to the description of the proposed Cultural Resources Ordinance (Policy 19.1) in order to address this concern even if it will not fully mitigate impacts. **48.54**

Water Supply

Mitigation Measure #38, Groundwater study. This is an excellent recommendation but should include measurement for nitrogen concentration in wells. However, the alternative measure which would require tie in to surface water supplies if the study indicates overdrafting may not be feasible in all cases. Many areas of the county would be too expensive to serve with piped water. As a result, there is still the potential for significant, unmitigable impacts to occur. Density decreases in areas of concern is the alternative measure which should be considered. **48.55**

48.56 Issues Not Discussed. Please see our Notice of Preparation comments related to concern for continued water supply for hobby and small agricultural operations. Analysis and mitigation are needed.

Public Facility Financing in General

Each of the DEIR sections on individual public facilities and services address the ability for future needed facilities to be funded given the policies in the proposed General Plan. They generally refer to the development fee and LOS system outlined in Policies 3.6 to 3.15. There are shortfalls to this system, however, which leave mitigation unassured.

48.57 The initial step in this process is the establishment of LOS standards. However, to be effective these standards must address all critical public facilities and reflect the key components of each facility/service. For instance, non-County facilities/ services must also be addressed since they are critical to support development. Sheriff and school facilities/ services in particular must be added. General government, water, and sewer facilities/ staff should also be addressed.

see #48.25 The critical components of each facility generally include land, building, staff, and operation budget needs. These last two items have not been included in the LOS and are critical particularly relative to sheriff, library, and general government personnel where employees are the service.

see #48.25 The standards must also be locally relevant so that needs are not under reported. We have previously discussed the need for road standards, quality of life standards, and safety standards to be part of the traffic impact standards of significance. They should be included in these LOS standards also. LOS alone does not appropriately measure road improvement needs in a rural road system such as ours. The revised LOS standards should apply to local roads and intersections also or an under reporting of needs/ impacts will occur.

48.58 The LOS standards in Policy 3.10 are then intended to be used as the basis for the long range Capital Facilities Plan and development fees. This is well advised. However, they must be used in reviewing individual project applications also to ensure a system similar to the Site Development Standards; the fee structure may not anticipate every type of project or every needed facility. They should also be used for annual monitoring of progress toward meeting targets and a "stop" or some sort of corrective action must be designed into the annual monitoring if targets are not being met. Without these features, mitigation is not assured.

48.59 Finally, it should be noted that the 5 Year Capital Improvement Program development fee structure precludes the collection of fees for major facilities which may need to be constructed within the Plan period but will require the collection of fees for longer than five years. This may result in significant, unmitigable impacts unless assured funding measures can be identified at this time. The long range Capital Facilities Plan should recognize facilities which will be needed in 5 year increments through Plan buildout so that we can accurately determine the impacts of the construction of these facilities.

Public facility sites including schools and parks must be shown on the land use map (general locations) or mitigation cannot be assured. Are there appropriate sites and are they available? **48.60**

In summary, where standards cannot be met and funding cannot be assured, the DEIR should explore alternative funding mechanisms. Most likely, the only mitigation available will be decreased densities through the environmentally superior alternative.

Wastewater

We agree with the conclusion of significant, unmitigable impacts in this section. The DEIR notes that the provision of wastewater facilities cannot be assured, particularly given the limited available capacity of existing facilities. A decrease in density to existing zoning within unincorporated portions of the Community Regions is recommended in Mitigation Measure #39 which would not fully mitigate potential impacts. In an effort to address all available mitigation measures, the holding zone densities we discuss in our Land Use comments should be considered. **see #48.21**

The growth inducing impacts of a potential regional wastewater treatment plant proposed in Policy 3.9 should be addressed. **48.61**

The impacts of Policy 3.17 which could allow community septic systems within spheres of influence of the cities on community character, land use compatibility, and the fiscal health of the cities should be discussed. We expect that significant impacts would result. These systems should not be allowed within the spheres. **48.62**

Solid and Hazardous Waste

Impact #44, Solid waste. Whether or not continued disposal of solid waste outside of the county is assured over the long term needs to be discussed. If not, impacts must be considered unmitigable. Because our contracts for this disposal are short-term, we believe mitigation is not assured at this time. All available mitigation measures must be explored including the location of potential landfill sites on the land use map. **48.63**

Schools

We agree with the conclusion of significant, unmitigable impacts. However, by adding detail to Policy 7.5 or an associated mitigation measure, impacts may be mitigable. This increased detail should recommend formation of a countywide Mello-Roos District which new developments must participate in to fund new schools. This method has been used in other counties including Placer County. **48.64**

Level of Service targets should also be added to Policy 3.10 for schools. Whether or not the facility is county provided is not apropos to the impact of development on the facility. **48.65**

Fire Protection

- 48.65** Please note that additional density reductions recommended in these comments and by various neighborhood organizations would further reduce wildland fire impacts and should be recommended in the DEIR in an attempt to identify all available mitigation.

Sheriff Protection

- 48.66** The fact that an existing unacceptable staff ratio exists means that a significant, unmitigable impact is currently occurring. Any additions to this problem will result in further significant impacts. Since adequate General Fund monies have not been allocated to resolve this problem in the recent past, this provides evidence that future increases in funding is not necessarily assured. Funding mechanisms must be identified and required in order to mitigate this impact. Level of Service standards and, correspondingly, standards of significance should include staff targets. If not, mitigation of impacts cannot be assured.

Parks and Recreation

- 48.67** Similar to the discussion above, funding mechanisms for staff and perationa and maintenance have not been identified and are not assured. Level of Service standards and, correspondingly, standards of significance should include staff and operation budget targets. If not, mitigation of impacts cannot be assured.
- 48.68** In addition, an under supply of park land currently exists to serve the current population. Thus, significant impacts exist at this time and any additions would further the impact. Requirement of an Open Space District and an associated funding mechanism would assist in this area of concern.

Libraries

- 48.69** Again, staff and operating budgets are not used as standards of significance. This is an inadequate approach which ignores an existing impact. Current staff levels and budget allow for only part time library hours. This is not an adequate level of service. Much of what a library provides as a service is number of books, hour of operation, and staff - not size of the building. Given the inability to provide adequate General Fund monies in the past, this may be an unmitigable impact.

Biotic Resources

- 48.70** **Impact #15, Loss and fragmentation of wildlife habitat.** While the proposed additions to the Wildlife and Vegetation Element of the proposed General Plan listed under mitigations 14, 15, and 16 are a excellent, we have suggestions to ensure their effectiveness. First, at bullet 3, the suggestion that land use designations and associated acreage identified on the land use maps for Special Development Areas should be modified to protect habitat at the Specific Plan stage seems to exempt

SDA's from the county Habitat Management Plan proposed at the next bullet. If the entire area of SDA's cannot be considered as a unit it cannot be incorporated effectively in the habitat management. For instance, a large number of deer move freely between the undeveloped land on Osceola Ridge and adjacent developed parcels, gaining a considerable amount of winter feed from domestic landscaping but relying on the larger undeveloped area for fawning. This relationship of the general area must be evaluated in any further development of the Osceola Ridge SDA to maintain the viability of the herd in the area, as well as less noticeable species.

Second, at bullet 3, interagency agreements with California Department of Fish and Game, Department of Conservation, Department of Forestry, Bureau of Land Management, Forest Service, and U.S. Fish and Wildlife Service should also be specified in the task of inventorying biotic resources and establishing and maintaining the Habitat Management Plan. This would reduce the cost to the County of preparing the Habitat Management Plan and monitoring its implementation.

48.71

Third, an ongoing monitoring program for the Habitat Management Plan is not specified. The discussion of habitat impacts of the proposed General Plan specifically states that inadequate data exists to determine what constitutes viable habitat. To establish a Habitat Management Plan and Comprehensive Site Development Standards on inadequate data and without monitoring will result in unassured mitigation. Such monitoring could be conducted in cooperation with the agencies listed above and should be funded in part from development impact fees.

48.72

Fourth, at bullet 4 the draft EIR states, "The County should redesignate the ecological reserve areas as Open Space/Resource Conservation on the land use map." This refers to potential reserves or resource banking areas presently in private ownership. Resource banking would be financed by developers, but open space reserves rely also on public funding, of which there is presently little. As per our NOP recommendations, it should state here that the County will form an Open Space District and Authority to create financing for purchase of open space and ecological reserve lands.

see
#48.18

Fifth, under Mitigation 15, General Plan Policy 13.3 should be revised to provide specific tree and shrub cover retention ratios for all development, including single homes, in critical habitat areas as determined by the Habitat Management Plan. Permit covenants should be specified to guarantee maintenance of existing and newly planted shrubs and trees.

48.73

Finally, there is no mechanism for guaranteeing implementation of Mitigation 14. An implementation measure should be recommended to establish responsibility and timetable.

48.74

Impact #16. Loss and fragmentation of deer habitat and migration corridors. Under Mitigation 17, non-development buffers should meet CDFG standards after an individual site biological inventory and in conjunction with the Habitat Management Plan if mitigation is to be assured. Until then, these should be considered interim standards.

48.75

Under Mitigation 18, the DEIR does not fully incorporate CDFG recommendations but notes that the Site Development Standards will mitigate impacts in the non-critical winter range area and

48.76

migration corridors which were not addressed by parcel size reduction recommendations. To be effective, detail needs to be added to the Site Development Standard mitigation measure which clearly spells out how site development can achieve the same goal as density reduction and maps the areas of concern. Otherwise mitigation cannot be assured at this time and the more direct route of density reduction recommendations would be required.

48.77 **Impact #17, Loss or degradation of oak trees.** The major deficiency of the proposed General Plan policies in this area is that they primarily address preservation of landmark groves and trees. Native oak populations of all species are in decline and development of all kinds impacts their numbers and viability. Because oaks are a major element in the ecological systems of the Sierra foothills, it is important to consider them in the context of the whole habitat. This should be made more clear in the DEIR impact discussion.

Mitigation 19 should be revised to add "of all oak species" after "significant oak groves." A Tree Protection Ordinance should be recommended as implementation so that protection of individual trees on smaller lots not necessarily associated with a large grove receive some degree of protection. Otherwise, significant impacts could still occur as incremental non-discretionary projects such as individual home building permits are granted. In addition, the Habitat Management Plan proposed under Mitigation 14 should specially include all oak species, as should the Comprehensive Site Development Standards under revised General Plan Policy 1.17.

48.78 **Impact #18, Elimination, interruption, or disturbance of special status species or their habitat.** We feel that the recommended Habitat Management Plan is potentially a viable solution to the identification and protection of these species in Nevada County. The issue of impacts as a result of non-discretionary actions should be addressed.

48.79 **Impact #19, Loss or disturbance of wetlands.** The issue of loss of wetlands as a result of non-discretionary actions needs to be addressed and mitigation proposed within the Site Development Standards.

48.80 **Impact #20, Loss of riparian habitat.** Mitigation 22 should include "...or to CDFG standards as formulated in the County Habitat Management Plan, whichever is greatest." The issue of impacts as a result of non-discretionary actions should be addressed.

48.81 **Impact #21, Loss or degradation of timberland.** Impacts to the productivity of timberland, the biotic resources within timberlands, and to the forest economy as well as conflicts with urban development continue in Nevada County yet are only given minimal discussion in the DEIR. An analysis of the decline of this sector of our economy and the extent to which urbanization has affected it is needed. Increases in land use densities and GPD's in the draft General Plan allowing for Estate, and Rural 5 and 10 zoning east and north of Nevada City are dismissed as insignificant without any analysis of the amount of acreage or board footage involved. Increasing conflicts of forest practices with urbanizing areas are not discussed.

The mitigation measures recommended in our NOP comments should be considered particularly the adoption of CDF Special Rules for Forest designated lands to ensure uneven-aged forests and long-term cutting rotations and greater tax benefits for long-term retention of lands in forest use. In addition, integration of the Special Rules with the proposed Habitat Management Plan should be recommended. The County Planning Department should respond to all Timber Harvest Plans within or in close proximity to Community Regions or Rural Places with technical mitigation recommendations. This should be specified in an implementation to ensure mitigation.

Geology

Impact #10, Increased flood hazards related to dam failure and earthquake related seiches.

The DEIR concludes that this impact will be less than significant on the basis that earthquakes here are rare and that various governmental policies regarding emergencies are adequate. We suggest that no matter how rare the earthquakes and how good the governmental emergency services, any plan which approves building on floodplains below the top of stream banks is seriously flawed from a public safety and environmental standpoint and the results of it would result in significant environmental damage.

48.82

As we pointed out in our response to the Notice of Preparation of the EIR, Policy 11.7 does just that. It defines minimum setback lines to be established and enforced through the development of the Comprehensive Site Development Standards and project environmental review as the "average high water mark" of perennial streams and significant wetlands. The problem here is the use of the term "average".

The annual high water mark varies by many feet from one year to the next. In almost half of the years, any structure built at or near the setback line defined as the "average high water" mark would likely be flooded. In case of a seiche spilling over a dam or a dam failure, such structures would likely be washed away.

Defining the setback line as the "average high water mark" makes no sense and is dangerous. It may have been a mistake...but it should be corrected. We recommend that the Policy 11.7 be changed as follows:

Through the development and application of Comprehensive Site Development Standards, and project environmental review, establish and enforce minimum building setback lines (~~defined as average from the~~ high water mark) of perennial streams and significant wetlands, that are adequate to permanently protect stream and wetland resource values.

We believe that this was the intent of the policy.

Hydrology and Water Quality

Impact #11, Increased development of flood plains resulting in periodic damage and possible loss-of life. The Draft EIR judges this to be a significant impact but one that can be mitigated to a less than significant level by adding three policies regarding grading ordinances and the location of buildings relative to the floodplain. These are good additions and we recommend that they be added. However, Policy 11.7 which we discussed above and which "defines" setback lines as "the average high water mark" is contradictory to these recommended policies. We again urge that Policy 11.7 be changed as recommended above.

see
#48.82

48.83

Impact #13, Increase in erosion. We believe that this impact is not adequately discussed in the Draft EIR. There is no question that more building and more road construction will result in damage to streams and reservoirs due to accelerated erosion and increased septic tank discharge. The EIR should describe how these impacts will damage important fish spawning and rearing habitat and reduce trout populations in Nevada County streams. As we have pointed out, our fish habitat and the resources which depend upon it are important to this county and have already suffered major damage from these sources. Development levels described in the General Plan will accelerate erosion and surface water quality deterioration even with the new recommendations. The loss of fish habitat will accelerate.

These increases will also increase the turbidity of lakes and reservoirs, reduce the storage capacity of reservoirs and increase the difficulty and cost of treating water for domestic use.

We believe that the recommendations of the EIR regarding comprehensive Site Development Standards, mandating clustering in certain cases and the strict application of good grading ordinances of policies 12.1 and 12.2 will slow these losses but that damage to our streams and lakes will still occur.

Long experience in many counties has shown that in spite of good policies and ordinances, much of the damage will be caused unintentionally by builders, road engineers or heavy equipment operators because they do not understand that a relatively small amount of soil placed where it can wash into a stream can cause great damage. As a mitigation, we recommend that the County take the lead in developing an education program to sensitize Nevada County residents to this problem and ways that they can help to mitigate it in future years. Unless the citizens understand this problem better, most mitigation measures will be ignored or resisted and will be ineffective.

48.84

Impact #14, Reduced groundwater quality as a result of increased septic systems. While we agree with the need for an investigation of ground water and septic system influence on groundwater in Nevada County, we believe it is premature to conclude that such a study along with mitigation measures #11 and 12 will reduce this impact to a less than significant level.

The last sentence of Mitigation Measure # 12, "Allow the placement of fill within the 100 year floodplain in the minimum amount necessary not to exceed 50 yards and only as part of a permitted

development and only if it can be demonstrated that the fill will not have adverse impacts on or off site" should be deleted. That amount of soil, placed within the floodplain of say Deer Creek, and washed into the stream during rains is enough to will seriously damage trout habitat for several miles below the site. We recommend that Mitigation Measure #12 be replaced with the following:

Prohibit the location of septic systems and leach fields and the placement of fill within the 100 year floodplain of all permanent and seasonal streams.

Fisheries. The description of "Fisheries" is inadequate and misleading. The references to "stocking" of fish should be deleted because it will lead readers to conclude that such stocking is a substitute for habitat needed to accommodate all the life history stages of fish and their food sources. This habitat will be negatively impacted by future development in the county. We suggest the words "stocked with" be replaced by the word "inhabited by".

48.85

Air Quality

Standards of Significance. The standards of significance (DEIR p. 4.8-7) appear adequate to reflect local conditions. However, as detailed below it does not appear that these thresholds were actually used in determining the significance of impacts #36 and #37.

Impact #36. The standards of significance used to determine the significance of air quality impacts states that a significant impact on air quality will occur if the actions of a project will "contribute any criteria pollutants in a non-attainment area". The discussion under Impact #36 in the DEIR states that "buildout of proposed General Plan land uses and associated population growth will incrementally increase air emissions from mobile sources". Then the Draft EIR concludes that this is considered to be a less-than-significant impact. It would seem that based on the standards of significance quoted above, this impact should have been considered significant since the Plan will contribute criteria pollutants in a non-attainment area. The Draft EIR should have evaluated the adequacy of the Plan's Policies and Implementation Measures to mitigate this significant impact below the level of significance.

48.86

It would appear that the Draft EIR relies on the results of the Burden7f computer model to conclude that the incremental increase in mobile emissions expected from buildout of the Plan area will be less than significant. The Northern Sierra Air Quality Management District (AQMD) is the trustee agency for air quality planning in Nevada County and this portion of the Mountain Counties Air Basin (MCAB). The AQMD does not consider the Burden7f model to be the appropriate model for estimating future mobile source emissions within the County (Rod Hill, Personal Communication 1-19-95). Air quality management districts throughout the State have serious concerns regarding the validity of the model to accurately predict future mobile emissions within their air districts. The most obvious deficiency of the model is related to the vehicle activity data files that provide data on county vehicle populations, vehicles mile traveled and the number of vehicle trips within a county. These activity estimates were "most recently updated in 1986 "(Methodology for Estimating Emission From On-Road Motor Vehicles. Volumell:Burden7f page 2-1, September 1993). Future

48.87

mobile source emission projections based on the use of 1986 baseline vehicle population characteristics seriously under estimates the county's existing and future emission inventories.

In addition, the models attempt to model the aggregate emissions behavior of all on-road vehicles in California limits the usefulness of the model in rural areas. In particular:

see #48.87 -The method used for aging the fleet of vehicles is overly optimistic for rural areas. For example, the model assumes the introduction of Zero Emission Vehicles into California's vehicle fleet which reduces the per vehicle emissions expected throughout the state. The effect would be to dilute future per vehicle emission estimates for Nevada County since it is highly unlikely that Nevada County's vehicle population would contain sufficient numbers of these ZEV vehicles to influence future average per vehicle emissions in the County.

see #48.87 -The model is not representative of the operational characteristics of rural Nevada County roadways. The Transportation Element of the Draft EIR indicates that approximately 27 of the modeled roadway segments will experience a level of service F (without roadway improvements) with buildout of the Plan area. Emission rates are higher (in general) under such congested conditions as opposed to free flowing traffic.

See #48.87 -The model defines a representative driving cycle of all vehicles in California that is generalized to estimate emissions for a rural county whose actual vehicle population and driving behavior is not characteristics of the resulting model input variables.

-The Northern Sierra AQMD, the trustee agency for air quality planning in Nevada County, does not support the use of the Burden7f computer model to predict future mobile source emissions within the County.

48.88 The results of the Urbemis modeling indicate that buildout of the Plan would result in a significant increase in air emissions from mobile sources. The Urbemis model takes into consideration future emission control technologies to reduce per vehicle emissions. This is the model that should be used to determine the significance of air quality impacts associated with the proposed Plan. Therefore, the conclusion for Impact #36 should be that impacts from increased mobile source emissions are significant and unmitigable based on the EIR's own standards of significance. A more detailed analysis is needed to conclude that impacts would be less than significant or mitigated to a less than significant level based on Plan policies. If Plan policies are expected to reduce impacts below the significant level, an analysis of the feasibility of implementing these Policies based on past County regulatory actions should be included.

48.89 The potential for carbon monoxide hotspots to occur at congested intersections due to the reduced operational level of service of County roads should have been evaluated. The LOS F represents operating conditions on a roadway segment exceeding design capacity with forced or breakdown flow. Under these conditions the amount of time vehicles are in congested situations increases substantially and creates the conditions necessary for carbon monoxide hot spots to occur. The EIR

states that "local CO concentrations do not currently exceed state or federal standards, nor are they expected to in the foreseeable future (Hill, Personal communication, 1994). The EIR did not take into consideration that Plan area roadway segments and intersections are going to operate at a LOS that results in congestion and increases the potential for localized CO concentrations which could jeopardize state and federal CO standards.

Impact # 37. Impact #37 evaluates the potential impacts associated with the increase in PM-10 emissions from buildout of the Plan area. The EIR indicates that population growth will "incrementally increase PM-10" emissions due primarily to wood smoke. Therefore, based on the Draft EIR's standards of significance criteria that any increase of a criteria pollutant in a non-attainment area will result in a significant impact, the conclusion for this impact should have been significant. Additional analysis is needed to justify the Draft EIR's conclusion that the increase in PM-10 emissions will be less than significant.

48.90

The EIR should have also evaluated the effects of wood smoke from fireplaces on carbon monoxide emissions in the County. Residential wood burning produces emissions including carbon monoxide, sulfur oxides, nitrogen oxides, and polycyclic organic matter (POM). Inhalable particulate matter (PM-10) and POM (which includes such potential carcinogens such as benzopyrene) are peculiar to organic matter combustion and add a new dimension to air quality problems in areas where fireplaces and wood stoves are heavily used. The United States Environmental Protection Agency has estimated that one ton of firewood on average produces 260 pounds of carbon monoxide (Compilation of Air Pollutant Emission Factors" AP-42, USEPA 1983). The EIR needs to provide an analysis of the extent of air quality impacts that can be expected from the "incremental increase" in the use of wood burning devices on localized CO as a result of buildout of the proposed Plan. Increasing housing densities in some areas of the County could produce localized micro-scale air quality problems similar to those experienced in the Truckee area. This potential significant impact needs to be fully evaluated and mitigation measures should be identified to reduce the impact as much as possible.

48.91

The cumulative effect of increased traffic, reduced roadway and intersection levels of service and increased numbers of wood burning devices associated with buildout of the Plan area will substantially affect the AQMD's ability to maintain State and federal air quality standards. A more detailed analysis of the potential air quality impacts is needed to adequately inform the decision makers of the implications of adopting the land uses proposed in the General Plan.

Noise

Standards of Significance: Three standards of significance are listed in the DEIR. It notes that significant noise impacts will result from actions which will:

1. Generate noise levels that would conflict with local noise regulation,
2. Substantially increase noise levels in areas of existing sensitive receptors, or
3. If proposed land uses would substantially increase ambient noise levels and would

therefore be incompatible with existing uses

48.92 After having listed these three standards of significance, the rest of the discussion of noise only refers to the first standard. Standard 1 refers back to Policy 9.1 which includes a chart for performance and land use compatibility standards for noise. Compared to actual noise levels that exist in many places in Nevada County, these allowable noise levels are quite high.

48.93 A land use change has been proposed for the Gun Club east of Nevada City. How will this impact neighbors and how will proposed mitigation measures assure mitigation? This is just one example of the over generalization in the DEIR which misses impacts directly related to the Project Description.

48.94 **Impacts.** The main deficiency in the DEIR is that it never examines the impacts of new noise sources in relation to existing ambient noise levels. In ignoring standards of significance 2 and 3, the DEIR fails to analyze the real potential for significant impacts that will result from buildout of the General Plan.

As an example, many rural and residential areas of the County have daytime Leq's of between 35 and 45 dBA. An increase to 55 dBA subjects residents to a sound environment more than ten times as loud as previously experiences. While this does not violate General Plan Policy 9.1, it most certainly violates standards of significance 2 and 3. Table 9.1 sets an Leq of 55 dBA as allowable in rural and residential areas of the County. Compare this to the 59 and 49 Leq measured just 300 feet from the lumber mill at Agate Sales (DEIR Table 4.9-3) and the Leq's of 38 and 46 at the Loma Rica Industrial Park (DEIR Table 4.9-2).

Based on this evaluation, significant, unmitigable impacts may result and all available mitigation must be explored.

48.95 **Mitigation Measures.** We recommended a number of mitigation measures in our NOP comments which could assist in reducing noise impacts. These should be explored.

48.96 Mitigation measure 36, while otherwise good, applies only to cases where noise levels will exceed those allowable in Policy 9.1. In addition, it is not worded to apply to projects which are not noise generating but are being proposed, for instance, near a noisy roadway.

48.97 While the DEIR makes an excellent improvement to Policy 9.11 in its Mitigation Measure 37, to be effective it must specify that it applies to any of the three standards of significance. In addition, given the noise levels expected in proximity to roadways as shown on Table 4.9-1, this measure may be unachievable. Numerous existing homes and future residential areas are located within these noise contours. How will this standard be applied to existing homes in these areas which will see increases in noise levels inconsistent with standards 2 and 3? How will this standard be applied to new homes which require only a building permit? Detail needs to be added to the measure to address these concerns and all available mitigation needs to be explored. One option for existing

homes is the creation of a noise insulation retrofit mitigation fee to be charged of new development.

In summary, much of Nevada County enjoys a quiet sound environment, much quieter than the standards set in Policy 9.1. We cannot ignore that fact in the environmental analysis of our new General Plan.

Growth Inducing Impacts

Land use density increases in many subareas have been increased in the General Plan. The potential for this precedent as well as increased urbanization in general to spark general plan amendment requests should be explored. A system similar to that proposed by the Lake Vera/ Round Mountain Neighborhood Association calling for specific general plan amendment criteria and findings as well as Neighborhood Planning Boards should be considered.

48.98

Socio-Economic Impacts

Socio-economic impacts such as the Plan's ability to ensure an adequate jobs:housing ratio on an annual basis and potential economic impacts to existing retail areas are not discussed in the DEIR.

48.99

In closing, thank you again for the opportunity to comment.

THE RURAL QUALITY COALITION OF NEVADA COUNTY

#49



Nevada City
A Bicentennial
Community

CITY OF NEVADA CITY

CALIFORNIA

RECEIVED

JAN 20 1995

NEVADA COUNTY
PLANNING DEPARTMENT

January 20, 1995

Planning Department
COUNTY OF NEVADA
950 Maidu Avenue
Nevada City, CA 95959

REGARDING: Nevada County General Plan Update-City Comments on Draft
Environmental Impact Report Adequacy

Ladies and Gentlemen:

Thank you for the opportunity to comment on the above referenced draft environmental impact report. At its regular meeting of January 9, 1995, the City Council appointed a committee to review and comment on the draft document. The committee consisted of Council members Laurie Oberholtzer and Glenda Zanone, and City Planner Andrew Cassano. The City offers the following comments on the document and its adequacy:

1. The City continues to request that all previous correspondence be reviewed by the EIR author and addressed in the final EIR.
2. Our primary environmental concern continues to be development of the area east of Nevada City served by both Boulder Street and Willow Valley Road. We continue to support a General Plan land use map and development policies that would minimize further development in these areas unless or until suitable access alternatives are presented.

It is our understanding that the County still anticipates receiving money for study purposes from the Stonebridge project. Perhaps completion of this study would settle once and for all whether a Boulder Street bypass is viable and acceptable.

Indirect impacts, growth inducing impacts, socio-economic impacts, noise, and traffic impacts are all potentially significant and need to be discussed in detail. This has not been included in the draft EIR.

We suggest the following specific mitigation measures:

- a. We understand that the land use map, the circulation map, the RTP, and the subregional plan do not show a Boulder Street bypass. This should remain the case unless and until it has been demonstrated that this is an appropriate environmental action by future, developer funded public studies.
- b. Undeveloped land east of Nevada City, served by Boulder Street and Willow Valley Road, should be designated for appropriate low densities, unless and until the issues regarding traffic impacts are resolved to the City's satisfaction. The City's concerns should be included in the standards of determining impact significance. The current draft land use map continues to propose more potential development than can reasonably be served by these streets.
- c. Boulder Street and Red Dog Road should be designated as Minor Collectors for which the maximum buildout should be less than 8,000 average daily trips. Using this standard, a level of service (LOS) D would result, which indicates an unacceptable level of service outside the Community Region. These road standards, together with quality of life and safety standards should be used as the standards for determining significant impacts. Based on these concerns and criteria, it is apparent that significant impacts are currently occurring and these impacts will be exacerbated in the future. This fact is not reflected in the draft EIR.

- 49.2** 3. The document should address the potential fiscal, land use, and quality of life impacts on Nevada City (and Grass Valley) of establishing a regional sewer treatment plant. Specifically, such a regional plant should not be permitted to serve the area in and around Nevada City because it will result in the following unmitigatable impacts:
- a. The City could lose its considerable investment in the many upgrades to the City's wastewater treatment plant.
 - b. Such a regional plant could result in substantial urban development in the Sphere of Influence of Nevada City, even though such development is not envisioned in the City's General Plan. The City could then completely lose land use decision control over its Sphere and immediate surroundings.
 - c. Pursuit of a Regional Sewer Treatment Plan could result in a fiscal impact to the citizens of Nevada City, even though our residents already have a

substantial investment in the current plant. That investment continues through rate schedules designed to retire the capital improvement debt on the plant.

4. To avoid potential adverse impacts on Nevada City, the County should notify the City of all projects with potential impacts on the City. This review should not be limited to only those projects located within the Sphere of Influence. Proposed projects beyond this area may have a significant impact on the City's traffic system, park system, ridge line viewshed, and other areas of public service and concern. We have suggested in the past that this impact area be mapped in cooperation with the City and termed "Nevada City's Impact Sphere."

49.3

Site development standards should be expanded to mitigate potential impacts on the City, including a prohibition of surrounding ridge top, and limitation of surrounding viewshed, development and lighting. Increases in density for these areas currently proposed on the land use map are not appropriate.

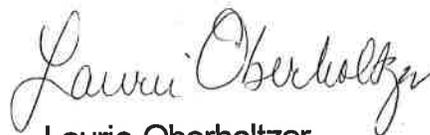
49.4

We invite the EIR author or your staff people to contact us if you have questions regarding our comments. Thank you for your continued assistance and attention to our concerns.

Respectfully submitted,



Glenda Zanone
Council Member



Laurie Oberholtzer
Council Member

cc: City Council
Planning Commission
GZ/LO/AC/arc

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COUNTY OF NEVADA
DEPARTMENT OF SANITATION

JAN 20 1995

MEMORANDUM

NEVADA COUNTY
PLANNING DEPARTMENT

DATE: January 20, 1995 FILE: 300.137 001
TO: Thomas Miller, Acting Planning Director
FROM: David Brennan, Interim Director *DB*
SUBJECT: Department of Sanitation Response Pertaining to
the Review of the Draft EIR for the
Final Draft Nevada County General Plan

As per your letter request of November 30, 1994, the Department of Sanitation staff have reviewed the subject Draft EIR for the Final Draft Nevada County General Plan and have the following comments. The comments are referenced to the pertinent pages within the subject Draft EIR:

2-8 & 17: The aquifer study identified in Mitigation Measure 38 could be coordinated with the septic tank/leachfield systems (ST/LS) study identified in Mitigation Measure 10. As a joint study, some cost savings could likely be incurred. It would be useful to have the data from the ST/LS study to discover if there has been any long term degradation of water quality. The results of this study would have a significant benefit to the long range planning for wastewater collection, treatment, and disposal. The ST/LS study is detailed in Table 4.3-2.

50.1

2.10: Concerning Policy 1.17, recommend adding "K. Local versus regional analysis and design requirements for required utilities and services including solid waste and wastewater."

50.2

2-30: The cost of Impact #43 will be significant. These costs should be identified in the long-range Capital Facilities Plan (CFP) shown on page 3-11. The previously mentioned ST/LS study will significantly impact the CFP. One question is who will actually be doing the CFP and how will it be funded?

50.3

4.2-9: A significant comment is made in the next to the last paragraph regarding the septic suitability of soils in Nevada County. They are generally classified as having severe limitations for private sewage disposal.

50.4 **Table 4.3-2:** As a prerequisite for Items A-E, all of Nevada County should be divided into "wastewater sheds" based on surface and groundwater flows. Subsequently, all existing DEH water quality dates and ST/LF condition surveys should be plotted within the respective wastewater shed. Then proceed with Items A-E.

After the completion of Item E, each of the "wastewater sheds" should be evaluated for levels of contamination, etc and an action plan based on County and State Health requirements written to respond to areas where health requirement standards are exceeded.

4.3-8&9: Next to last paragraph indicates that the 1974 DWR report identified a number of areas or wells which exhibited poor water quality mostly due to bacteriological contamination caused by inadequate sewage disposal from households. The second line on page 4.3-9 indicates that there has been no testing of existing wells over time and the effect of septic systems on the water supply is not known. This is another indication of the need for the ST/LS study.

50.5 **4.3-15 through 19:** The significance of Impacts #13 & #14 related to septic systems could be much better identified when the ST/LS study identified in Mitigation Measure 10 is implemented. One question is who will do the study and how is it to be funded? It should also be recognized that the results of this study may not necessarily point towards centralized sewer systems, but perhaps improved septic systems may be a result.

50.6 **4.4-11:** There is an emphasis species (Fremontodendron decumbens, Pine Hill Flannelbush) missing for the McCourtney Road Landfill site.

4.10-16: The two paragraphs at the top of the page are a good summary of the septic systems in Nevada County. The need for the ST/LS study is again pointed out. A significant comment is made in the last sentence of the second paragraph, "Generally, septic systems and leach fields are considered as only a temporary solution for medium to high density areas."

50.7 **4.10-18,19&20:** The projected average residential wastewater flows shown in Table 4.10-7 are high by a factor of 1.57 when compared to the existing wastewater flows shown in Table 4.10-6 on page 4.10-15. Staff did a revised calculation using the data in Table 4.10-6 (using 2.5 people/EDU) and came up with 97 gpd as the average flow per capita. Why use estimated data using 2/3 of the water flow when actually wastewater flows are available? This would also impact the data shown in Tables 4.10-8 and 5-2.

50.8 **4.10-23:** Delete first sentence, second paragraph and add in its place "Nevada County has completed the revision of the

50.9

Source Reduction and Recycling Element (adopted by the Board of Supervisors June 14, 1994) and has been recommended by staff for approval at the next CIWMB meeting."

4.10-25: Concerning first sentence, fifth paragraph, sentence should read "...currently disposed of a at two landfills....."

4.10-25: Concerning the third sentence, fifth paragraph, staff agree that policy 3.25 ("County will develop a long range plan for disposal of solid waste") should be included in the General Plan document and in response to this item will be included as a projected line item in an existing project planning or budgetary program beginning 1995/96. This will insure that in the near future (possibly a one to five year planning horizon or so) Policy 3.25 will be completed and the Board of Supervisors and involved Departments will be able to respond to any changes in the solid waste market place and County Solid Waste Program.

LJ:GP:pp

Ref: tmljDOSresponse/950120

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#51

JAN 20 1995

NEVADA COUNTY
PLANNING DEPARTMENT

PO Box 1006
Nevada City, CA 95959
20 January 1995

Planning Commission
Nevada County

The NCGP DEIR (Nov94) has many good points in it. I'm hopeful (if not optimistic) that many of its recommendations will be taken. Unfortunately, given the political realities of Nevada County, the DEIR is incomplete. An especially troubling instance relates to the DEIR's (excellent) recommendation that a survey be made of existing septic tank/leachfield systems within the county.

If you challenge a system's defenses often enough, hard enough, the system eventually will fail - raindrops wear away mountains, mice chew through walls.

Technological failures - bridge failures, for instance - seem to occur in cycles of several decades; why is that? Engineers studying the phenomenon have provided various explanations. One such, described recently in *American Scientist*, depends on how we treat new vs old technologies. Take bridges.

When a new bridge technology is first introduced, the (radical) designer is generally conservative in the extreme - all members, cables, etc. are made heavy, thick, strong - the chances of failure are small. New technology bridges generally hold.

In the ensuing years, engineers calculate that the original bridges didn't have to be so overbuilt. Materials and labor could be reduced - and still the bridges would hold. A lighter generation of bridges would be designed and built, and perhaps generations of bridges after that. At some point, the inevitable happens - a bridge so light, one final straw - wind, ice, corrosion - puts it outside the margins, and the bridge collapses. Watching the actions and listening to the rhetoric of recent boards of supervisors, we find much of our political leadership amenable to shaving margins. A recent instance: It took millennia of experience with infectious, water-borne diseases to develop a system of household sewage disposal that would be reasonably dependable. Ultra low-tech, it depends on minerals and microbes in the soil to remove poisons and pathogens from contaminated water. It usually works, if the water is forced to seep through a sufficiently long soil path before finding its way to someone's well.

Now we find the supervisors approving variances to decrease - drastically - the distance between septic tanks and water wells. I see no reason to believe that this is not a trend. As long as a board is willing to compromise ~~with~~ our margins of safety, and as long as the DEIR doesn't treat the effects of such compromise, I find the latter incomplete.

51.1

Other parts of the DEIR are troubling for various reasons:

51.2

It's not necessary to have access to the MINUTP source code to find something screwy in it's model of Nevada County traffic flow. Boulder Street, at buildout ... and without improvements - LOS C?!?

51.3

Part of my discomfort stems from the (supposed) necessity of quantifying what are, ultimately, subjective qualities. Take noise - how well does L_{max} predict one's ability to obtain an uninterrupted night's sleep? With the windows open?

51.4

Which leads to the section dealing with residences in the proximity of the county airport, where it is indicated that sealing a home (and providing adequate air conditioning) is a mitigation for noise. People buying homes near an airport know what to expect, but I can't help but wonder if this type of "mitigation" might become accepted countywide. Here and elsewhere, my concern stems from my perception that there's an awful lot in the DEIR that says, in so many words, "This ain't so hot ... but what can you do? You can't fight progress."

51.5

Again, the DEIR has many excellent suggestions; I hope they will be considered and adopted by the Commission and Board.

I regret to say that I will be very surprised if they are.

Sincerely,



Alan Stahler

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1 of 2

#52

JAN 20 1995

NEVADA COUNTY
PLANNING COMMISSION

Jerry Bloom
302 park ave.
Nevada City, Ca.

Jan. 19, 1995

Nevada County Planning Commission
Re: Nevada County General Plan draft E.I.R.

Before beginning my comments on the draft E.I.R. I would like to address the issue of public review. Though the county may have met the statutory period of a 45 day public review, it should be noted that included in that time period were ten straight days, December 23, 1994 through January 3, 1995, in which county facilities where one might review the E.I.R. were closed to the public. Indeed during that time period there was no provision for public access to the report. This has caused considerable inconvenience for me and I would imagine others. This situation should not be allowed to occur in the future.

I would like to commend the preparers of the draft E.I.R. From my reading of the report they have made many important observations and I encourage you to follow the recommendations for changing or adding language in the mitigating measures. While most if not all of their recommendations should be implemented I will review, by number, those I feel most important: #'s 14, 1, 17, 19, 20, 21, 22, 29, 23, 27, & 15. I refer to them only by number as I am certain that planning staff is well familiar with the proposed changes.

I mentioned #14 first because I believe it extremely important that this county refuse to allow development that would further habitat loss or degradation. Read Carefully PP. 4.4-20 -4.4-35. Development patterns of the past and present must not be continued on into the future. Ways must be found to restore degraded habitat, and reclaim important wildlife corridors. There is already sprawling growth throughout the county. Let us not continue it into the few remaining undeveloped spaces.

While I have not had the time or energy to study the whole report, I do question some of the assumptions and hope that my concerns do not reflect a pattern of neglect throughout.

In the section on wastewater beginning on 4.10-14 the consultants accept without explanation that Grass Valley currently has peak flows 4 times the capacity of the plant, and with planned improvements will still have flows almost twice the capacity of the plant. Likewise Nevada City peak flows are almost 150% of plant capacity. It is imperative that future development be able to treat all of its wasteflow. There is no mention as to whether or not other treatment plants are able to treat all of there wasteflow, but we do read in the newspaper of the frequent pump failure at the LAKE Wildwood tratment facility. The county currently does not monitor existing wells and only tests the seals of

52.1

new wells. We must provide a data base and provide for monitoring of existing wells if we are to come up with reliable setback requirements and minimum lot sizes for parcels with wells and septic systems.

52.2

In the discussion of library services, impact 51 (4.10-46) is considered to be a "less than significant" impact. Nothing could be further from the truth. Present library services and access to facilities and materials is substandard if not appalling. The staff itself is wonderful, they just need more materials, time and staff available to them. While the general plan and E.I.R. seem to think that just keeping up with space needs is adequate, I would suggest that a tour of the current library is in order -- all that space and no books to fill it. It should be noted that "level of service standards such as the number of volumes and the ratio of paid professional and para-professional staff per 1000 persons are not proposed to be used by the county" (4.10-47). As with well testing and leach field monitoring, it seems to be acceptable to just not gather information that might force us to change our requirements.

These examples are illustrative of the way in which the General Plan and the E.I.R. just seem to accept that development must necessarily bring about a decrease in the quality of life of the county. Why would anyone want development under these circumstances. Certainly we can construct a vision of the future and a method to obtain it that does not degrade the quality of life or the environment that supports it. It is a telling failure of the General Plan that the Environmentally superior alternative is a "no project" alternative.

Jerry Bloom

Jerry Bloom
302 Park ave
Nevada City, Ca.
95959
265-9544

NEVADA COUNTY DEPARTMENT
of
ENVIRONMENTAL HEALTH

950 Maidu Avenue Nevada City, CA 95959-8817 (916) 265-1452
10075 Levon Avenue Suite 203 Truckee, CA 96161 (916) 582-7884

Friday, 20 January 1995

Mr. Tom Miller
Nevada County Planning Department
950 Maidu Avenue
Nevada City, CA 95959

Re: Comments on Draft EIR for the Final Draft Nevada County General Plan

Dear Tom:

Our department has the following comments to make in regard to the Final Draft of the EIR for the Nevada County General Plan:

- 1) The section on Ground Water Quality, pages 4.3-8 to 9, indicate that testing of new wells is not occurring in light of a revised water ordinance in 1991, and that because of this lack of testing, there is no measure of the effect of sewage systems on these wells.

In fact, testing of new wells **does** occur periodically, although not routinely. This is most likely done by this office resulting from loan evaluation requests. Aside from that, there is no reason to believe that wells constructed and inspected under permit from this department will become contaminated from septic systems, or that septic systems will have a detrimental effect on wells or groundwater quality.

53.1
53.2

- 2) Two separate mitigation measures, #8 on page 4.3-15 and #9 on page 4.3-16 are discussed in the Hydrology & Water Quality Section. These refer to devices to trap/collect run-off/sedimentation/etc. We agree that such methods should be employed, but it should be noted that these mitigation measures will need to **both** be adopted to be effective. If you create these drainage facilities and traps, without creating a permanent mechanism for the on-going maintenance of these facilities, they will cease to function over time, and in some instances, create a greater nuisance than no device at all. (They could become a concentrated source of pollutants).

53.3

3) Impact #14 on page 4.3-17 states that a significant impact will result from septic systems with the current plan policies. As in the past comments, we emphatically disagree with this supposition. Current technology indicates that sewage systems installed meeting **current standards**, with adequate inspection, and with the current minimum zoning lot sizes of 1.5 and 3 acres (for septic only and well and septic respectively), will adequately treat the sewage before it reaches groundwater or surface water. The catch here is to ensure that minimum sewage disposal standards are met, and Regional Water Quality Control Board Guidelines are followed. The current county ordinance follows both Lahontan and Central Valley Guidelines for wastewater disposal by individual systems.

see #53.2

53.4

4) Relative to suggested Mitigation Measure #10 on page 4.3-18, where a Septic Tank/Leach Field Study is proposed, our department supports the concept of learning more about sewage disposal effluent fate into the ground. Where we may differ is the importance of this information overall in determining the significance of septic systems on groundwater. Our experience shows that most impact from septic systems occurs in **existing** developments. Poorly planned subdivisions with substandard soil conditions, small parcel size, and old sewage systems. The General Plan will have minimal effect on these existing problems.

Where new parcels are proposed and minimum sewage disposal standards are imposed, we do not find nor do we expect to see the types of situations that occurred in such subdivisions as Glenshire in the Truckee area, or in the Penn Valley area, where actual degradation was detected and sewage moratoriums were imposed. Therefore, where a study as suggested would provide interesting and useful data, it is questionable that the significant expenditure justify the relevance to the General Plan outcome.

53.5

5) Mitigation Measure #11 on page 4.3-18 proposes that all septic tanks and leach fields be placed a minimum of 100-feet from intermittent or seasonal streams, above and beyond the normal requirement to set back from wells, year-round streams, and lakes/ponds. There is no substantiation provided to justify this doubling and quadrupling these setbacks. Current ordinance requires a setback of 25-feet in western county and a 50-foot setback is observed in eastern county (a requirement of Lahontan RWQCB). All the other setbacks are already set at 100-feet.

Imposition of this increased setback, besides being unwarranted, would render many lots unbuildable or very difficult to develop. It is our opinion that the current 25-foot and 50-foot setbacks are adequate for the water courses identified as "seasonal" or "intermittent".

53.6

6) Mitigation Measure #12 on page 4.3-18 prohibits sewage systems within the 100-year flood plain. This is currently the practice in eastern county, where Lahontan requires this provision. In western county, Central Valley RWQCB requires a 100-foot setback from the 10-year floodplain. In most cases, this appears to be an adequate setback, and we support maintaining the current requirements established by the Regional Water Quality Control Board's.

7) The components suggested for testing of the Recommended Septic Tank/Leach Field System Study in Table 4.3-2, following page 4.3-19, are far in excess of what would normally be required to study the impacts associated with sewage disposal systems. Rather, this would more aptly apply to a **general** groundwater quality study, and drives the cost of such a program excessively high. For a septic system study only, the list of materials to be sampled could be rendered much smaller. **53.7**

8) Section 4.10 on Public Services and Utilities discusses the need for a countywide aquifer study, under Mitigation Measure #38. In concept this is an excellent idea. However, in practice, such a study will be difficult, lengthy, costly, and in the end, may not yield enough information to draw any conclusions. Evaluating and analyzing groundwater data in order to assess long-term quantities in the foothills, may prove to be an elusive piece of information. Groundwater experts from the Department of Water Resources have previously indicated that tracking groundwater in the geology of the foothills is difficult at best, and can take years of monitoring existing wells, as well as drilling and monitoring new wells. Such a study could last ten years. **53.8**

It may be almost as informative to utilize existing well drillers reports, gather the information, and analyze that data. In general, the information is already available, and it then becomes a task of inputting the data, overlaying on a geology map, and interpreting the results. In any proposal to delineate groundwater resources, the limits of the study and expected results need to be outlined in advance.

9) The section on wastewater, page 4.10-15, discusses septic systems in terms of their being a **temporary** structure. In general, septic systems in most locations are designed and installed with the idea that there will not be sewer available in the future. **53.9**

Please contact me if you have any questions.

Respectfully,



Norm Greenberg, REHS #4188
Supervising Environmental Health Specialist

#54

NEVADA COUNTY
TRANSPORTATION COMMISSION

Grass Valley • Nevada City

Nevada County • Truckee

File 720.6

January 20, 1995

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JAN 20 1995

Tom Miller, Director
Planning Department
County of Nevada
950 Maidu Avenue
Nevada City, CA 95959

NEVADA COUNTY
PLANNING DEPARTMENT

Subject: Comments on Nevada County General Plan - Update/Draft EIR

Dear Mr. Miller:

Impact #1 - The discussion of this impact has limited validity with regard to the implementation of the General Plan, and is not valid when considering the Regional Transportation Plan. Placement of land uses is a zoning issue. Zoning ordinances are the implementation vehicles of the General Plan and contain the regulations that determine where land uses may occur. It is in zoning ordinances that these type of mitigations are provided. Therefore, I disagree with the conclusion that this is a "significant" impact as it can be dealt with in the zoning ordinances. To make the statement that construction of road improvements will result in incompatible land uses being placed in proximity to one another has no basis in fact. The argument that any road improvement leads to increased development is specious when used as generality and is a fallacy in this specific instance due the fact that regional transportation plan policy 1.1 establishes that "Transportation facilities should be compatible with adjacent land uses". Further, Regional Transportation Plan Policy 2.2 states, "The adverse environmental impacts of each transportation system element should be fully analyzed prior to implementation and either totally avoided or minimized."

54.1

54.2

Impact #2 - Again, the discussion of this impact has no validity when considering the Regional Transportation Plan. This finding of significance presupposes that any road improvement will automatically result in a more intense land use. The only road improvement plan in the Regional Transportation Plan that has significant impact in converting open space to urban/suburban uses, is the New Town SDA Road. All other proposed projects occur within existing transportation corridors and do not result in a significant conversion of existing open space to developed uses.

54.3

Impact #3 - This impact is very similiar to impact #2. Road improvement projects within existing transportation corridors will not result in the conversion of farmland to urban or suburban scale uses. The RTP policies 1.1 and 2.2 serve to reduce impacts in 2 and 3 to a less than significant level.

54.4

Mr. Tom Miller
Draft E.I.R. Comments
January 20, 1995
Page 2

- 54.5** Impact #'s 6, 7, 8, 9, 13, 15, 17, 18, 19, 20, 21, 22, and 26 deal with impacts that may occur due to development on sensitive or hazardous areas. When considering the specific projects included in the Regional Transportation Plan, policy 2.2 serves to mitigate these impacts to a less than significant level. As with impact #1, the General Plan mitigation should be provided in a zoning ordinance.
- 54.6** Further the suggested "Other Mitigation Measures" (mitigation # 26 and 27) for impact #26 are not feasible due to the fact that it is the county's responsibility to prepare scenic highway reports for highways that are requested for inclusion in the state scenic highway system. Therefore, the county's request to the state Department of Transportation would not be heeded and highway corridors should not be designated as "scenic" without appropriate studies and public input
- 54.7** Impact #31 - This impact is incorrectly identified as being related to the proposed General Plan. There are state facilities that currently operate at deficit levels within Nevada County construction of the improvements required to bring these facilities to an acceptable level, is far outside the ability of either the RTP or the General Plan policies. The state's transportation budget is currently \$4.5 billion dollars in deficit. This situation will likely defer construction of needed projects in Nevada County for several years. Meanwhile implementation of proposed General Plan and RTP policies will provide some local funding that may be used on these projects if the state can provide its share of funding. Neither the General Plan nor the Regional Transportation Plan policies have the ability to insure that the state will provide project funding.
- Note: Impact #32 - This discussion supports the NCTC comments on impacts #'s 6,7, 8, 9, 13, 15, 17, 18, 19, 20, and 22.
- 54.8** Impact #33 - The Regional Transportation Plan holds that this impact cannot be considered significant due to the fact that bicycle and pedestrian facilities cannot be considered a logical extension of the transportation system in Nevada County due to the climate and topography. In urbanized areas of the county, pedestrian and bicycle facilities may provide some minor relief to congestion while in rural areas of the county they can only be considered as recreational amenities. Therefore, this impact should not be considered significant.
- 54.9** Impact #34 - Addresses the increased demand for transit services and references the update of the transit development plan and transit marketing plans, both of which have been completed and are currently in use.
- 54.10** Impact #36 - Table 4.8-3 Conversations with the California Air Resources Board, indicate that the daily emissions in pounds per day of sulfur oxides are over stated for the 1994 base year. ARB sources state that sulfur oxide are emitted at a level of 420 pounds per day. NCTC staff has verified

Mr. Tom Miller
Draft E.I.R. Comments
January 20, 1995
Page 3

that the assumptions for vehicle miles travelled are consistent with data used by Caltrans and the NCTC. ARB generally agree that the reduced emission levels shown for the year 2010 are consistent with projects for other areas of the state.

see #47.3

In Table 5.2, it appears that under Alternative 1A, the numbers for daily automobile trips and vehicle miles travel have been transposed.

Thank you for the opportunity to comment on this project.

Sincerely,


Daniel B. Landon



WILLIAM J. PENDOLA TIMBER OPERATIONS

P.O. Box 1307
Grass Valley, CA 95945

Tel: (916) 272-9822
FAX (916) 272-3512

RECEIVED

JAN 23 1995

NEVADA COUNTY
PLANNING DEPARTMENT

January 20, 1995

Nevada County Planning Commission
950 Maidu Avenue
Nevada City, CA 95959

RE: Environmental Impact Report - Draft

Dear Commission Members:

This letter is to document my concern with one particular item in the DRAFT document, specifically, SCENIC HIGHWAY CORRIDORS, page 4.6 - 2.

Some of my questions that need to be reviewed are as follows:

- 1. What phase of the General Plan/EIR update addresses the fiscal/economic impact of the Scenic Highway designation? **55.1**
- 2. Has this GP/EIR update addressed "what constitutes a TAKING", of private property and property rights by utilizing some of their designations. It appears that this designation can affect property development rights from the Highest and Beste Use concept, as well as restricting the use of natural resources. **55.2**
- 3. Who provided the studies or data used by the consultant relative to the Scenic Highway designation? **55.3**
- 4. Who pays the tab for the taking of private property rights and natural resources upon the enforcement of this designation? **see #55.2**

Considering the present economic conditions of the County and State, along with recent Federal judicial rulings and political attitude, I urge your serious consideration of such designations.

Respectfully,

William J. Pendola

WJP:er

cc: Mr. Thomas Miller, Acting Planning Director
Nevada County Board of Supervisors

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING
901 P STREET
SACRAMENTO, CALIFORNIA 95814
(916) 657-0446
FAX: 657-1485

Mailing Address
DIVISION OF WATER RIGHTS
P.O. BOX 2000, Sacramento, CA 95812-2000



JANUARY 6 1995

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JAN 9 1995

NEVADA COUNTY
PLANNING DEPARTMENT

Nevada County Planning Department
Attn: Mr. Tom Miller
950 Maidu Avenue
Nevada City, CA 95959

Dear Mr. Miller,

COMMENTS ON THE DRAFT NEVADA COUNTY GENERAL PLAN ENVIRONMENTAL IMPACT REPORT,
SCH #91032019.

State Water Resources Control Board (SWRCB) environmental staff has reviewed the water supply section (4.1 Public Services) in the above referenced document and has the following comments to offer.

There appear to be three key assumptions in the water supply analysis as it relates to the western portion of the County.

1. Past rural development has counted heavily on percolating groundwater contained in bedrock fracture systems. The magnitude of this resource is unknown, and there are indications that this source of supply may already be nearing its carrying capacity. (p. 4.10-7)
2. Surface water supplies controlled by the Nevada Irrigation District (NID) are plentiful and can easily satisfy buildout demand. The document states that NID reservoir capacity is 250 thousand acre-feet (TAF), "safe yield" is 220 TAF per year (TAFY), and current demand is 133 TAFY. Therefore, over 85 TAFY remains to satisfy the expected increase in demand as Nevada County grows in the future. (p. 4.10-4)
3. Future demand will be satisfied primarily by expanding public water systems in the Community Regions. (p. 4.10-13)

As you know, water availability is one of the crucial issues in land use planning. It is therefore necessary to examine carefully the assumptions which contribute to a future water supply scenario.

We would agree with your first assumption; percolating groundwater resources are uncertain, unreliable, and limited in nature. We do not necessarily agree that surface supplies are adequate to accommodate future planned growth.

56.1

It is stated on page 4.10-9 that NID holds riparian, pre-1914 appropriative, and modern appropriative rights. Many of these rights are licensed or may become licensed in the next few years. When a project becomes licensed, yield becomes fixed at the level of maximum beneficial use at time of licensure, taking into account releases necessary to satisfy prior right holders and instream beneficial uses, irrespective of reservoir capacity or theoretical yield. In your analysis you must disclose both the licensed capacity and the expected license amounts for projects now operated by NID under permit. The total represents the maximum amount of water which NID can put to beneficial use under existing rights. An increase in use above this amount would require the acquisition of new rights and possibly construction of new projects, both of which are problematical.

56.2

It is stated on page 4.10-3 that the "safe yield" of the NID system is 220 TAF. Based upon a reservoir capacity of 250 TAF, this figure seems unrealistically high, and is perhaps based upon average hydrologic conditions, rather than periods of extended drought. "Safe Yield" is an imprecise concept; it is entirely possible to derive a wide range of safe yields for a given system depending upon starting assumptions (baseline hydrology), operating criteria, and the points of view of those making the estimates. In order for the water supply analysis to be adequate, there must be a detailed discussion of precisely how the "safe yield" was derived.

Traditionally, safe yields were based upon the 1929-34 period of hydrology. As most of NID's facilities had not been constructed at that time, the 1976-77 and 1987-92 droughts form a more appropriate benchmark for measuring NID's system performance. The discussion must include an analysis of actual performance and carryover storage during these periods, as well as system ability to meet future demands under similar or worse conditions.

56.3

We note that at the present time 95% of the water delivered by NID supplies agricultural users through an extensive network of unlined canals. There are many potential users within the NID service area which are not now, but could in the future, become agricultural customers. As the County rural areas grow, so too will the demand for agricultural water. The water supply performance analysis, therefore, must factor in an expected increase in agricultural demand along with municipal demand. If the increase in municipal demand is to come at the expense of agricultural customers (NID makes far more money from the sale of municipal water than it does from agricultural water), then this should be clearly stated as a policy.

56.4

Unlined canals are an inherently wasteful method of delivery, though there are incidental wildlife benefits. Water for future growth could be obtained entirely through conservation and reduction of transmission losses, rather than relying on reserve capacity. Therefore, a discussion of potential conservation measures should be part of the water supply analysis.

56.5

Finally, the statement that 85 TAF is available to supply future growth fails to account for two other factors. First, though much of the NID service area is within Nevada County, a significant and growing portion is located in Placer County. The water supply analysis must account more fully for future demand in Yuba and Placer Counties, particularly the North Auburn area.

Second, an analysis of system performance should account for potential future obligations to meet Sacramento/San Joaquin Delta water quality standards. **56.6**
SWRCB Decision 1630, which was not adopted, would have required NID to release as much as 30 TAFAs to satisfy Striped Bass pulse flows. A new set of Delta water quality criteria have been released, and if adopted, the process of determining which upstream diverters will contribute how much water to maintain Delta outflows will begin once again. To protect Delta Public Trust resources, it is possible that NID as one of the major Sacramento River basin diverters, will be required to contribute to these flows, thereby impacting dry year water supply performance. (See U.S. v. SWRCB, 182 Cal App. 3d 82 (1986), the "Racanelli Decision")

In conclusion, we find the Water Supply (Public Services) portion of the Nevada County General Plan EIR to be inadequate. If you wish clarification or amplification of points stated above, I may be reached at (916) 657-0446.

Sincerely,

Nick Wilcox

Nick Wilcox
Environmental Specialist

cc: State Clearinghouse
1400 Tenth Street
Sacramento, CA 95814

#57

1-17-95

NEVADA COUNTY PLANNING COMMISSION
% NEVADA COUNTY PLANNING DEPT
950 MAIDU AVENUE
NEVADA CITY, CA 95959

RECEIVED

JAN 23 1995

NEVADA COUNTY
PLANNING DEPARTMENT

RE: COMMENTS ON DRAFT EIR FOR NEVADA COUNTY GENERAL PLAN

DEAR COMMISSIONERS:

ON BEHALF OF MYSELF AND MY WIFE, WE WOULD LIKE TO VOICE OUR COMMENTS AS THEY RELATE TO THE ENVIRONMENTAL EFFECTS OF THE FINAL DRAFT GENERAL PLAN ON THE GLENBROOK BASIN.

THE FINAL DRAFT GENERAL PLAN INCREASES THE DENSITY OF RESIDENTIAL LAND USE^{IN} THE GLENBROOK BASIN AND THOSE PARCELS SERVED BY THE GLENWOOD ROAD. WE HAVE NO OBJECTION AND SUPPORT THE INCREASED DENSITY OF 1/2 ACRE OR ONE (1) ACRE PARCEL MAXIMUMS.

WE DO HOWEVER FEEL THAT ANY FUTURE 57.1 SIGNIFICANT DEVELOPMENT IN THAT AREA OF GLENWOOD ROAD WOULD HAVE TO INCLUDE THE IMPROVEMENT OF GLENWOOD ROAD AND AN ADDITIONAL ROAD EXTENSION TO ELIMINATE THE DEAD-END ROAD SITUATION AND TO

PROVIDE AN ALTERNATE INGRESS AND EGRESS
TO THE GLENWOOD ROAD AREA RESIDENTS.

THIS ADDITIONAL ACCESS COULD PROBABLY
BE DONE BY THE COUNTY ACTIVELY PROMOTING
CONNECTIONS TO EITHER VIA COLINA (OFF
RIDGE ROAD) OR TO WEST OLYMPIA DR. (OFF
NEVADA CITY HIWAY) OR NEVADA CITY HIWAY OR
DORSEY DRIVE VIA WOODLAND WAY (OUR PRIVATE ROAD.
ANYONE OF THESE COULD BE ACCOMPLISHED
WITH DEDICATIONS FROM FUTURE DEVELOPMENTS.

Respectfully Submitted,
Lawrence F. Diel
LAWRENCE F. DIEL - RESIDENT
Ronni L. Diel

Ronni L. Diel - Resident



Nevada County Resource Conservation District

113 PRESLEY WAY, SUITE 1 · GRASS VALLEY, CALIFORNIA 95945 (916) 272-3417

#58

RECEIVED

JAN 23 1995

NEVADA COUNTY
PLANNING DEPARTMENT

January 20, 1995

To: Thomas Miller, Acting Planning Director, County of Nevada

From: Andy Lovato, District Manager, Nevada County Resource Conservation District

Subject: Draft EIR for the Final Draft Nevada County General Plan.

After reviewing the subject Draft EIR, we submit the following comments.

The primary areas of interest of this RCD are the impacts to the natural resources associated with implementation of the General Plan. The EIR identifies a number of significant impacts to the natural resources that are unavoidable. The loss of open space, the loss of agricultural land, the increased demand for surface water and groundwater supplies, and the increased exposure of persons and property to wildland fire are impacts that fit this category.

The EIR also identifies a number of impacts to the resources that are significant, but can be mitigated. Examples of these impacts include increased erosion associated with development in areas of steep slopes and/or improper development practices, exposure of future residents and structures to landslide hazards, increased development in floodplains resulting in periodic damage to structures and possible loss of life if flooding occurs, increased impervious surfacing and associated stormwater runoff, an overall decrease in surface water quality in County streams, lakes, and reservoirs due to increases in erosion and sedimentation due to improper development practices, urban pollutants carried in stormwater and septic system failure, loss of wildlife habitat, loss or degradation of oak trees, and a loss or degradation of wetlands and riparian areas.

58.1

With respect to significant, unavoidable impacts, the EIR adequately addresses these resource concerns. The proposed General Plan Policies do not place enough emphasis in protecting these resources. With respect to the significant but mitigatable impacts, mitigation will require additional funding and manpower to implement General Plan policies. How will the County insure that funding will be provided to implement these policies, particularly at a time when budget cutbacks have forced the County to reduce their staff? Mitigation is only effective if the County has the ability and the desire to mitigate. The County's history of natural resource protection has not been particularly good. What guarantees are there that the County will be able to address resource protection any differently in the future?

The first two of the Central Themes listed in the General Plan are fostering a rural quality of life and sustaining a quality environment. This EIR identifies numerous impacts to the natural resources that will make it difficult, if not impossible, to abide by those themes.

NID Nevada Irrigation District

10836 ROUGH & READY HWY. • P.O. BOX 1019 • GRASS VALLEY, CA 95945-1019 • (916) 273-6185

AUBURN & LINCOLN: 878-1857

COLFAX: DIAL OPERATOR, ASK FOR ENTERPRISE 14293

FAX: 477-2646

January 9, 1995

IN REPLYING REFER
TO FILE NO.

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JAN 11 1995

NEVADA COUNTY
PLANNING DEPARTMENT

Mr. Thomas Miller
Acting Director
Planning Department
County of Nevada
950 Maidu Avenue
Nevada City, CA 95959-8617

Re: Nevada County General Plan, Draft EIR

Dear Tom:

The District has comments that need to be addressed in the Draft EIR concerning the quality and quantity of waters available for future needs within Nevada County.

4.3 Hydrology and Water QualityWater Quality

Recent concerns about abandoned mine drainage into surface water courses have been identified in Nevada County. Some mines have ownership and others do not. There are ever increasing demands upon surface water quality, demands that a level of protection be provided by the owners of these dormant mines. The recently renewed activity for re-operation of mines will be taken care of through mitigation measures specific to each project. The District's concerns regard those abandoned mines that are not closed. The 1974 Department of Water Resources study (20 years old) did not directly address mine drainage; however, there needs to be some mention of this degradation of water courses by mine drainage.

59.1

4.10 Public Services and UtilitiesWater Purveyors - (Page 4.10-3,4)

The California State Water Resources Control Board (SWRCB) has held several years of public hearings concerning the quality of water within the San Francisco Bay-Sacramento Delta. During these hearings, they discussed what quantity of water would be required to provide for adequate protection of the Bay-Delta. Several scenarios have been put forth; each one would effect the storage capabilities of the NID.

59.2

Directors: David E. Southern, Division 1 • Ernst L. Bierwagen, Division 2 • Dale H. Birdsall, Division 3
R. Paul Williams, Division 4 • George Leipzig, Division 5

General Manager: James P. Chatigny • **Secretary:** Dorothy P. Miller • **Treasurer:** Teresita T. Andrews

Attorneys: Minasian Minasian Minasian Spruance, Baber, Meith & Soares

A draft report, Water Right Decision 1630 by the SWRCB, issued in December 1992 called for a quantity of water. The draft decision has been held in abeyance by Governor Wilson so that further negotiations, deliberations, and hearings could be held concerning the Delta. This action by the Governor was welcomed at the time, but the possible demand for water still exists in further SWRCB deliberations.

D-1630, in its draft form, would have required the dedication of up to 40,000 acre feet from the District on an annual basis to meet standards for water quality as denoted in the SWRCB deliberations. Although this demand is temporarily in abeyance while further hearings are under consideration by the SWRCB, it is anticipated that future water demands of tributary agencies could be similar to the D-1630 demands. The District would be hard pressed to meet a "safe yield" carry-over when the demands reduce the District's storage capabilities.

see #56.4 Extreme conservation measures, rationing and/or other similar water use restrictions, would be required to ensure that carry-over storage is adequate to meet the following year's minimum needs in dry or critical dry years.

59.3 The County's General Plan must make allowances for measures to meet the anticipated short carry-over quantities by safeguarding land areas for future improvement facilities.

At this time, the most suitable (though there has not been a great amount of study) location based upon hydrology of the river, would be an impoundment structure on the South Fork Yuba River. The topography of this area is most feasible for gravity service to the largest area of Western Nevada County.

This being so, it is recommended that language be provided within the General Plan that the South Fork Yuba River be reserved for additional water storage when a short-fall exists and cannot be offset by other means. The future well being of Western Nevada County, culturally and economically, depends upon an adequate water supply to meet all needs including domestic, industrial, agricultural, environmental, and recreation activities.

Sincerely,


James P. Chatigny
General Manager

DEPARTMENT OF TRANSPORTATION

DISTRICT 3
P.O. BOX 911
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RECEIVED #60**JAN 24 1995**

January 20, 1995

NEVADA COUNTY
PLANNING DEPARTMENT

FNEV135
03-NEV-49 PM 0/33
County General Plan
DEIR SCH#91032019

Mr. Tom Miller, Director
Nevada County Planning Department
950 Maidu Avenue
Nevada City, CA 95959-8617

Dear Mr. Miller:

Thank you for the opportunity to review and comment on the above referenced document.

COMMENTS:

Page 4.3-17

Caltrans will require grease and oil separators for sheet flow or concentrated runoff originating or flowing through the items cited in Mitigation Measure 9 (b) which eventually enter State right of way.

Page 4.7-7, Table 4.7-3

The values shown for Freeways in this table are not acceptable. The volumes shown are not typical even for flat terrain. The values shown were apparently used in Table 4.7-1, which shows Interstate 80 at Level of Service (LOS) A, where Caltrans considers it as LOS D. The Freeway in Grass Valley is considered to be at LOS C, not A.

The volumes shown for two-lane Principal Arterials and Rural Minor Arterials do not seem realistic. The Principal Arterials in Nevada County are also rural facilities. The LOS A threshold for Rural two-lane Arterials is normally at a volume which is less than 20% of the actual capacity. The values shown for LOS A are 60% of the capacities shown.

Page 4.7-16, Table 4.7-4

The LOS values shown for Freeways and Rural Arterials are not accurate, as discussed above.

It should also be noted that while a Rural State Highway (i.e. State Route (SR) 20 east of the Yuba County line) may be able to carry 14,000 vehicles per day without widening to four lanes, it does not mean improvements would not be necessary. As traffic volumes increase, improvements (shoulder widening, curve realignments, turnouts and passing lanes) will be necessary for safety and capacity reasons. This holds true for most rural roads, especially in rolling or mountainous terrain.

60.1

60.2 Brunswick Road is four lanes between Sutton Way and the Freeway, not the six lanes noted in this Table, and should be analyzed as a four-lane arterial.

Page 4.7-19, first paragraph:

We concur with the County's conclusion that significant reconstruction of SR 20/49 Interchange would be required due to the magnitude of the increased development densities proposed for this area in the Draft General Plan .

Page 4.7-21, last paragraph:

If it is the County's intention to collect transportation impact fees to mitigate future development impact on State Highways, it will take a significant amount of effort to determine the mitigation costs and to identify the County's share of those costs.

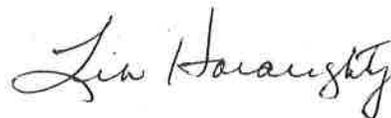
Page 4.7-21, Impact #31

60.3 The feasibility of widening SR 89 to four lanes under the railroad tracks should be discussed.

60.4 The desirability of widening SR 174 to four lanes to You Bet Road should also be discussed from a community or environmental standpoint.

If you have any questions, please contact Terri Pencovic, Inter Governmental Review/ CEQA Coordinator, at (916) 741-4199.

Sincerely,



E.A. "LIB" HARAUGHTY, Chief
Office of Transportation Planning Rural

cc: Michael Chiriatti, Office of Planning and Research (Fax SCH)

RQC VERBAL PRESENTATION TO PLANNING COMMISSION HEARING GENERAL PLAN EIR

My name is Brian Bisnett. I am here to represent the Rural Quality Coalition. Our intent today is to present only very general input on the EIR. Our detailed comments will be submitted in writing next week.

We appreciate ^{the} opportunity to comment. Our Research Committee has very carefully reviewed the EIR. We feel that in general it is a sound document which does a good job of informing you, our decision makers, and the public, about the impacts which will result under buildout of the General Plan as it is now proposed and in making recommendations to reduce these impacts and make the Plan better.

Our main concern is that the EIR be used as the process intends it to be used, to reduce the environmental impacts of the General Plan. One of the key conclusions in the EIR is that an environmentally superior alternative exists - EIR Alternative 4. This alternative incorporates all of the mitigation measures in the EIR and would result in a population of approximately 154,000 people (a figure which we assume would be reduced by the Resolution Committee recommendations.) We urge you to seriously consider this alternative when it comes time to do so. We will be recommending additions to this alternative which will be based on the concerns we and many Neighborhood Associations have expressed during the General Plan update process to reduce impacts under this alternative even more.

After you certify the EIR and move on to Plan adoption, you will be asked to decide whether or not to adopt a General Plan which will result in significant, unmitigable impacts as opposed to the environmentally superior alternative which was identified in the EIR. As a Commission, and as a community we need to decide if there are overriding considerations to adopt a Plan with such impacts. We do not feel that there are. We hope that you will carefully consider EIR Alternative 4.

The EIR discusses numerous impacts, and we feel that this will help us all to better understand the Plan that is under consideration. However, many of the impacts have been overgeneralized, and as a result those impacts may look less than significant. When the County is looked at in more detail, area by area and neighborhood by neighborhood, impacts can be more clearly seen. For example, land use compatibility impacts in general in the Plan are considered significant but mitigable. Road safety impacts are not discussed. However, in any number of neighborhoods specific increases in land use densities could result in these impacts. We feel that a more detailed approach, more specific to sub-areas of the County, would provide a more useful and accurate analysis which should be the goal of the environmental review process,

61.1

A number of very constructive mitigation measures have been recommended in this EIR. We feel that use of these measures will make a much better Plan. This is a very important part of the EIR and it is important to explore all possible mitigation measures so that the best Plan results. We will be asking the EIR consultant to explore additional mitigation measure ideas that we have for this reason. We hope that our recommendations will be fully analyzed.

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JAN 12 1995

NEVADA COUNTY
PLANNING DEPARTMENT

We do have some other points to make on the subject of mitigation measures:

61.2

⇒Some of the mitigation measures call for further study. We agree that these studies (such as an aquifer study) need to be prepared, but they are not a substitute for mitigation. As a result, the EIR may need to characterize these impacts as significant and unmitigable. In these cases the only assured mitigation may be reduction in land use densities in critical areas until the studies are complete.

61.3

⇒Where significant impacts appear to be unavoidable, we urge the consultant and staff to work a bit harder to identify mitigation measures. Unmitigated impacts should not remain if at all possible. An example is school impacts-- there may be financing mechanisms to avoid these impacts which have not been explored. We will be making further recommendations in ~~the~~ these areas.

61.4

⇒Some of the mitigation measures call for development of new ordinances. For instance, Site Development Standards are expected to mitigate many impacts. While we whole heartedly support the idea of Site Development Standards and other updated ordinances, without the details we do not feel that mitigation can be assured. In many cases the only assured mitigation at this time is reduction in land use densities until studies show otherwise. Since this is a land use plan, changes to the land use map should be the first tier of mitigation attempted.

⇒After certification of the EIR, and when you consider adopting the General Plan, if you do not adopt all of the mitigation measures as revisions to the Plan, you will be asked to explain why not in your Findings. We urge you to adopt the recommended mitigation measures. We do not feel there are any overriding considerations which would justify not using appropriate mitigation measures to reduce the environmental impacts of the Plan.

In conclusion, I would like to remind the Commission that the purpose of an EIR is ~~simply~~ to quantify the environmental costs ^{of development}. The mitigations proposed within this EIR are simply means of paying those environmental costs upfront, rather than passing the bill on to future generations in the form of a degraded environment. To accept impacts such as those mentioned in the EIR without making every effort to mitigate them would be the worst kind of deficit spending imaginable. The environmental debt that would be inherited by our children would be one that they could never repay. Let our bequest to future generations not be one of environmental bankruptcy, of resources squandered and opportunities missed; but rather let us use this EIR process to create a sustainable estate that can be protected and treasured by the present and future residents of this county, in perpetuity.

Again, we will submit our detailed comments in writing. We appreciate the opportunity to comment and the continued opportunity to participate in the process. Thank you.



RECEIVED

JAN 31 1995

NEVADA COUNTY
PLANNING DEPARTMENT

Tahoe Truckee Unified School District

Vincent C. Deveney, Superintendent

Terre D. Krause, Assistant Superintendent

January 26, 1995

#62

Mr. Thomas Miller
Acting Planning Director
Nevada County Planning Department
Eric Rood Administrative Building
950 Maidu Avenue
Nevada City, Ca 95959-8617

Dear Thomas:

On behalf of the Tahoe-Truckee Unified School District, thank you for the opportunity to respond to the Draft EIR prepared for the final draft County General Plan.

The Tahoe-Truckee Unified School District is currently operating at 102% of District capacity. However, in the Nevada County/Town of Truckee area, the District is currently at 126% of capacity. Since 1989/90 the Nevada County portion of the District grew by 551 K-12 students, a 21.5% increase.

62.1

The District has a new school currently under construction in the Glenshire area (due to open in September, 1995). The opening capacity of that school will be 428. When Glenshire School opens, the District will still be 54 students over capacity within the existing Nevada County Schools (see attached chart).

● POTENTIAL IMPACTS AND PROPOSED MITIGATION

The impacts created by the proposed county wide General Plan upon schools are associated with the designation of school sites, acquisition of school sites and the funding and the construction of school facilities when they are needed.

1. School Sites and Acquisition of School Sites

Based upon the school needs analysis contained in this letter, the District will need 4.61 new schools over the next 10 years. Most of the proposed land use creating this need is located in the Town of Truckee. However, there may be a need in the future to designate a school site within the County area.

BOARD OF TRUSTEES: Debra Darby, Cliff Hartwell, Nancy O'Neill, Zoey Todd, Jim Wallis

11839 Donner Pass Road, Truckee, CA 96161 (916) 587-3561 An Equal Opportunity Employer

The General Plan recognizes the need for future school sites. At this time, the District is not sure of the appropriate location of needed sites. It is requested that the county assist in the designation of future school sites when it is needed.

2. Facility Funding

The Tahoe-Truckee Unified School District estimates that 4.61 new schools will be needed in the future. The cost of these facilities, placement of portable classrooms and expansion of existing schools in order to accommodate future students will cost \$46,261,180.

Currently there are three funding sources which are pursued by the District. They are as follows:

- Collection of State Developer Fees at \$1.72 per square foot. It is estimated that about 2/3 of future housing units will pay this fee resulting in \$12,447,296.
- District adopted financing programs - Mutual Benefit Agreement. This is a developer fee agreement program currently at \$2.83 per square foot. The District will attempt to apply this fee against all future development projects in both Nevada and Placer Counties and the Town of Truckee. It is estimated that \$10,144,512 will be raised.
- The District has received voter approval of a General Obligation Bond in the amount of \$15,000,000 in 1992. Currently 9.7 million of the bond is designated for meeting new student needs. The remaining amount is being used to upgrade existing school facilities.
- The District is also actively pursuing State funding. (There are currently no State funds available - 1996 is the first year state voters will consider new bonds.)

Based upon the identified facility needs/costs and the projected income, there will be a facility funding shortfall of \$13,969,732. In order for the District to satisfy the shortfall, additional developer agreements will have to be obtained and a new General Obligation Bond will have to be approved.

The General Plan policies provide for encouragement and cooperation in working with school districts in dealing with school facility needs. However, the Draft EIR explains that there are statutory limitations on local governments in imposing development fees and that the General Plan policies may not be able to require alternative funding on some development projects.

Because of this stand the Tahoe Truckee Unified School District will not be able to meet its facility funding needs. This would create a significant unmitigated impact upon the District.

62.2

● **RECOMMENDED DRAFT EIR LANGUAGE CHANGES**

The following are comments on some of the language contained in the Draft EIR:

1. Page 4.10-27. First paragraph. Placer County School Board should be **Placer County Office of Education.**
2. Page 4.10-27. Fourth paragraph. "New or expanded facilities might be funded..."

62.3

62.4

The Tahoe-Truckee Unified School District is collecting \$1.72 per square foot. This fee is adjusted for inflation every two years (even numbered years).

The District also has a Board adopted Developer Fee Program (Mutual Benefit Agreements). All future developments are requested to join this program.

It is very difficult to obtain money from the State Funding Program noted in this paragraph. Please note that there is a priority system which Districts must comply with in order to receive an allocation. Two of the major components are for Districts to be Year Round and to contribute 50% of the funding for new schools. Generally speaking, the State developer fee only generates approximately 25% of the facility funding needs. Therefore, a District must have alternative funding programs in order to receive State funds.

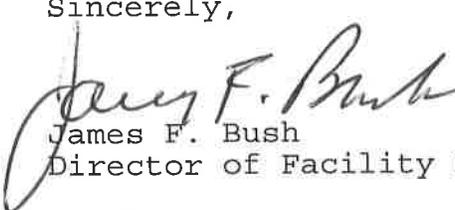
3. Page 4.10-28

62.5

Please see the attached chart for new figures.

Again, thank you for allowing the District to make comments on the Draft EIR. If you have any questions please contact me at 887-0631.

Sincerely,


James F. Bush
Director of Facility Planning

JFB:bc

Enclosures

cc: Vince Deveney
Tony Hesch

ATTACHMENT I

The following development projections, student yield rates and facility costs/needs analysis was completed by myself in the spring of 1994 as part of the Developer Fee Justification Study. This study was adopted by the Board of Trustees.

● DISTRICT DEVELOPMENT PROJECTIONS

In order to make student projections in the future, a detailed analysis of the future residential development within the district was made. The district has been divided up into study areas which estimated the building potential within each area. The attached appendix shows the study areas and housing estimates.

Housing Projections

(Based upon 1991 Master Plan)

Existing Housing Units	13,689
5 Year Projections	17,099 (+3,410)
10 Year Projections	20,543 (+3,444)

● STUDENT YIELD RATES

The following student yield rates have been compiled for the Tahoe-Truckee Unified School District through a student yield study. The actual study is shown below:

District Recommended Yield Rates

School Type	Full-Time Occupied		Partial-Time Housing (Combined)	
	Single Family	Multi Family	Single Family	Multi Family
K - 5	.359	.089	.159	.040
6 - 8	.133	.033	.061	.015
9 - 12	.126	.032	.050	.013
K - 12	.618	.154	.270	.068

● **FUTURE FACILITY COSTS/NEEDS**

As shown on the K-12 Enrollment Projection table, a total of 3,464 students will be generated over the next 15 years. The following shows the number of future facilities needed, including costs and expected revenue:

K-5	1,732 students/600 students per school =	3 Schools
6-8	1,040 students/750 students per school =	1.40 Schools
9-12	192 students/900 students per school =	.21 Schools
TOTAL SCHOOLS NEEDED =		4.61 SCHOOLS

Cost of Facilities

K-5	\$10,615 per student	-	\$ 6,369,000/School (600st)
6-8	\$14,150 per student	-	\$10,612,500/School (750st)
9-12	\$17,500 per student	-	\$15,750,000/School (900st)
1,732	New K-5 Students X \$10,615/st =		\$18,385,180
1,040	New 6-8 Students X \$14,150/st =		\$14,716,000
192	New 9-12 Students X \$17,500/st =		\$ 3,360,000

Facility Costs

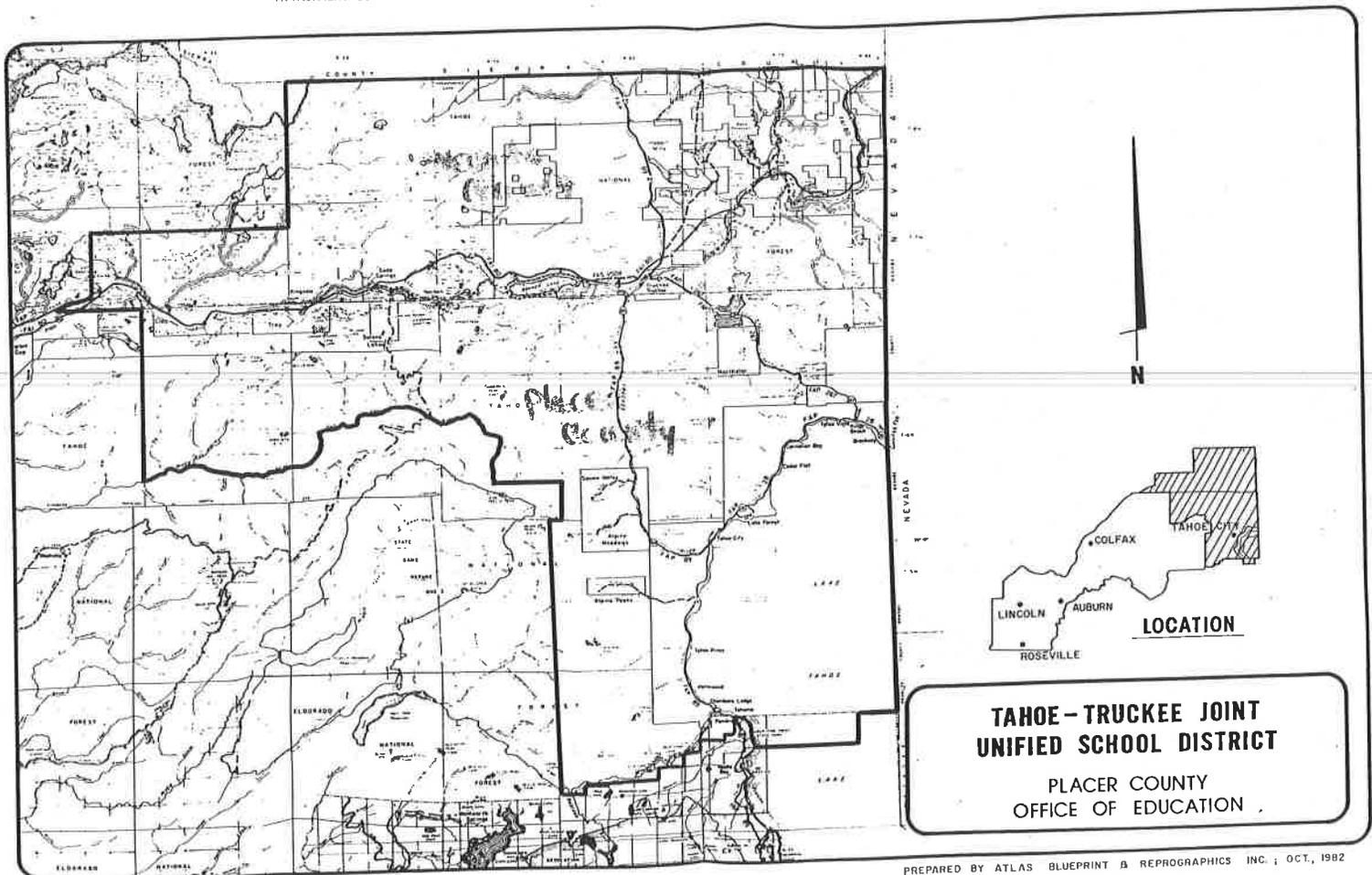
- Total new facility	\$36,461,180
- Interim classrooms/portables (25 portables at \$65,000)	\$ 1,625,000
- Sitework for portables, 25 at \$25,000	\$ 625,000
- Rehabilitate SMM for Intermediate School	\$ 1,200,000
- 15 Buses @ \$125,000	\$ 1,650,000
- Kings Beach Expansion Project	\$ 3,700,000
- Bus Shelter(s) 2	<u>\$ 1,000,000</u>
Total Cost	\$46,261,180

● **ESTIMATED DISTRICT INCOME**

● State fees at \$1.72/square foot 2/3 of future dwelling units (4,523 DU) Average 1,600 sq.ft. per unit	\$12,447,296
● District Financing Program Mutual Benefit Agreement 1/3 of future dwelling units (2,331) Average 1,600 sq. ft. per unit \$2.83 per square foot fee	\$10,144,512
● Local General Obligation Bond Approved in 1992 (\$15,000,000)	
● \$5,200,000 Glenshire School	\$ 9,700,000
● \$3,700,000 Kings Beach Expansion	
● \$ 800,000 Sierra Continuation H.S.	_____
Total Local Funding	\$32,291,808

● Facility Funding Shortfall	\$13,969,372
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ATTACHMENT III



ATTACHMENT II

Tahoe-Truckee Unified School District (K-12)
Enrollment/Capacity
October 1994

SCHOOL	Existing Enrollment*	State Capacity**	Percent (%) of Capacity
Kings Beach (K-5)	501	482	104%
Tahoe Lake (K-3)	411	400	103%
Rideout (4-5)	223	215	104%
North Tahoe Int. (6-8)	478	540	87%
North Tahoe High (9-12)	330	850	51%
Sierra Mtn. Middle (4-6)	654	447	146%
Truckee Elementary (K-3)	916	627	146%
Donner Trail Elem. (K-3)	11	62	18%
Tahoe-Truckee High (7-12)	980	904	108%
Sierra Continuation High	34	30	113%
TOTAL	4,638	4,557	102%

* Based on October 1994 CBED's/Enrollment Information

** Based on State Standards

UNHOUSED STUDENTS = 81

Truckee Area Capacity

School	Enrollment	Capacity	AREA CAPACITY
Truckee Elem. K-3	916	627	
Sierra Mtn. Middle 4-6	654	447	
Tahoe-Truckee High 7-12	980	904	
Donner Trail K-3	11	62	
TOTAL	2,561	2,040	126%

Prepared 12/94

NID Nevada Irrigation District

10836 ROUGH & READY HWY. • P.O. BOX 1019 • GRASS VALLEY, CA 95945-1019 • (916) 273-6185

AUBURN & LINCOLN: 878-1857

COLFAX: DIAL OPERATOR, ASK FOR ENTERPRISE 14293

FAX: 477-2646

#63

IN REPLYING REFER
TO FILE NO.

5/1-N

February 1, 1995

RECEIVED**FEB 02 1995**NEVADA COUNTY
PLANNING DEPARTMENTNevada County Planning Department
Attention: Mr. Tom Miller
950 Maidu Avenue
Nevada City, Ca 95959**RE: COMMENTS ON THE DRAFT NEVADA COUNTY GENERAL PLAN
ENVIRONMENTAL IMPACT REPORT, SCH #91032019**Dear Mr. ^{Tom} Miller:

The District offers the following comments in regards to the letter you received on January 9, 1995, from Mr. Nick Wilcox, Environmental Specialist to the State Water Resources Control Board.

Nevada Irrigation District operates ten major reservoirs with a water storage capacity of 250,280 acre feet, additionally a contract with PG&E allows 30,000 acre feet of water to be stored by the District for PG&E uses at Rollins Reservoir. This contract expires in the year 2013.

The District utilizes about 400 miles of lined/unlined canals and approximately 300 miles of pipeline to transport treated water to its customers.

Mr. Wilcox points out that "safe yield" as stated in the Draft EIR is an imprecise concept; and we agree. "Safe yield" numbers are not utilized as part of the District's day to day operation of the system, and should not be stated in the Final County General Plan. see #56.2

The District's average annual runoff for Canyon Creek, Deer Creek and Middle Yuba River is 229,000 acre feet. This period of record is from 1928 to 1992. Full operation of the system depends on operational demands, carry over storage, and precipitation within the watershed.

Nevada County Planning Department
Mr. Tom Miller
Comments RE: Draft Nevada County General Plan EIR
February 1, 1995
Page 2

Future projections to the year 2012 from the District's 1992 Raw Water Master Plan expects a canal diversion demand of 176,200 acre feet of water to meet both treated water and raw water deliveries in Nevada, Placer, and Yuba County. We expect the treated water production to increase to 13,700 acre feet to serve an estimated population of 65,000 in the year 2012. Currently, we serve a population of approximately 39,000 customers (15,000 services x 2.6 persons per household) treated water which consumes 9,800 acre feet of District water annually. Our irrigated acreage is expected to increase from the current 26,000 acres of irrigated land to 32,000 acres in the same time period, and will utilize 139,000 acre feet of water.

The 1976-77 drought served as the catalyst for developing better water conservation and management practices to insure a more dependable future water supply. Since that time, the District has adopted various water conservation plans and developed operational guidelines to enhance the water supply availability in the District. I have enclosed with this letter a copy of the District's adopted Drought Contingency Plan. **see #56.4**

As I previously discussed, it is estimated that by the year 2012 about 176,200 acre feet of water will need to be diverted to meet total District demands. This projection was based on future growth occurring in the same straight line relationship as past growth and will need updating prior to the completion of the District's updated Raw Water Master Plan. In earlier studies, completed by consulting engineers for the District, it was concluded that an annual water demand of no more than 153,600 acre feet could be met without exceeding a fifty percent shortage during a critical dry year. The additional 22,600 acre feet needed by the year 2012 to meet the new estimated demands would appear to cause unacceptable high shortages during critical dry years. Since completion of those studies, however, new water supply factors are being developed by staff to offset this impact. Factors which include water conservation measures, system operations, drought contingency plans, and purchases of water from the Pacific Gas & Electric Company's Drum-Spaulding project, and the additional 30,000 acre feet of water stored in Rollins which reverts back to the District in 2013. **see #56.2**

The District will also explore the feasibility of new dams and diversions from the Yuba River and other drainages to meet demand goals in the future.

Nevada County Planning Department
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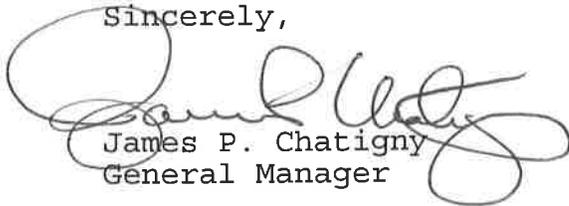
Mr. Wilcox's final concern addressed the Sacramento/San Joaquin Delta water quality standards which "may" have a potential effect on the District's water supply.

See #56.6

Draft Decision 1630 of the State Water Resources Control Board, though not adopted set forth the State plan for improvement of the Delta. The draft decision called for releases of up to 40,000 acre feet of District water to be released under a worse case scenario during critical dry years. This water would not be available to District customers. The final impact to the District on these water rights issues are not known, and no speculation can be made as to the impact of future State Board hearings. At this time, we do not agree with the draft decision or Mr. Wilcox that the District will be required to contribute to these flows, as extensive litigation is expected by the District in order to resolve this issue, through State Water Resources Control Board hearings.

Tom, as a final note, I have only scratched the surface of one of the most complex systems and water rights in the State of California. Planning, developing, and managing this water supply is our business, our only business. My Board and my staff will work closely with your planning to insure a dependable water supply for future growth in Nevada County.

Sincerely,



James P. Chatigny
General Manager

LN:JPC:scg

Enclosure

cc: Les Nicholson
State Water Resources Control Board

DROUGHT CONTINGENCY PLAN

The Nevada Irrigation District adopted the Urban Water Management Plan in October 1985 (updated October 1990), and the Agricultural Water Management Plan in November 1991. Both of these plans were prepared in compliance with Part 2.8 of Division 6 of the California Water Code. The primary objective of these plans are to conserve water through efficient water management.

On October 6, 1992, the Water and Hydroelectric Operations Committee instructed staff to prepare a Drought Contingency Plan. This plan will supplement the Urban and Agricultural Plans, and identifies drought caused water supply shortages, and water demand reduction goals within the District during a drought.

Prior to the beginning of the irrigation season, but no later than April 1, the District will evaluate its current reservoir storage, forecasted runoff, and purchase options from Pacific Gas & Electric Company to determine what water supply stage will apply during the year.

In order to effect the most current information for water supply, the March Snow Survey information for each year will be used to make a preliminary determination of the District's water supplies.

The District currently supplies about 150,000 acre feet of water for all classes of customers and has contract obligations for 200,000 acre feet of water under the Nevada Irrigation

District and Pacific Gas & Electric Company's 1963 Consolidated Contract. A minimum of 70,000 acre feet of carry over storage has been determined to be the amount of water that the District will endeavor to hold over from water season to water season for the health and safety of the District domestic and agricultural water users.

**DROUGHT WATER SUPPLY STAGES AND
DEMAND REDUCTION GOALS
EACH YEAR**

<u>Stage</u>	<u>April 1st Forecast In Ac. Ft.</u>	<u>Supply Shortage</u>	<u>Type Program</u>	<u>Demand Reduction Goals</u>
I	225,000	None	Normal Operation	
II	200,000	10%-15%	Voluntary	15%
III	185,000	15%-25%	Mandatory	25%
IV	170,000	25%-35%	Mandatory	35%
V	150,000	35%-50%	Mandatory	50%

The proposed drought water supply stages are:

Stage I: Normal Water Conditions

- A. District will make full supply and contract deliveries.
- B. Continue to operate and maintain the water system in an efficient and economical manner.
- C. Continue to update District customers of water conditions and District conservation measures.
- D. Review and if needed, update current water conservation plans and system storage.

Stage II: Drought Alert--10% to 15% Shortage

- A. District leak repair receives high priority.
- B. Strongly encourage customers to conserve water.
- C. Restaurant owners requested not to serve water unless requested by the customer.
- D. Declare that no District surplus water is available.
- E. Maintain 70,000 minimum acre feet in storage by the end of October.

Stage III: Drought Warning--25% Shortage

- B. Untreated water deliveries will be reduced by 50% and irrigation season delivery alternatives will be imposed.
- C. Conservation oriented rate structures and pricing methods will be established to encourage water conservation.

- A. All of Stage II requirements above, and the following:
- B. Untreated water deliveries will be reduced by 25% and irrigation season delivery alternatives will be imposed.
- C. Additional agricultural efficiency practices would be instituted to assist the agriculturist in proper water management as outlined in the Agricultural Water Management Plan.
- D. Limit residential, garden, and landscape irrigation during the hottest portion of the day (10:00 a.m. to 6:00 p.m.).
- E. Limit fire department practice drills and flow testing of fire hydrants.
- F. Encourage that all treated water metered school grounds, and all other public grounds reduce their water usage by 15 percent from what they received under Stage I conditions and as outlined in the District's Urban Water Management Plan.
- G. Implement strong conservation pricing on treated water.

Stage IV: Drought Emergency--35% Shortage

- A. Implement all items under Stages II and III, and the following:
- B. Untreated water deliveries will be reduced by 35% and irrigation season delivery alternatives will be imposed.
- C. Implement strong conservation pricing on treated water.
- D. Suspend all NEW untreated water sales.
- E. All new treated water services will not be allowed to plant new lawns, landscaping, or gardens. The District will encourage customers to utilize water efficient irrigation systems.

Stage V: Critical Drought Emergency--50% Shortage

- A. Implement all items under Stage II, III, and IV, and the following:

NEVADA COUNTY PLANNING COMMISSION NEVADA COUNTY, CALIFORNIA

MINUTES of the regular meeting of January 12, 1995, Eric Rood Administration Center, 950 Maidu Avenue, Nevada City, California.

NOTE: A cassette recording of this meeting is permanently on file in the Planning Department, 950 Maidu Avenue, Nevada City, California.

MEMBERS PRESENT: Commissioners Owens, Seghezzi, White, Green and Martin
MEMBERS ABSENT: None
STAFF PRESENT: Acting Director Miller; Planner Norman; Clerk Keyser and Clerk Jaroscak
ADVISORY STAFF: Bob Duchek, Harland Bartholomew & Associates; Hal DeGraw, County Counsel's Office.

TABLE OF CONTENTS

STANDING ORDERS: Salute to the Flag; Introduction of new Commissioner; Roll Call; Corrections to Agenda

CONSENT ITEMS: Approval of Minutes of December 8, 1994

PUBLIC HEARING:

Comments on the adequacy of the Draft Environmental Impact Report for the Draft General Plan of Nevada County.

PUBLIC COMMENT:

ADJOURNMENT: The next meeting of the Planning Commission is set for January 26, 1995, in the Board of Supervisors Chambers, Nevada City.

Chairman Owens called the meeting to order at 9:00 a.m. and explained the procedure for the day's meeting. There was discussion as to whether noticing had taken place in the Sierra Sun for this meeting. Acting Director Miller explained that the law requires only notification in a newspaper of general circulation, which is The Union. He stated that future meetings may be noticed in the Sierra Sun, as well as The Union.

Chairman Owens introduced Commissioner Martin.

Approval of Minutes 12/8/94: **MOTION** by Commissioner Green and seconded by Commissioner Seghezzi that the Minutes be approved as presented. **MOTION PASSED** on voice vote, 4-0-1. Commissioner Martin abstained since she was not a member of the Commission at the time.

Comments on Draft EIR:

Acting Director Tom Miller explained the procedure for the meeting stating that the comments should be limited to the adequacy of DEIR. Those comments will be contained in the minutes. Written comments will be accepted at the Planning Department up to 5 p.m. on January 20, 1995. He explained that most agencies comment in writing. Comments have been received from NID, the Superintendent of Schools and the Town of Truckee (preliminary). Staff will provide written comments, as well. Some concerns include: technical issues (numbers and connection with mitigation measures; feasibility of mitigation measures; and habitat management).

Bob Duchek, representing Harland Bartholomew & Associates gave a presentation on the DEIR document, stating it addresses physical impacts of buildout; a transportation plan; additional zoning districts and land use maps. He explained how the DEIR addresses impacts and how the comments received will be reviewed, commented on and addressed in the FEIR.

64.1 Commissioner Martin stated she had concerns regarding CEQA feasibility and enforceability. Many mitigation measures require adoption of a policy and her concern is that no timetables are specified for implementation. She was concerned for the enforceability of a policy without a timetable. Bob Duchek explained that this is a program EIR as opposed to a specific project EIR. Policies are a normal procedure and the effectiveness of a mitigation assumes implementation. The purpose of the General Plan is to adopt and implement policies. He explained that a Mitigation Monitoring Plan will be required for implementation with the FEIR. Policies will be tracked in the Mitigation Monitoring Plan. In the Implementation Section of the General Plan, each policy has a time frame set forth.

Discussion was held regarding the road improvement section and the availability of funds. Mr. Duchek explained the annual review of road funds and how collection takes place for road fees.

Commissioner Martin commented that there are recommendations from the Resolution Committee and she wondered how to reconcile the two documents. Acting Director Miller explained that the Board of Supervisors accepted the Resolution Committee's report but did not direct that anything be done with the recommendations. The direction was that it be passed on to the Planning Commission for their consideration of the environmental consequences.

64.2 There was discussion regarding the inclusion of alternate mitigations, based on a decrease in population of approximately 38,000. Mr. Duchek explained that the EIR looks at alternatives. One alternative is the proposed Mitigated General Plan. Discussion ensued regarding the consultant's consideration of the fiscal impacts of proposed mitigation measures. Mr. Duchek stated that socio-economic or fiscal impacts are not taken into consideration under CEQA. He explained that at some point, those considerations have a physical impact which is considered. At this point, the cost, as such, is not a consideration in mitigation measures. There is not a balancing between cost and ability to mitigate. If there is an absolute financial fiscal impact, there may not be an ability to implement.

Commissioner White commented that the document must provide feasible mitigation measures and had concerns about the fiscal impacts not being fully address. He wondered whether it would be the Commission's responsibility in the future. For example, with respect to housing, availability vs. cost may not have been adequately addressed and it may turn out to be the Commission's responsibility to sort out. Bob Duchek stated that Overriding Considerations is a focal point for socio-economic or financial impacts.

Commissioner White's concern was that the process seems contradictory. The mitigation measures proposed by the DEIR do not take into consideration allowances for fiscal consideration, housing, and property rights (legality).

Mr. Duchek stated that the document won't propose anything that knowingly violates property rights. The effect on property transactions is not a consideration in DEIR process, only addressing physical and environmental impacts.

There was further discussion regarding property rights. Acting Director Miller explained the zoning laws as they relate to development rights and gave some examples. He stated that the Commission must balance with policy issues as to what is reasonable. Commissioner White reiterated that he is concerned about litigation.

Chairman Owens stated she would like to see some clarification of the existing parcelization. Her concern was for changes to certain individual GPDs that were recommended for approval.

64.3

Discussion ensued regarding possible reversal of tentative GPD approvals. Counsel DeGraw explained that no final action has been taken and the requests have been included as part of the project description to be studied in the EIR. It is possible that some of the GPDs may not look acceptable after mitigation. The only approval is to allow the GPD requests to move on to the next step (include as part of the EIR in the GP update process).

Acting Director Miller explained how the GPD process was started. The County indicated to the public that there would be a General Plan update and an opportunity was given for property owners to request different land use designations. Applications were received, each were evaluated individually by the consultant, (either included "as is", or included with modifications, or excluded). Those deemed appropriate were reflected in land use map. There was no "final action" and those applications are in process at this time.

Counsel DeGraw explained why the GPD process was taking place during the General Plan update. The County's only obligation was to review, consider and give thoughtful consideration if those requests fit into the plan.

Commissioner Green asked if the GPD process was standard procedure during a General Plan update. Counsel DeGraw explained that there is no standard way and that this was the way the County determined to handle the GP update. Acting Director Miller explained the process of the EIR hearings and hearings before the PC and Board for adoption of the General Plan. He explained that the County is currently operating under "no" extension from the State on the GP adoption and that there are currently no known penalties being imposed by the State.

Commissioner Green commented she was concerned that there is no chapter dealing with health and safety issues, specifically fire suppression. Mr. Duchek explained that health and safety issues are addressed as part of the other topical areas. The consultant felt that issue occurred with respect to other issues (EIR writer's choice). He stated that the Public Services chapter addresses that issue. Acting Director Miller stated that if Commissioner Green feels the discussion is inadequate, she can specify what she would like to see included.

There was further discussion regarding balancing fiscal, socio-economic and physical impacts. Included in the discussion was a concern by Chairman Owens for the jobs/housing balance with the possible deletion of the "New Town". Mr. Duchek explained that it is the intent of the EIR to provide for a mitigation that addresses the overall scope of the project. He explained that the Mitigated General Plan alternative takes into consideration the deletion of the "New Town". and still maintains a jobs/housing balance. Analysis was done in terms of traffic impact, to some degree, but the fiscal impact was not addressed.

64.4

64.5

The issue of wildlife and the terms "no net loss" was discussed. Commissioner White commented that he felt this needed to be discussed more. He feels that Mitigation Measure #14 is contradictory to CEQA 21001, Sect. C. Mr. Duchek stated that this will be discussed in the comments.

After a short break, Chairman Owens opened the public hearing.

64.6

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64.10

Brian Bisnet, speaking on behalf of the Rural Quality Coalition, stated that in general, the DEIR was a sound document. He asked that the County use the EIR as intended to reduce impacts and recommended using EIR Alternative 4 (154,000 people). He stated he will submit in writing further comments and alternatives. He stated that after the EIR, the General Plan adoption occurs. He does not feel there are overriding considerations. He feels the road impacts should be looked at in neighborhoods (sub areas). The mitigation measures will make a better plan and all possible mitigation measures should be explored. He stated that studies are no substitution for a mitigation measure. With respect to school impacts, financing mechanisms have not yet been explored and the RQC will make recommendations. He feels the Site Development Standards portion is acceptable but without further details, a mitigation measure cannot be assured. There should be a reduction in land use density until studies show otherwise. The land use maps need to be adjusted. He recommended the use of mitigation measures, not overriding considerations. The purpose of the EIR is to quantify environmental costs for development. Without mitigating impacts, there is a deficient impact.

64.11

64.12

Reed Hamilton recommended Alternative 4, with improvements. He stated that the mitigation measures are useful, with revisions. He commented that it is critical to retain Open Space and that the Wildlife Management Plan is excellent. It is a tool for looking at it as a whole habitat. The Biotic inventory requires specific interagency agreements. The flaw is that no implementation or timetable is specified and no agency is listed to do it. He commented that the Forest Land section needs work. The potential loss of timber should be discussed. He will submit written recommendations.

64.13

64.14

Jean Brook Dunning, representing the Loma Rica Ranch Preservation Committee, stated she will submit written comments. Their preliminary findings are that they feel the EIR is adequate in that most of the significant environmental impacts are discussed and include mitigation measures. Generalization correction needed with more detail. Site development standards should be applicable to all development - community regions and rural regions. An Item K should be added addressing protection and preservation of public access areas. She commented that Overriding Considerations are unwise. Her other concerns included flooding, and extensive paving. The EIR should suggest phasing for all developments. There should be mitigation measures specifically aimed toward long-range results. She reiterated that the EIR does contain a lot of generalizations and needs more specificity.

Jim Hurley, representing the Lake Vera Round Mountain Homeowners Assn., presented a parcelization map (Exhibit "A" - See File). The red areas show parcels not in compliance with the proposed General Plan and the green areas are parcels complying. There appears to be no correlation between the General Plan and zoning. His neighborhood has several constraints, including fire safety. CDF has stated they can't protect the area which is 40% unoccupied. When those parcels are occupied, there will be a 67% increase. There are area impacts that are not mitigable including road safety, water quantity and water quality. Another concern is maintaining the rural character. None of these constraints can be mitigated. There will be an increase in density to this area. He advised looking at a few of the requested GPDs in this area. He also wants the sphere of influence moved toward Nevada City.

Nick Kelley, Federation of Neighborhoods, stated there are growing numbers of homeowners associations (approx. 2,000 families). The groups have done their homework regarding constraints and concerns. Please listen.

Jim Ruffalo, stated there is a directive in the EIR that clustering should be mandatory but there is no documentation to support this statement. He feels that in some cases clustering is a good idea, but it should not be mandatory - only permissive. In quoting a CEQA section, Mr. Ruffalo stated there needs to be factual documentation. He would like to see Mitigation Measures #13 and #30 produced, they are missing from the document. Also #26 and #27 from the RQC document is missing. The EIR does not contain a socio-economic report and the economic ramifications have been neglected. Commissioner Green commented that she is missing Mitigation Measures #30 and #38 but has #13. **64.15**
64.16

Jim Brake, representing the Banner Mountain Homeowners Association, stated they were concerned with the impact for growth on roads. He discussed levels of service and collector roads. He feels work needs to be done on the tables, including Table 4.7-4 and Table 4.7-3. He commented that the Grand Jury Report made a finding that the roads are inadequate. Other concerns included driveways, pedestrian lanes and bike lanes. He feels that consistency with road standards is important, not level of service. Policy 4-16 does not address how roads will be upgraded. Development fees should pay for improvements. **64.17**
64.18

C.J. Patche, representing the Penn Valley Community Association, presented written comments and discussed some of the provisions of that handout.

Alan Jennings, also with the PV Community Assn., summarized their handout.

Don Kelley, a member of RQC, but speaking on his own behalf, agreed that the EIR is an excellent tool. He encouraged working with the alternatives. He stated that additional mitigation measures will be submitted in writing and he would like to see them considered and incorporated unless they are not feasible. He supports the Site Development Standards, but feels there is still not enough detail included. The only assurances will be from a decrease in density. Habitat Management needs more detail. There are other agencies who know a lot who should be involved, not just the County. Surface and ground water sections are a good idea; however just further study doesn't insure mitigation. He wants to see the studies completed. With respect to groundwater, density should be limited where potential problems exist. More assessment needs to be done on floods and erosion. The grading mitigation measure is good but it needs some fixing. With respect to loss of ag land, please think hard. It is not unmitigable and needs to be protected. Also, there is no reason why schools need to be crowded - plan ahead. He stated he will submit written comments. He stated this is a wonderful process and he appreciates the Commission's involvement. **64.19**
64.20
64.21

Marty Diederich, commented that the document is not ready for approval. He stated that the document states a desire for no more asphalt and in other areas, all dirt roads. Another desire seems to be for pedestrian and bike trails, with no discussion stating whether the residents want them. The existing roads need to be brought back to driveable standards. He feels the EIR appears to be a Rural Quality Coalition wish list, but feels it can be salvaged.

Terry McAteer, County Superintendent of Schools, commented that during the first General Plan process, schools were not mentioned. He is glad to see a section on schools in this General Plan. He feels George Hicks helped in that process. He is pleased with EIR's discussion on schools and feels that schools are an integral entity. He stated that NUHS is looking at a new site, Nevada City School District needs a fifth campus and there is no idea where the dollars will come from. He looks forward to the County's (residents) cooperation in the years to come - land use needs and monetary help is high priority.

Karen Gamow, from Ananda, commented that people cannot afford the existing mitigation fees. Too expensive to pay the fees. For a 1,000 s.f. medical clinic, there was a \$60,000 bill from the County - for parking only. Her concern is for additional fees and this EIR proposes more mitigations.

Tony Lashbrook, representing the Town of Truckee, summarized written comments that are forthcoming. There are concerns for the project description and the Town is unclear what will be addressed. There needs to be a better definition of Rural Region and Community Region. The Town wants clarification since it affects the analysis. Other concerns include site development standards; clustering, which is supported by Truckee; inadequate analysis of open space (intensive growth in rural regions); identification and inclusion of the Eastern County in the Deer Habitat study; mapping of timberlands. All this should be included in the FEIR. With respect to scenic corridors, they are supportive of the mitigation measures. They support Mitigation Measure #29 but the land use maps do not identify that measure. Another concern is the development of the Hwy. 267 bypass - a Truckee mitigation will be forthcoming.

Eban Haskell, representing the Willow Valley Neighborhood Assn., complimented HBA, stating that there appeared to be equal criticism of the DEIR from both sides. He stated he wants there to be another opportunity for people with storm damage to speak (another hearing after revisions). He stated he wants the Resolution Committee's recommendations left alone and doesn't want them used to mitigate new problems. His concerns include drainage, stating that the standard is unacceptable. This policy causes flooding and erosion problems. There needs to be a comprehensive drainage plan - to be included as a Mitigation Measure. Developers must recognize the disasters that have happened. With respect to road standards, there is no discussion of intersections and he would like to have a traffic analysis of intersections. He feels that clustering should be removed entirely from the EIR and the General Plan, as a means of mitigation. There has been no analysis of the environmental impact of clustering. Clustering will change the rural character. He also wants the consultant to forget elimination of minimum lot size.

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Margaret Urke, stated she has concerns for taking without compensation. With respect to septic systems, Mitigation Measure #12 is a strong measure and not necessary. The discussion of fill precludes the use of compacted soil below floodplain level. A 100-foot setback required by Mitigation Measure #11 could prohibit septic anywhere. There is an exception for repair of existing systems and she wondered why this exception could not be included for new systems on small parcels? She feels the septic requirements are too restrictive and the County needs to back away. With respect to Mitigation Measure #10, a study is acceptable but work with available information and include less restrictive language.

64.29

Liese Greensfelder, a member of the San Juan Ridge Taxpayers Association, stated that the association's comments will be submitted in writing. Speaking on her own behalf, she commented that the GPDs will help the owners, not be more restrictive. Her concern was for the noise section of the EIR. There is no good discussion as to what the standard acceptable level of 55 Leq. sounds like. She gave examples of noise studies at Agate Sales and Loma Rica Industrial Park. The measures of significance only deal with noises louder than the policy allows. There is a potential for increase in noise levels with 55 Leq. The discussion doesn't address the significance of a noise increase below what the policy allows.

Judy Voelz, a resident of Cottage Hill Drive and a GPD applicant, stated that most of her area is 5-acre minimums. She is concerned that with this DEIR, her property is to now be looked at as a deer run area. She is not asking for something other than what is in the area. She is concerned about being lumped into a larger review. The only acknowledgment received from the County is that her check has been cashed.

Tim Duane, former City Planner with Grass Valley, testified that mitigations are necessary even though not below the threshold of significant. Several impacts will still exist. He feels that overriding considerations may still have to be made. The mitigation measures are not well defined. Site development standards are critical - please discuss and consider specifics, such as when will they be adopted. More information is needed in the septic discussion. There needs to be fundamental information. The Mitigated General Plan is the superior alternative but innovative ways need to be considered. He feels that all four desires of the plan can be implemented which will protect property rights and economic concerns.

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Chairman Owens recessed the meeting at noon for a lunch break and the meeting was reconvened at 1:30 p.m. (Note: there is an approximate five minute lapse in the tape.)

Carole Hollingsworth stated she wants the Commission to keep in mind when reviewing the EIR, that mitigation measures do little to ensure farming in the County. Her concern is to make land more accessible to farming.

64.31

Tim Payton testified that he is concerned about the DEIR and feels there are gaps in the land use areas. He will be submitting written comments. Public services and the demand for them are his main concern. He believes that the GPDs should not be granted. He is also concerned about fire danger and cited the three previous big fires - 49er, Trauner, and Champion. He feels that the fire concerns are not contained or addressed in EIR.

Kerri Varian, a member of SYRCL, stated that the mitigation measures do not properly address open space concerns, including Policy 5.21, Open Space for lands adjoining the river. They support 1.17 of the Consultant's findings. There are also riparian concerns, and there are many adverse impacts. They would like to see non-development buffers along all streams. Written comments and concerns will be submitted.

June Jamerson, representing the Glenwood Homeowner's Association, stated that there is a concern about the EIR not indicating the impacts of development on small neighborhood roads. They are also concerned about traffic safety and pedestrian traffic along these small roads. Full-standard roads should be required on any development. She cited recent rains and the damage and flooding because of inadequate drainage. These concerns are not addressed in the EIR, and a study should be done.

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Don Qurnell, representing the Alta Sierra Homeowners Association, stated that the DEIR is not people or property-oriented. It appears that the proposed bicycle lanes seem to have a higher priority than county road safety. He commented that 99% of residents use autos and a better circulation plan is vitally needed. Mitigation Measure #31 regarding Lime Kiln Road is not what was approved by residents and the Board of Supervisors. He submitted a "Wildlife Report" (reprint from U.S. News and World Report) and asked that the Commission study it.

Don Rung, a resident of the Town of Washington, stated he is concerned about zoning problems. He feels their (Town of Washington) problems are not being addressed because the General Plan has not been adopted. Their situation is in limbo.

Mario Personneni stated the County is in chaos at the present time because of the delay in adopting the General Plan. He believes that the Plan should have been devised by residents, not a consulting firm. When the Glenwood residents rose up and objected to Glenwood Pines development, that should have been the end of it. He submitted written comments.

64.34

Richard Thomas, a member of the Sierra Club, speaking on his own behalf, stated he is concerned about the timber elements in the EIR, including fire protection. Will private timber lands remain in production or not? With respect to proposed rezoning of some lands at Castle Peak, the EIR does not address anything different there than the present considerations for the western county lands. He is also concerned about the areas located above 7000 feet and any disaster which could strand them. How does the County intend to rescue or sustain them? The average snowfall is eight feet at Castle Peak. Human safety needs should be addressed.

64.35

Dick Milhous, from the Milhous Boys Ranch/School stated that they have 170 people coming to their site - employees from this community. He is concerned about them and for well thought-out plans for property development. He stated that they have maintained roads on the ranch site and no one has noticed. He is concerned that everyone is all wrapped up in the process and they are forgetting about "people" in the whole General Plan/EIR process. He addressed the issue of deer migration in their area, stating that there are more deer there in their area now than when the ranch originally began. He believes that development and wildlife can co-habitate.

Todd Juvinal, representing CABPRO, stated that the EIR is just a plan. He commented that he would like to have the person who wrote the Mitigation Measures here so individuals could ask why the Mitigation Measures were written this way. He cited CEQA provisions. He believes that some people's concerns have been left out of the EIR. and that the consultant used the Board of Supervisors draft proposals in making their recommendations and proposals. He feels the numbers used are now faulty and the County is trying to deal with an EIR based on faulty information. This has been based on a General Plan and EIR done in 1980 and those numbers no longer apply.

64.36

Don Kelley addressed problems of groundwater and believes that the worries are about septic tanks failing. That, he stated, is not the problem. It is the septic tanks that work that are the problem. The effluents from leech fields are the ones that most consistently invade streams and groundwater. Setbacks to streams and building in rural areas entail those concerns, but he believes it is the addition of nitrogens to groundwater from septic systems that work.

Chairman Owens closed the public comment period to allow for Commissioner's comments.

Commissioner Martin asked about the numbers used in the EIR. She stated she wanted to see roads and traffic concerns addressed. Her other comments included the possibility of triggering a "Project EIR". Where zoning and traffic are in question, it would seem that another, more specific to the project, EIR needs to be done.

Counsel DeGraw spoke on all identified Mitigation Measures in the review and whether those measures can be ignored (unfeasible). Questions must be asked by each Commissioner and decisions made as to whether some measures can be mitigated to ease them, depending on the project.

Chairman Owens stated that relative to impacts to various habitats, how would one address in the EIR, bringing together those groups who must safeguard endangered species or other protected animals? Acting Director Miller responded that Federal or State agencies are interactive over development of private land within the County. It is not the responsibility of the County, but the County should not totally rely on them to safeguard these animals. Chairman Owens commented that the County seems to always do whatever they say, but where are studies which say there are minimums? Acting Director Miller stated that the County needs to question Fish and Game as to the finer points on such a situation, especially where patterns of animal migration is concerned in areas that are not a 40-acre minimum.

Commissioner White asked for further clarification as to whether any extensive study was done regarding how excessive development would impact some of these Mitigation Measures. Mr. Duchek stated that the Board and the Commission must be very careful in crafting these Mitigation Measures.

Commissioner Green wanted clarification as to whether they should make their comments point by point. She stated she would be commenting in writing. Some of her concerns include the following: 1) Air Quality pp. 2-35- Impact 36. She is concerned with the language; 2) Conifer Forest or Timberlands not specific; 3) Registered county archaeologist; 4) Parks & Recreation - wants language to include private land trust, as well; 5) Traffic pp 4.7-4; 6) Potential Raley's Development near Truckee - EIR doesn't mention Raley's at all; and 7) levels of service to 267 and bridge were alarming.

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Chairman Owens discussed the makeup of the county (age). She believes the County is aging and the figures in the DEIR do not address this. She believes that the numbers are not current.

64.40

Commissioner White asked for some further clarification in the writing of the EIR and would like "EIR" and other abbreviations spelled out and clarified.

Chairman Owens asks that terminology also be clarified and that there be a discussion of who takes care of, who has access to it, and who pays upkeep on open lands. What are the financial implications of an open land mitigation measure.

64.41

Commissioner Seghezzi stated that he would submit his comments in writing.

Chairman Owens closed the public hearing at 2:45 p.m.

MOTION by Commissioner Green and seconded by Commissioner Martin that staff, following closure of the public review period (January 20, 1995), direct the consultant to take all written and verbal comments submitted on the adequacy of the Draft EIR, respond to them in writing, and prepare a draft Final EIR for Commission consideration. **MOTION PASSED** on roll call vote, 5-0. **AYES:** Commissioners Green, Seghezzi, Martin, White and Chairman Owens. **NOES:** None. **ABSTAIN:** None.

It was noted that Commissioners Seghezzi and Martin will be absent at the January 26, 1995, meeting. Commissioner White asked that the election of a Chairman and Vice-Chairman be postponed until the first meeting in February.

Chairman Owens opened the public comment period. Tim Duane stated that he will be a copy of his students' comments for submittal to the consultant.

There being no further business, Chairman Owens adjourned the meeting at 2:50 p.m. to the next regular meeting of the Planning Commission to be held on January 26, 1995, in the Board of Supervisors Chambers.

Passed and adopted on this 9th day of February, 1995.

Thomas Miller, Acting Ex-Officio Secretary

8. *RESPONSES TO COMMENTS*

RESPONSES TO NEVADA GENERAL PLAN EIR COMMENTS

1. Nevada County Superintendent of Schools

1.1 Revisions were made as follows: to page 4.10-27 of the Draft EIR:

"SCHOOLS

ENVIRONMENTAL SETTING

There are currently ~~13~~ **12** separate school districts serving Nevada County, including Tahoe-Truckee Unified School District, Pleasant Ridge Unified School District, Ready Springs Unified School District, Chicago Park School District, Clear Creek School District, Grass Valley School District, Nevada City School District, Pleasant Valley School District, Twin Ridges School District, Union Hill School District, ~~Special Education Consortium District~~, Nevada Joint Union High School District and Sierra College Extension. The Placer County ~~School Board~~ **Office of Education** serves as an administrative body to Tahoe-Truckee Unified School District...

New or expanded facilities ~~would~~ **might** be funded through state funds (i.e., Leroy Greene, Lease-Purchase Program), state matching programs with developer impact fees, and local general obligation bonds. Districts select the most appropriate type of funding. All Districts are now collecting developer impact fees at the rate of \$1.65 per square foot of residential development. The districts are in the process of raising the rates to the state maximum of \$1.72 per square foot of residential space. These fees can be used to fund capital facilities and equipment."

2. Nevada Irrigation District

2.1 The County Department of Environmental Health tests and reviews soil conditions prior to permitting on-site septic systems to ensure that the 100-foot setback is adequate. A more stringent setback requirement may be imposed for certain soil conditions. In 1995, the County Department of Environmental Health will be revising its ordinance related to septic systems, at which time agencies and the public can comment. This ordinance revision will be subject to discretionary action (refer to Response 5.1). Some of the possible changes to the ordinance include strengthening of the soil testing requirements and possible elimination of the allowance for the deep trench system (Sage, Larry, 1995, personal communication with A. Skewes-Cox, Parsons Engineering Science, Inc. 8 February). Refer to Response 53.5.

3. Glenwood Homeowners Association

3.1 A Master Environmental Inventory (MEI) was completed by the Harland Bartholomew Associates (HBA) team as part of the General Plan process, prior to undertaking the EIR. This MEI compiled available data in order to prepare constraints information relevant to land use designations. It should be emphasized that existing data were used to prepare the MEI. Thus, during the EIR process, certain mitigation measures include recommendations for additional data gathering and studies such as a Habitat Management Plan and development of Comprehensive Site Development Standards.

As stated in Section 15146 of the California Environmental Quality Act (CEQA) Statutes and Guidelines (California Office of Planning and Research 1992):

"The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.

- (a) An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.
- (b) An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow."

Adoption of the County's General Plan is not the final discretionary action that will occur prior to development of specific parcels. A number of future discretionary actions such as subdivision map approval, tentative and final map approval, and use permits are examples of discretionary actions which may be required and which would all be subject to CEQA. Subsequent review and approval will take place at the level of the Planning Commission and Board of Supervisors, not merely that of staff.

Any land use decisions that are made as a result of completion of recommended development standards or studies will be incorporated into or made conditions of any project approvals issued at that time and would be subject to CEQA.

3.2 Mitigation measures for protection of wetlands are identified on pages 4.4-32 to 4.4-33 of the Draft EIR. An accurate and comprehensive inventory of wetlands is not available. According to the State Department of Fish and Game staff, the U.S. Fish and Wildlife Service maps for Nevada County lack the detail and comprehensiveness to be a reliable resource planning tool. Refer to Response 32.14.

3.3 The Draft EIR on the General Plan addresses Nevada County as a whole and consequently does not focus on specific neighborhoods within the County. The potential effects of density increases such as vegetation removal and associated impacts to wildlife are addressed in the mitigation measures for revising Policies 1.17 and 1.18 as discussed on pages 2-10 and 2-11 of the Draft EIR. Mitigation measures for protection of vegetation as a visual resource are also addressed on pages 4.6-4 through 4.6-6 of the

Draft EIR. Protection of native vegetation is addressed on pages 4.4-27 through 4.4-35 of the Draft EIR.

3.4 The recommended Comprehensive Site Development Standards will apply to "projects," both discretionary and ministerial. According to the County's local CEQA guidelines, Sec. L-XIII 1.9, issuance of all building permits is considered a ministerial project. Therefore, the standards apply to approval of single-family dwelling units. The recommended standards would not apply to existing land uses. The last line of Policy 1.17 (page 4.1-23 of the Draft EIR) is not meant to imply that ministerial projects are exempt. If Residential Agricultural zoning is changed to R1 Single-Family Residential, land use conflicts related to the keeping of farm animals as pets is not expected to result in significant land use impacts.

3.5 The evaluation of air quality has not been done for specific subareas of the County, but for the County as a whole. The criteria for significant air quality impacts focus on: 1) the potential for a violation of ambient air quality standards, 2) potential contribution of criteria pollutants in a non-attainment area, 3) potential exposure of sensitive receptors to substantial pollutant concentrations, and 4) the potential for development to cause a significant health risk. No significant, unmitigatable air quality impacts were identified for the County as a whole which includes the Glenbrook Basin.

Road improvements necessary to improve the Level of Service (LOS) along Brunswick Road are addressed in Section 4.7 of the Draft EIR. As shown on page 4.7-17, the Regional Transportation Plan (RTP) recommended road improvements would improve the LOS along all portions of Brunswick Road except Sutton Way to Old Tunnel to LOS A or B. The LOS for Brunswick Road between State Route 49/20 and Old Tunnel would remain at LOS D. As stated on page 4.8-9 of the Draft EIR: "Based on monitoring conducted by the Northern Sierra Air Pollution Control District, local CO concentrations do not currently exceed state or federal standards, nor are they expected to in the foreseeable future (Hill, personal communication, 1994). The Mountain Counties Air Basin is classified as an attainment area for CO. That is, no exceedances of the State or federal CO standards have occurred."

3.6 The General Plan does not affect road standards already adopted by the County. This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

3.7 Such improvements are required for local as well as other categories of roads. The recommended Pedestrian and Bicycle Master Plans (page 4.7-24) would address all types of roads where such facilities would be warranted. Minimization of potential conflicts between autos and pedestrians/cyclists is addressed on page 4.7-23 of the Draft EIR.

With few exceptions, the Final Draft General Plan land use maps are consistent with the General Plans of Grass Valley and Nevada City. Addressing the compatibility of the County's General Plan with the General Plans of Nevada City and Grass Valley is beyond the scope of this EIR. If an area is within the Sphere of Influence of an incorporated city and annexation to that city occurs prior to development, that development project would

be subject to the requirements/standards of the city (vs. the County). The issue of non-conformance with County requirements is not relevant once annexation occurs.

The basis for the comment that the EIR should not have relied on the traffic information in the General Plan is not clearly explained. Thus, it is not clear why the commentor believes that the traffic discussions are inadequate and the traffic-related conclusions are inaccurate.

3.8 A traffic analysis which addresses Level of Service (LOS) for intersections is totally different from one that addresses Level of Service for road and freeway operation. The analysis undertaken for the Circulation portion of the General Plan addresses the general operating efficiency of a transportation facility by noting the LOS. This methodology indirectly accounts for poor roadway operating efficiency due to poor intersection activity. It should be noted that, although LOS are determined from daily volumes, they represent conditions during peak hours of travel (typically commute hours). As shown in Table 4.7-1 of the Draft EIR (page 4.7-4), portions of Brunswick Road currently operate at LOS C and D which convey congested conditions. The Nevada City Highway is shown to operate at LOS D between Dorsey Drive and Gates Place.

Assessing potential requirements for right-of-way for road improvements and associated impacts to private properties is beyond the scope of this EIR. Future roadway improvements by the County or Caltrans would be subject to further discretionary action and CEQA. Refer to Response No. 3.1.

The Draft RTP includes all improvements addressed in the Nevada County Transportation Commission Subregional Transportation Study. The General Plan includes one improvement from the Study, the Dorsey Drive interchange.

3.9 The LOS both with and without planned improvements are shown in Table 4.7-4 of the Draft EIR. Road widening improvements are shown in Table 3-5 of the Draft EIR. As stated in Section 15168 of the CEQA Statutes and Guidelines, "The Program EIR can...(4) Allow the Lead Agency to consider broad policy alternatives and programwide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts..." Section 15146(b) of the CEQA Statutes and Guidelines states "An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow." This same section of CEQA is also addressed on page 1-1 of the Draft EIR.

General impacts of road improvements are addressed under Impact No. 32 on page 4.7-22 of the Draft EIR. The problem of inadequate funding for improvements on State roadways is addressed under Impact No. 31 on page 4.7-21 of the Draft EIR.

Policy 4.7 of the General Plan states that "Solutions to local road system problems may include funding of transportation-related facilities, transportation management techniques, or limitation or prohibition of development that has been determined to contribute to an identified transportation problem until specific techniques are implemented or facilities

are constructed." This and other relevant policies related to the potential for inadequate funding of roadway improvements are addressed on page 4.7-13 of the Draft EIR.

3.10 Air quality impacts for specific roadway segments in the County were not assessed in the EIR. Please refer to Response No. 3.1 and 3.5. Noise impacts for specific roadway segments are shown in Table 4.9-1 of the Draft EIR. The Draft EIR clearly states that some existing land uses may be impacted by increased noise from proposed/planned roadway improvements (page 4.9-13). The recommended mitigation measures are considered feasible. The commentator has not clearly identified reasons why the mitigation measures may not be feasible.

3.11 The County General Plan defines its own set of numbers regarding land use buildout and associated traffic. Non-arterial City streets are not addressed in the County General Plan. Table 4.7-1 in the Draft EIR shows that a portion of West Main Street is currently operating at LOS F. Table 4.7-4 shows that future conditions along this same portion of West Main Street would improve to LOS D without providing additional lanes which would be an acceptable LOS.

4. Joe and Gwen Moore

4.1 The DEIR addresses the environmental impacts of density increases on "rural character" by discussing each individual topic that makes up the so-called "rural character". The definition of "rural character" within both the Rural and Community Regions normally includes open space (discussed in the DEIR beginning on page 4.1-10), resource management such as agriculture (page 4.1-10), mining (page 4.2-12), timber resources (page 4.4-17), and water (pages 4.3-1 and 4.10-1), flora and fauna and their habitat (page 4.4-1), high visual quality (page 4.6-1), low noise levels (page 4.9-1), limited traffic and traffic congestion (page 4.7-1), and limited availability of other public facilities (page 4.10-1).

By reviewing each of the above discussions, the impacts associated with density increases, as well as other land use changes, on the "rural character" can be understood for both Rural and Community Regions.

5. Carol Hollingsworth

5.1 The commentator has not defined "small farmer." As stated on page 4.1-26 of the DEIR, California Government Code, Section 51222, states that agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is: (1) at least 10 acres in size in the case of prime agricultural land; or (2) at least 40 acres in size in the case of land which is not prime agricultural land. However, Nevada County allows parcels of five or more acres to go under Williamson Act contract.

To clarify the County's Williamson Act requirements, the following language could be added to the end of Policy 16.17 as a recommended mitigation measure for Impact No. 3 on pages 2-8 and 4.1-28 of the Draft EIR:

"Parcels eligible for Williamson Act contracts shall be 5 or more acres in size."

Goal 16.1 already addresses preserving, protecting, and encouraging the use of significant agricultural lands. Without specific ideas on an incentive program, it is

difficult to know how the commentor wants additional language added to Objective 16.3. Protection of existing agricultural operations is addressed under Objective 16.1, 16.2, 16.3, 16.6, and 16.9 of the General Plan.

Incentive programs for agriculture could be addressed and expanded in the General Plan. However, such programs are not needed to mitigate potential impacts to existing agricultural operations. The Draft EIR has adequately addressed potential impacts to agriculture, stating that this impact is significant and unavoidable.

Incentive programs may include the following: 1) development of an Agricultural Element as part of the County's General Plan; 2) establishment of an Agricultural Land Trust; 3) requirement of development impact fees associated with removal of agricultural land that could be used to purchase and protect agricultural land elsewhere; 4) development of a Conservation Reserve Program that offers cash payments to farmers who modify practices on land with unique environmental or natural resources; and, 5) development of educational programs. Many of these are addressed in the document entitled: "Risks, Challenges & Opportunities" by American Farmland Trust, 1989.

5.2 In the summary, Impact #43 shall be moved from "Significant Impacts" (page 2-30) to "Significant and Unavoidable Impacts" (page 2-9), as follows:

"Impact #43. Buildout of proposed General Plan land uses would result in increased wastewater flows which would require expansion of wastewater collection and treatment facilities. This is considered to be a significant and unavoidable impact."

Plan Policies that Serve as Mitigation

Implementation of proposed General Plan policies 3.1 through 3.9 and 3.12 through 3.14 would serve to reduce the impact but not to a *less-than-significant* level.

Other Mitigation Measures

Implementation of Mitigation Measure #39, below, would serve to further reduce the impact, and by limiting future development to that which is consistent with existing zoning, would limit the need for future expansion of existing systems. However, due to the expansion of facilities required to support even a reduced level of growth, the impact would be significant and unavoidable.

39. Revise the land use map within the unincorporated portions of the Community Regions to be consistent with existing County zoning."

5.3 The commentor points out potential problems with open space districts. However, use of such districts in other areas of the U.S. and in California (e.g., Sonoma County) has proven to be an effective tool for the preservation of open space. Implementation details, such as funding sources, timing, and implementing agency, are not available at this time. Many of the commentor's management questions will depend upon the type of resource being preserved. For example, the district may wish to restrict access to and development on a wetland, yet provide a hiking trail along a riparian stream corridor.

This measure, as a Plan policy, only mandates that such a district "shall be considered". Therefore, if included as a Plan policy and found to be unworkable, it would not have a

dramatic effect on open space in the County. In either case, this measure does not reduce the level of Impact #16 to less-than-significant.

5.4 The County cannot mandate how property owners use the undeveloped portions of their property. In addition, private lands are not accessible to the general public as open space or other public use. Suppression of wildfire fuels is addressed under Policy 10.5 which is addressed on page 4.10-39 of the Draft EIR.

5.5 The Williamson Act is the best economic/tax incentive for the maintenance of lands in agricultural or other open space use. This program already exists within the County. The following text should be added to the end of page 4.1-11 of the Draft EIR:

"As of February 1995, 5,424 acres of the agricultural and open space lands in Nevada County were held under Williamson Act contracts. Notices of Nonrenewal have been filed for three contracts that cover a total of 2,060 acres (Norman, 1995) The California Land Conservation Act of 1965 (commonly known as the Williamson Act) established a voluntary tax incentive program for preserving agricultural and open space lands. A property owner enters into a ten-year contract with the County, which places restrictions on the land in exchange for tax savings. The property is taxed according to the income it is capable of generating from agriculture and other compatible uses, rather than its full market value. Williamson Act contracts are renewed automatically each year unless they are canceled or a Notice of Nonrenewal is filed with the County. If a Notice of Nonrenewal is filed, the contract expires ten years from the date of the Notice. For cancellation, specific findings must be made. These findings address potential impacts to adjoining agricultural lands, potential discontinuous patterns of urban development, proximity of other non-contracted land available for the proposed use, and other issues."

5.6 This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

5.7 Page 4.3-8 of the Draft EIR states that "In the eastern portion of the County, the Martis Valley aquifer is the only significant subsurface water resource." The Draft EIR does not state that the only true aquifer exists in the eastern portion of the County. Page 4.10-1 of the Draft EIR states that the "western portion of the County does not have significant groundwater aquifers." However, the actual availability of groundwater is not known as stated on page 4.10-12 of the Draft EIR. Increased water demands from new development would warrant the recommended Countywide aquifer study. This study could be coordinated with the major study underway for the Martis Valley Aquifer by the California Department of Water Resources (identified on page 4.10-7 of the Draft EIR). Two groundwater availability studies already performed include the State Department of Water Resources Water Quality Investigation of Western Nevada County (1974) and the U.S. Geological Survey's Groundwater Conditions in Nevada County (1984). Neither study provided a definitive answer to groundwater availability. The 1974 state report originally intended to study quantity as well, but was abandoned due to lack of data, funds, and likelihood of success.

5.8 Development of a surface water supply system for rural development need not be growth inducing if it is sized to accommodate the projected growth for the region it is

serving. The costs for such a system cannot be determined at this time. If groundwater resources are not adequately assessed, new development could impact groundwater resources for existing residents reliant on wells.

5.9 The evaluation of the siting of 27 new schools is beyond the scope of this EIR. Refer to Response 3.1.

5.10 Clustering is only one of the many recommended ways to reduce the hazards of wildland fires. By concentrating buildings together (which are the mostly costly items damaged during such fire), access can be improved and fire control can be more easily undertaken. Provisions for management of vegetation to reduce wildfires are addressed on page 4.10-38 of the Draft EIR. Reduced densities are another recommended means of reducing wildland fires.

5.11 Stormwater runoff does not currently enter the wastewater treatment plant for Grass Valley, according to the plant operator.

5.12 The following text has been added to the end of the second paragraph on page 3-1 of the Draft EIR: **"In addition, the watersheds are important for providing drinking and irrigation water for several counties and two states (Nevada and California)."**

5.13 Page 4.3-4 has been revised to note that 16 dams are located within the County and the following has been added to the list of dams: **"French Lake (Nevada Irrigation District)."**

5.14 As stated in Policy 8.2 (b), "All second units shall comply with site development and building standards applicable to the primary dwelling on the site, including but not limited to...sanitary waste disposal". The minimum lot size requirements stated in Policy 3.19 would not necessarily preclude development of second units on lots zoned "Estate" but may preclude them for 1.5-acre lots.

5.15 It is acknowledged that timber resources are also held by private landowners, including Southern Pacific Railroad. Private inholdings are mentioned on page 4.4-35 of the Draft EIR which states that zoning is the best means of protecting such resources. Protection of important timberlands is also included in list of standards applicable to new development under the recommended Site Development Standards (Policy 1.17).

5.16 Refer to Response No. 5.15 and policies/objectives under Goal 15.1 of the County General Plan.

5.17 New language for Policy 1.17 addressed on page 2-10 of the Draft EIR also addresses the need for prevention and elimination of fire hazards. The main point regarding vegetation removal and fire hazards is that it is the type of vegetation that is critical. Generally, mature trees and grass are not the most serious concern. Understory brush, which does cause a serious fire hazard, may provide habitat for some types of wildlife. This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

5.18 It is true that lining of canals may impact riparian vegetation, wetlands, and groundwater recharge. However, leakage of canals can also lead to high levels of water loss (although some recovery occurs indirectly due to groundwater recharge). Lining of

canals would be subject to environmental review which would have to evaluate the tradeoffs as well as the true environmental consequences of such an action. Mitigation may include retention of specific portions of the canals as unlined in order to preserve significant areas of riparian habitat.

5.19. Mitigation measures #16 and 39 (which decrease the intensity of land uses) are needed to achieve minimum LOS without significant improvements at this intersection (which may be infeasible). In order to ensure continued internal consistency of the Plan, either said land use changes must be made to the Plan, interchange improvements included that resolve the problem, or changes in the Plan's LOS standards. Changes in land use intensities appears the most feasible alternative to effectively address this issue.

5.20 This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

5.21 Refer to the discussion on page 4.7-25 of the Draft EIR. Business contributions may be an additional means of funding public transit.

5.22 The models used to assess future auto emissions account for new emission controls on automobiles that are expected to reduce emissions below those which currently occur. The models also include assumptions regarding automobile ownership turnover (i.e., thus phasing out older automobiles that generate more emissions than newer models). Non-auto emissions are addressed under Impact No.37.

5.23 This issue was not considered because the amount of water that may be involved is too speculative at this time.

5.24 In discussions with staff of the Nevada Irrigation District (NID), the identified discrepancy between the NID Master Plan and the Draft EIR was not able to be found. In response letter No. 2, the NID did not identify any such discrepancy.

5.25 The following text has been added to page 4.10-12 of the Draft EIR, as a new paragraph:

"Indirectly, agricultural operators could be impacted by higher water costs which would be a disincentive for continued agricultural operations within the County. Water costs associated with increased treatment needs may increase user fees. While agricultural users do not require treated water, overall user fees may rise. Special user fees could be implemented for agricultural operators who do not require water treatment."

Also, refer to Response 48.56.

5.26 The Countywide aquifer study would account for the variable groundwater characteristics of the western portion of the County. The term "aquifer study" has been replaced with "**groundwater study**" on page 4.10-13 for greater clarification.

5.27 State law provides direction on how such fees shall be determined based on a comprehensive study. These so-called "AB 1600" studies normally project future infrastructure demand based on increases in development and the fees necessary for such

development to fund that portion of the increase attributable to such development. By law, these funds must be spent on specific identified improvements.

5.28 It is beyond the scope of this EIR to ensure that the County establishes an appropriate accounting system to guarantee that the funds will be used to pay for the designated facilities.

5.29 Impact No. 43 has been added to page 2-9 of the Draft EIR. In addition, the word "**unavoidable**" has been added to the summary statement for Impact No. 43 on page 4.10-18 of the Draft EIR.

5.30 Refer to the discussion on page 4.10-25 of the Draft EIR.

5.31 This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

5.32 This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

5.33. Mitigation measure #39 provides for the revision of the land use maps within the unincorporated portions of Community Regions to reflect existing County zoning until annexation occurs. Because this property is within a Community Region, implementation of this measure will return the map designation to that consistent with the existing zoning. This measure will reduce the development potential from a designation of Planned Development of 200 acres of Residential and 75 acres of Open Space to a designation equivalent to a zoning of "A1" (5 acre minimums) and "AE" (40 acre minimums), and will clearly reduce the potential intensity of development on this parcel.

Because this change will lessen the impacts to open space (Impact #2) and farmland (Impact #3), this mitigation measure shall be added to each impact, as follows:

"Impact #2:

Other Mitigation Measures

Implementation of proposed policies identified above, Mitigation Measure # 1, above, Mitigation Measures #16 and #18 in the Biotic Section, **Mitigation Measure #39 in the Public Services and Utilities Section**, and Mitigation Measures #2 below would serve to further reduce the impact, but *not* to a *less-than-significant* level. Therefore, this impact is considered to be *significant and unavoidable*.

Impact #3:

Other Mitigation Measures

Implementation of proposed policies identified above, **and Mitigation Measure # 1, and Mitigation Measure #39 in the Public Services and Utilities Section**, would serve to further reduce the impact, but *not* to a *less-than-significant* level. This impact is therefore considered to be *significant and unavoidable*."

5.33 Given that this District would very likely require a public vote, it would be inappropriate to mandate formation of the District at the General Plan level prior to the vote. Encouraging its formation will provide an opportunity for the public to consider

whether or not to vote for its establishment. Therefore, mitigation measure #2 language remains unchanged.

5.34 Refer to Response No. 5.8.

5.35 New text has been added to page 5-4 to complete the list of significant and unavoidable impacts.

5.36 Refer to Response No. 5.1.

6. Penn Valley Community Association

6.1 The requested text change is not considered necessary to adequately mitigate the identified impact. Refer to the Mitigation Monitoring Plan.

6.2 The proposed language change is not considered necessary to mitigate the identified impact. Refer to the Mitigation Monitoring Program regarding monitoring of recommended mitigation measures.

6.3 Refer to Response 6.2.

6.4 Refer to Response 6.2.

6.5 Refer to Response 6.2. The words "**all of Highway 20**" have replaced "Highway 20 from Highway 49 to Interstate 80".

6.6 Refer to Response 6.2.

6.7 Refer to Response 6.2.

6.8 Refer to Response 6.2.

6.9 The proposed language change is considered inappropriate in that it would reduce opportunities for mitigating the identified impact. Earthen berms and solid fencing may be appropriate in Rural Regions as well as Community Regions, without causing adverse visual impacts.

6.10 Refer to Response 6.9.

6.11 Refer to Response 5.29. The page reference for Impacts 30 and 32 is not clear. These two impacts were identified in the Draft EIR text as less-than-significant.

6.12 Mitigation Measures No. 14 and 18 reduce overall density to achieve acceptable Levels of Service in the Rural Regions.

6.13 Both measures refer to land use map changes. The report is amended as follows:
page 2.4, 3rd paragraph:

"Implementation of both land use map changes and revised policy as identified above and recommended throughout this EIR would result in a lesser level of development throughout the County, especially in Rural Regions. For example, implementation of Mitigation Measures #14 **and** #16 could result in the redesignation of the New Town Reserve to 20-acre minimum parcel sizes. This change would result in the elimination of approximately 4,935 dwelling units, 11,932 people, and 10,960 employees from the buildout totals identified in Table

3-3 in the Project Description section of this EIR. Other land use map changes that could occur as a result of the implementation of Mitigation Measures #14, #18, and #39 would further decrease the level of development that would occur."

page 5-17, last paragraph:

"Implementation of both land use map changes and revised policy as identified above and recommended throughout this EIR would result in a lesser level of development throughout the County, especially in Rural Regions. For example, implementation of Mitigation Measures #14 and #16 could result in the redesignation of the New Town Reserve to 20-acre minimum parcel sizes. This change would result in the elimination of approximately 4,935 dwelling units, 11,932 people, and 10,960 employees from the buildout totals identified in Table 3-3 in the Project Description section of this EIR. Other land use map changes that could occur as a result of the implementation of Mitigation Measures #14 through #18, and #39 would further decrease the level of development that would occur."

6.14 The Report is amended as follows:

page 4.4-24:

"16. Revise proposed General Plan Land Use Maps to redesignate lots of less than 20 acres to provide for designations with a minimum parcel size of 20 acres or larger in Rural Regions (outside of Rural Centers) within the western portion of the County, except as indicated in Mitigation Measure #10 #18 below. This redesignation would primarily affect lots in the San Juan Ridge, around the Penn Valley area, and in the southwestern portion of the County. This redesignation would also result in the elimination of the New Town SDA in the southwestern portion of the County."

6.15 The Draft EIR does not assume "the elimination of the New Town" as stated in the comment. Throughout the Draft EIR, the potential impacts of the proposed New Town are evaluated. The significant unavoidable impacts related to traffic increases on State roads are noted throughout the Draft EIR.

The New Town would be subjected to a number of discretionary approvals in the future which would be reviewed under the requirements of the California Environmental Quality Act, especially as detailed plans for the New Town become available.

6.16 Refer to Responses 5.7 and 5.26.

~~6.17 Refer to Response 5.12.~~

6.18 Refer to Response 5.13.

6.19 Refer to Response 5.14.

6.20 Pursuant to the Implementation Measures section of the Final Draft Plan, Volume 1, page IV-196, Implementation Measure 9, the Plan will be the responsibility of the Office of County Administration, with required input from Transportation, STAR, and other County departments, and will be funded by the General Fund. It could be prepared

by County staff, private consultant, or a combination of both. This information is reflected in the FEIR's Mitigation Monitoring Program.

6.21 Because this is not a policy/implementation measure in the Final Draft Plan, implementation is not discussed. However, given the County Department of Environmental Health's role in overseeing the installation of septic tank/leach field system, that agency will have responsibility for its preparation of the study. Funding will be through the General Fund. It could be prepared by County staff, private consultant, or a combination of both. This information is reflected in the FEIR's Mitigation Monitoring Program.

6.22 Refer to Response 5.15.

6.23 Refer to Responses 5.15 and 5.16.

6.24 Refer to Response 5.17.

6.25 Refer to Response 5.18.

6.26 Many of these significant impacts can be mitigated by the recommended mitigation measures found in the Draft EIR. This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

6.27 The recommended Site Development Standards have been recommended to apply equally to all portions of Nevada County rather than to specific portions of the County. Protection of agricultural lands is included in the standards as shown on page 2-11 of the Draft EIR.

6.28 The recommended language change is not considered necessary to mitigate the identified impact.

6.29 Refer to Response 6.28.

6.30 The top of page 2-12 as been corrected to include the words "**containing such features as open space.**"

The last word at the end of page 4.4-33 has been changed from "species" to "**resources**".

6.31 Refer to Response 6.5.

6.32 The proposed request of the State Department of Transportation would not be appropriate for collector roads because the State Department of Transportation does not have responsibility for local collector roads. Protection of viewsheds, including those visible from local roads, is addressed under Policy 18.3 of the General Plan. The County may want to consider adopting its own program for protection of scenic collector roads similar to that discussed under Response 54.6.

6.33 The LOS referred to for Pleasant Valley Road applies to existing conditions. The Draft EIR, on page 4.7-18 (Table 4.7-4) shows that the LOS for this segment of the road will be improved to LOS B with the addition of one more lane.

6.34 It is true that the data are missing for this segment of Penn Valley Drive. The new data are shown in Table 4.7-4 of the EIR.

6.35 McCourtney Road, at LOS D, would meet the standards established for Community Regions. A portion within the Rural Region could exceed the LOS D standard. However, the 11,000 volume shown is for that portion within the Community Region.

6.36 Refer to Response 5.19

6.37 Refer to the discussion on page 4.7-22 of the Draft EIR. This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

6.38 Refer to Response 5.21.

6.39 Impact No. 30 is distinguished from Impact No. 31, in that the first impact deals with County roads and the second impact deals with State roads. For further clarification, the word "**County**" has been added in two places for Impact No. 30 on page 4.7-15 and page 2-33. In addition, the summary discussion of Impact No. 31 has been moved from page 2-27 to page 2-8 to account for this impact being significant and unavoidable.

The remainder of paragraph four on page 4.7-20 states how the identified impact would be adequately mitigated. Impact No. 31 does not imply that buildout would not significantly impact local roads. County roads are addressed under Impact No. 30.

6.40 Refer to Response 6.5 regarding Highway 20. The impacts discussed under Impact No. 26 primarily refer to the development of structures in the vicinity of roadways, rather than the construction of roads.

The County currently has policies dealing with the protection of views from roadways (see Policies 18.7, 18.8, and 18.9). Refer to Response 54.6.

6.41 While equestrian trails are an important recreational resource within the County, they would not significantly offset the use of the automobile for everyday needs such as work trips and shopping trips. Equestrian trails would not necessarily be appropriate along new or improved collector roads due to potential conflicts between riders and drivers, especially where travel speeds exceed 20 to 25 miles per hour. Such trails would be more appropriately constructed along open space corridors separate from roadways. Refer to Policy 5.17 of the General Plan. New language has been added to page 4.7-23 and 4.7-24. The words "**and equestrian**" have been added to Impact No. 33. The words "**and Non-Motorized Multi-Purpose Trails Master Plan**" have been added to Mitigation Measure No. 32.

6.42 Refer to Response 5.22.

6.43 Refer to Response 5.24.

6.44 Refer to Response 5.25 and 5.26.

6.45 Table 4.10-6 refers to average flows per customer, which for residential users refers to individual households. However, Table 4.10-7 deals with wastewater flows per capita. In addition, future flows may vary from existing flows on a per capita or per customer basis.

6.46 Page 4.10-42, first paragraph - The correct name is Western Gateway Regional Park and Recreation District; it operates an 80 park site in Penn Valley. (Note: A third

district was created in November, 1994. Also, the correct reference to said districts is "Recreation and Park". These amendments are included below).

The Report is amended as follows:

"There are ~~two~~ **three** separate ~~park and recreation~~ **and park** districts in Nevada County: Western Gateway **Regional Recreation and Park and Recreation** District, ~~and~~ the Truckee Donner **Recreation and Park and Recreation** District, **and the Bear River Recreation and Park District**. ~~Additionally, a proposed regional park may be located in the Bear River area.~~ The Truckee Donner Park and Recreation District currently owns and operates approximately 53 acres, leases and operates approximately 12 acres, and owns 4 miles of shoreline with 27 piers on Donner Lake. The Western Gateway **Regional Recreation and Park and Recreation** District currently operates an **80 acre** park site in Penn Valley, which is leased to the District by Nevada County. **The Bear River Recreation and Park District was formed in 1994.**"

6.47 This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

6.48 Park needs for the existing population are stated at the bottom of page 4.10-43 of the Draft EIR.

6.49 The commentor does not explain why County involvement in Parks and Recreation is not practical. Once local park districts are established, these districts could develop Master Plans for neighborhood and community parks as discussed on page 4.10-44 of the Draft EIR.

6.50 This issue is discussed under Impact #46. It concludes that, even with implementation of policies 3.12 through 3.14, 7.3, and 7.5 though 7.7, there is nothing to ensure that adequate funding will be available to provide adequate school facilities and, therefore, the impact of the Final Draft Plan on school facilities is significant and unavoidable. A discussion of school funding options can be found on page 4.10-27.

6.51 Such a study might well assist local school districts in locating future school sites. However, study preparation is primarily the responsibility of each school district and/or the Superintendent of Schools office. The primary role of the County should be to support and assist such an effort if undertaken by a district or the Superintendent of Schools. Census data, as well as other symptomatic data, is available from the County to assist this effort.

7. California Regional Water Quality Control Board - Lahontan Region

7.1 A target year for buildout has not been determined primarily because of the lack of accuracy of projecting population too far into the future. (A "horizon year" plan of 5 to 20 years can more accurately project future population.) State Department of Finance Population Projection 93 P-1 projects a County population to the year 2030 of 197,200. If it is assumed that this projection is accurate, and given a projected Plan buildout population of 175,760, buildout could occur in approximately the year 2023. This assumes an annual County population growth rate of approximately 3.7% during the 1990-2030 time period. Given an estimated annual growth rate of approximately 2.8% during the 1990-1995 time period, this projection may have over-estimated the rate of future population growth.

7.2 The word "maximum" has been left unchanged on page 2-12 and 4.1-24 because the intent of the wording is to provide flexibility for and encouragement of clustering. Refer to Response 14.3.

7.3 As stated on page 4.7-22, environmental impacts associated with roadway impacts would have to be fully analyzed prior to implementation and impacts would have to be avoided to mitigated to a level of insignificance (RTP Policy 2.2). Refer to Response 3.1 regarding the degree of specificity appropriate for a General Plan EIR.

7.4 The following text has been added to the end of the third paragraph on page 4.1-26 of the Draft EIR as well as to the summary text on page 2-6 of the Draft EIR: "**This District could also serve as a mitigation bank to provide funds for the restoration and enhancement of wetlands and watersheds in coordination with mitigation for new development allowed under the General Plan.**"

7.5 The following text has been added as a new paragraph to the top of page 4.3-8 of the Draft EIR: "**The Lahontan Regional Water Quality Control Board (RWQCB) has designated the Truckee River and several tributaries, including Donner Lake, as impaired "water quality limited segments" under Section 303(d) of the federal Clean Water Act due to elevated levels of metals and/or toxic organic substances in fish tissue sample under the State Water Resources Control Board's Toxic Substances Monitoring Program. RWQCB staff are currently sampling a number of Truckee River stations to determine the extent of problems related to sediment, nutrients, and ambient metals.**"

7.6 The following text has been added to page 4.3-8 of the Draft EIR: "**In addition to NPDES permits, the RWQCBs may issue and enforce waste discharge requirements under state law, participate in the state Water Quality Certification process, and set water quality standards and waste discharge prohibitions.**"

7.7 Refer to Responses 7.8, 7.10, 7.11, and 7.22.

7.8 The following text has been added to the second discussion paragraph under Impact No. 11 on page 4.3-11 of the Draft EIR: "**The Lahontan RWQCB's waste discharge prohibitions and exemption criteria for the Truckee River and Little Truckee River watersheds preclude fill within all 100-year floodplains of these watersheds, whether or not they have been mapped by federal authorities. The RWQCB may require**

floodplain mapping by a qualified consultant as part of a project application. Elevation of floodplain structures above the flood level does not constitute compliance with the prohibitions. Waste discharge prohibitions are regulations with the force of law and are also considered part of the Lahontan RWQCB's water quality standards. Exemption criteria apply to public projects or private projects which provide public benefits such as recreation; exemptions are not available for residential and most commercial projects." It is not considered necessary to amend the recommended policy language shown on page 4.3-12 due to the regulatory strength of the Lahontan RWQCB's waste discharge prohibitions which are now discussed in the EIR.

7.9 As it relates to Water Areas, this standard would allow for docks and other limited construction on water bodies. Also, the 5% standard applies to Water Areas, which is a General Plan designation. It does not relate directly to a given resource such as wetlands.

7.10 The following language has been added as a new paragraph after the first full paragraph on page 4.3-17 of the Draft EIR: **"Special waste discharge prohibitions and exemption criteria for septic system discharges apply to part of the Truckee River watershed in Nevada County. The Lahontan RWQCB has established regionwide septic system density limits which apply to the portion of eastern Nevada County east of the "prohibition area". Further discussion of this issue can be found in the letter from the Lahontan RWQCB to Mr. Norm Greenberg of the Nevada County Department of Environmental Health (4 August 1993) that can be found in Appendix B of the Draft EIR. Compliance with septic system exemption criteria would need to be evaluated on a project-by-project basis."**

7.11 Refer to Responses 7.8 and 53.6. The last sentence of the original Mitigation Measure No. 12 has been removed.

7.12 The following text has been added as a new paragraph at the end of the first paragraph on page 4.4-15 of the Draft EIR: **"Wetlands are considered waters of the State as well as of the United States. As such, State Water Quality Certification under Section 401 of the Clean Water Act is required for COE permits for disturbance of wetlands. The State Water Resources Control Board has denied the application of most COE "Nationwide Permits" within California. In particular, the COE Section 26 Nationwide Permit which applies to disturbance of headwaters is not in effect. Wetlands are considered surface waters, and surface water quality standards apply. The Lahontan RWQCB's new Water Quality Control Plan for the Lahontan Region (Basin Plan), which may take effect by March 1995, includes specific beneficial use designations for the wetlands of the Truckee River and Little Truckee River watersheds, and new language on the RWQCB's policies for the protection and restoration of wetlands. To the extent that wetlands of the Truckee River and Little Truckee River watersheds are also 100-year floodplains, the floodplain discharge prohibitions and exemption criteria also apply."**

7.13 The word **"factor"** has replaced "improvement activities" on page 4.4-15 of the Draft EIR.

7.14 Refer to Response 7.12. This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

7.15 The following language has been added as a new paragraph at the end of the first paragraph on page 4.10-12 of the Draft EIR: **"It should be noted that growth in Placer County will also be increasing demands on the Martis Valley aquifer in eastern Nevada County. There are limited water supplies legally available within the California portion of the Truckee River watershed under Public Law 101-618. This limit applies to diversions from all sources, including groundwater. If it appears that the Public Law 101-618 limit may be exceeded, mitigation measures may be needed. Any proposals for greater use of reclaimed wastewater (to offset the demand for non-reclaimed water) in the Truckee River watershed must consider the Lahontan RWQCB's 9mg/l nitrogen limitation discussed in the RWQCB letter found in Appendix B of the EIR."**

The following sentence should be added to the end of Mitigation Measure No. 38 found at the end of page 4.10-13: **"The County should work closely with Placer County and the Lahontan RWQCB to ensure that groundwater demands from the Martis Valley aquifer do not violate Public Law 101-618."**

7.16 The fifth paragraph on page 4.10-17 has been moved up one paragraph.

7.17 This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

7.18 The terms "fuel modification" and "vegetation management" are specifically used on page 4.10-37 to account for other fire prevention methods other than vegetation removal. Revegetation with less flammable species is one method of vegetation management that would be appropriate. Refer to Response 5.17.

7.19 Refer to Response 7.15. Refer to Response 7.10 for the last portion of this comment.

7.20 This comment relates to General Plan policy and will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

7.21 There are no land use designations within eastern unincorporated Nevada County that would allow for multi-family housing development. Therefore, this should not be an issue.

7.22 This comment relates to Plan policy and will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

8. Frank and Lana Van Hoesen

8.1 Refer to Response 3.1 regarding the level of detail appropriate for a General Plan EIR as well as Response 3.3. This letter generally does not address issues related to the EIR.

9. Sherry Davis

9.1 The DEIR used standards of significance from a variety of sources, including CEQA Guidelines (including Appendices G and I), public agency policy and regulations, and professional judgment. See page 4-2 for a discussion of this issue. It is not necessary for the DEIR to ensure the highest levels of environmental quality or to serve as a role model, but rather to provide for effective mitigation measures and alternatives that most effectively and reasonably minimize the environmental impacts of the Final Draft Plan.

9.2 Refer to Responses 3.1 and 3.3 regarding the level of analysis completed for the Draft EIR.

9.3 Refer to Response 9.2.

9.4 The EIR for a comprehensive general plan update is, in essence, an analysis of the cumulative impacts of the Plan. That is the case with this EIR. Such an EIR should focus on the secondary effects that are likely to occur with the adoption of an updated plan rather than project-specific impacts. While area-and parcel-specific impacts are discussed (and, in some instances, quantified) in the EIR where data are available, emphasis is placed on the cumulative effects of Plan implementation.

10. California Department of Fish and Game

10.1 This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

11. Amos Seghezzi

11.1 The recommended language change is not considered adequate nor appropriate to mitigate the identified impact.

11.2 Refer to Response 11.1.

11.3 The recommended text change would lack the specificity that would be appropriate for the criteria. Planners, developers, and public officials should all be aware of the true definitions of the environmentally sensitive resources.

11.4 The following text should be added to the end of the first paragraph on page 2-11 of the Draft EIR: "**The following siting and design measures shall be implemented as appropriate to meet the performance criteria:**" The same change has been made to page 4.1-23.

11.5 The recommended text change is not considered necessary and would weaken the recommended mitigation measure.

11.6 The recommended changes to the new language for Policy 1.18 have not been made because they would weaken the mitigation and not adequately mitigate the identified impact.

11.7 Refer to Response 7.2.

11.8 Refer to Response 11.27.

11.9 It is not clear why the issue of a density bonus has been mentioned.

11.10 While the Uniform Building Code does cover some geologic and soils issues, it is appropriate to clarify the policy as has been done under the revised Policy 10.13. The Uniform Building Code addresses building requirements for individual structures but does not address general planning concerns such as development in seismically hazardous areas or avoidance of areas subject to slope instability and excessive erosion.

11.11 By using the "ME" zone on a limited and case-by-case basis, its effectiveness is also limited. If comprehensively implemented Countywide, it will better inform all members of the public where significant mineral deposits are likely to exist and where mining operations are more likely to occur subject to a conditional use permit. In the long-term, such information should assist in minimizing the incompatibility of mining with other land uses and thus the environmental effects of mining on surrounding land uses.

11.12 Mitigation No. 5 has been unchanged except to correct an error in the second paragraph. The words "**or coastal inundation areas**" should be removed on page 2-15.

11.13 Refer to Response 11.12. Both above-ground and subsurface utilities are addressed because these can be damaged or inaccessible during flooding.

11.14 Refer to Response 11.12.

11.15 Refer to Response 11.10 and 11.12.

11.16 Detention basins would not necessarily be defined as wetlands which must meet specific criteria addressed on page 4.4-15 of the Draft EIR. Onsite detention should occur for 100-year storms. New wording has been added to Mitigation Measure No. 6.

11.17 Mitigation Measure No.6 does not address the issue of minimizing additional paving. It states that, when paving occurs for discretionary projects, the storm water runoff shall be retained on-site.

11.18 Mitigation Measure No. 7 encourages the formation of governmental entities to assist in the maintenance of drainage facilities. It does not relate to an AB 1600 study or development fees, and may, or may not, require a local drainage study.

11.19 Maintenance of all drainage facilities shall be the responsibility of the property owner. Off-site maintenance and improvements would also be the responsibility of the property owner and may be enforced through creation of a governmental entity and/or conditions of approval.

11.20 The language of Mitigation Measure No. 9 has been changed to replace "urban street designs" with "road standards."

11.21 No changes to the EIR text are considered necessary to meet the intent of CEQA.

11.22 Refer to Response 53.5.

11.23 The language in the second sentence of Mitigation Measure No. 12 accounts for mound systems. It is true that the Draft EIR did not include Mitigation Measure No. 13 due to an error in the numbering system for the mitigation measures.

11.24 This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

11.25 This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

11.26 Mitigation Measure #14 provides for an additional policy that ensures all SDA Specific Plans protect sensitive natural communities and other important biotic resources. The primary SDA policy is 1.5.u. In part, it provides that the Specific Plan address environmental, as well as other, elements of the SDA. This measure provides for an additional effective requirement that goes beyond the current policy language in protecting wildlife habitat.

11.27 Both the Federal and the State Constitutions preclude the "taking" of private property for public use, without just compensation. One of the principal purposes of the takings clause is to bar government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole. On the other hand, the courts recognize that government could not function if, to some extent, values incident to property could not be diminished without paying for every such change in the general law. The courts have sustained the authority of local governments to engage in land use planning against constitutional challenge.

There is no "bright line" test to determine when governmental land use regulations constitute a "taking" for which compensation must be paid. Rather, "takings" claims are decided on a case-by-case basis dependent upon their individual facts. Recent high-profile Supreme Court cases have resulted in changed guidelines. However, the most recent of these cases reaffirmed that a land use regulation does not affect a taking if it substantially advances legitimate state interests and does not deny an owner economically viable use of his or her land.

Courts are most likely to find a taking in cases where government requires the dedication of private property for a public use not closely related to the land use permit being sought (sometimes called possessory takings). Courts require not only a reasonable relationship ("nexus") between the public interest and the condition, but also "rough proportionality" of the required dedication to the impact caused.

Land use regulations not involving possessory takings may result in a "taking" if the regulation goes too far (sometimes called regulatory takings). Such regulatory takings occur where no legitimate public interest is involved or an owner has been deprived of "all economically beneficial use" of property without a basis such as nuisance prevention. Legislative determinations classifying or applying to large areas of the County, such as general plan provisions, are less likely to result in takings than are adjudicative decisions applicable to individual parcels, especially where variance and amendment procedures are available to avoid confiscatory or harsh results.

Investment-backed expectations are considered in determining whether the regulation has left the owner with some economically viable use, but landowners have been found to have no vested right in any particular prospective use of their property and reduction in value resulting from down-zoning has been found not to constitute a compensable

taking. Similarly regulations promoting legitimate public interests, such as setbacks reasonably related to public health, safety or welfare concerns, which regulate but do not preclude development have been found not to constitute takings.

11.28 Habitat Management Plans are an outgrowth of the U.S. Endangered Species Act of 1973. They are normally designed to protect, preserve, acquire, and enhance native habitats which support endangered and sensitive species, while allowing for development to proceed. Such Plans normally allow for the "incidental taking" (see Response No. 24.20 for a definition) of sensitive wildlife and habitat subject to certain Plan provisions. Preparation and implementation of such Plans are normally funded through the payment of "endangered species habitat mitigation fees" for new development in potential habitat of rare and endangered species. State and Federal funding have also been used.

11.29 This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

11.30 The referenced report of the California Department of Fish and Game actually concludes that there could be an 18 percent decline in deer populations from 1990 to 2000 due to habitat conversion. Refer to Response 44.23. This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

11.31 The recommended language change would weaken the mitigation measure and is not considered necessary.

11.32 This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

11.33 Refer to Comment letter No. 10 from the California Department of Fish and Game. This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

11.34 Refer to Response 11.33.

11.35 The recommended language change is not considered necessary.

11.36 CEQA does not ensure the level of detail and direction relative to environmental review provided by this measure.

11.37 Policy No. 21 is a policy interpretation of existing regulations. The 100-foot setback can be varied. However, this setback distance is a commonly-used distance for numerous jurisdictions. Wetlands are discussed on page 4.4-15 of the Draft EIR.

11.38 Refer to Response No. 11.27.

11.39 The recommended language of Mitigation Measure No. 22 is specifically aimed at protection of riparian vegetation. Refer to Response 11.27 regarding takings.

11.40 Mitigation Measure No. 22 has been changed to replace "water bodies" with **"intermittent and perennial creeks, streams, and rivers."**

11.41 Deletion of this mitigation measure would leave the impact as significant and unavoidable. No text change has been made.

11.42 Changes to Mitigation Measure No. 24 were not considered necessary to meet the intent of CEQA.

11.43 It is not necessary to remove Mitigation Measure No. 25 to prevent conflicts with policies regarding maintenance of solar access. Ordinances for protection of heritage trees such as oaks are common in many counties. The proposed regulation could further define "heritage tree" and other terminology that would be used in such an ordinance. Refer to Response 3.1.

11.44 Refer to Responses 11.43 and 11.27.

11.45 The identified measurement is commonly used in such ordinances. Some measurement is necessary to further clarify which trees are subject to the recommended regulation. A tree with a diameter (breast height) of 36 inches would be sufficiently mature to warrant protection.

11.46 Impact No. 26 does not use the words "in close proximity". Specific setbacks are addressed under Mitigation Measures 21 and 22 as mentioned under Impact No. 25.

It can only be assumed that the comment concerning local laws refers to the Nevada County Land Use and Development Code, which has setback requirements from watercourses and roads. The Code has construction setbacks from watercourses and floodplains based, in part, on FEMA standards. They are designed to address safety, water quality, and riparian habitat issues. It also has front, side, and rear yard construction setbacks for most buildings. They are designed to address public safety issues and to ensure that buildings are not constructed within the future road rights-of-way. Neither standard is intended to address visual quality.

11.47 It is not clear what other mitigation measure would replace Mitigation Measure No. 26 if it were removed.

11.48 Mitigation Measure No. 27 does not "force" the State to provide studies. The word "request" is used in the mitigation measure.

11.49 Voluntary clustering in Nevada County has proven to be an ineffective way to ensure clustering. Mandatory clustering (absent significant incentives) is likely to be the only viable way to ensure clustering.

11.50 The impact associated with the mitigation measure is related to visual quality associated with linear sprawl of development. This issue is important as related to the General Plan goal of maintaining a rural quality for the County.

11.51 An error was made in the numbering of Mitigation Measures. Mitigation Measure No. 30 does not exist.

11.52 The impact related to Mitigation Measure No. 32 is discussed under Impact No. 33. Funding mechanisms for the recommended Bicycle and Pedestrian Master Plans are addressed under Mitigation Measure No. 32. The Nevada County Bicycle Master Plan of 1989 identified a total cost of \$52.17 million to implement the Plan's designated bikeways. The largest portion of this cost was along County roads and State highways.

11.53 Changes to Mitigation Measure No. 32 would not be appropriate given the recommendation for comprehensive development fees to cover the recommended Bicycle and Pedestrian Plans. This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

11.54 The word "consider" has been used in Mitigation Measure No. 34. Thus, paving of roads is not mandatory. This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

11.55 No change to Mitigation Measure No. 36 is considered necessary to meet the intent of CEQA.

11.56 Mitigation Measure No. 37 is not aimed at eliminating noise but reducing noise impacts to a less-than-significant level.

11.57 Refer to Response 5.26.

11.58 This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

11.59 Mitigation Measure No. 39 does not propose to "zone out future population growth".

11.60 It may be necessary to revise both County zoning and General Plan designations to provide affordable housing. Mitigation Measure No. 39 does not preclude this from happening.

11.61 The text at the bottom of page 4.10-14 has been changed. The number "3.5 mgd" has been replaced with "**2.78 mgd (average dry weather flows)**" and the words "ten years" has been replaced with "**20 years (Golnick, 1995)**". The following reference has been added to Chapter 6 of the EIR, List of Persons Contacted: "**Rudi Golnick, City of Grass Valley Public Works Department.**"

11.62 The CDF testimony referred to in the comment is not clarified. Thus, no response is possible.

11.63 Mitigation Measures No. 25 and 40 do not conflict. Solar access does not necessarily require removal of heritage trees. If a parcel is on a north-facing part of a hill, solar access may not be available. However, development on such a parcel would not be precluded. The recommended ordinance would protect homeowners from future buildings or new vegetation blocking solar access.

11.64 The real estate law referred to has not been clarified.

11.65 Neither the Uniform Building Code or State energy requirements address site planning issues related to passive solar design or vegetation.

12. James R. and Virginia M. Housel

This letter is being forwarded to the Planning Commission and Board of Supervisors for their consideration.

13. David Gamow, ANANDA

13.1 This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

14. Nevada City Engineering, Inc.

14.1 Impacts and mitigation measures were kept in numerical order within the specific three categories identified in Chapter 2. Refer to Responses 11.23 and 11.51. The word "some" has been added to the last paragraph of page 2.3 to account for the fact that not all Rural Regions should be redesignated.

14.2 The DEIR analysis emphasized cumulative impacts of the land use maps without regard to how the maps were prepared, who suggested changes, and why changes were made. The purpose of this EIR is to analyze the impacts of the Final Draft Plan, not GPDs. Whether or not a GPD is compatible or reasonable is not relevant to whether or not the Plan's land use map will have environmental impacts. Individual GPDs were discussed only when the size and intensity of the GPD impacted a specific resource. See Response to 9.4.

14.3 A lack of clarity exists within the Final Draft Plan as to whether or not the minimum parcel size standards are required with clustering. The Final Draft Plan and revised Policy 1.18 state that the **maximum** parcel size shall be that needed to meet water and sewage disposal standard as determined by the Department of Environmental Health. Their standards are based on LUDC Chapters VI and X and do not relate directly to a minimum parcel size. The purpose of this wording is to maximize the effectiveness of clustering. At the same time, Policy 3.19 seems to state that the minimum parcel size for private water and sewerage disposal systems is 3 acres, thus limiting clustering in many instances.

Therefore, as an additional mitigation measure to clearly ensure clustering, Policy 3.19 should be amended. The following new text should be added at the end of Mitigation Measure No. 1:

"1C. Policy 3.19 should be amended as follows:

Policy 3.19 ~~Maintain the existing requirement for minimum lot sizes for single family residential uses based upon type of water and sewer facilities as follows:~~

~~**a. Public domestic treated water and public sewage system 10,000 square feet.**~~

~~**b. Public domestic treated water and individual sewage disposal system 1.5 acres.**~~

~~**c. Groundwater well and public sewerage system 1.5 acres.**~~

~~**d. Groundwater well and individual sewage disposal system 3 acres.**~~

~~**These minimum requirements may be increased where other considerations, including adverse soil, geologic or topographic conditions may warrant larger parcel sizes.**~~

Maintain minimum lot size standards sufficient to maintain adequate area for the appropriation of water and disposal of sewage and ensure the continued protection of the public health, safety, and welfare.

14.4 As stated on page 4.3-13 of the Draft EIR, lack of maintenance for existing drainage facilities is one problem. Thus, the proposal to connect to a primary drainage system would not be adequate mitigation. The proposed on-site systems plus a "legally-enforceable mechanism" for needed maintenance (as stated on page 4.3-15 of the Draft EIR) are both needed to prevent potential flooding problems.

14.5 This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

14.6 All of Highway 49 is shown on the State Master Plan of State Highways Eligible for Official Scenic Highway Designation.

14.7 The Northstar property most directly impacts the Highway 49/20 interchange at Empire Street. At buildout of the Final Draft Plan, this interchange will have a LOS F, inconsistent with the Plan's LOS standard of LOS D. Reducing the intensity of land use for this parcel will most directly assist in maintaining the Plan's LOS standard for this interchange.

14.8 Page 4.1-10 is amended as follows:

"Subdivision Activity

Trends in subdivision plat approvals provide a picture of past residential land-use trends. The number of new lots recorded varied considerably from year-to-year in the 1980 to 198990 decade. Between 1980 and 1985 the average annual number of new lots recorded was approximately 360, with a high of 486 new lots recorded in 1982. This average annual rate dropped to approximately ~~180~~ **230** new lots recorded between 1986 and 198990, with a low of 124 new lots recorded in 1988 **and a high of 414 new lots in 1990. Parcel recordation data has not been tabulated since 1990.** ~~The 1990 total of 414 new lots may be the beginning of a higher annual rate."~~

14.9 One dam has been added to the list in response to Comment No. 5.13. The commentor does not identify which specific dams he is discussing.

14.10 No change to the proposed mitigation measure is considered necessary due to the lack of needed information. This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

14.11 The source of the information found at the beginning of Appendix C is noted at the top of the first page of Appendix C. Information specific to Nevada County is provided in Table 4.4-3.

15. June Jamerson

15.1 Refer to Impact No. 33 and text on page 4.7-23 of the Draft EIR. This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

15.2 The exact types of bonuses cannot be determined at this time. The EIR addresses the general impacts of increased development. Refer to Response 3.1 regarding the level of detail appropriate for an EIR on a General Plan.

15.3 It is beyond the scope of the DEIR to prepare a drainage study for any specific area of the County. We are unaware of an existing study for this area. County-wide drainage analysis begins on page 4.3-1.

15.4 Refer to Impact No. 47 and Impact No. 48 as well as Response 3.1.

16. Scott and Janet Chapman

16.1 See response to 15.3.

16.2 The results of the traffic analysis relied on a traffic model as discussed on page 4.7-15 of the Draft EIR. Specific property condemnations have not been addressed in the General Plan EIR. Refer to Response 3.1 regarding the level of detail appropriate for a General Plan EIR which also applies to the comment regarding air quality for specific subareas of the County.

17. Nevada County Department of Transportation

17.1 The requested change has been made for Impact No. 31. The requested change to the General Plan policies is not considered necessary given the fact that Caltrans will make the ultimate decision.

17.2 A footnote has been added to Table 4.7-4 that states the following: **"It should be noted that the Caltrans Route Concept Report for State Route 174 is not consistent with the County recommendation for 4 lanes for State Route 174, in that only two lanes are noted in the Concept Report. Nevada County should work with Caltrans to eliminate this inconsistency. Alternatively, land use changes may be necessary to maintain an adequate LOS with only two lanes.**

17.3 New language has been added to Impact No. 31 on page 4.7-21 to include **"and roads within incorporated areas (not under the jurisdiction of the County")**. In the discussion following Impact No. 31, the following new text has been added to the bottom of page 4.7-21 of the EIR: **"Similar to the State roadways situation, construction and timing of improvements to mitigate traffic impacts within incorporated areas are outside the County's jurisdiction and control."** The following text is added on page 4.7-22 under Plan Policies that Serve as Mitigation: **"and roads within incorporated areas."** The following new text should be added as Mitigation Measure 31B on page 4.7-22 of the EIR:

"31B. The following new text should be added to the end of Policy 1.42: "The coordinated development impact fee program shall include coordination with incorporated cities and possibly a Memorandum of Understanding between the County and cities regarding facilitation and implementation of this program."

17.4 Existing limitations are addressed on page 4.7-12. The following text has been added as a new sentence under "Bikeway/Pedestrian/Equestrian Corridors" on page 4.7-12:

"Existing deficiencies are also exacerbated by the lack of secured funding to mitigate such deficiencies." This EIR focuses on the impact of future development.

17.5 The following text has been added to the second paragraph on page 3-13 of the Draft EIR: **"The General Plan Circulation Map includes potential supplementary emergency access and evacuation routes to supplement the routes necessary for general day-to-day circulation."** Refer to Response 17.1.

17.6 This policy is mentioned on page 4.7-24 of the Draft EIR. This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

17.7 The following text has been added to page 5-12, fourth paragraph: **"However, due to the unique traffic pattern due to the nonstandard access to and from State Route 20, there would be LOS difficulties, especially at the Mill/McCourtney intersection."**

17.8 McCourtney Road has been added to the list at the top of page 5-16.

17.9 Table 5-2 has been corrected.

18. Karen Gamow, Ananda Village 1-19-95

18.1 The recommended Site Development Standards (SDS) are a way of clarifying the requirements for new development. These standards do not duplicate, but rather complement, the conditional use permit process. An additional set of fees is not necessarily imposed due to the Site Development Standards, although it is possible that review fees could be increased.

18.2 Development will occur in both Community and Rural Regions. Development in Rural Regions will contribute to potential drainage and water runoff problems, though to a less extent than within Community Regions. Therefore, on-site retention in Rural Regions is warranted.

18.3 The most effective means by which to ensure the proper functioning of drainage facilities is to provide for a public entity to oversee maintenance.

18.4 See Response 18.2.

18.5 As discussed under Mitigation Measure No. 14, the goal of "no net loss" applies to "significant environmental features or significant habitat, as defined in Policy 1.18."

18.6 Many factors influence impacts on habitat, including the number of people and their lifestyles. This measure specifically addresses the issue of the number of people in critical habitat areas. See Response to 18.7 and 44.23.

18.7 Refer to the end of Response No. 44.23. As shown in Figure 4.4-4 of the Draft EIR, the deer migration corridors and winter ranges cover expansive portions of the County, both private and public. Zoning is one method of protecting the deer populations, and is an appropriate planning tool relevant to an EIR on the General Plan.

18.8 It is unclear what law this measure duplicates. We are unaware of any law that requires the preparation of a site-specific biological inventory for development projects

or requires preparation of a Habitat Management Plan for Nevada County. This process will ensure minimizing impacts to wildlife habitats. Even if found to be duplicative, inclusion within the Plan will assure mitigation regardless of future changes in other statutes.

18.9 We are unaware of any law that requires no net loss of riparian or wetland habitat caused by development or that requires a 100 foot setback from wetlands. This standard will ensure minimizing impacts to riparian and wetland habitat. To the extent that other portions of this measure may reflect regulations and guidelines of Federal and State agencies, inclusion of this measure within the Plan will assure mitigation regardless of future changes in other statutes or guidelines.

18.10 This measure is similar to existing County procedure. However, we are unaware of any law that requires this measure. This procedure will ensure minimizing impacts to significant archaeological and historical sites and artifacts. Even if found to be duplicative, inclusion within the Plan will assure mitigation regardless of future changes in other statutes.

18.11 The exact fees relevant to the Bicycle and Pedestrian Master Plans have not been established. As stated on page 4.7-23 of the Draft EIR, the primary areas of recommended pedestrian and bicycle paths are in urbanized portions of the County where auto use could be effectively offset. The remainder of the comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

18.12 As stated under Mitigation Measure No. 34, "The County shall, as part of its Road Improvement Program, consider the benefits to air quality from the paving of unpaved roads." At this time it is not considered necessary to define what areas should be considered. Refer to Response 3.1.

18.13 See Response 18.14.

18.14 Infrastructure planning is an integral part of land use planning. Long-term water needs must be evaluated as long-term land use decisions are being considered. The payment system for an alternative water supply has not been determined. Please note that some text changes have been made to Mitigation Measure No. 38 on page 4.10-13 of the Draft EIR.

18.15 This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

19. Lake Vera/Round Mountain Neighborhood Association

19.1 Refer to Response 3.1 regarding the level of analysis appropriate to a General Plan EIR. This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

19.2 See Response 48.1.

19.3 This is a policy and land use map issue and will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

19.4 This is a policy issue and will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

20. Anna Haynes

20.1 See Response 11.27.

20.2 A system of Transferable Development Rights is not considered workable due to the fact that a "receiving area" is required for the development rights that are transferred. Such receiving areas are limited in the County.

20.3 No changes to Draft EIR text were considered necessary to meet the intent of CEQA. This comment is being forward to the Planning Commission and Board of Supervisors.

21. Dr. Anna Haynes

21.1 Impact No. 10 deals specifically with flood hazards related to dam failure and earthquake-related seiches. Refer to the discussion in the third paragraph of page 4.3-6 regarding investigations and requirements for dams, and page 4.3-10 regarding the hazard level of seiches. Building in floodplains is addressed under Impact No. 11. The recommended setback mentioned under Policy No. 11.7 addresses potential water quality problems that may occur from development adjacent to waterways, not dam failure as indicated in this comment.

21.2 Refer to Response 21.1 regarding the appropriate application of Policy 11.7.

21.3 Refer to Response 3.1 regarding the level of analysis appropriate for a General Plan EIR. Refer to Policies 12.1 and 12.2 regarding a Grading Ordinance. An additional education program is not considered necessary to meet the intent of CEQA or to mitigate the identified impact.

21.4 The recommended study would include appropriate mitigation measures once the problem had been adequately assessed. Refer to Response 3.1.

21.5 The recommended groundwater study would identify nitrogen problems if these were of concern and include appropriate mitigation measures if found necessary.

21.6 The last sentence of Mitigation Measure 12 has been removed.

21.7 Refer to Response 21.6.

22. Legal Services of Northern California

22.1 As stated on page 1-1 of the Draft EIR, "Social, economic, or beneficial impacts are therefore not considered adverse impacts under CEQA and are not considered in this EIR." Refer to Responses 24.25 and 48.6.

23. San Juan Ridge Taxpayers Association

23.1 See Responses 9.4 and 3.1.

23.2 Impact No. 38 also addresses general noise level increases for existing residents as discussed on page 4.9-13 of the Draft EIR.

23.3 While the full text of the Standards has not been developed, the basic framework is set forth on pages 2-10 and 2-11 of the Draft EIR. Refer to Response 3.1 and to the Mitigation Monitoring Plan that is part of the Final EIR.

23.4 Reduced densities are recommended in other portions of the Draft EIR for other relevant impacts.

24. Robert White

24.1 The purpose of the Draft EIR is clearly explained on pages 1-1 and 1-2 of the Draft EIR.

24.2 This is an opinion of the commentor that is being forwarded to the Planning Commission and the Board of Supervisors.

24.3 The DEIR is changed as follows on page 4.1-4, second paragraph:

"As Table 4.1-3 indicates, the lower income households tend to be located in more urbanized portions of the County. For example, very low income households constituted 39 percent of Grass Valley's and 38 percent of Nevada City's households compared to only 23 percent for the rural unincorporated area households. Lower income households tend to locate **in urban areas where housing costs are less, near where available** urban services (schools, sewer and water) **are available**, and in areas where dependency on the private automobile is reduced due to the availability of public transit."

24.4 This level of detail is not appropriate for an EIR on a General Plan. Refer to Response 3.1.

24.5 This is an opinion of the commentor that is being forwarded to the Planning Commission and Board of Supervisors for their consideration.

24.6 This comment is being forwarded to the Planning Commission and the Board of Supervisors for their consideration.

24.7 Such ordinances have been adopted by many cities for the purposes of furthering energy conservation and reducing dependency on non-renewable resources.

24.8 Such an analysis is beyond the scope of this EIR and would not necessarily relate to the identified impacts and need for mitigation measures.

24.9 See Response 11.27.

24.10 Relative to all mitigation measures, the primary emphasis in any EIR is to reasonably ensure the effectiveness of each measure. It is then up to the County to balance the benefits of each measure against the unavoidable environmental damage that could occur if the measure is not included in Plan adoption. The cost of each measure is one of the criteria to determine this balance.

24.11 Refer to text on page 1-1 of the Draft EIR. A fiscal analysis is not included as part of the Draft EIR.

24.12 SDAs provide considerable flexibility in development. Given this flexibility, it is impossible to state with certainty that all SDAs will ensure land use compatibility. The Draft Plan provides policies designed to address the compatibility issue as listed on page

4.1-21. However, assurance relative to this issue will most likely occur upon adoption of a specific plan for each SDA.

24.13 Minimum percentages of open space are required for most commercial, industrial, and multi-family developments. This is an effective way to provide for small amounts of open space. Depending upon the type of development, location, and resource to be protected, requiring over one-half of major developments to be designated open space could certainly be an effective way to ensure maintenance of open space. The Comprehensive Site Development Standards could provide for this standard. However, even with inclusion of this standard, the impact on open space will still be significant and unavoidable.

24.14 The text under Mitigation Measure No. 5 has been corrected.

24.15 Hydrological methods exist to compare existing runoff with ultimate runoff from development, using standard multipliers applicable to different cover such as bare earth, vegetated ground, and asphalt surfaces.

24.16 Information on the costs of such a study is not currently available and would depend upon the specific scope of work of the study.

24.17 As stated on page 4.4-14, wetlands in the County can include those wetlands which are dependent on ditch leaks. As such, wetlands regulations would apply if the wetlands were found to meet the criteria for a "jurisdictional wetland".

24.18 As stated on page 4.4-20, "The following impact evaluation is based on existing available information." The lack of information mentioned in the third paragraph on the same page deals with how loss/fragmentation of particular types of habitats may impact particular species and overall species diversity. While a portion of the New Town SDA would remain as open space, areas proposed for development would definitely reduce/eliminate wildlife habitat by construction of roads, site grading, infrastructure installation, and construction of new buildings.

24.19 The purpose of this mitigation is to address the removal of wildlife habitat. Thus, the use of native vegetation is both required and encouraged in the revised General Policy 13.3, depending on the particular situation. Variations are addressed under Mitigation Measure No. 15 on page 4.4-24 of the Draft EIR.

24.20 "Incidental take" refers to the incidental destruction of animals and their habitat in the course of an otherwise lawful activity. It normally includes significant habitat modification or degradation that actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or shelter.

24.21 "Natural land form" is an area generally undisturbed by human activity.

24.22 As stated on page 4.6-4 of the Draft EIR, "...few objective or quantitative standards exist to analyze visual quality". Stands of oak trees were considered significant visual features of the County, and, as such, removal of such stands would meet the significance criteria mentioned under "Standards of Significance".

24.23 Impacts of Scenic Corridor designations are discussed in the first paragraph on page 4.6-3 of the Draft EIR. Specific zoning regulations for the "Scenic Corridor" Combining District can be found in the County's zoning code. Refer to Response No. 54.6.

24.24 "Compact development pattern" refers to the development of generally high-intensity land uses in a concentrated fashion. Such development is normally associated with buildings in closer proximity to one another, smaller development setbacks, less open space areas, and, in general, less vacant land.

Their standards are based on LUDC Chapters VI and X and do not relate directly to a minimum parcel size. The purpose of this wording to maximize the effectiveness of clustering. At the same time, policy 3.19 seems to state that the minimum parcel size for private water and sewerage disposal systems is 3 acres, thus limiting clustering in many instances.

24.25 As stated in Section 15131(a) of the California Environmental Quality Act, "Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes".

As stated under Impact No. 31: "...may result in State roadways operating an unacceptable levels of service, until needed roadway improvements can be funded and constructed". The focus of this impact statement is on the physical impact related to unacceptable levels of service. Funding of State roads is not entirely the responsibility of the County, and thus increased fees imposed by the County would not mitigate this impact.

24.26 As stated in the last paragraph on page 4.7-23, the use of bicycles would most effectively offset the use of the automobile in areas of concentrated development. It is true that in rural portions of the County, bicycle use will not significantly reduce automobile use, as stated in the sixth paragraph on page 4.7-23 of the Draft EIR.

24.27 The word "aquifer" has been changed to "groundwater" in response to an earlier comment on Mitigation Measure No. 38. As stated in the mitigation measure, the purpose of the study would be to "assess groundwater supplies, quality, demand, and use", not just groundwater characteristics.

24.28 Diverted and recycled wastes are those wastes which do not require landfill disposal. Diverted wastes can include those wastes which are reused such as wood chips used for mulching. According to staff of the Nevada County Department of Sanitation, the diversion rate (including recycling) for the 1993-94 fiscal year was 47 percent and the amount of waste requiring landfills was 53 percent (Kranz, Mary 1995, personal communication with A. Skewes-Cox, Parsons Engineering Science, Inc., 15 March).

24.29 The following sentence has been added to the end of the second paragraph on page 4.10-48 of the Draft EIR: **"Propane is an additional fuel source used in Nevada County by individual homes and businesses."**

24.30 Refer to Response 17.8.

25. Loma Rica Ranch Preservation Committee

25.1 Refer to Response 3.1.

25.2 Development in historically significant or environmentally sensitive areas would be addressed by the Site Development Standards as discussed on pages 2-10 and 2-11 of the Draft EIR. The requested wording change for Mitigation Measure No. 2 is not considered necessary.

25.3 The proposed language change is already addressed by "a" under Policy 1.17 and the list of resources found on page 2-11 of the Draft EIR.

25.4 The requested deletion is not considered necessary to meet the intent of CEQA. Refer to Response 6.28.

25.5 Funding for RTP improvements is addressed under policies of the General Plan such as Policy 4.6. Policy 4.10 addresses the fact that inadequate funding may result in denial of General Plan amendments that exacerbate an existing deficiency in local or State roads or highways.

25.6 This is the opinion of the commentor that is being forwarded to the Planning Commission and the Board of Supervisors. Refer to Response 3.1.

25.7 The requested wording change is not considered necessary and would be too restrictive, especially given the fact that the impact remains significant and unavoidable. Refer to Response 25.2. Other changes to the text of Mitigation Measure No. 2 have been made in response to other comments, as shown in the revised text.

25.8 The requested text change is not considered appropriate given the current status of Loma Rica Ranch. This comment is being forwarded to the Planning Commission and Board of Supervisors for their consideration.

25.9 The recommended language change is not considered necessary, especially for mitigation measures relevant to a General Plan. A General Plan cannot "demand a development pattern." As stated on page 2-1, the "proposed General Plan would provide a basis to guide future development decision-making..."

25.10 It is beyond the scope of this EIR to identify specific locations for park sites.

25.11 The impact discussed is considered able to be mitigated to a less-than-significant level.

26. Town of Truckee

26.1 Refer to Response 48.1.

26.2 Page 3.7 is amended as follows:

"Rural Regions. All portions of the County not included within a Community Region are considered to be within the Rural Regions of the County (See Figure 3-2). Within these Rural Regions, growth is provided for only those types and densities of development which are consistent with the open, rural lifestyle, pastoral character, and natural setting

which exists in these areas. Minimum parcel sizes range from ~~5 to 160~~ **3 to 640** acres. **However, in selected areas there exist commercial, industrial, research and development, multi-family, planned development, and special development area designations, though to a much smaller extent than within Community Regions."**

26.3 The Environmental Setting, Impacts, and Mitigations Chapter, Section 4.1 Land Use, discusses this issue.

Page 4.1-17 is amended as follows:

"The General Plans for Nevada City and Grass Valley are briefly discussed below with a focus on land use and policies that relate to development in the cities' Spheres of Influence (those lands that surround the cities and are potentially subject to annexation but are unincorporated). ~~Additionally, the recently incorporated Town of Truckee is also discussed, although, to date it does not have a General Plan to guide its future development.~~ **The Town of Truckee is currently preparing its first General Plan and has adopted draft policies and a land use map."**

Page 4.1-18 is amended as follows:

"Truckee. The Town of Truckee officially incorporated on March 23, 1993, creating a new jurisdiction in eastern Nevada County. The Town, as of that date, assumed responsibility for planning functions within its boundaries, which encompasses most of the more intensively developed areas of eastern Nevada County. ~~The proposed General Plan land use map and goals, objectives, and policies reflect the most current land use planning information for the Town. Truckee does not yet have a General Plan to guide its future development.~~ **Preparation of the Town's first comprehensive General Plan is currently underway. The Town has adopted a draft land use map and policies to guide the completion of this General Plan process. "**

26.4 Pursuant to the Final Draft Nevada County General Plan, Volume 1, page IV-193, the site development standards will be prepared under the responsibility of the Nevada County Planning Department within 12 months of adoption of the Plan. This will likely take the form of changes to the Nevada County Land Use and Development Code by ordinance.

The details of this process are unknown at this time. It may be prepared by County staff, private consultant, or a combination of both. It is likely that considerable public input will be allowed. One or more citizen and/or technical committees may be appointed to assist in the effort. The ordinance amendment will be subject to environmental review. Prior to adoption of the new standards, it is assumed that development consistent with the new Plan will be allowed subject to the standards in effect at that time.

See Mitigation Monitoring Program.

26.5 The mitigation measure referred to in Section 4.10 of the Draft EIR addresses compatibility between zoning and the General Plan for Community Regions rather than Rural Regions. In addition, the policy states that development in Rural Regions should be limited vs. prohibited.

26.6 Mitigation Measures 14, 16, and 18 apply to the entire County. Figure 4.4-4 identifies deer migration corridors and habitat for the entire County. No change in Draft EIR text is considered necessary to meet the intent of CEQA.

26.7 While timberlands are not mapped, the location of this resource is clearly explained on page 4.4-19. As stated on this page: "...commercial timberlands are located primarily in the mid and eastern areas of the County...". The identified mitigation measures for Impact No. 21 are considered adequate.

26.8 This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

26.9 Pursuant to Draft Plan Policy 1.42, the County will actively pursue development of a coordinated development impact fee program, including mechanisms for sharing of development impact fees where the provision of facilities to serve new development extends across joint boundaries. Therefore, depending upon the type of facility and city response, it is possible for such fees to be collected and used in a coordinated manner.

26.10 Mitigation measures for significant traffic impacts do not address individual locations within the County other than identifying road improvements necessary for meeting LOS criteria. Refer to Response 3.1 regarding the EIR approach appropriate for an EIR on a General Plan and Response 9.4. Recommendations made by the Resolution Committee (see Response 48.1) do address a new policy that addresses this issue. The following new text should be added on page 4.7-22 of the DEIR under "Other Mitigation Measures."

Implementation of the proposed policies identified above along with Mitigation Measure #31A below, would serve to reduce the impact but not to a less-than-significant level.

31A. The following new action policy should be added under Objective 3.2 of the General Plan as a new Policy 3.9(a): To ensure adequate timing of major development projects in the Martis Valley with the availability of adequate transportation facilities, the County shall conditionally restrict or otherwise prohibit development of all discretionary projects within the Martis Valley and with access to State Highway 267 until the bypass with Interstate Freeway 80 is completed.

27. Barbara Green

27.1 A separate chapter for the EIR on Health and Safety is not considered necessary, given that major issues such as fire suppression and hazardous wastes are dealt with in other chapters of the EIR.

27.2 Please refer to "Other Mitigation Measures" discussed on page 2-15 of the Draft EIR.

27.3 Page 4.3-11 of the Draft EIR is amended as follows:

Floodplain areas are located in and around the population centers of Nevada City, Grass Valley, Penn Valley, Alta Sierra, and Truckee. Floodplain areas are also located in the vicinity of Hobart Mills, **Hirschdale**, and Floriston. Development allowed under the

proposed General Plan within these areas would increase the exposure of people and property to flood hazards.

27.4 Rather than changing Table 4.3-2 which is taken from a previously published document, the following words should be added to the end of Mitigation Measure No. 10 on page 4.3-18 of the Draft EIR: **"Table 4.3-2 should be amended to include "eastern Nevada County" in the first sentence (A)."**

27.5 This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

27.6 The following text should replace "for the western portion" as the fourth bullet, first sentence for Mitigation Measure No. 14 **"for the western and eastern portions"**.

27.7 Page 2-19 should be corrected to match the text of page 4.4-24.

27.8 Conifer forests are addressed under Impact No. 21 which addresses timberlands.

27.9 Text in Mitigation Measure No. 21 is policy interpretation of existing regulations. Changes to the text of Mitigation Measure No. 21 are not considered necessary.

27.10 As discussed under Impact No. 21, the impact is only less than significant because existing policies would serve to mitigate the loss.

27.11 Conifers are addressed under "Timber Resources" on page 4.4-17 of the Draft EIR. No documentation is available showing that aspen groves require protection. Thus, no text change appears necessary.

27.12 Wetlands mapping is beyond the scope of this EIR. Refer to Response 3.1 regarding the level of analysis appropriate to a General Plan EIR and to Mitigation Measure No. 10 regarding elements of a recommended groundwater study.

27.13 The necessary qualifications for an archaeologist are addressed under the last sentence of Mitigation Measure No. 23.

27.14 Conifer forests were not identified as a separate "prominent visual resource" as discussed on pages 4.6-1 through 4.6-3. However, coniferous forests are discussed under "Foothills and Ridges" on page 4.6-2 of the Draft EIR. The Mitigation Measure for Impact No. 26 would be adequate to address this resource of the County. Mitigation Measures No. 26 and 27 would also protect this resource.

27.15 The commentor does not clarify what is meant by "diluted". In addition, the reference to the mitigation measure appears to be incorrect.

27.16 The impact is only less than significant due to existing regulations and plan policies as mentioned in the summary discussion of Impact No. 23.

27.17 A new category entitled "Mountains and Forests" for the Visual Quality Setting section is not considered necessary. Mountains are currently addressed on page 4.6-2 under "Foothills and Ridges". This same section includes a brief discussion of forest resources as a visual amenity in the County.

27.18 Refer to Response 5.22.

27.19 This comment relates primarily to the Draft Plan. The Draft Plan addresses trails in the Recreation and Circulation chapters. Of particular importance are Objective 5.6 and its implementing policies, providing for an integrated, comprehensive, county-wide trail system. Policies 5.6 and 5.17 provide for the preparation of a County Bicycle and Non-Motorized Trails Master Plan. Policy 4.27 provides for the preparation of a Pedestrian Master Plan within Community Regions. Trails are also encouraged by Objective 4.15 and Policy 4.36.

27.20 Truckee is included in the "unincorporated" row. This table is contained in the Regional Housing Allocation Plan for Sierra Planning Organization, 1991. This Plan determines the future housing needs of the County for jurisdictions in existence in 1991 to the year 1997 by household income group. Because Truckee was created after that year, housing allocations have not been assigned to the Town. In turn, the Allocation Plan did not determine household distribution by income for the Town of Truckee.

27.21 The commentor has not clarified what type of information should be provided regarding private land trusts. While such trusts can provide a mechanism for protecting open space lands, the recommended Open Space District is considered adequate mitigation for the identified impact.

27.22 Projected Average Daily Traffic (ADT) for the portion of I-80 between SR89 and Sierra County is projected to be 51,000, with a Level of Service A. Development of Raley's property would not affect this LOS.

27.23 The DEIR states that the existing and projected (with improvements) LOS for Highway 267 is "B". The Gooseneck Subdivision FEIR projects the future LOS "at major intersections" to be "F." The Draft Plan's traffic model analyzed road segments, not intersections. The Gooseneck FEIR stated that the highway would have a LOS "C" under cumulative growth conditions and improvement to four lanes. The reason for the difference in projected LOS is most likely due to different methodologies.

27.24 According to staff at the Eastern Regional Landfill, this landfill is expected to reach capacity by the spring of 1995. At that time, wastes that cannot be recycled at the landfill's Waste Recovery Facility will be transferred to the Lockwood Landfill in Nevada. This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

27.25 The basis of this statement has not been provided. As stated at the top of page 4.10-46 of the Draft EIR, "Nevada County does not currently have a formal library level of service standard to evaluate the adequacy of existing library services." However, the County is meeting its space-related standard of 300 square feet per 1,000 persons (0.3 square feet per capita), as stated at the bottom of page 4.10-36 of the Draft EIR. As a basis of comparison, the Contra Costa County General Plan has a library standard of 0.5 square feet per capita, two books per capita, and 50-60 hours of library service per week (Contra Costa County 1989).

28. C. Stewart

28.1 The model is a regional model developed to assess Countywide impacts on the major roadways. Specific intersection analysis was not included in the model or in the scope of this EIR.

28.2 Refer to Response 28.1.

28.3 This comment is being forwarded to the County Planning Commission and Board of Supervisors for their consideration.

28.4 Needed improvements are identified in Table 4.7-4 of the Draft EIR. The use of development impact fees is discussed on page 4.7-21 of the Draft EIR. Refer to Response 3.1 regarding the level of detail appropriate for an EIR on a General Plan.

28.5 It is true that an alternative to individual on-site detention systems is a community-wide drainage system that may include new drainage facilities serving a large number of users. However, such a mitigation measure does not adequately address the general policy direction of "no net increase" for stormwater runoff as mentioned on page 4.3-13 of the Draft EIR. The impact of increased runoff addressed on page 4.3-13 of the Draft EIR does not address existing communities, but new development that may be associated with the General Plan.

28.6 A monitoring program has been completed as part of the Final EIR.

28.7 Potential air quality impacts are addressed on page 4.8-9 of the Draft EIR.

29. Nevada County Planning Department

29.1 The County Planning Department is currently doing some preliminary research to determine cost estimates. These are not required to be included in an EIR.

29.2 Text in Section 2 has been changed to include two additional significant unavoidable impacts that were omitted (but which were correctly identified in Section 5. Text has been changed on pages 5-4 and 5-18 to account for all seven significant, unavoidable impacts.

29.3 Numbers have been corrected in Table 2-1 on page 2-1 of the Draft EIR. Table 5-1 on page 5-19 has also been changed.

29.4 No issues remain to be resolved. Therefore, this section was not included in the EIR.

29.5 A paragraph was inadvertently omitted from page 2-4. A new paragraph (as shown also on page 5-18 of the Draft EIR) has been added under the "Environmentally Superior Alternative".

29.6 Refer to Table 4.1-6 regarding acreage of Prime Farmland (page 4.1-13 of Draft EIR). Minimum parcel size currently appears to be 5-acre parcels and less for the areas of Prime Farmland. If the minimum parcel size were changed to 10-acre minimum, the impact would be reduced. However, given the percentage of Prime Farmland that has already been parcelized, the effect of such a change may be minimal. Increased land values could be a result of both the General Plan as well as state and national trends. As

new development encroaches upon open space/agricultural areas, there is an incentive for property owners to obtain the highest value for their property which would remove it from agriculture. By increasing areas of development, the General Plan results in increased development pressure when new development occurs near open space.

29.7 The Master Environmental Inventory concluded that the aquifer was fragmented. Refer to new text added to Mitigation Measure No. 38.

29.8 While prohibition of wood shingle or shake roofing materials would reduce the impact, it would still remain significant and unavoidable due to the amount of development allowed in areas subject to wildland fire. The only true mitigation measure would be to not allow any development in such areas.

29.9 This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

29.10 Standards would identify the minimum criteria for development of important agricultural lands. The list on page 2-11 is just an overall list of environmentally sensitive resources. As stated on page 2-10, the standards would "identify the basic requirements for site development". While removal of Prime Farmland would be significant and unavoidable, there are other categories of farmland as defined in the State Important Farmland map to which specific standards could be applied.

29.11 The DEIR preparer is aware of the County's existing grading ordinance. Mitigation Measure No. 1 refers to standards related to steep slopes and areas subject to erosion which would be an additional mitigation measure to supplement the County's grading ordinance. Mitigation Measure No. 2 is not related to this impact, as implied by the comment. However, Mitigation Measure No. 3 is mentioned in reference to Impact No. 8 (page 2-14 of the Draft EIR). This mitigation measure would also serve to mitigate the potential impact to a level of less than significance, and would also complement the County's existing grading ordinance.

29.12 Some compatible General Plan designations for areas that may be subject to surface mining include: Industrial, Recreation, Forest, Public, Open Space, and Water Area. The types of compatible land use categories are not addressed in the Surface Mining and Reclamation Act. The State Mining and Geology Board leaves the decision to the local jurisdiction as to what types of land use would be compatible (Parish, John, 1995, Executive Office of the California Mining and Geology Board, personal communication with A. Skewes-Cox, Parsons Engineering Science Inc., 16 February). However, it is required that the public be informed of where such mineral resources have been identified. This is often accomplished by the use of a "combining district" as done in Nevada County.

29.13 On further review, it was concluded that this impact should remain unchanged. The commentor is referred to Mitigation Measure No. 1 regarding regulation of development within floodplains that is more restrictive than existing plan policy.

29.14 Please refer to page 4.3-8 of the Draft EIR where the NPDES permit process is summarized. The recommended mitigation measure for Impact No. 13 supplements

existing NPDES permit requirements, especially for smaller projects or less populated jurisdictions where NPDES permits are not required.

29.15 In discussions with staff of the Environmental Health Department, it was concluded that the results of the recommended study may be twofold. One result may be that no changes may be necessary for new developments applying for permits for septic systems/leachfields. The other result may be that new information becomes available that could warrant changes to existing regulations (e.g., minimum parcel sizes or soil constraints)(Sage, L., 1995, Nevada County Environmental Health Department, personal communication with A. Skewes-Cox, 23 February). The County should conduct the study in conjunction with staff of the Environmental Health Department who can comment on the scope and goals of the study as well as specific tasks, implementation, and costs. Cost information for the identified mitigation measure is not available.

29.16 It is true that Countywide Habitat Management Plans (HMP) can be a costly undertaking. However, the County can recoup the costs by establishing a fee structure for individual developers (on a per acre basis) with projects located within the area covered by the HMP. On a per-acre basis, the cost of preparing an HMP may be lower than the alternative of requiring each developer to prepare his/her own study of potential sites for federally-listed or state-listed special status species. Another advantage to a Countywide HMP is that the mitigation requirements or ratios of "replacement" habitat may be lower. For example, for an individual site, a ratio of 3:1 may be required if a site impacts a special status species. When a larger area is evaluated, appropriate "mitigation banking" areas may be identified and may require a lower acreage ratio of mitigation.

HMPs are currently underway in a number of locations in southern California as well as other nearby counties such as Yolo County and San Joaquin County. At this time, the exact costs, timing, or acreage involved for Nevada County are not known. Please refer to Response No. 3.1 regarding the level of analysis appropriate for a General Plan EIR.

29.17 The resources that Mitigation Measure No. 16 is meant to protect can be identified by comparing Figure 4.4-3 to Table 4.4-3. A "Non-Federal HMP", as mentioned in the comment, would not be appropriate if an area may be habitat for a federally-listed special status species.

29.18 Please refer to the study entitled "Draft Environmental Document - Sections 353, 354, 360, 361, 370, 371, 401, 601 and 730 Title 14, California Code of Regulations Regarding: Deer Hunting" (February 11, 1994) prepared by the California Resources Agency, Dept. of Fish and Game regarding declining deer populations in Nevada and other counties in California. This report is available at the Nevada County Planning Department.

Clustering is "strongly encouraged" as stated on page 2-12 rather than "mandated" as stated in this comment. The recommendation for 40-acre minimums would complement this recommended clustering to mitigate the identified impact.

29.19 Refer to Response 54.6. Information regarding the cost and timing of such reports is not available. Preparation of County Scenic Highway Reports is not considered

a more cost-effective approach because these would require the same steps if state guidelines were followed.

29.20 Please refer to Figure 4.1-1 as an illustration of the type of "sprawl" along major transportation routes that is already occurring. It is true that concentrating development within Community Regions will help to prevent a worsening of the situation. However, an additional policy for the General Plan was considered appropriate to mitigate the identified visual impact.

It appears that the commentor may be referring to Impact No. 31 rather than No. 33 in the second half of this comment. In response to an earlier comment, Impact No. 31 has been moved to include it in the section of "Significant, Unavoidable Impacts".

29.21 The impact relates to the level of service required to meet the wastewater needs of an expanding population. By revising the land use maps to be consistent with existing County zoning, the overall level of development (and associated wastewater demands) would be reduced to partially mitigate the identified impact. As stated under Mitigation Measure No. 39, it only applies to unincorporated portions of the County.

In response to Comment No. 5.29, Impact No. 43 has been moved up to the section of "Significant, Unavoidable Impacts". City plans are not in accordance with available existing or planned sewer capacity.

29.22 The following text should be added to the end of Mitigation Measure No. 16: **"An impact associated with the elimination of the New Town SDA would be an associated removal of affordable housing. Thus, this mitigation measure could affect the County's ability to have a desirable jobs/housing balance and to meet goals for affordable housing."**

The Environmentally Preferable Alternative (Alt. #4) in the Nevada County EIR, which does not include the New Town and also eliminates some high-density housing in Community Regions, would have the following land use areas for development of affordable housing in the unincorporated area of the County, based upon maintaining existing zoning in the Community Regions. (Acreages in the unincorporated area under the Draft General Plan are also given for comparison.)

	<u>Alt #4</u>	<u>Draft GP</u>
Urban High Density (UHD)	238 acres	370 acres
Urban Medium Density (UMD)	818 acres	930 acres

At the standard criteria used in the General Plan for calculating number of dwelling units, the UHD acreage in Alt. #4 would accommodate 4,287 dus. This represents a capacity to need ratio for Alt #4 of 1.4:1 for lower income dus (based upon a regional allocation for the unincorporated county of 3,040 units of low and very low income housing, as per Policy 9.1 of the Draft GP). However, this ratio is still far below the goal established by 8.17 of the General Plan.

29.23 Please refer to page 5-2 of the Draft EIR regarding growth-inducing impacts associated with the project. This identified land use significance criterion is addressed under the issue of "nuisance" and land use compatibility as discussed under Impact No. 1.

29.24 New text should be added to Mitigation Measure No. 1. At the end of the list of significance criteria, the following should be added: **"Areas designated as "very high" fire severity, as defined by the State Department of Forestry's 'Fire Hazard Severity Zone' mapping"**

29.25 Refer to Response 11.4.

29.26 The clarifying language for Policy 10.3 addresses the addition of "geologic" hazards to the original seismic hazards that were addressed. As with the Site Development Standards, policy 10.3 would apply to those projects subject to discretionary review.

29.27 Clustering is required in three categories of General Plan designations as identified on page 2-11 and recommended for other designations. The wording at the end of the first full paragraph on page 2-12 is not meant to imply that development should be clustered in locations of sensitive resources, but rather that clustering should be used as a way to concentrate development away from the sensitive resource.

29.28 Refer to Response 29.27.

29.29 Given that this is a policy-related mitigation measure, the requested level of specificity is not warranted. If the County desires to create a new ordinance related to this policy, this type of specificity would be appropriate at the time of developing the ordinance. Refer to Response 3.1.

29.30 The last sentence of Mitigation Measure #12 should be removed.

29.31 Refer to Response 29.22.

29.32 The following has been added to the first sentence under "Other Mitigation Measures" on page 4.4-27 of the Draft EIR: **"and #18"**. The same change has been made to page 2-19.

29.33 The words **"State Highway 174"** have been added to the first full paragraph on page 4.6-3 of the Draft EIR.

29.34 The words **"Mitigation Measure #19 (see Biotic Resources section of this EIR)"** have been added to the top of page 4.6-5 under "Other Mitigation Measures for Impact No. 24.

29.35 An error was made in the numbering system. In order to prevent confusion for the reader of both the Draft EIR and the Final EIR, the original numbering system was left unchanged.

29.36 The identified impact is only less than significant due to proposed General Plan policies as stated under Impact No. 30. Existing traffic volumes for specific roadways are shown in Table 4.7-1 which can be compared to Table 4.7-4. Table 4.8-3 (page 4.8-10) shows the assumed increase in daily vehicle trips between 1994 and 2010, as used for the EIR's air quality modeling.

29.37 It is assumed that the adopted Plan, including identified road improvements, will be implemented in a timely manner. If it is assumed that it cannot be implemented, then the Plan should be revised. The commentor does not state why identified improvements may not be made. Draft Plan policies 4.4, 4.5, 4.6, 4.8, 4.9, 4.10, 4.11, and 4.13 provide that the Draft Plan's land use map ensure correlation and consistency with the transportation system, that monitoring of the road system will occur, and that identified road improvements as a result of growth will be made in a timely manner.

29.38 The word "**bicycle**" has been inserted to replace "pedestrian" under Mitigation Measure No. 32 (4.28) on page 4.7-24 of the Draft EIR.

29.39 The wording for Impact No. 36 has been changed. The second and final sentence (pages 4.8-8 and 4.8-9) now read as follows: "**This is considered to be a less-than-significant impact as proposed plan policies would ensure that air emissions from future County growth are minimized.**" It is true that increased traffic would result in increased emissions. The level of decreased emissions due to cleaner fuels and new emission control programs (for new cars) is largely dependent on vehicle turnover. A number of assumptions are used in the BURDEN7F model. The URBEMIS model does show a significant increase in mobile emissions. However, this model has not been updated as often as the BURDEN7F model to account for improved emissions due to cleaner fuels and emission control programs. The BURDEN7F model accounts for both existing and future development getting improved emissions over time; whereas, the URBEMIS model accounts only for incremental increases in emissions associated with specific land uses. It should be noted that modeling of future air emissions is a very complex process and that modeling results are based on many assumptions. It could be concluded that the URBEMIS results may be too conservative, while the BURDEN7F results may be too optimistic. In either case, the proposed policies of the General Plan would mitigate the impact to a less-than-significant level, especially with policies related to implementation of a Transportation System Management program (Policy 4.17) and other policies to encourage alternatives to the use of the private automobile.

29.40 Refer to text change to Impact No. 38 in response to an earlier comment. Also refer to Response No. 24.27.

29.41 Identification of criteria would not mitigate Impact No. 43. While development would occur, the recommended mitigation measure would reduce the overall level of development and consequently reduce the severity of the impact, even if not to a less-than-significant level.

29.42 The following sentence has been added to the end of the first full paragraph on page 4.10-32 of the Draft EIR: "**Additional fire protection services are provided by the Grass Valley and Nevada City fire departments.**" As stated on page 4.10-32, the consolidation is "in process".

29.43 Boundary lines are shown in Figure 4.10-2 which is taken from the Master Environmental Inventory.

29.44 The following words have been added to "Standards of Significance" on page 4.10-35: **"or if it would interfere with emergency evacuation plans or emergency response plans"**. Impact No. 48 addresses this last standard.

29.45 Impact No. 47 has been revised. The number "97,987" has been replaced with **"97,250"** to be consistent with other tables in the Draft EIR. The two impacts are distinct for the following reasons: 1) structural fire protection demands do not necessarily relate to the surrounding environment (i.e. urban vs. forested area); 2) structural fire protection demands can be partially mitigated with adequate protection services and fees to provide staff and equipment; 3) wildland fire exposure can best be mitigated by limiting the location of new development.

29.46 At their own discretion, developers could provide additional funds to supplement fees to ensure adequate fire protection services. Such a measure may be a wise business decision if a developer wishes to promote the fact that adequate services are available to new homes (especially as related to reduced fire insurance rates). The "credit" referred to is a form of assurance to a lending institution that future development will pay back the loan necessary to build the station.

29.47 An "existing deficiency" can be an inadequate ratio of sworn officers per 1,000 people as mentioned on page 4.10-40 or an inadequate response time. Improving either of the above would mitigate both an existing problem as well as one due to new development and would not be considered an inappropriate use of development fees. Policy 3.7 deals with development of a Capital Facilities Plan and the correction of existing deficiencies. The commentor has not fully explained why the policy is "improper". A Capital Facilities Plan may deal with more than just development fees.

29.48 The following sentence has been added below Impact No. 52 on page 4.10-49: **"Increased demand on nonrenewable resources such as fossil fuels could be offset by increased conservation and the use of alternative energy sources such as solar energy."**

29.49 Refer to Response 3.1 regarding the level of analysis appropriate to a General Plan EIR. In the case of a General Plan EIR, an "alternative design" would not apply. The required "findings" would deal with approval of "the project" even if significant, unavoidable impacts have been identified.

29.50 The title of the subsection on page 5-1 has been changed to "Irreversible Changes" as requested.

29.51 The following text has been added to the end of "Short-Term Uses of the Environment versus Long-Term Productivity": **"The sponsor of the project, the Nevada County Board of Supervisors, believes that the adoption of the General Plan is justified at the present time given the need for long-range planning and public services for the County and demands for increased development over the planning period."**

29.52 In response to Comment 17.8, McCourtney Road has been added to the list of roads at the top of page 5-16.

29.53 Changes to the column for Alternative 4 on page 5-21 have been made to show that significant unavoidable impacts would be less than the proposed project.

29.54 Page 6-1 has been changed to include the title "**Organizations and Persons Consulted**". The CEQA Guidelines do not require that the capacity of the persons contacted be identified.

30. Banner Mountain Homeowners Association

30.1 Refer to Response 46.4. Capacity of roads and level of service relate indirectly to overall safety as well as traffic flow. Roads operating at inadequate levels of service are not only congested but also may be more unsafe than roads operating at acceptable levels of service. Refer to the discussion under Impact No. 48 regarding the adequacy of emergency access. Also refer to Policy 10.8 regarding the Nevada County Emergency Operational Plan and designating evacuation routes. Determining the feasibility of such roads is beyond the scope of the EIR and not able to be determined at this time. Refer to Response 3.1. Associated impacts of road construction are addressed under Impact No. 32.

30.2 Additional mitigation measures regarding emergency access are not considered necessary. Refer to the mention of Policy 10.9 under Impact No. 48.

30.3 The commentor has not identified the "minimum standards" that are referenced. Refer to mitigation measures for Impact No. 30 regarding road improvements. Refer to Policies 4.6 and 4.7 regarding funding and maintaining safe roads.

30.4 Mitigating an existing deficiency is not necessary if the project (which in this case is adoption of the General Plan) does not cause the identified impact. Refer to Policy 4.7 regarding future development and safety for collector roads.

31. Sierra Club - Sierra Nevada Group

31.1 The Draft Plan's Forest designation's minimum parcel size varies from a 40 acre minimum (FOR-40) to a 640 acre minimum (FOR-640). The vast majority has a minimum of 160 acres (FOR-160). High site and public timber resources are protected through Policy 6.4 which provides for a minimum parcel size of 160 acres.

31.2 Overall, the EIR addresses the County as a whole rather than specific locations for rezoning. However, in terms of the concerns regarding the Castle Peak area, Policies 3.15, 3.16 and 3.17 as well as policies identified under Impact No. 14 would address concerns regarding sewer impacts. Other policies of the General Plan address water quality concerns as discussed under Impacts 12, 13 and 14. Snow removal and snow accumulation for this area are not expected to cause significant safety-related impacts.

32. Willow Valley Neighborhood Association

32.1 Refer to the discussion of the Master Environmental Inventory (MEI) on page 1-3 of the Draft EIR. The MEI identified constraints based upon available data (e.g., Mineral Classification zones; fire hazard zones; California Natural Diversity Data Base). A capabilities/constraints analysis for the Land Use Alternatives was prepared in 1992 for use by the General Plan Steering Committee in selecting the preferred alternative. The General Plan includes a Resources Capability Analysis (Volume 2, Section 5) which was intended to assist in development of land use designations and policies. The EIR further used this information to develop mitigation measures.

32.2 Policy 8.4(d) allows for only those exemptions currently allowed by the County and would not apply to the Site Development Standards proposed as part of the General Plan and amended in the Draft EIR. Policy 8.19 expressly requires that environmental limitations be considered when maximizing site utilization.

32.3 This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

32.4 Intersection conditions are a part of the overall modelling process which addresses service levels.

32.5 Refer to Response 29.39 which addresses changes to Impact No. 36.

32.6 Road standards are not part of the General Plan and consequently were not evaluated in the EIR. Refer to Response 30.2 regarding emergency access. This comment is being forwarded to the Planning Commission and Board of Supervisors for consideration.

32.7 Refer to Response 30.4.

32.8 It is beyond the scope of this EIR to address the impacts associated with the Dorsey Interchange. Refer to Response 3.1. This comment is being forwarded to the Planning Commission and Board of Supervisors for their consideration. The role of the cities in the RTP is just like the County. The LTC is a 4-jurisdiction organization (County and 3 cities). The RTP is adopted by the LTC, but the LTC requires the input and support of the County to ensure that the RTP is able to be implemented.

32.9 This comment is being forwarded to the Planning Commission and Board of Supervisors for their consideration.

32.10 Mitigation Measure No. 7 is meant to be a policy addition to the General Plan to account for existing maintenance problems that may be exacerbated by additional development. It is not possible at this time to determine the costs or political acceptance of the establishment of such entities as Community Service Areas or County Service Areas.

32.11 Mitigation Measure No. 6 is not meant to include diversion of runoff from adjacent properties. No such mitigation measure is identified in the Draft EIR. Rather, on-site detention is meant to retain water on-site until peak flows have subsided and

runoff would not contribute to downstream flooding problems. This comment is being forwarded to the Planning Commission and Board of Supervisors for their consideration.

32.12 This comment is being forwarded to the Planning Commission and Board of Supervisors for their consideration. As stated on page 4.1-1, the Draft EIR is based on "existing conditions information".

32.13 Groundwater overdrafting is not directly growth inducing. If a request is made for Nevada Irrigation District to supply water, and if a request is made to also increase density, both these actions would be subject to discretionary approval. Consequently, both actions would be subject to the requirements of the California Environmental Quality Act. At such time, the growth-inducing impacts of the action would need to be evaluated.

32.14 It is not possible to entirely prevent illegal actions such as the destruction of wetlands prior to development applications being filed. A complete Countywide inventory of wetlands, water courses and water bodies would be a costly and unnecessary exercise for the County. Such an inventory is not considered necessary to mitigate the identified impact. The recommended language in Mitigation Measure No. 21 is meant to protect any wetland habitat functions or values. This comment is being forwarded to the Planning Commission and Board of Supervisors for their consideration.

32.15 The Pedestrian Master Plan and Bicycle Master Plan will identify the appropriate locations for such facilities. Pedestrian and bicycle access to all arterials and collectors may not be appropriate, given traffic and road conditions.

32.16 This comment is being forwarded to the Planning Commission and Board of Supervisors for their consideration. The commentor has not specified which policies may have environmental effects. The reference to Policy 3.2 implies that environmental effects may be created. However, these effects relate to such issues as traffic increases, demands for services/utilities, and increased runoff. All of these issues are addressed in the Draft EIR.

32.17 No individual policy should be reviewed outside the context of the entire General Plan. In implementing this policy, the County must do so consistent with all other policies. For example, this policy can be implemented only to the extent that it is consistent with goals 1.4, 1.5, and 1.6, objectives 1.10, 1.11, and 1.12, policies 1.14, 1.15, 1.17, and 1.18 and other directives of the Plan.

Also, the DEIR concludes that there will be a number of significant and unavoidable impacts as a result of Plan adoption. This is due, in part, to selected environmental impacts within Community Regions as a result of future growth and development.

33. South Yuba River Citizens League

33.1 One of the primary goals of the Draft Plan is to provide for as much open space as is reasonably possible. However, given the fact that the Plan also must provide for a reasonable amount of growth, there will also be a loss of open space over time. Even with additional mitigation, this loss will be significant and unavoidable.

33.2 Refer to Responses 48.1 and 48.13.

33.3 River and stream development regulations are covered by reference to 100-year floodplains in this policy and floodplains in revised Policy 1.17 dealing with site development standards.

33.4 Refer to Responses 48.1 and 48.13.

The commentor has not defined "more specific" regarding Site Development Standards. No changes to Mitigation Measure No. 2 are considered necessary to meet the intent of CEQA. This comment is being forwarded to the Planning Commission and Board of Supervisors for their consideration.

33.5 More detailed information for Mitigation Measure No. 38 is not considered necessary at this time, given that this EIR addresses a General Plan. Refer to Responses 3.1 and 24.27.

33.6 Refer to Response 3.1. This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

33.7 Refer to Response 2.1 in which the Department of Sanitation was recently contacted regarding the 100-foot setback.

33.8 Refer to Responses 48.1 and 48.13.

33.9 This type of detailed information regarding the recommended Habitat Management Plan is not considered necessary at this time. Refer to Response 3.1.

33.10 Refer to Responses 48.1 and 48.13.

33.11 Refer to Responses 48.1 and 48.13.

33.12 Page 4-2, last paragraph is amended as follows:

"While Nevada County, located in the Sierra Nevada foothills, has experienced substantial growth in the last 10 to 15 years, the rural quality of the County remains. The rural characteristics of the County relate to: the relatively low level of development and associated population; and the abundance of remaining open space **and natural resources** in the County (**much of which are in close proximity to population centers**) ~~which provides~~ **providing** for wildlife habitat, visual quality, ~~and~~ agriculture, mining, and timber activities, **and recreational opportunities.**"

33.13 Refer to Responses 48.1 and 48.13. This comment is being forwarded to the Planning Commission and Board of Supervisors for their consideration.

34. Baldwin's EP Ranch

See Response 11.27.

35. A.C. Pier

35.1 See Response 11.27.

36. W. Thomas

This letter is being forwarded to the Planning Commission and Board of Supervisors for their consideration.

37. J. Weir

No responses are provided because the letter did not address the EIR.

38. Federation of Neighborhoods

38.1 See Responses 3.1 and 9.4.

38.2 Road safety for local roads is addressed under Impacts No. 30 and No. 33.

38.3 Impacts of road widenings are addressed under Impact No. 32. Refer to Response 3.1 regarding the level of analysis appropriate for a General Plan EIR. The commentor has not specified why the road standards used in the EIR would be inappropriate to a rural area.

38.4 The commentor has not specified what levels of service he is referring to in regard to public facilities and services. The facilities and services are also not specified.

38.5 Refer to Response 3.1 regarding the level of analysis appropriate for a General Plan EIR. Also, refer to the Mitigation Monitoring Program that is part of this Final EIR. The impact associated with increased densities is not identified in the comment regarding the need to reduce densities.

38.6 The DEIR provides for mitigation measures that are both reasonably feasible and effective. One of the purposes of the "comment process" is to provide for further analysis to determine additional feasible and effective measures, if possible. These additional measures will be incorporated into the FEIR when appropriate.

39. Sylvester Engineering, Inc.

39.1 Refer to page 1-1 of the Draft EIR which identifies the documents which are the subject of this EIR. Page 1-3 identifies supporting documents used in the analysis. Other reports, personal contacts, and references are noted throughout the document as well as in the responses prepared for the Final EIR.

39.2 The comment appears to assume that, without SDAs and PDs, "over population" will occur elsewhere in the County, creating impacts and not providing necessary infrastructure funding. Neither assumption appears necessarily valid. If it is assumed that other areas of the County will be developed consistent with the Plan's land use designations and consistent with policy that requires adequate infrastructure funding as development occurs, neither over population or inadequate infrastructure funding as a result of development should occur.

39.3 Page 3-3, paragraph 2 is amended, as follows:

"The existing General Plan for Nevada County was adopted in 1980. The Martis Valley General Plan, adopted in 1975, is also a component of the County's General Plan. ~~Rapid growth in the past decade has resulted in strains on the County's infrastructure, with ever increasing demands for highways, water, schools, and other public facilities. It is because of this growth and the threat of losing the resources of the County that the General Plan update process was initiated in 1990.~~ **In 1990, Nevada County determined to prepare a comprehensive update to the two plans for the following reasons:**

- **The existing plans did not anticipate the level of growth that occurred between 1980 and 1990. In turn, this growth burdened existing infrastructure; there was inadequate funding of infrastructure improvements and maintenance; there was a lack of affordable housing; and land use balance needs were uncertain;**
- **The existing plans were based on old, and, in some instances, out-of-date data, particularly as they related to water and sewer needs;**
- **The State Office of Planning and Research recommends that a comprehensive Plan update be completed every five years;**
- **The goals and objectives of the existing plans may not reflect those of the more recent residents;**
- **Many indicators (i.e., State guidelines, continued growth projections, analysis of the existing plan) support the suggestion that the existing plan was in need of a review and update in order to meet the needs for the long-term future of the County."**

39.4 Existing conditions are described in the beginning of each topic addressed in Section 4 of the Draft EIR. Existing and historic subdivision activity is addressed on page 4.1-10 of the Draft EIR. There is no information to back up the contention that the Draft EIR "recommends mitigation measures that may in fact be causing more problems than solutions." The intended purpose of the Special Development Areas and Planned Developments are addressed on pages II-23 and II-24 of Volume I of the General Plan. The commentor has not specified what impacts could be associated with removal of these special areas.

39.5 Alternative 1A addresses the "no development" alternative, while Alternative 1B addresses "Buildout under the Existing General Plan". Dwelling units, population, and employment under the existing General Plan are discussed on page 5-7 of the Draft EIR. Refer to Response 62.5.

The impacts associated with existing parcelization and associated permitted development are not the subject of this EIR. This EIR addresses the impacts associated with buildout under the Draft General Plan. As discussed on page 5-6 of the Draft EIR, the "No New Development" assumes no development, including no development of existing parcels. For further clarification regarding the environmentally superior alternative, the following words have been added to the third paragraph on page 5-18 of the Draft EIR: "**(Alternative 1A - No Project-No New Development)**". The same change has been made to page 2-4 of the Draft EIR.

39.6 Refer to pages 5-7 to 5-10 of the Draft EIR regarding impacts associated with buildout under the existing General Plan.

39.7 The Preliminary Draft Plan, submitted by the consultant in August 1993, is not the "project". The **Final** Draft Plan, submitted by the consultant in March 1994 and reflecting all changes made to the Preliminary Draft Plan by the Board of Supervisors in December, 1993, is the "project".

39.8 No basis is provided for this comment. It will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

39.9 Refer to Response 48.1.

39.10 Refer to Response 39.4 regarding the discussion of existing conditions. As shown in the table attached at the end of this comment letter, an additional 22,256 new parcels would be needed to accommodate the projected buildout population of approximately 175,500 persons. These parcels would be in addition to the existing 16,131 vacant parcels in the County.

Refer to Response 39.5 regarding new language for the Environmentally Superior alternative. As stated on page 5-7 of the Draft EIR, no new development would result in existing conditions remaining unchanged as described in the "Existing Conditions" sections of Section 4 of the Draft EIR. Refer to Response 39.9 regarding evaluation of a new alternative. Evaluation of the recommended mitigation measures and a reevaluation of the "Environmentally Superior" alternative are not considered necessary.

Nevada County Department of Housing and Community Services

40.1 Responses to these comments can be found on pages 4.1-2 to 4.1-6 of the Draft EIR and in the following responses below.

40.2 The General Plan is designed to reduce both in-commuting and out-commuting. Refer to Responses 48.6 and 29.22.

40.3 As stated in response to earlier comments, the California Environmental Quality Act states that social and economic effects of a project "shall not be treated as significant effects on the environment" (Section 15131). No analysis has been done to determine the fiscal effects of EIR mitigation measures on housing prices. Thus, it would be speculative to conclude that significant environmental effects such as increased automobile use or degraded air quality could result from the recommended mitigation measures.

40.4 The EIR addresses housing in urbanized (vs. incorporated) areas (see page 4.1-4 of Draft EIR). Text on page 4.1-4, first paragraph, has been removed and information for Table 4.1-3 has been updated, using new data provided.

41. Ed Fralick

41.1 An EIR summary matrix was not considered necessary. A summary of impacts and recommended mitigation measures is provided in Section 2 of the EIR. The complexity of recommended mitigation measures did not lend itself to a tabular format for text.

41.2 Treating each document separately reduces reproduction costs. In many instances, individuals wish to purchase just the Draft Plan or the DEIR, but not both.

41.3 Some graphics in the Draft EIR, such as that on page 4.10-34, were printed in a way that made them unclear. The corresponding graphic in the Master Environmental Inventory is much clearer.

41.4 This parcel is shown on the Commissioner's Draft Plan as an SDA with 16 acres of Commercial, 50 acres of Business Park, 15 acres of UHD, 673 acres of USF (**not to exceed 700 units**), 100 acres of REC, and 150 acres of OS. Therefore, the correct number of dwelling units is 1,000 and population estimate is 2,150. Given that this alternative would have a buildout population of almost 182,000, this difference is not considered significant.

41.5 See Response 3.1. In addition, the Commission Draft does not include the Stonebrook mitigation; it simply reflects specific land use designations as reflected within the SDA.

41.6 It is correct to state that the creation of 20 to 40 acre parcels will have greater impacts than clustered parcels of an identical density. That is why Mitigation Measure No. 1 mandates clustering. Without mandated clustering, lower density consistent with 20 to 40 parcel minimums will have fewer impacts than higher density minimums.

41.7 Existing and proposed development regulations, permits and review would adequately mitigate potential impacts on large parcels. Refer to Response 3.1 regarding the level of analysis appropriate for a General Plan EIR.

41.8 See Responses 11.27 and 22.1.

41.9 See Response 26.4.

41.10 The adoption of the recommended standards are considered "reasonably feasible" as stated in Section 15151 of the CEQA Guidelines. Refer to Response 3.1 regarding future studies and adoption of standards as appropriate for a General Plan EIR.

Also, refer to the Mitigation Monitoring Program which accompanies this Final EIR.

41.11 If wetlands are evaluated and determined to meet the identified criteria (see page 4.4-15 of the Draft EIR), development restrictions, such as mentioned on page 2-18, may apply to agricultural areas.

41.12 The Habitat Management Plan will be prepared in a manner similar to the site development standards. See Mitigation Monitoring Program for monitoring of adoption of recommended policies such as Mitigation Measure No. 14.

41.13 Refer to Response 41.11.

42. Nevada County Building Department

42.1 Current building codes address the structural integrity of construction. Mitigation Measure No. 3 requires that sufficient soils and geologic testing be done to evaluate seismic risk. Such investigations are mandatory when the State Division of Mines and Geology determines an area to be seismically active or within an area having potential geologic hazards. This additional policy direction at the General Plan level is necessary to minimize seismic risk.

42.2 Revisions to Policy 10.13 are not considered an "excessive requirement". As stated on page 4.2-19 of the Draft EIR, the mitigation measure would apply to those areas determined to be seismically active or having potential geologic hazards such as slope

instability or excessive erosion. Such areas are not located throughout the entire County as shown in maps in Section 4.2 of the Draft EIR.

42.3 Not all residential development would be subject to discretionary review and thus would not be required to provide on-site detention. Existing inadequacies are addressed on page 4.3-13 of the Draft EIR.

42.4 The recommended site-specific biological inventories would only be needed as an interim measure until Countywide studies (as recommended in Mitigation Measure No. 14) are underway as a more cost-effective analysis. The recommended Habitat Management Plan (HMP) would include the identification of habitat for endangered species. Thus, the HMP could not occur after such an identification.

42.5 The procedure suggested by this measure is used by many counties and has proven to be a reasonable approach to minimizing impacts on this resource. It is the procedure currently used by Nevada County and is based on the input of professional experts. Therefore, no changes appear warranted.

43. Greater Cement Hill Neighborhood Association

43.1 The identified consultation with individual landowners was not considered necessary for this Draft EIR. Refer to Response 3.1 regarding an EIR on a General Plan. Information regarding funding sources is not available at this time. The commentor does not specify why mitigation is necessary for General Plan Policy 3.1 or Regional Transportation Policy 1.1. The term "feathering in" has not been clarified. The commentor's concern appears to be over the proposed increases in density for specific parcels. Refer to Response 3.1 and Mitigation Measure No. 16, which would effectively limit such density increases for the area and directly address these concerns.

43.2 This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

43.3 Mitigation Measure No. 18 address this concern.

43.4 Refer to Response 43.3.

43.5 The comment appears to reference Policy 1.17 rather than 1.18. The list of criteria shown on page 2-11 for revised Policy 1.17 deal with "basic requirements for site development in the County, including, at a minimum, standards to mitigate the impact of development on environmentally sensitive resources...". The criteria are clearly defined on page 2-11, using mapped information and criteria clearly referenced to specific documents. The County could add ridgelines to the list, but would benefit by undertaking a mapping exercise to first define "visually sensitive ridgelines". Such an exercise was not considered necessary for the identified impact.

43.6 It is true that the Standards will not be applied to all building permits. Refer to Response 3.4.

43.7 The commentor has not specified how such development would be left unmitigated. Refer to Response 3.1 regarding the appropriate level of analysis for a General Plan EIR.

43.8 Relative to the LOS analysis on State Highway 49, that highway segment from Newtown Road to the Sierra County line was not included in the table because that segment from West Broad Street to Newtown Road has a projected LOS consistent with the Draft Plan standards. It was assumed that the road segment not included would have less volume and, therefore, a projected LOS also consistent with Draft Plan standards.

43.9 Existing Cement Hill Road is shown on the Circulation Plan Map No. 11 as a Minor Collector. The remainder is shown as an Emergency Access Route generally consistent with Cedar Song Road. This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

43.10 Refer to Response No. 43.9. Given the nature of minor collectors, it is unlikely Cement Hill Road will be incompatible with adjacent land uses. This is particularly true given that it is not a minor collector through road; the western portion is an emergency access road only.

43.11 The Draft Plan provides for a number of emergency access routes designed, in many instances, to provide through emergency access for dead-end roads. One such route connects Cement Hill Road to State Highway 49.

43A.1 A large portion (255 acres) of the proposed rezoning would remain as open space which is intended to buffer U.S. Forest Service lands and the I-80 viewshed. Thus, the identified management of the U.S. Forest Service would not be significantly affected. This area adjoins a major interchange of I-80 across from a high-use ski resort.

44. CABPRO

44.1 Mitigation measures are intended to be specific enough to ensure clarity and effectiveness. Measures must ensure implementation; otherwise, there is no assurance that a particular impact will be mitigated. Measures written in "softer" language to provide for greater flexibility will likely result in more significant and unavoidable impacts.

44.2 Please refer to other responses to comments in Letter No. 44 to address this comment.

44.3 The recommended text changes for the mitigation measure were not considered necessary or appropriate, given the identified impact. If descriptors for specific resources change at a future date, the County may amend the policy or Site Development Standards. The CEQA Initial Study does not necessarily require field inventory and review.

44.4 The recommended text changes to allow "flexibility" are not considered necessary and would not adequately mitigate the identified impact. Refer to Response 14.3. This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

In terms of #5, the effectiveness of this policy/mitigation measure can only be assured if there are mechanisms included to ensure that the open space is permanently maintained. A variety of approaches is suggested to provide for flexibility. As to the issue of taking, please refer to Response 11.27.

In terms of #6, Policy 1.22 already refers to the density bonus provisions of other sections of the Plan and no change is needed.

44.5 The text regarding possible formation of an Open Space District is considered appropriate for the identified impact and has not been changed.

44.6 There is no correlation between this mitigation measure and density. Refer to Response 11.10.

44.7 The only effect of this measure will be to provide for the County-initiated rezoning to "ME" of all compatible MRZ-2 areas, as opposed to "ME" rezoning on a case-by-case basis. This is consistent with existing Plan Policy 17 of the Mineral Management Element and Final Draft Plan Policy 17.17. This measure does not change the processing of sub-surface mining applications in any way. Sub-surface mining will be conditionally allowed anywhere in the County. Surface access will be allowed only within compatible Plan designations and may require "ME" zoning where access includes stockpiles, crushing and grinding facilities, concentrators and other process units, shops, warehouses and offices, waste disposal areas, tailing ponds, and extended infrastructure.

44.8 The recommended policy additions for Impact No. 11 are considered appropriate for the identified impact. No change has been made.

44.9 The policy text refers to both above ground and subsurface utilities. As stated in the language of the policy, new utilities should be located outside the 100-year flood plain unless such facilities are necessary to serve existing uses, there is no other feasible locations...".

44.10 Text has been removed from the second bulleted item in Mitigation Measure No. 5 in response to an earlier comment. Even if the Uniform Building Code covers certain issues such as foundation design, it is considered appropriate to include the identified policy language in the General Plan.

44.11 A retention/detention basin can be designed to contain 100 percent of runoff for a specified storm event and to allow release of the contained water after peak flows have subsided. Refer to Response 11.16 regarding new language to clarify Mitigation Measure No. 6 and the issue of wetlands. The requirement for on-site detention is an alternative to downstream systems serving multiple uses. Such off-site systems would be appropriate to ameliorate existing drainage problems or runoff from non-discretionary projects, but would be more difficult to finance. Thus, the identified policy language has been left unchanged. For those road improvements that are subject to discretionary approval, this mitigation would apply. If runoff from roads was not able to be detained within the identified right-of-way, additional right-of-way may need to be obtained.

44.12 Refer to Policies 3.6, 3.7 and 3.8 regarding the preparation of a Capital Facilities Plan and establishment of appropriate fees for new development.

The Nevada County Emergency Services Director declared a state of emergency due to storm damage on 14 March 1995. Flooding/drainage problems were described for Murphy Road along Shady Creek on the San Juan Ridge, Purdon Road north of Nevada City, Soda Springs, and Russell Valley Drive north of Truckee. Portions of Wolf Creek,

Squirrel Creek in Penn Valley, the Glenbrook Basin, and Higgins Corner are all known to have occasion drainage problems.

44.13 For off-site facilities that serve a number of sites, multiple property owners would be responsible for maintenance. An appropriate fee system would need to be established.

This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

44.14 Curbs and gutters would not be mandatory. The policy language includes the words "or similar methods" to allow flexibility in design.

44.15 As discussed on page 4.3-8 and 4.3.9, the existing testing requirements apply to new wells at the time of installation. However, no tests are required after installation to determine potential effects from septic systems. This mitigation measure would account for this shortcoming and would look comprehensively at a large geographic area.

44.16 Refer to Response 53.5.

44.17 The placement of fill within the 100-year flood plain could exacerbate flooding problems. Refer to Response 29.30 regarding text removed for Mitigation Measure No. 12.

44.18 Habitat is defined as "the place or type of site where a plant or animal naturally or normally lives and grows", according to Webster's Seventh New Collegiate Dictionary (1965). Thus, humans are part of a habitat. However, this mitigation measure applies to plant and wildlife habitat.

44.19 Creation or restoration of habitat may be the only appropriate mitigation measure when on-site avoidance of significant habitat is not possible. Refer to Response 29.16 regarding other Habitat Management Plans (HMP). The HMP would identify the appropriate monitoring. Policy 1.16(d) does address one particular Special Development Area, the New Town Reserve. The third paragraph of Mitigation Measure No. 14 is applicable to all Special Development Areas. The recommended HMP primarily applies to private land subject to development. The State and Federal governments are currently not undertaking such an HMP or equivalent study in Nevada County.

44.20 The issues of land values, tax implications and examples are not required to be included as part of the identified mitigation measure.

44.21 The recommended fees for Habitat Management Plans would not be subject to AB1600 limitations. HMPs can be funded in a number of ways, depending upon the areas affected and the parties involved. Determining the system of developing a conservation impact fee is beyond the scope of this EIR. Refer to Response 3.1.

44.22 The recommended text change is not considered necessary to meet the intent of CEQA.

44.23 The issue of parcel size relates to the overall impact to wildlife habitat (Impact No. 15) as well as to deer habitat (Impact No. 16). The reasoning behind identifying a minimum parcel size appropriate to maintaining habitat value is that less disturbance per

site results in greater habitat preservation. Those parcels that are less than 20 or 40 acres in size will allow a greater amount of development over a given area than larger parcels.

The identified report regarding deer populations also concluded "Minor negative effects are occurring in each of the major deer habitats, except montane hardwood, with the most significant change occurring in the valley foothill hardwood habitats, where more than 10 percent decline in deer habitat value is expected in 15 of 58 counties....Considering this fact, most significant change is expected to occur in Placer (-37 percent), Nevada (-18 percent), Sonoma (-14 percent), Yuba (-12 percent), El Dorado (-11 percent), and Lake (-10 percent) counties in valley foothill hardwood habitats." (State of California Department of Fish and Game, 1994)

44.24 The recommended language change is not considered necessary to meet the intent of CEQA and would not adequately mitigate the identified impact.

44.25 Section 15142 of the CEQA Guidelines states: "An EIR shall be prepared using an interdisciplinary approach which will ensure the integrated use of the natural and social sciences and the consideration of qualitative as well as quantitative factors."

As stated in the CEQA Guidelines (Section 15151): "An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure."

The CEQA Guidelines do not require a scientific basis for recommended mitigation measures. When there is a lack of research available regarding the minimum habitat necessary to maintain habitat values, the EIR author is required to use his/her professional judgment as to how to best mitigate the identified impact. Refer to Response 44.24 regarding deer habitat loss in Nevada County.

44.26 Refer to Response 44.24. The purpose of the EIR on Deer Hunting was to evaluate hunting regulations across the State of California. As stated on page 228 of the Department of Fish and Game report, "Threats to the deer resource are associated with habitat loss or degradation. Hunting is independent of this threat, and, in fact, may be used as a management tool to help ensure that deer are maintained within the capability of their habitat" (California Department of Fish and Game, 1994).

44.27 The requested text change is not considered necessary to meet the intent of CEQA. Refer to Response 44.25.

44.28 No unnecessary duplication is considered to occur with the language proposed for Mitigation Measure No. 20. Policies contained in a General Plan can reference or paraphrase existing statutes as done in this case.

44.29 Refer to Response 44.28. The recommended language is an addition to existing policies of the General Plan. Refer to Response 11.37.

44.30 The recommended policy language is considered appropriate for a policy statement. This language is not meant to be regulatory. An area of riparian vegetation (vs. "riparian area" mentioned in the comment) could be easily defined by a qualified botanist. Refer to Response 44.25.

44.31 The commentor has not specified the existing state law and guidelines to which he is referring. No change in the identified mitigation measures is considered necessary to meet the intent of CEQA. Refer to Response 44.28.

44.32 Refer to Response 11.43.

44.33 Refer to Responses 11.43 and 44.25.

44.34 Refer to Response 44.25 and to the list of significance criteria on page 4.6-4 of the Draft EIR.

44.35 The recommended regulation mentioned in the policy language of Mitigation Measure No. 25 would provide the definitions requested. Refer to Response 3.1 regarding the level of detail appropriate for a General Plan EIR. The mitigation measure does recommend adoption of a regulation.

44.36 No change to the recommended mitigation measure is considered necessary to meet the intent of CEQA.

44.37 Refer to Response 3.1 regarding the level of detail appropriate for a General Plan EIR. Because this impact has been identified as significant, mitigation measures are necessary.

44.38 No change to the identified mitigation measure is considered necessary to meet the intent of CEQA.

44.39 As a policy document, encouragement of interagency cooperation is appropriate even if not mandatory or enforceable.

44.40 Mandatory clustering would only apply to new development. This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

44.41 This mitigation measure applies to communities, not just the cities of Nevada City and Grass Valley. No changes to the text have been made.

44.42 Refer to Impact No. 33 for the impact associated with the mitigation measure. The recommended Pedestrian and Bicycle Plans would identify appropriate locations for such facilities and could prioritize the needed improvements. The cost cannot be determined at this time.

44.43 Paving of unpaved roads would not result in the same level of impacts as construction of new roads. Please note that the word "consider" has been used in the identified mitigation measure.

44.44 If found necessary, language to the General Plan may be changed at a future date.

44.45 The recommended mitigation applies to reducing significant adverse impacts to a level that is less than significant. No change to the EIR text has been made. This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

44.46 Refer to Response 5.26. The exact methodology for the recommended study is not known at this time.

44.47 The possible use of a surface water supply system does not assume absence of treatment of the water prior to consumption. The commentor has not clarified why a surface water supply system "has been declared unattainable by the State", or why such systems "are not an acceptable source of drinking water". This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

44.48 The recommended mitigation measure addresses the identified impact of wastewater flows without adequate facilities for collection and treatment (see Impact No. 43). A number of policies of the General Plan are also identified as partially mitigating the identified impact. The recommended mitigation measure does not result in the County remaining "stagnant" as mentioned in the comment. This measure applies only to Community Regions. Lowering the density to be consistent with existing zoning will continue to allow for considerable growth, and, at the same time, bring potential land uses more in line with potential public sewerage systems.

44.49 Refer to Response 44.50.

44.50 Refer to Response 11.61.

The text on page 4.10-14 of the Draft EIR has been changed in response to Comment No. 11.61. However, many other wastewater systems exist within the County in addition to the Grass Valley wastewater plant, as discussed in Section 4.10 of the Draft EIR.

44.51 Refer to the discussion on page 4.10-12 of the Draft EIR that states that while water supply may be adequate, treatment and storage facilities may not be adequate.

44.52 Alternatives based on existing zoning or parcelization were not considered for the EIR. Refer to Responses 48.2 and 48.3.

44.53 Refer to Response 11.63. No change to the recommended mitigation measure is considered necessary.

44.54 The recommended Retrofit Ordinance would help to offset the future energy demands of new development within the County as a result of growth allowed by the General Plan. The benefits of energy conservation extend beyond the County borders, especially if non-renewable sources are needed to provide energy. No change to the recommended mitigation measure is considered necessary.

44.55 The Uniform Building Code and State energy requirements do not address the issues identified in this mitigation measure.

44.56 Both maps the same map. MEI Figure 3.3 was a poor reproduction and lacked clarity.

44.57 Refer to Response 29.3. The population figures have not been changed. Refer to Response 44.58.

44.58 For Table 2-1, the total number of dwelling units is to be corrected to 37,352 as shown on page 2-1 of the EIR. The 30,758 dwelling units originally used in the EIR refer to occupied dwelling units as of the 1990 U.S. Census. Existing population numbers are correct as stated in Table 2-1. Buildout totals for the General Plan are correct as stated in Table 2-1. The net increase in dwelling units is to be corrected in Table 2-1, to 44,393 as shown on page 2-1. The net increase in population and employment remains unchanged. The buildout numbers for the proposed General Plan are based upon maximum potential development for the General Plan designations under the density and population assumptions as stated in Volume 2 of the General Plan. This is also true of the alternatives. The buildout populations are not additive to the existing population.

The 2.15 persons per household is an average figure for all dwelling units, including single-family and multi-family units. This represents a multi-family persons per household of approximately 1.7 and a single-family persons per household of approximately 2.4. Therefore, if the multi-family units are calculated at 1.7 persons per household, the single-family units must be calculated at 2.4 persons per household. The resulting numbers will be essentially equal to the stated buildout numbers.

Because the buildout populations is based on maximum potential development, dwelling units on public land are based on the 160 acre/dwelling unit designation. While it may be unlikely that all public land would be developed, the numbers represent the maximum potential. All of the alternatives are calculated based on this assumption, so any reduction in dwelling units on public land would also have to be taken into account in the population totals for the other alternative. (Therefore, the Environmental Superior Alternative population would also be less by the same amount.)

Table 5-1 on page 5-19 has been revised to match Table 2-1 information for the proposed General Plan.

44.59 Figure 4.2-7 does include aggregate resources and in-stream areas classified as MRZ-2a and MRZ-2b, based on resources identified by the California Mining and Geology Board. Mineral classifications are also reflected on the Land Use maps for the County.

44.60 Refer to the discussion on page 4.4-9 regarding the source of the information in Table 4.4-3. The identified listing has not been removed.

44.61 As stated on page 4.10-57 of the Draft EIR: "The Placer County School Board serves as an administrative body to Tahoe-Truckee Unified School District." Students from both Nevada and Placer counties attend schools within this district. The purpose of Table 4.10-10 is to identify remaining capacity within specific schools. Only the number of existing students is shown in Table 4.10-10. No changes to the table are considered necessary.

44.62 Refer to Response 44.58.

45. John Meeks

45.1 A number of examples can be cited where the safety and general welfare of people are addressed in the Draft EIR. One example of human safety is addressed under Impact No. 33 dealing with pedestrian and bicycle safety. Exposure to unsafe conditions related to flooding, earthquakes, landslides and other environmental and human concerns are addressed under "Geology and Soils", "Hydrology and Water Quality" and other sections of the Draft EIR.

The recommendation for a mandatory public safety easement is not considered necessary to mitigate the identified impacts. This comment is being forwarded to the Planning Commission and Board of Supervisors for their consideration.

45.2 - 45.14 These comments are well beyond the scope of analysis of the DEIR. It is likely that the issue of access separation will be addressed as plans are developed, standards are prepared, and projects are implemented. Please refer to Responses 3.1 and 6.41.

46. Elizabeth Martin

46.1 See Response 26.4.

46.2 The proposed language for the identified policies is identified on pages 2-10 through 2-12 and in Section 4 of the Draft EIR. The actual standards are still to be developed. Refer to Response 3.1 regarding the level of detail appropriate for a General Plan EIR.

46.3 Refer to the Mitigation Monitoring Plan that accompanies this Final EIR. Refer to Response 3.1 regarding the level of detail appropriate for a General Plan EIR. As stated on page 4.10-23, the County is currently in the process of revising its Source Reduction and Recycling Element.

46.4 A new impact (No. 34A) has been added to the Final EIR at the end of page 4.7-26 which states the following:

"34A. Increased traffic from growth associated with the General Plan could result in safety concerns, especially on narrow rural roads where sight distance may be limited and winter conditions such as ice and snow may affect travel safety. This is considered to be a less-than-significant impact, as RTP and General Plan policies would ensure that roadways operate safely."

Many of the roads in the County are winding roads that cross varied terrain. Sight distance can be limited which can create unsafe conditions, especially when numerous driveways access principal and minor arterials where the average speeds are significantly higher than on collectors and local streets. Such unsafe conditions can be exacerbated in the winter months due to snow and ice.

Plan Policies that Serve as Mitigation

Policy 1.2 of the Regional Transportation Plan and Policies 4.2, 4.5, 4.6, 4.7, 4.19, 4.25 would serve to reduce the impact to a less-than-significant level."

The above new text is also added to Section 2 of the Draft EIR under "Impacts Not Found to be Significant".

46.5 Refer to Response 28.1.

46.6 Even if the recommendation for an Open Space District were made a mandatory mitigation measure, there is no guarantee that the impact of loss of open space and farmland would be mitigated. The only way to make this impact less-than-significant would be to not allow any new development in the County.

46.7 No changes to Policy 1.17 are considered necessary at this time. This issue could be addressed at the time of preparation and adoption of the recommended Site Development Standards which would undergo discretionary review.

46.8 Refer to Responses 48.1 and 48.13.

47. Johanne Owens

47.1 Two subsets of Alternative 1 (No Project) were developed to meet requirements of CEQA. The first, called Alternative 1A, assumes no new development beyond what exists today. Thus, even the existing parcels that have not yet been developed, would not be developed under this alternative. It should be noted that this alternative is highly unlikely to occur or to be adopted, given the fact that the County may not be allowed to prevent development of all existing parcels. In addition, this alternative would not meet the objectives of the project. Alternative 1B assesses the impacts of buildout under the existing General Plan.

47.2 As stated in Section 15126(d) of CEQA, a "reasonable range of alternatives" should be addressed. This alternative, while not approved by the Board of Supervisors to be the main subject of the EIR, is considered a "reasonable" alternative to the proposed project.

47.3 Table 5-2 has been amended.

47.4 The Draft EIR does not address the buildability of each individual parcel in the County. The Master Environmental Inventory was completed to assess major areas of constraints. As a planning exercise, the MEI level of analysis is considered adequate for the purposes of developing the County's General Plan. It is true that the projected population estimates may vary, depending on the actual amount of new development allowed to occur over the planning period.

When additional information was gathered for the Draft EIR that supplemented the MEI information, references were cited, both for the Draft EIR and this Final EIR. References are identified in Section 6 of the Draft EIR. This comment is being forwarded to the Planning Commission and Board of Supervisors for their consideration.

47.5 Refer to Policy 4.17 of the General Plan. The recommended Transportation System Management program would address specific recommendations.

47.6 Refer to Response 3.1. The wording used in the EIR is considered appropriate for an EIR on a General Plan. The exact degree or success of mitigation can be subject to a number of variables that are unknown at this time. For example, the rate of

development and detailed information on the exact type and location of development associated with the General Plan are not currently known. As stated in Section 15144 of the CEQA Guidelines: "Drafting an EIR or preparing a Negative Declaration necessarily involves some degree of forecasting. While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find and disclose all that it reasonably can."

47.7 Refer to the information on existing employment in Table 2-1 on page 2-1 of the Draft EIR. The referenced net increase in employment is for jobs located within both Rural and Community Regions of the County. The proposed General Plan is designed to reduce both in-commuting and out-commuting by providing adequate land area for both residential and non-residential (i.e., commercial and industrial) uses that are in balance. The exact rate of residential vs. non-residential development cannot be determined at this time. Thus, during the period covered by the General Plan, there could be times when the jobs/housing balance is "out-of-balance". However, the proposed land uses attempt to minimize the likelihood of this occurring.

47.8 Table 5-1 refers to employment in the County, not to residents employed. The ratio of employment (number of jobs) to number of residents is 0.88.

47.9 This mitigation measure does not mandate formation of an open space district, but rather mandates consideration of district formation. The County must determine that all adopted measures are both effective and feasible. Such districts have proven to be effective in preserving open space in other jurisdictions. It will be up to the County to determine whether or not this measure is infeasible.

47.10 Policy 10.1 of the General Plan addresses the need for a "uniform county-wide fire protection ordinance". Other policies of the General Plan address vegetation management and emergency access (see text on 4.10-37 and 4.10-39 of the Draft EIR). The recommended ordinance could address specific construction standards.

47.11 As stated on page 4.10-39 of the Draft EIR, the recommended clustering would serve to "mitigate the effects of exposure to wildland fire hazard". If residences are clustered, emergency access is more easily provided to a given number of residences. In addition, forest fighting techniques can be more easily employed if residences are not located throughout the area of the fire. As stated on page 4.10-38, "In comparison to low density rural development where 20 to 40 acre parcel sizes are required, development with 3 to 5 acre parcel sizes would potentially expose 6 to 8 times as many people to the highest severity of wildfire hazard." The degree of fire hazard would be increased by numerous small parcels (each with a residence on the parcel) separated by vegetated open space that was subject to fire. If residences are clustered, the likelihood of fires spreading across areas of dense vegetation to other residences would be decreased (depending on the source of the fire and the specific location of the fire).

47.12 Buildout of existing vacant parcels (3 to 5 acres) will increase exposure to fire hazards. Prohibiting development of existing parcels is not feasible.

47.13 According to staff of the County Planning Department, a comprehensive analysis of existing County parcelization as it relates to buildout of the Final Draft General Plan and the effectiveness of certain mitigation measures has not been done. However, based

on a limited analysis performed by the Planning Department in 1994, it appears that there are many areas of the County where existing parcelization will not preclude at least partial effectiveness of selected mitigation measures such as downzoning and use of Site Development Standards.

47.14 There is no guarantee that any given parcel will be developed as shown on the Final Draft Plan. However, areas are shown as commercial or industrial because the County determined such uses to be most appropriate for such areas. In order to comprehensively plan the County's future, it must be assumed that, eventually, each parcel will be developed as shown on the Plan (or as it is amended, if ever). Ratios used to determine the projected number of jobs can be found in the Final Draft Nevada County General Plan, Volume 2, pages VI-4 and VI-5, and are based on national standards.

47.15 Mitigation Measure No. 39 would result in a lower density of development in the Community Regions, thus lowering the demand for wastewater treatment facilities.

47.16 The density factor of 2.5 persons per equivalent dwelling unit is that used by the Nevada Irrigation District as mentioned on page 4.10-10. This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

47.17 Refer to page VI-43 of Volume 2 of the General Plan regarding employment per acre. The 17,480 industrial employees is based on the General Plan employee mix and densities. See page VI-4 and VI-5 of Volume 2 of the General Plan.

47.18 Chapter 3 directive policies are not sufficient mitigation. That is why the DEIR provides for additional mitigation as follows: Mitigation Measures 1, 16, 38, and 39.

47.19 Refer to the text on page 4.1-13 of the Draft EIR. Analysis has not been performed to determine the parcelization pattern for a particular resource (i.e., significant farmland). Given the active subdividing of land with minimal regard to its effects on resources prior to 1980, it is likely that many areas with significant farmland are heavily parcelized.

It is unknown what the effect of a reduction of 12,300 people in the Penn Valley area would have on prime/significant farmland. It would depend on the exact location. The new town SDA contains important farmlands of local importance; elimination of the SDA may reduce impacts on these lands.

47.20 Refer to Responses 47.13 and 44.23. While either measure would be effective by itself, together the measures provide the most effective approach to minimizing the impact.

47.21A Refer to Response 48.13.

47.21B Refer to Response 48.13.

47.22 The area affected is identified in Mitigation Measure No. 16. Refer to Response 3.1 regarding the level of detail appropriate for a General Plan EIR. A colored map is not considered necessary.

47.23 The methodology used to identify the number of school children is described on page 4.10-29 of the Draft EIR. It is true that the number of school children could

vary depending upon the age of new residents as well as other variables. However, for planning purposes and for the purposes of a conservative analysis, the methodology used is considered acceptable.

47.24 Recommended changes to the methodology used are not considered necessary.

47.25 As stated on page 2-11, clustering is only mandated within the Estate, Rural and Forest General Plan designations. The commentor has not specified where any changes are specifically recommended.

47.26 The identified language does not imply an environmental impact. The impact is described under Impact No. 1.

47.27 Revisions to Policy 1.18 (Mitigation Measure No. 1) provide direction on how open space shall be maintained and protected. While there are certain financial and legal considerations relative to the creation of open space, none appear to create insurmountable obstacles to implementation.

47.28 Section 2080 of the California Endangered Species Act (CESA) prohibits, among other things, the "take" of state-listed threatened and endangered species. Section 86 of the Fish and Game Code defines "take" as meaning to "hunt, pursue, catch, capture, or kill" or to attempt any of these acts. The Department of Fish and Game has interpreted "take" to include the destruction of both nesting and foraging habitats necessary to maintain the reproductive effort of a threatened or endangered species.

Section 10 (also commonly referred to as Section 10a) of the Federal Endangered Species Act describes the conditions under which activities prohibited under Section 9 may be permitted or exempted. It allows "take" if it is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. It applies to projects with no federal involvement (e.g., State agencies, private industry, individuals, etc.). It requires submission of a conservation plan to the U.S. Fish and Wildlife Service, and is a relatively long process. When approved by the U.S. Fish and Wildlife Service, the regulatory procedure results in the issuance of a Section 10(a) permit authorizing incidental take provided the applicant institutes appropriate conservation measures for habitat maintenance, enhancement, and protection coincident with development. These measures are detailed in a conservation plan or habitat conservation plan (HCP) which is a mandatory component of any Section 10(a)(1)(B) permit.

47.29 Refer to Response 29.16.

47.30 The Southern Pacific Railroad provides for approximately 25 miles of winding track in Nevada County. It very generally follows the path of Interstate Freeway 80, entering the County near Lake Spaulding and re-entering the County near Donner Summit and again near State Highway 89 south of Truckee. From this latter point, it generally follows the path of the Truckee River as it leaves the County into Sierra County and the State of Nevada.

47.31 This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

48. Richard Ellers/Rural Quality Coalition

48.1 The language on page 5-16 has been left unchanged in regard to Alternative 4 including "full implementation of all identified mitigation measures". This language would ensure that changes made in response to comments (and included as part of the Final EIR) would be included for Alternative 4.

On 15 November 1994, the Resolution Committee to the Final Draft Nevada County General Plan submitted a formal correspondence to the Board of Supervisors regarding recommended changes to the Plan. A copy of this correspondence can be found in Appendix I. While the recommended changes were not made in response to the Draft EIR, or specific impacts identified in the EIR, some of the recommended policy changes may serve as additional mitigations for impacts such as those related to wastewater treatment demands or removal of open space. When Draft EIR comment letters regarding the Resolution Committee address specific impacts of elements of the Draft EIR, the responses found in this Final EIR will acknowledge policy changes that may serve as mitigation (see Response 48.13). However, many of the Resolution Committee's recommended changes should be addressed as part of the adoption process for the Plan rather than as part of the EIR Certification process.

In summary, the Resolution Committee's recommended changes to the land use maps would result in the following reduced acreages: Open Space (-4,400 acres); Recreation (-300 acres); Public (-440 acres); UMD (-100 acres); and UHD (-170 acres). The reductions in UMD and UHD designations would result in 2,800 to 3,600 fewer residential units, depending on whether 15 or 20 units per acre are used in the UHD areas.

48.2 Refer to Response 48.6.

48.3 Refer to Response 48.6.

48.4 Refer to Response 48.6.

48.5 Recent amendments to Section 15126(d)(3) of the CEQA Guidelines (as amended 8 July 1994) do focus on alternatives that avoid or lessen the significant effects of the project. As stated in this section of CEQA, "The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informal decision making." While Alternative 3 was identified as having more significant impacts than the proposed project, other alternatives evaluated do result in eliminating or reducing significant impacts (Alternative 1A, 1B and 4). Alternative 3 has not been removed from the EIR. However, other alternatives evaluated are considered adequate to meet the intent of CEQA.

48.6 The following new text should be added to page 5-6 of the EIR, after the second paragraph:

Alternatives considered, but not evaluated, include the following: 1) Existing Zoning; 2) Project as Proposed without GPDs; and 3) Phased Growth. In terms of

the first identified alternative, "Existing Zoning," there is not a need to discuss this alternative because it is so similar to the Final Draft General Plan. The Final Draft General Plan is based on existing zoning in Rural Regions and, to an extent, the cities' General Plans in Community Regions. In addition, a recommended mitigation measure (Mitigation Measure No. 39) reduces land use intensities in Community Regions to match existing zoning.

While viable, the "Project as Proposed Without GPDs" was not evaluated because Mitigation Measures 16 and 18 would effectively preclude the vast majority of the GPDs.

The "Phased Growth" alternative, while also considered viable, was added to the Final EIR as a new mitigation measure under the topic of traffic impacts.

The following new impact and mitigation measure discussion should be added as Impact No. 34B on page 4.7-26 of the EIR:

Impact 34B. If residential development in the County outpaces job-generating development (or vice versa), an imbalance in the jobs/housing ratio may result in either out-commuting or in-commuting and associated traffic, air quality and noise-related impacts. This impact would be *less-than-significant* with the adoption of existing policies and other recommended mitigation measures.

Policies That Serve as Mitigation

Policies 2.5, 2.6, and 4.30 would serve to partially mitigate the above impact.

Other Mitigation Measures

The following policy should be added to the Circulation section of the General Plan:

4.30(c). Approval of future residential building permits should be tied to job growth within the County. The County should monitor both residential building permits and job generation within the County to ensure that a job/housing balance is maintained. Should an imbalance occur, the County should adopt an ordinance restricting either residential building permits or job-generating building permits (depending on the type of imbalance) until a specified balance is achieved.

48.7 Refer to Table 5-2 regarding quantification of appropriate impacts. Quantification of all impacts under each alternative was not considered necessary or appropriate. The major differences between the proposed project and the alternatives in terms of population, dwelling units, and employment are shown in Table 5-1. As stated in Section 15126(d)(4) of the CEQA Guidelines, "... the significant effect of the alternative shall be discussed but in less detail than the significant effects of the project as proposed".

The requested map and chart were not considered necessary to complete a reasonable analysis and comparison of alternatives. Refer to Response 3.1.

48.8 The words "generally" and "in general" were used in the second and third paragraphs of page 5-7 to specifically address the fact that specific subareas of the County

may vary from this generalization. Refer to Response 3.1 regarding the level of detail appropriate to a General Plan EIR.

The issue of retention of existing zoning within Community Regions is addressed under Alternative 4 because this action is a recommended mitigation measure for the proposed project.

This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

48.9 The identified standards have been included on page 4.1-20 of the EIR. New text has been added under the discussion of Impact No. 3.

48.10 The issue of incompatible land uses, which includes community character as discussed in the comment, is addressed under Impact No. 1 and Significance Criteria No. 1 on page 4.1-20 of the Draft EIR. Refer to Response 3.1 regarding the level of detail appropriate to a General Plan EIR.

While Neighborhood Plans may allow for additional public input, it is not certain that such Plans would mitigation potential land use conflicts. Nothing in the Final Draft General Plan precludes their preparation. Policy 1.8 allows for preparation of Area Plans as optional planning tools, which would be similar to Neighborhood Plans.

48.11 Refer to Response 3.1 and to the Mitigation Monitoring Program for the EIR. The commentor has not clarified the basis of the statement "In fact, it is unlikely that the Standards can mitigate land use compatibility impacts in many instances". Refer to Response 3.4. The adoption of the recommended Site Development Standards would undergo discretionary review, thus allowing the public an opportunity to comment prior to adoption of the Standards. The Standards would apply to both discretionary and ministerial projects.

48.12 Refer to Response 3.1. Implementation of policies is addressed under the Mitigation Monitoring Program. Road widening is a discretionary action, though in some instances it may be categorically exempt.

48.13 A number of changes to the Draft EIR are recommended in this comment. When appropriate, recommendations of the Resolution Committee are incorporated into the text of the Draft EIR in locations that seem most appropriate to the mitigation. These are identified below. Many times, a mitigation measure may apply to more than one impact. However, for ease of reading and simplicity, mitigation measures are only shown for one impact that most closely correlates to the mitigation measure (land use map change or policy language change). Because the Environmentally Superior Alternative would incorporate mitigation measures identified for the proposed project, the changes below focus on mitigation measures for the proposed project rather than any alternative.

Many of the land use map changes recommended in this comment are very specific to subareas of the County. While they may partially mitigate specific localized impacts, the mitigation measures of the EIR focus on Countywide policy and land use changes which would mitigate significant Countywide impacts (Refer to Response 3.1). Thus, many of

the recommended changes are more appropriate during adoption of the General Plan rather than for the EIR.

The changes to the EIR recommended below include both those items mentioned in this numbered comment as well as the recommendations of the Resolution Committee (see Appendix I). When recommendations were not related to an EIR impact or would possibly increase impacts, the recommended change is not addressed.

The following language should be added at the end of "Other Mitigation Measures" as Mitigation Measure 1A on page 4.1-24 of the EIR for Impact No. 1 related to potential incompatible land uses in proximity to one another:

1A. Additional mitigation could include changes to the land use map to reduce densities to the RES designation for the Sunset, Squirrel Creek, Alta Hill, and Ridge Road areas in response to the Resolution Committee recommendations. Densities should be reduced in the Penn Valley area, the Mystic Mine Road area, the Rough and Ready area, and the Lake Vera/Round Mountain Neighborhood Association area in response to the Resolution Committee recommendations.

For Impact No. 1, related to potential land use conflicts, the following changes should be made under "Other Mitigation Measures" on page 4.1-21 of the EIR:

1B. Revise Policies 1.5.j and 1.5.k as follows:

Policy 1.5.j: Highway Commercial (HC) is intended to provide for the retail service needs of both highway-related and tourist populations, including automotive and travel-related services, recreation, dining, and lodging. Development within this designation shall ~~should~~ be grouped as a contiguous center to preclude strip development, and with convenient, controlled access to Interstate, freeway or primary arterial routes.

Policy 1.5.k: Rural Commercial (RC) is intended to provide for limited day-to-day retail and service needs for local residents, or for uses of limited scale and intensity providing goods and services to support local agricultural, natural resource or recreational operations. Such designations should have not more than 5 ~~10~~ acres in a single location, and a convenient, controlled access to an arterial or major collector roadway.

Size may be increased to not more than 10 acres where it is determined that a local market need clearly exists for this size development based upon a professionally-prepared market study, and a Design Master Plan is adopted providing for development in keeping with the rural character of the area.

For Impact No. 15 related to loss of habitat (page 4.4-20), the following additional Mitigation Measure No. 16A should be added to page 4.4-25 of the EIR:

16A. Revise Policy 15.r as follows:

Policy 1.5.r: Open Space (OS) is intended to provide for land, primarily in public ownership, which is dedicated to recreation, resource and habitat preservation, and protection of environmental resources, and which typically allows

only recreation or very low-intensity limited uses, such as, but not limited to, visual corridor preservation, interconnecting wildlife corridors, slope protection, preservation of ditches, railroad rights-of-way, and historic trails. This designation shall also provide for the designation of land in private ownership which is permanently devoted to open space through clustering or other open space requirements.

The following new Mitigation Measure 22A should be added under Impact No. 20 regarding degradation of riparian habitat and impacts to fisheries on page 4.4-34 of the Draft EIR:

22A. Revise Policy 5.20 of the General Plan as follows:

Policy 5.20: Recognize and protect the South Yuba River canyon as an important resource in terms of recreation, tourism, aesthetics, water resource, mineral resource, water quality, and wildlife habitat through the following actions:

- a. Designate publicly-owned lands physically adjoining the river as open space in the General Plan land use maps.
- b. Encourage the recreation master planning and development activities by the State Department of Parks and Recreation.
- c. Encourage the protection of the South Yuba River from dams.

The following new Mitigation Measure No. 43 should be added to page 4.10-50 of the EIR under "Other Mitigation Measures" for Impact No. 52 related to increased energy demands:

43. Revise Policy 8.21 of the General Plan as follows:

Policy 8.21 Review all existing and future building codes to ensure the maintenance of those standards that reasonably provide for the public health, welfare, safety, and energy efficiency, and to eliminate those standards that do not accomplish said goals.

The County should develop prescriptive building standards that supplement existing building codes for such items as alternative energy systems, building materials, and alternative sewage systems.

The following text should be added as Mitigation Measure Number 25A on page 4.6-4 to Mitigate Impact No. 23 related to degradation of the aesthetic quality of views.

25A. The following revisions should be made to Policy 18.2 of the General Plans:

Policy 18.2 The County may adopt Specific Design Guidelines for areas within *Community Regions, Rural Places, and Rural Centers* to provide for the maintenance of community identity, scenic resources and historic sites and areas. The Specific Design Guidelines may include, but not be limited to, standards which:...

The following text should be added as Mitigation Measure 25B on page 4.6-5 of the EIR:

The following new policy should be added under Objective 18.2 of the General Plan:

To provide for scenic stream corridor protection along designated streams, the County shall prepare standards and procedures whereby local groups, associations, or similar organizations can apply for designation of a segment of any stream as a local scenic stream corridor. If approved, a Scenic Stream Corridor Plan shall be prepared.

The following new policy 27A should be added on page 4.6-6 of the EIR under Impact No. 26 related to impacts to roadside scenery.

27A. The following changes should be made to Policy 18.9 of the General Plan:

Policy 18.9 To encourage a system of scenic County roads, the County shall prepare ~~adopt~~ standards and procedures whereby local groups, associations, or similar organizations can apply for designation of County roadways. If approved, a County Scenic Corridor Plan shall be prepared. ~~for protection of scenic corridors and shall prepare a Scenic Corridor Plan which may include, but not be limited to, State Scenic Highways.~~

A recommendation for a system of Transfer of Development Rights has not been included due to the lack of "receiving zones". Refer to Response 20.2. Refer to Response 26.10 regarding State Highway 267 and the I-80 bypass.

48.14 Such plans may increase public input and provide additional opportunities for the public to become involved in planning their neighborhoods. However, such plans would not necessarily mitigate environmental impacts.

48.15 Subarea Planning Commission may increase the potential for local input and control over land use decisions. However, such Commissions would not necessarily mitigate land-use related impacts.

48.16 Refer to Response 48.14. There is no information to suggest that the existing standard (85%) is not adequate.

48.17 Refer to Response 48.13.

48.18 The recommended language change is not considered necessary. Refer to the Mitigation Monitoring Program.

48.19 Refer to Responses 20.2 and 48.13.

48.20 Refer to Responses 48.9 and 5.1 regarding other measures for protecting farmland.

48.21 The annexation process for any area within a Sphere of Influence requires a rezoning and annexation request which must be approved by the Local Agency Formation Commission. These two actions are subject to discretionary approval and to the requirements of the California Environmental Quality Act. Refer to the text in the first paragraph of page 4.1-29 regarding the County's relationship to land use planning of incorporated cities. Also refer to Response 48.2. Mitigations for potential impacts on

infrastructure are addressed in Section 4.7 and 4.10 of the Draft EIR. In particular, refer to Mitigation Measure No. 39 regarding Community Regions.

48.22 Inclusion of such a map in the EIR is not considered necessary. Maps can be reviewed at the County Planning Department as stated on page 1-4 of the Draft EIR. RTP improvements are not the same as "proposed General Plan land use designations" mentioned in the comment.

48.23 It is common for EIRs on Countywide General Plans to focus the transportation analysis on freeways, arterials and expressways. The models commonly used for traffic forecasting are not sufficiently detailed to include collectors and local streets. In addition, traffic volumes and levels of service on collectors and local streets are highly dependent on detailed site plans (including driveway locations) for individual projects. These types of streets are therefore more appropriately and accurately evaluated at the Specific Plan or site plan review stage.

The land use map is correlated with roadway improvements, as needed improvements are shown in Table 4.7-4. However, Impact No. 31 may not be avoidable due to uncertainties in funding for State roadways.

48.24 Refer to Response 46.4.

48.25 The issue of safety is addressed as No 4 under "Standards of Significance" on page 4.7-13 of the Draft EIR. Refer to Response 46.4. Refer to Response 32.6 regarding road standards. The focus of this EIR is on the County rather than growth within incorporated cities. The following text is added to the end of the last full paragraph at the bottom of page 3-22 of the Draft EIR: **"The County's General Plan does not control future land use decisions within the incorporated cities of Truckee, Nevada City, or Grass Valley. However, the General Plan does consider the General Plan for each incorporated city, especially as it relates to future population and employment growth in the County."**

48.26 Road operation measured by Level of Service (LOS) is a common methodology for determining impacts from increased traffic. It is true that road operation can also be measured by Volume-to-Capacity (V/C) ratio, which is generally related to level of service but is a more sensitive measure of change. For the purposes of the EIR, the methodology using LOS is considered acceptable.

V/C ratio assumptions for producing Table 4.7-3 are as follows:

A	=	0.00 - 0.60
B	=	0.61 - 0.70
C	=	0.71 - 0.80
D	=	0.81 - 0.90
E	=	0.91 - 1.00

While useful in this generalized planning LOS quantification, volume-to-capacity ratio would not be appropriate to measure LOS for all types of facilities, especially intersections. The most common measurement of LOS is in terms of delay. There is a

correlation between V/C and delay, but not a direct correlation. Policy 4.1 implies using operational LOS methodology appropriate to the type of facility being analyzed.

48.27 Refer to Response 48.23. Refer to Policies 4.6, 4.8, and especially 4.11 regarding funding programs for needed roadway improvements. Also, page 4.7-20 of the Draft EIR has been amended to **include "4.8, 4.11"** under "Plan Policies that Serve as Mitigation". No changes to Policy 4.10 are considered necessary.

48.28 The last paragraph of page 4.7-20 of the Draft EIR has been corrected to reflect the segment of McCourtney Road from Old Auburn Road to SR 20, not the segment between Indian Springs Road and Old Auburn Road. The mitigated general plan scenario would reduce the estimated volumes for that segment from approximately 30,000 vehicles per day to approximately 20,000 vehicles per day, requiring a 4-lane facility instead of a 6-lane facility.

48.29 Refer to Response 3.8 and to text at the bottom of page 4.7-19 of the Draft EIR regarding intersections.

48.30 Due to the generality of the traffic model and the length of Allison Ranch Road, this road is treated as one segment. Also, the northern end is likely to be most impacted due to the Northstar property proposal.

48.31 Refer to Responses 3.1 and 3.5.

48.32 The recommended changes for Table 4.7-4 are not considered necessary.

48.33 Refer to Mitigation Measure No. 31 on page 4.7-21 of the Draft EIR. The East Lime Kiln Road project has been added to Table 4.7-4.

48.34 Table 4.7-4 on page 4.7-16 has been corrected to show LOS D (vs. C) for Boulder Street. However, this LOS applies to a portion of the road that is within the Community Region and is consequently an acceptable LOS. A change in the LOS standard is beyond the scope of this EIR. However, it should be noted that density reductions in the County have been recommended for other non-traffic impacts and would affect LOS on applicable feeder roads.

48.35 It is beyond the scope of this EIR to determine if the identified traffic volume would be acceptable to the City of Grass Valley. No comments regarding this issue have been received from the City to date.

48.36 The following text should be added to the end of the first paragraph on page 4.7-20 of the Draft EIR: **"It should also be noted that the feasibility of recommended road improvements has not been assessed as part of this EIR."** Refer to Policy 4.8 regarding what could happen if improvements are determined to be infeasible.

48.37 Road segments were the same as those used in the RTP model and approved by the County. Volumes were reviewed and approved by the County Department of Transportation staff. Segments were already shortened in response to earlier concerns expressed by public and staff, and are considered adequate for this level of analysis.

48.38 Refer to Response 48.23. This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

48.39 The list of items in Policy 4.7 is not necessarily in order of priority. The County Road Improvement Program is a separate item that would be subject to discretionary action and public review. The appropriate order of priorities should be addressed at that time.

48.40 The word "conditions" has not replaced the existing text due to the fact that use of such a term would be highly subject to interpretation. Criteria related to LOS have been developed in order to adequately and fairly assess needed roadway improvements throughout the County. No changes to Policy 4.8 were considered necessary.

48.41 Assessing the impacts of specific road improvements is beyond the scope of this EIR and would be too speculative at this date, given limited information on the required design of the improvement. Refer to Response 3.1 and the Mitigation Monitoring Plan included as part of the Final EIR. New text has been added to Impact No. 28 to include "**and RTP improvements**" and "**roads**" as potential sources of light and glare.

48.42 The DEIR only assumes construction of those projects as listed in the Final Draft Plan and the Draft RTP. The Dorsey Drive interchange is the only project listed in the Final Draft Plan. All study projects are listed in the Draft RTP (Landon, 1995). Please refer to page 3-17 of the Draft EIR for a list of major improvement projects included in the Draft RTP's Action Element.

48.43 Refer to Responses 48.23 and 48.29 regarding local roads and intersections. Refer to Response 3.1 regarding the level of detail appropriate to a General Plan EIR. Decreased densities or development restrictions may be a mitigation as identified under Policy 4.8.

48.44 Sidewalks are encouraged only because there may be some instances in which sidewalks are not required as a part of the Pedestrian Master Plan.

48.45 Further clarification beyond what is already discussed on page 4.10-32 is not considered necessary. Refer to Policies 10.1 and 10.5 (mentioned under Impact No. that would make up for the fact that the State Responsibility Area Fire Safe Regulations apply only to future design and construction.

48.46 Under Supplementary Document G of the CEQA Guidelines, "a project will normally have a significant effect on the environment if it will:...(b) have a substantial, demonstrable negative aesthetic effect;...". As stated on page 4.6-4 of the Draft EIR, few objective or quantitative standards exist to analyze visual quality. For example, methods to assess visual impacts used by the U.S. Forest Service have been questioned and found to be unusable by many.

"Significant visual features" for the County are identified under the Standards of Significance on page 4.6-4 of the Draft EIR. These specific features are discussed on pages 4.6-1 and 4.6-2, prior to the impacts discussion. The commentor has not identified any specific changes to the listed standards of significance.

48.47 Avoidance of ridgeline development is addressed under Policy 18.6. No change to the identified policy is considered necessary.

48.48 An inventory of local scenic roads is beyond the scope of this EIR. Refer to Policy 18.3 regarding an inventory of sensitive views and viewsheds.

48.49 A mitigation addressing very detailed lighting standards is considered inappropriate for a General Plan EIR. Policies 18.10 and 18.11 as referenced for Impact No. 28 would be adequate to mitigate the identified impact.

48.50 Refer to the Mitigation Monitoring Plan. No change to the identified mitigation measure is considered necessary. The commentor does not specify the meaning of "visually effective separation".

48.51 At this time, no proposal exists for removal of historic and open ditches, nor does the General Plan propose to impact such ditches. If and when such a proposal is made, this action is expected to be subject to discretionary review and requirements of CEQA.

48.52 The discussion of cultural resources considers "cultural resource sites" as mentioned under Impact No. 22. Such sites include many elements in addition to buildings. California Historic Landmarks, Points of Historical Interest, and the State Inventory of Historic Places are addressed on page 4.5-3 of the Draft EIR. Refer to Response 48.51 regarding open ditches.

48.53 Mitigation Measures No. 23 and 24 are considered adequate for the identified impact related to cultural resources. As a General Plan EIR, specific locations are not assessed on an individual basis. Refer to Response 3.1 regarding the level of detail appropriate for a General Plan EIR.

48.54 The following new Mitigation Measure 24A should be added to page 4.5-8 of the EIR:

24A. Revise Cultural and Historic Resource Element Policy 19.1 as follows:

Policy 19.1 Enact a Cultural Resources Ordinance to ensure effective preservation, protection, and management of cultural resources. Such an ordinance might include the identification and preservation of historical, cultural, and architecturally significant sites and resources within Nevada County. The establishment of a county listing of significant cultural resources may be part of a Cultural Resources Ordinance. The identified cultural resources could be evaluated as to their potential significance in relation to the criteria used for both the National Register of Historic Places and the California Register of Historic Places. These four criteria for evaluation are the same for both registers. The resource must either be:

A. associated with events that made a significant contribution to local, state, or national history;

B. associated with the lives of persons significant in our past (local, state, or national);

C. embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values,

or represents a significant and distinguishable entity whose component may lack individual distinction; or

D. yields, or may be likely to yield information important in prehistory or history.

In addition, the identified cultural resource must be evaluated as to its integrity of location, design, setting, materials, workmanship, feeling, and association. All of these same criteria may be used to designate significant resources for a local, county-wide listing of significant sites and/or resources.

The Cultural Resources Ordinance could also specify the mitigation procedures to be followed once a resource has been identified and determined to be significant. The preferred measure would be avoidance and/or protection of a site by project redesign or fencing, etc. If the resource is or will be impacted, a professional archaeologist/historian/architectural historian should be contacted to set up a research design to deal with the resource.

48.55 There is no reason that the recommended study would not address nitrogen concentrations in wells. Policy 3.3 addresses the fact the General Plan amendment requests must include proof that adequate public services and facilities are available to serve the development. The following language should be added to the end of Mitigation Measure No. 38 on page 2-8 and page 4.10-13 of the Draft EIR after the inserted material made in response to an earlier comment: **"If the expense of rural development tying into a surface water supply system is found to be unreasonable, the County may need to consider reducing densities in certain portions of the County where this occurs."**

48.56 While the General Plan would not result in any direct impacts to agricultural use, future development may have priority for limited water supplies. Refer to Responses 5.25 and 56.2. Existing water demands for agricultural purposes are addressed in the second paragraph of page 4.10-4 of the Draft EIR. Because of this, the following text has been added after page 4.10-13 as a new Impact No. 43A:

"43A. Meeting the increased water demands for residential and non-residential uses may be a priority for water purveyors if water supplies are limited. Consequently, water supplies for agricultural irrigation (both hobby and commercial agriculture) may be restricted or may increase in cost which would affect such operations. This impact is considered to be a less-than-significant impact due to policies contained in the General Plan.

As demands for treated water increase, water purveyors could be required to establish priorities if water supplies are limited, either from surface water or groundwater. Untreated water currently used for agricultural operations may be tapped for treatment and delivery to residential and commercial/industrial uses, possibly limiting raw water available for agricultural operations. In addition, if existing raw water supplies are treated, water costs may rise, making water costs too high for continued agricultural operations, especially for the small farmer. Indirectly, such water demands may result in eliminating agricultural operations

currently in the County. Agricultural operations may be pressured to go out of business and to convert their lands to non-agricultural uses.

Plan Policies That Serve as Mitigation

Implementation of proposed General Plan policies 16.15 and 16.16 would serve to reduce the impact to a *less-than-significant* level.

48.57 The identified Level of Service (LOS) standards refer only to road standards, though a similar concept could be used for utilities and services. The commentor has not clarified the non-County facilities/services to which he is referring. Private utility providers such as Pacific Gas and Electric Company have their own planning mechanisms which cannot be affected by County policy other than promoting cooperative discussions during the planning effort. School districts have their own planning process that includes standards regarding the number of children per classroom and other standards that would be identified in Facility Master Plans addressed under Policy 7.3 (see discussion on page 4.10-31 of the Draft EIR). Standards for the Sheriff's Department are addressed on page 4.10-39 of the Draft EIR. Other utilities are addressed in Section 4.10 of the Draft EIR.

48.58 The identified standards of Policy 3.10 are appropriate for planning purposes for County facilities and would not be applicable to individual development projects, other than as related to a fee program to ensure that adequate facilities are provided (see Policy 3.14). Refer to the Mitigation Monitoring Program regarding a review process to ensure that County facilities/services are keeping pace with development.

48.59 Policy 3.8 ensures that the development fee impact program will fully offset the costs of growth-related infrastructure to buildout of the General Plan. The purpose of the 5-Year CIP in Policy 3.7 is to ensure that the higher priority projects are constructed consistent with policy direction.

48.60 Existing public buildings, schools, fire stations, hospitals, airports, recreation facilities, public water facilities, and public sewer facilities are shown on the Final Draft Plan land use maps. Both the Final Draft Plan and DEIR quantify the projected public facility needs at buildout of the Plan. In general, future public facility sites are not known and are therefore not shown on the land use map.

48.61 It would be too speculative at this time to address the specific growth-inducing impacts of a wastewater plant that has not been proposed. Refer to the second paragraph on page 5-3 of the Draft EIR that does address this issue in a general way.

48.62 Policy 3.17 does not imply that such systems would occur within the spheres of incorporated cities. As part of the annexation process, the cities would provide information on the availability of city services to serve the identified development. The commentor has not clarified why significant impacts would result related to community character, land use compatibility, and the fiscal health of cities.

48.63 Refer to the discussion on page 4.10-25 regarding Policy 3.25 that addresses the need for long-range planning for solid waste disposal needs. In conjunction with Policy 3.24 that addresses the County's Integrated Waste Management Plan, this mitigation would be adequate for the identified impact. At this time, identification of landfill sites

on the Land Use maps would not be appropriate without the associated planning effort that should accompany such mapping. For example, landfill sites may not be needed if other facilities such as those identified in Policy 3.24 could avoid the need for landfills.

48.64 Mello-Roos funding is addressed on page 4.10-30 of the Draft EIR and in Policy 7.5. Such funding requires the approval of landowners within the identified Mello-Roos district which cannot be guaranteed.

48.65 The DEIR provides for a LOS on pages 4.10-28 and 4.10-30 and discusses associated impacts on schools on pages 4.10-27 and 4.10-31. The concern regarding a school LOS in policy 3.10 is being forwarded to the Planning Commission and Board of Supervisors for their consideration.

Reduced densities related to fire hazards are addressed in the third paragraph on page 4.10-39 of the Draft EIR. Also, refer to Response 47.11.

48.66 The following new text should be added to the bottom of page 4.10-41 under "Other Mitigation Measures" for Impact No. 49 related to demand for law enforcement services: **"Policy 3.10 should be amended to include the following standard for law enforcement service levels: "County Sheriff - e. For Community and Rural Regions: 1.5 officers for each increase of 1,000 persons in countywide population."** In addition Impact No. 49, third line, should be changed to replace "less-than-significant" with "**significant**" on page 4.10-40 and 2-37 of the Draft EIR. In addition the discussion of Impact No.49 should be moved forward in Section 2 of the EIR (to page 2-30) to be included under the list of "Significant Impacts." Funding for law enforcement services is addressed under other policies discussed on page 4.10-41 of the Draft EIR.

48.67 Refer to the Mitigation Monitoring Program regarding monitoring of funding mechanisms. The County's comprehensive development impact fee program, Long-Range Capital Facilities Plan, and Five-Year Capital Improvement Program are all addressed on page 4.10-44 of the Draft EIR. Other funding mechanisms are also discussed in the second paragraph of page 4.10-44 of the Draft EIR. Additional mitigation measures are not considered necessary.

48.68 This comment is being forward to the Planning Commission and Board of Supervisors for their consideration.

48.69 A number of policies are included in the General Plan that would adequately ensure funding for future library services. These policies are addressed on page 4.10-47 of the Draft EIR. Library standards are commonly based on an established square footage for a given population. This square footage assumes space for a certain number of books. Proposed policies are considered adequate to mitigate the identified impact.

48.70 The recommendation for possibly modifying land use maps of the Special Development Areas at the time of the Specific Plan does not exempt such areas from the recommended Habitat Management Plan. SDA's could be included in the Habitat Management Plan, with the results of such a Plan then incorporated into future planning for the SDA's. The recommended Habitat Management Plan for the County is considered a comprehensive, regionwide approach to the issue of preserving valuable habitat.

48.71 Refer to Response 27.5 regarding coordination with the County Fish and Wildlife Commission. Interagency agreements with the identified state and federal agencies is not required for the Habitat Management Plans (HMP). However, a Memorandum of Understanding could be established between the California Department of Fish and Game (CDFG) and the County. HMP preparation can be funded through an agreement with CDFG and the U.S. Fish and Wildlife Service. However, it is not necessary that the mitigation measure state this fact. All the identified agencies would definitely play a major role if any specific permitting were required under the specific agency's powers.

48.72 Refer to the Mitigation Monitoring Program which accompanies this EIR regarding monitoring related to preparation of the Habitat Management Plan. Monitoring for the Habitat Management Plan measures that are identified in the Plan would be identified at the time of the Plan preparation.

48.73 The degree of specificity requested for Policy 13.3 is considered inappropriate for a General Plan policy. Such specificity would be more appropriate for a County regulation or ordinance, or could be included at the time of development of the Site Development Standards. For the identified impact, the recommended changes to Policy 13.3 and shown under Mitigation Measure No. 15 are considered adequate.

48.74 Please refer to the Mitigation Monitoring Program that provides information relative to monitoring of all measures, including adoption of revised or new policies.

48.75 This comment is being forwarded to the Planning Commission and Board of Supervisors for their consideration.

48.76 The areas of concern are mapped on Figure 4.4-4 as mentioned under Mitigation Measure No. 18. The language for the Site Development Standards, as mentioned under Mitigation Measure No. 1 is considered adequate for the identified impact. Mitigation for non-critical deer winter ranges would not be expected to be identical to mitigation for critical deer winter ranges.

48.77 The impact discussion on pages 4.4-27 and 4.4-28 adequately addresses the value of oak trees within the County. This comment is being forwarded to the Planning Commission and Board of Supervisors for their consideration.

The following revision should be made to Mitigation Measure No. 19 on page 2-20 and page 4.4-29 of the Draft EIR: "Development...oak groves of all oak species.... The County should adopt a Tree Protection Ordinance specifically geared towards the protection of oaks."

48.78 The discussion on page 4.4-29 addresses impacts associated with both discretionary and non-discretionary actions.

48.79 The proposed revisions to Policy 1.17 do address wetlands (see first line on page 2-11 of the Draft EIR). It is the County's intent that the Site Development Standards will apply to both discretionary and ministerial actions.

48.80 It is better to separate this policy from information required from the Habitat Management Plan (HMP). The HMP has been recommended for a separate impact and the completion date of the HMP is not known at this time. This recommended policy could apply to both discretionary and ministerial actions.

48.81 This issue is discussed on page 4.4-35 of the DEIR. The Final Draft General Plan land use map provides for the majority of important timberlands to be protected by large minimum parcel size. However, selected areas on the map provide for land use designations with minimum parcel sizes inconsistent with the ability to properly manage important timberlands. Such areas generally exist northeast and southeast of the cities of Grass Valley/Nevada City and the Tahoe National Forest. Many of these areas reflect numerous existing smaller parcels. The Final Draft General Plan will continue this trend, though existing parcelization will likely moderate the potential for new parcels. It is likely that development of such parcels will lead to increased conflicts between timber management and the residential uses. It will also likely lead to a decrease in the effective management of the resource.

No information is available on the number of acres or board footage impacted. Though much of this area is heavily parcelized, it is unknown how many additional parcels will be created in this area as a result of the Final Draft General Plan.

Since timber harvesting is the primary responsibility of the State and Federal Governments, it is unclear how County adoption of CDF Special Rules will mitigate impacts. It is also unknown how integration of the rules relate to a Habitat Management Plan. County review of Timber Harvest Plan seems inappropriate given the State's responsibility on this issue.

48.82 See Response 21.1. Mitigation Measure No. 1 would be an additional mitigation for this impact.

48.83 The following new text should be added to the discussion of Impact No. 13 on page 4.3-15 of the Draft EIR: **"Increased sediment levels can damage important fish spawning and rearing habitat and reduce trout populations in Nevada County streams. Increased erosions from construction of buildings and roads can also result in increased sedimentation of lakes and reservoirs, thus reducing the water storage capacity and possibly increasing water treatment costs for domestic use."** An education program related to road maintenance related erosion is addressed under Policy No. 12.5. As part of the mitigation measures for Impact No. 13, the following new text should be added to the end of Mitigation Measure No. 9, as a new Mitigation Measure No. 9(A): **"9A. Policy No. 12.3 should be revised to read 'Cooperate with and encourage the activities of the Nevada County Resource Conservation District, including provision of educational materials for the general public regarding techniques and practices to minimize erosion from construction activities.'"**

48.84 The last sentence of Mitigation Measure No. 12 has been removed.

48.85 The following new words have been added to the first paragraph under "Fisheries" on page 4.4-19 of the Draft EIR: "are inhabited by and stocked with target fish species."

48.86 Some changes to the text of Impact No. 36 have been made in response to earlier comments. Refer to policies that are listed on page 4.8-10 that address minimization of air pollutant emissions. These policies are discussed on page 4.8-10 of the Draft EIR.

48.87 Refer to Response 29.39.

48.88 Refer to Response 29.39

48.89 In a follow-up conversation with Rod Hill, the second paragraph of page 4.8-9 of the EIR, second sentence was edited to remove the words "nor are they expected to" and replace them with "**and no adverse health impacts are anticipated from CO concentrations before 2010.**" The date of the personal communication was changed from "1994" to "**1995**". As stated in an earlier response, intersection analyses were not completed for the EIR traffic analysis.

48.90 The following sentence should be added to the first paragraph under Impact #37 on page 4.8-11 of the EIR: "**By 2010, vehicular use and residential development associated with the General Plan could result in an incremental increase of 483 lbs/day of PM-10. About 54 lbs. of this increase would be unrelated to vehicle use and would be associated primarily with woodsmoke during winter months in concentrated areas of the County.**"

This impact is only less-than-significant due to proposed policies of the General Plan. Without implementation of the policies, this impact would be significant.

48.91 The impact of increased CO levels from wood-burning stoves associated with new development would not be considered significant, largely due to the fact that stoves introduced with new development would have to comply with U.S. EPA emission standards as discussed on page 4.8-11 of the Draft EIR (Policy 14.2 of the General Plan).

48.92 Impact No. 38 addresses increased noise levels that may exceed standards as well as general increased noise in the vicinity of sensitive receptors (see page 4.9-13 of the Draft EIR). Only with Mitigation Measures 36 and 37 would the identified impact be reduced to a less-than-significant level.

48.93 Refer to Responses 48.13 and 3.1.

48.94 Data in Tables 4.9-2, 4.9-3 and 4.9-4 refer to existing noise levels rather than levels associated with buildout of the General Plan. As stated under Impact No. 38, existing policies would serve to reduce noise impacts but not to a less-than-significant level. Only with Mitigation Measures 36 and 37, would noise impacts be reduced to a less-than-significant level. Additional mitigation measures are not considered necessary.

48.95 Refer to Response 48.94.

48.96 Mitigation Measure No. 36 would apply to all projects determined to have a potential to create noise levels inconsistent with standards of Policy 9.1 For projects that may be proposed near a noisy freeway, such as a residential project, Policy 9.8 would apply (see page 4.9-13 of EIR) as would Title 24 of the California Administrative Code.

48.97 Refer to Response 48.96. This EIR cannot mitigate noise impacts of existing roads on existing homes. Noise generating uses proposed in proximity to existing residences would be addressed by Policies 9.1, 9.4, 9.8 and 9.10. Title 24 (Policy 9.12) would address new homes.

48.98 It is unknown whether or not the density increases associated with the adoption of the Draft Plan will lead to additional General Plan amendments for density increases

over time. If they do, it is too speculative to project the degree to which future Plan amendments will occur. Also, see Responses 48.14 and 48.15. The suggestion concerning additional general plan amendment criteria and findings and use of Neighborhood Planning Boards may improve the general plan amendment process and improve public input. However, it is unclear whether or not they would mitigate environmental impacts related to growth inducement.

48.99 Refer to Response 24.25. Policy 4-30 addresses the need to maintain a jobs/housing balance to reduce transportation requirements within the County. Refer to the Mitigation Monitoring Plan regarding general monitoring of Plan policies.

49. Nevada City

49.1 The area east of Nevada City to Scotts Flat Reservoir is generally heavily parcelized. Implementation of Mitigation Measure 16 would have a positive effect on the transportation system east of Nevada City. However, given existing parcelization, the effect would likely be minor to moderate.

Boulder Street, between SR49 and Red Dog Road, is addressed in Table 4.7-4 of the Draft EIR, and is shown with the buildout volume of 8,000 vehicles. No improvements are shown and Level of Service would be "C" without improvements (remaining as a two-lane road). Red Dog Road, between Boulder Street and You Bet Road, is shown in the same table with a buildout volume of 5,000 vehicles and a Level of Service "A" without any improvements.

49.2 Policy 3.9 addresses the potential for a joint undertaking of a long-range feasibility study for a Western Nevada County Collection and Treatment System. It would be premature for the EIR on the General Plan to address the environmental implications of such a system when the feasibility of such a system has not yet been determined. If the recommended study concluded that such a system should be developed, this action would be discretionary and would be subject to all the requirements of CEQA at that time. The potential growth-inducing impacts of building wastewater plants to serve more than the projected population are addressed on page 5-3 of the Draft EIR.

49.3 This suggestion would likely provide additional public input on development projects that may potentially affect the City. However, this process would not necessarily result in reduced environmental impacts. This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

49.4 The recommended Site Development Standards are intended to benefit all residents of the County, in both Community and Rural Regions. Protection of ridgelines would be covered under Policy 18.3 which addresses the need to incorporate standards for protection of large-scale views and viewsheds in the Comprehensive Site Development Standards. The following text has been added to the end of Policy 1.18 on page 4.1-23 and page 2-11 of the EIR: "**Visually important ridgelines and viewsheds, as defined by standards developed by Policy 1.18 of the General Plan**". The commentor has not specified the locations where density increases are not appropriate.

50. Nevada County Department of Sanitation

50.1 The following new text should be added to the end of Mitigation Measure No. 38 on page 2-8 and page 4.10-13 of the Draft EIR: **"The recommended groundwater study should be coordinated with the recommended septic tank/leachfield study identified under Mitigation Measure No. 10 to allow cost savings for the County and to incorporate relevant data from both studies"**.

The following text should also be added to the end of Mitigation Measure No. 10 on page 2-17 and page 4.3-18 of the Draft EIR: **"This study should be coordinated with the recommended groundwater study addressed under Mitigation Measure No. 38."**

50.2 Policy 1.17 addresses resource and environmental concerns rather than utilities and services. New wording in this policy would not be appropriate.

50.3 See Response 6.20.

50.4 Such a procedure might well be the proper course of action. This comment is forwarded to the Commission and Board for their consideration.

50.5 See Response 6.21.

50.6 Refer to new text added to Table 4.4-3 of the Draft EIR.

50.7 Wastewater flow calculations were based on standard practice for general planning purposes, flow factors used in the 1980 Nevada County General Plan, and conversations with County staff. It should be noted that the data regarding existing water use and wastewater flows apply to drought years. Should these conservation figures not be fully maintained, the calculations generated would more closely match actual wastewater generation.

50.8 Page 4.10-23, second paragraph is amended as follows:

~~Nevada County is currently in the process of revising its Source Reduction and Recycling Element, which was originally adopted by the Board of Supervisors in December 1991.~~ **Nevada County has completed the revision of the Source Reduction and Recycling Element (adopted by the Board of Supervisors on June 14, 1994).** Table 4.10-9, below, indicates that the County is currently diverting or recycling approximately 58 percent of the total wastes generated in the County. Therefore, the County is currently meeting the State mandated goal for the year 2000, as identified above.

50.9 Page 4.10-25, first sentence, fifth paragraph is amended as follows:

"As discussed in the Environmental Setting section, solid waste generated in the County is currently disposed of at two landfills outside the County."

51. Alan Stahler

51.1 The DEIR assessed the environmental impacts of the Final Draft Plan as accepted by the Board of Supervisors. It is impossible for the DEIR to analyze impacts to actions taken outside the General Plan update process or to possible future Board actions. The EIR must assume that the adopted Plan will be implemented consistent with the Plan's policy and land use maps. There are no legal variances to General Plans. So-called compromises of Plan policy can occur only to the extent that they remain consistent with the wording of such policy.

51.2 Table 4.7-4 has been edited to show that Boulder Street would operate at LOS D without improvements. This LOS would be acceptable for an area within a Community boundary (within the Sphere of Influence of Nevada City).

51.3 No quantified standard is perfect in all situations. The DEIR attempts, where possible, to quantify impacts as a way to determine the significance of a given impact. Rarely does quantification remove a certain level of subjectivity from the analysis. Noise standards are an excellent example of this problem.

51.4 This comment appears to be in reference to the Table 4.9-5 Airport Land use Compatibility Criteria. In part, the table provides noise standards "conditionally acceptable" for various land uses. Suggested conditions include a detailed noise analysis to determine those design features necessary to reduce interior noise levels. This table is used by many jurisdictions as a guide for the making of land use decisions near airports. It is possible, though unlikely, that it could be used for the making of decisions for other types of noise generators.

51.5 The DEIR assumes that the Final Draft Plan, as well as the environmentally superior alternative, will provide for substantial growth and development based on the land use designations proposed for future development. Even with mitigation, there will be a number of significant and unavoidable impacts due to the nature of impacts.

52. J. Bloom

52.1 The City of Grass Valley is able to handle peak flows by the use of equalization basins. These basins store excess flows until peak flows have subsided enough to allow wastewater from the equalization basins to be treated at the plant. Nevada City has peak average daily flows of 1.42 mgd and up to 2.5 mgd peak flows during storm events as those of the winter of 1995. During such peak events, a reduction in effluent quality does occur, with occasional violations of discharge requirements. Such events have led to recent upgrading of the collection system to prevent inflow and infiltration. These improvements should prevent discharge problems in the future. Water quality issues associated with septic systems are addressed in the Hydrology and Water Quality section as mentioned on page 4.10-19 of the Draft EIR. The focus of the analysis under Impact No. 43 was upon future wastewater of new growth associated with the General Plan designations.

52.2 Refer to Response 48.69. The preparer disagrees with the commentor's definition of level of service.

53. Nevada County Department of Environmental Health

53.1 Refer to Response 53.2.

53.2 The first full sentence on page 4.3-9 has been deleted and replaced with the following text: "**Testing of new wells does occur periodically, but not routinely. Thus, the County is lacking a detailed database regarding potential effects of septic systems on the drinking water supply.**"

53.3 This comment is being forwarded to the Planning Commission and Board of Supervisors for their consideration. The Mitigation Monitoring Program addresses monitoring for implementation of both of these recommended mitigations. The following new text is added to the end of Mitigation Measure No. 9: "**Maintenance of such facilities shall be assured through a legally-enforceable mechanism.**"

53.4 Refer to Response 29.15.

53.5 Mitigation Measure No. 11 should be restated as follows on page 4.3-18 of the Draft EIR:

11. Restrict septic tank and leachfields from all waterways, including perennial or intermittent streams, seasonal water channels, natural bodies of water, and 100-year floodplains consistent with the State Regional Water Quality Control Board Basin Plan Guidelines.

53.6 Mitigation Measure No. 12 on page 4.3-18 should be reworded to add the following new text at the end (after the original last sentence has been removed). **However, for the western portion of the County, sewage systems should be set back 100 feet from the 10-year floodplain to be consistent with requirements of the Central Valley Regional Water Quality Control Board.**

53.7 The list of elements for the recommended septic study was derived from a report prepared by HBA, Engineering-Science, Inc., and James R. Jones & Associates (December 1992) as part of the General Plan update.

53.8 A number of changes have been made to Mitigation Measure No. 38 in response to earlier comments, including those from the Lahontan Regional Water Quality Control Board. It would be premature at this time to define the limits of the study and the expected results. Refer to Response 3.1 regarding the level of detail appropriate for an EIR on a General Plan. No additional changes to Mitigation Measure No. 38 have been made.

53.9 This comment is being forwarded to the Planning Commission and Board of Supervisors for their consideration.

54. Nevada County Transportation Commission

54.1 "Placement of land uses" as mentioned in the comment is the result of both the General Plan process and the zoning process. Under California planning law, the zoning designations should be consistent with the General Plan designations. As stated in "California Land-Use and Planning Law" (Curtin, 1989), "By Law, consistency exists between the city's [which could also apply to a County] land-use action and the general plan when a city has officially adopted such a plan, and the various land uses approved are compatible with the objectives, policies, general land uses and programs specified in such a plan"(page 20). In the same document, the following comment is made: "Since the general plan is the constitution for all development, the plan can be of major legal assistance to city officials in drafting all ordinances and regulations for the city". While this document references cities, the same applies to counties.

It is true that zoning ordinances are the "implementation vehicles of the General Plan". However, the location of specific land uses, or land use designations, are contained in both the General Plan and the zoning ordinance. The County's zoning regulations were not the subject of this EIR. Therefore, it is appropriate that this EIR address land use designations as possible mitigation for impacts.

54.2 Some (not all) new road improvements inevitably will conflict with some existing land uses in proximity to the road improvement. For example, a widening of a two-lane road to a four-lane road in an area occupied by residences may require removal of some residences and would increase traffic in the vicinity of such residences. These impacts would be considered significant. Refer to Response 3.1 regarding the general level of analysis appropriate for a General Plan EIR.

RTP Policy 1.1 and 2.2 are addressed on page 4.1-21 as partially mitigating the identified impact. It should be noted that this impact addresses both RTP improvements and General Plan land use designations.

54.3 The impact statement and analysis for Impact No. 2 do not imply that any or all road improvements will "automatically result in a more intense land use". However, some road improvements and some General Plan land uses would result in the conversion of open space to urban/suburban uses. Again, Impact No. 2 refers to both the General Plan and the RTP.

54.4 Where road widenings are proposed, agricultural lands may be affected. It is true that policies of the RTP would help to mitigate the identified impact. The following new text has been added to the end of the impact discussion for Impact No. 3 on page 4.1-28 of the Draft EIR: "**Regional Transportation Policy 1.1 stipulates that transportation facilities should be compatible with adjacent uses. Policy 2.2 of the RTP indicates that the significant adverse environmental impacts of transportation improvements shall be avoided or fully mitigated.**"

54.5 Refer to Response 54.1.

54.6 In the beginning of 1995, Caltrans published new draft "Guidelines for the Official Designation of Scenic Highways" (Caltrans, January 1995) which provide updated material on the scenic corridor designation process. The following new text should be

added to the end of the first full paragraph on page 4.6-3 of the Draft EIR: **"The Master Plan of State Highways Eligible for Official Scenic Highway designation contains a list of both eligible and officially designated sections of highway. If a highway is already on the Master Plan list, the local jurisdiction (city or county) needs to make a visual assessment to familiarize Caltrans staff with the route (considered Step 1 - Visual Assessment). Step 2 is the preparation of a Scenic Highway Resolution Package which includes mapping, map overlays of visual intrusions, a zoning map and a narrative description of the elements that make the route scenic. Following receipt of this package, the Caltrans Departmental Transportation Advisory Committee (DTAC) will evaluate the proposed scenic route to determine if it has reasonable potential for official designation.**

The Designation Process follows this action if the DTAC approves the designation. Step 1 of the Designation Process includes the local jurisdiction developing and adopting protection measures in the form of ordinances to apply to the area of land within the scenic corridor (Note: The scenic corridor is defined as the area of land generally adjacent to and visible from the highway, according to the Caltrans Draft publication entitled "Guidelines for the Official Designation of Scenic Highways", 5 January 1995) Step 2 is a review of the Scenic Highway Corridor Protection Program, with the local jurisdiction submitting a request for official designation. Step 3 is DTAC approval of the Scenic Highway Corridor Protection Program and Step 4 is official designation and the placement of poppy signs along the corridor. Monitoring at the conclusion of this process is to be done by Caltrans, in conjunction with DTAC, every five years. As part of this monitoring, the local jurisdiction is asked to attest to Caltrans to continue enforcement of the approved corridor protection measures."

In response to the above information, the following revisions should be made to Mitigation Measure No. 27: Remove the words "request that the State Department of Transportation" in the first sentence. The second sentence should read **"The County shall prepare such reports within one year of the adoption of the General Plan, and shall implement these studies by zoning and other applicable regulations along such routes within the SC "Scenic Corridor" Combining District within two years of the approval of the Scenic Highway Resolution Package by the Caltrans Departmental Transportation Advisory Committee".**

54.7 For the reasons discussed, this impact has been identified as significant and unavoidable. The State roadways within the County will definitely be affected by the growth projected by the General Plan. Even though needed improvements for such roadways may not be the responsibility of the County, the County's Plan may affect such roadways.

54.8 It appears that the Final Draft General Plan and the RTP take a different approach to this issue. Based on the LTC staff's comments, the RTP does not consider such facilities as serving a transportation function. However, objective 4.12 of the General Plan provides for increasing the availability of alternative modes of transportation. Policies 4.27 and 4.28 provide for preparation of a Pedestrian Master Plan and Bicycle

Master Plan. Therefore, it appears the General Plan not only views such facilities as part of the transportation system, but that they are viable alternatives to the automobile.

54.9 Page 4.7-25, paragraph four is amended as follows:

The Transit Development Plan, ~~which is currently being updated, will identify~~ **identifies** the services and facilities needed to meet future demand. Additionally, a Transit Marketing Plan for the Gold Country Stage ~~is being prepared by the Nevada County Transportation Commission. The goal of the plan is~~ **attempts** to increase ridership and improve public awareness of the services.

54.10 The information for Table 4.8-3 was derived from the BURDEN7F Model Output developed by the Air Resources Board in 1994. The commentor has not clarified the source of the disagreement regarding sulfur oxides.

55. William Pendola

55.1 As stated on page 1-1, the DEIR does not address the economic aspects of the Final Draft Plan. Preparation and implementation of Scenic Highway Plans (Policy 18.9) will be funded through the General Fund.

55.2 See Response 11.27.

The minimum standards addressed by the Caltrans Guidelines for the Official Designation of Scenic Highways (1995) (see Response 54.6) deal with the following: 1) regulation of land use and density of development; 2) detailed land and site planning; 3) prohibition of off-site outdoor advertising and controls for on-site advertising structures; 4) careful attention to and control of earthmoving and landscaping; and, 5) careful attention to the design and appearance of structures and equipment.

55.3 These data were provided by the State of California Department of Transportation. Refer to Response 54.6.

55.6 California Department of Water Resources

56.1 Refer to Comment Letter No. 63 for NID's response to many of these comments. The Nevada Irrigation District operates ten major reservoirs with a water storage capacity of 250,280 acre feet. Additionally, a contract with Pacific Gas & Electric Company allows 30,000 acre feet of water to be stored by the District for PG&E uses at Rollins Reservoir. This contract expires in the year 2013. The District utilizes about 400 miles of lined/unlined canals and approximately 300 miles of pipelines to transport treated water to its customers. Page 4.10-3, fourth paragraph, of the Draft EIR has been changed to replace "400" with "**430**" and to add the words "**300 miles of pipelines**". The words "**other water conveyance structures**" have been removed.

56.2 The District agrees with the comment that "safe yield" is an imprecise concept. "Safe yield" numbers are not utilized as part of the District's day-to-day operation of the system. Thus, parts of the last sentence on page 4.10-3 and the first sentence of the third paragraph on page 4.10-4 of the Draft EIR have been removed from the Draft EIR (referencing "safe yield").

The District's average annual runoff for Canyon Creek, Deer Creek and Middle Yuba River is 229,000 acre feet. This period of record is from 1928 to 1992. Full operation of the system depends on operational demands, carryover storage, and precipitation within the watershed. Future projections to the year 2012 from the District's 1992 Raw Water Master Plan expects a canal diversion demand of 176,200 acre feet of water to meet both treated water and raw water deliveries in Nevada, Placer and Yuba counties. The District expects the treated water production to increase 13,700 acre feet to serve an estimated population of 65,000 in the year 2012. Currently, the District serves a population of approximately 39,000 customers with treated water which consumes 9,800 acre feet of District water annually. Irrigated acreage is expected to increase from the current 26,000 acres of irrigated land to 32,000 acres in the same time period, and will utilize 139,000 acre feet of water.

By the year 2012, it is estimated that the District will need to divert 176,200 acre feet of water to meet total District needs (including Yuba and Placer counties). This projection was based on future growth occurring in the same straight line relationship as past growth. The District has stated that the projections will need updating prior to completion of the District's updated Raw Water Master Plan. In earlier studies, completed by consulting engineers for the District, it was concluded that an annual water demand of no more than 153,000 acre feet could be met without exceeding a fifty percent shortage during a critical dry year. The additional 22,600 acre feet needed by the year 2012 to meet the new estimated demands would appear to cause unacceptable high shortages during critical dry years. However, since completion of those studies, new water supply factors are being developed by District staff to offset the potential impact. These factors include water conservation measures, system operations, drought contingency plans, and purchases of water for the Pacific Gas and Electric Company's Drum-Spaulding project, and the additional 30,000 acre feet of water stored in Rollins Reservoir which reverts back to the District in 2013. The District will also explore the feasibility of new dams and diversions from the Yuba River and other drainages to meet demand goals in the future.

The second paragraph of page 4.10-4 of the Draft EIR has been edited to read as follows: "NID delivered a total of approximately 133,000 acre-feet of water in 1992 **in Placer, Nevada, and Yuba Counties**. Approximately 7,000 acre-feet per year, or 5 percent was treated domestic water for approximately **15,000** residential and commercial customers **in these counties**. Approximately 126,000 acre-feet per year or 95 percent is **delivered** for agricultural purposes."

56.3 Refer to Response 48.56.

56.4 According to NID, the 1976-77 drought served as a catalyst for developing better water conservation and management practices to ensure a more dependable future water supply. Since that time, the District has adopted various water conservation plans and developed operational guidelines to enhance the water supply availability in the District. A copy of the District's Drought Contingency Plan can be found attached to the end of Comment Letter No. 63.

56.5 Refer to Response 56.2.

56.6 At this time, it would be too speculative to identify the acre feet obligations to meet Sacramento/San Joaquin Delta water quality standards. Thus, this issue has not been addressed in the EIR except for the following new text that would be added to the discussion of Impact No. 42 on page 4.10-12 of the Draft EIR as a new paragraph: **"Additional future water obligations may be required of the Nevada Irrigation District (NID) due to a new set of Delta water quality criteria. To protect Delta Public Trust resources, it is possible that NID, as one of the major Sacramento River Basin diverters will be required to contribute to water flows to satisfy Striped Bass pulse flows. The exact amount of diversion is not known at this time. However, previous decisions (in draft form) required the dedication of up to 40,000 acre feet from NID on an annual basis."** Also, refer to Comment Letter No. 63 that includes NID's response to this issue.

Also, see Comment No. 59.2 from the Nevada Irrigation District.

57. R. and L. Diel

57.1 Refer to Response 3.3. Glenwood Road was not included in the RTP model. Refer to Response 48.37.

58. Nevada County Resource Conservation District

58.1 Nevada County has a clear responsibility for implementing all policies of the adopted General Plan. In addition, following FEIR certification, it will be the responsibility of the County to ensure that all mitigation measures, including those that provide for additional policy, are feasible and fully implemented in a timely manner consistent with the mitigation monitoring program and the Implementation Program of the General Plan.

59. Nevada Irrigation District

59.1 While the General Plan development would not affect mine drainage from past mining activities, the following new text should be added to the Setting section of 4.3 Hydrology and Water Quality, at the top of page 4.3-8 of the EIR: **"Recent concern has been raised about abandoned mine drainage degrading surface water quality. Some of these mines have ownership and other do not. The 1974 DWR study did not address mine drainage, thus the extent of mine drainage impacts has not been determined."**

59.2 Refer to Response 56.6.

59.3 Refer to Responses 33.2 and 56.2. There appears to be evidence to suggest that, in the long term and during drought periods, the County may suffer from a water shortage. At the same time, many uncertainties exist as to the future availability of water. Dams on the South Yuba River would likely have significant environmental impacts. However, the County very likely does not have jurisdiction over construction of such dams. That is why the Resolution Committee recommendation was to "encourage" protection of the river.

60. California Department of Transportation

60.1 The lane capacity assumptions, upon which the tables referred to are based, are from El Dorado, Yuba and Sutter County studies conducted by Barton Aschman, Inc. for CALTRANS, District 3. Please see Appendix "A" following Page VI-36 of Volume 2 of the Final Draft General Plan. The analysis that Barton-Aschman, Inc. provided to Harland Bartholomew and Associates (HBA) proved more suited to the specific region than the original LOS methodology proposed by HBA. The main impetus to using the local information-based assumptions was the unsuitability of the Highway Capacity Manual two-lane, rural highway methodology for County-maintained facilities. The methodology used most suited the majority of the roads within the study area. Also see Response 48.26.

60.2 There are physically five traffic lanes and a center left turn lane at the described location.

60.3 Refer to Response 3.1 regarding the level of analysis appropriate for a General Plan EIR. The feasibility of any of the proposed road widenings has not been addressed in this EIR. Each of these actions would be discretionary and would be subject to further review under the California Environmental Quality Act.

60.4 Refer to Response 60.3.

61. Rural Quality Coalition Verbal Presentation

61.1 Refer to Response 3.1 regarding the level of analysis appropriate to a General Plan EIR. Refer to Response 46.4 regarding road safety as well as Impact No. 33. Other responses to the Rural Quality Coalition are addressed in Responses 48.1 through 48.99.

61.2 Refer to Response 3.1.

61.3 Refer to Response 6.5 regarding financing for schools.

61.4 A number of land use changes are proposed throughout the EIR for specific impacts. Refer to the end of Response 3.1 regarding future studies.

62. Tahoe Truckee Unified School District

62.1 The following new text has been added as a new fifth paragraph on page 4.10-27 of the Draft EIR: **"The Tahoe-Truckee Unified School District is currently operating at 102 percent of District capacity. However, in the Nevada County/Town of Truckee area, the District is currently at 126 percent of capacity. Since 1989/90, the Nevada County portion of the District grew by 551 K-12 students, a 21.5 percent increase.**

The Tahoe-Truckee Unified School District has a new school currently under construction in the Glenshire area (due to open in September, 1995). The opening capacity of that school will be 428 students. When Glenshire School opens, the District will still be 54 students over capacity within the existing Nevada County schools."

The following new text has been added as a new paragraph to the bottom of page 4.10-29 of the Draft EIR: **"The Tahoe Truckee Unified School District has estimated that**

the District will need 4.61 new schools over the next ten years. Most of the proposed land use creating this need for new schools is located in the town of Truckee. However, there may be a need in the future to designate a school site within the County's jurisdiction. The estimated cost of these new schools, placement of portable classrooms and expansion of existing schools is estimated to cost \$46,261,180 (Tahoe Truckee Unified School District, letter to Tom Miller, Nevada County Planning Department, 26 January 1995). While a number of revenue sources have been identified by the District to finance facility expansions, the District has identified a facility funding shortfall of \$13,969,732. In order for the District to satisfy the shortfall, additional developer agreements will have to be obtained and a new General Obligation Bond will have to be approved."

New data was added to Table 4.10-10 to reflect enrollment figures for the Tahoe Truckee Unified School District (page 4.10-28 of the Draft EIR).

62.2 and 62.3 Page 4.10-27, paragraph one, last sentence is amended as follows:

The Placer County ~~School Board~~ **Office of Education** serves as an administrative body to Tahoe Truckee Unified School District.

Paragraph four, first sentence is amended, as follows:

New or expanded facilities would might be funded through state funds (Leroy Greene, Lease-Purchase Program), state matching programs with developer impacts fees, and local general obligation bonds.

62.4 The word "might" should replace "would" in the first sentence of the fourth paragraph of page 4.10-27 of the EIR regarding funding of new or expanded school facilities.

62.5 Refer to the end of Response 62.1 regarding revisions to Table 4.10-10.

Page 4.1-10 should be changed as follows:

The number of existing improved lots within the County ~~at the end of 1990~~ in **mid-1994** was ~~33,214~~ **37,000**. ~~As of 1990,~~ There were **also 17,300** ~~21,074~~ existing unimproved lots within the County for a total of ~~54,288~~ **54,300** lots. With a ~~1990~~ population of ~~78,510~~ **87,700**, the ratio is 2.4 persons per improved parcel. The ~~21,074~~ **17,300** vacant lots would accommodate an additional population of about ~~50,000~~ **41,000** based upon this ratio. (However, it should be noted that every existing unimproved lot may not be a "building site.") The projected year 2010 population is 139,488 persons, based on California Department of Finance projections, which would require approximately 28,000 dwelling units. Thus, even considering potential unbuildable parcels, existing vacant lots could accommodate a significant part of the projected year 2010 population in the County.

63. Nevada Irrigation District

63.0 Responses to Letter No. 63 are addressed under Responses to Letter No. 56.

64. Planning Commission Public Hearing Comments - 12 January 1995

64.1 Refer to the Mitigation Monitoring Program regarding monitoring of recommended mitigation measures, which include new and revised policies for the General Plan. Also refer to the Implementation Section of the General Plan and to Response 3.9 regarding Program EIRs.

64.2 As stated during the testimony, the fiscal implications of mitigation measures were not identified in the EIR, nor is such an analysis required by the California Environmental Quality Act. Refer to Response 11.27 regarding property rights.

64.3 Counsel DeGraw and Acting Director Miller addressed in the testimony the issue of the GPD process. Refer to Response 27.1 regarding health and safety issues.

64.4 Refer to testimony provided by Mr. Duchek and to Response 24.25 regarding fiscal impact analysis.

64.5 Section 21001(c) of CEQA states: "Prevent the elimination of fish or wildlife species due to man's activities, ensure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history." All of the recommendations included in Mitigation Measure No. 14 would complement the above policy of the State of California as found in Section 21001 of CEQA.

64.6 Refer to Response 3.1 and 3.9 regarding the level of detail appropriate for a Program EIR on a General Plan and Response 3.3 regarding addressing the County as a whole.

64.7 Refer to Response 3.1.

64.8 Refer to Response 6.50 and 48.64.

64.9 Refer to Response 48.11.

64.10 This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

64.11 Refer to Response 48.71 and the Mitigation Monitoring Program.

64.12 Loss of timber land is indirectly addressed under Impact No. 2 and No. 15 of the Draft EIR.

64.13 Refer to Response 25.3.

64.14 Refer to Responses to Comment Letter No. 25.

64.15 As stated under the revisions for Policy 1.18 on page 2-11 of the Draft EIR, clustering is mandatory for certain land use designations and "strongly encouraged" in other designations. It is true that the numbering system for mitigation measures accidentally omitted numbers 13 and 30.

64.16 The commentator has not clarified which RQC document is being referred to. Refer to Response 22.1.

64.17 Refer to responses to Letter No. 30.

64.18 Refer to Response 30.3.

64.19 Refer to responses to Letter No. 21.

64.20 Refer to Response 3.1.

64.21 Refer to responses to Letter No. 21.

64.22 Mitigation measures 6, 7, and 8 are considered adequate to mitigate drainage-related impacts without requiring a comprehensive drainage plan.

64.23 The traffic modelling completed for the Draft EIR did not include an intersection analysis. This type of analysis would not be appropriate for assessing traffic impacts of a General Plan. Refer to Response 3.1.

64.24 Clustering is recommended as a mitigation measure for a number of identified impacts. Assessing the impacts of clustering is beyond the scope of this EIR, and would depend largely on site-specific characteristics. The recommended Site Development Standards (Mitigation Measure No. 1) would serve to reduce impacts related to clustering.

64.25 The commentator has not clarified where the DEIR refers to "elimination of minimum lot size".

64.26 Refer to Response 11.27 regarding "takings" and Response 29.30 regarding changes to the last sentence of Mitigation Measure No. 12.

64.27 Refer to Response 53.5 regarding setbacks for septic systems.

64.28 The study recommended under Mitigation Measure No. 10 would definitely rely upon available information. Less restrictive language is not considered necessary to meet the intent of CEQA.

64.29 Refer to Response 23.2.

64.30 Refer to the Mitigation Monitoring Program. The commentator has not clarified what type of information is needed for the septic discussion. This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

64.31 This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

64.32 Refer to Response 3.1. Refer to Response 46.4.

64.33 Refer to Impact No. 11 regarding potential flooding problems.

64.34 Refer to Response 31.1.

64.35 Refer to Response 31.2.

64.36 This comment will be forwarded to the Planning Commission and Board of Supervisors for their consideration.

64.37 Refer to responses to Comment Letter No. 27.

64.38 Refer to responses to Comment Letter No. 27.

64.39 Refer to responses to Comment Letter No. 27.

64.40 Refer to Response 47.23.

64.41 Refer to Response 11.27.

9. MITIGATION MONITORING PLAN

TABLE 9.1

MITIGATION MONITORING PLAN

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
SIGNIFICANT UNAVOIDABLE IMPACTS				
Land Use	<p>Impact #2. Buildout of proposed General Plan land uses and RTP road improvements would result in the conversion of open space areas to urban/suburban uses. This is considered to be a significant, unavoidable impact as proposed General Plan policies would not prevent the significant conversion of existing open space to developed uses.</p>	<p><u>Plan Policies That Serve as Mitigation</u> Implementation of proposed General Plan policies 1.1.1.5(r), 1.14, 1.16, 1.17, 1.18, 5.1 through 5.23, and 6.1 through 6.9 would serve to reduce the impact but not to a less-than-significant level.</p>	<p>Nevada County Planning Department</p>	<p>For directive policies, at General Plan adoption and every year during policy review. For action policies, refer to the Implementation Plan in Appendix J for policy implementation; monitoring will also occur at time of development and permit application.</p>
<u>Other Implementation Measures</u>				
<p>Implementation of proposed policies identified above, Mitigation Measure #1, above, Mitigation Measures #16 and #18 in the Biotic Resources Section, and Mitigation Measure #2 below would serve to further reduce the impact, but not to a less-than-significant level. Therefore, this impact is considered to be significant and unavoidable.</p>				
<p>2. The following policy should be added to the Open Space Element of the proposed General Plan.</p>				
<p>The County shall consider forming an Open Space District</p>				
<p>Verify inclusion at adoption of General Plan.</p> <p>Nevada County Planning Department</p> <p>At General Plan adoption, and every year during review of implementation.</p>				

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>Impact #3. Buildout of proposed General Plan land uses and RTP road improvements would result in the conversion of farmland to urban- or suburban-scale uses. This is considered to be a significant, unavoidable impact as proposed General Plan policies do not necessarily protect farmland from conversion to urban uses.</p>	<p>to acquire and manage open space lands. Such a District would be able to acquire open space through dedication, or voluntary purchase from willing sellers of property of easements; the use of eminent domain would not be allowed.</p> <p>The District would be able to acquire land or other real property interests which could focus on lands which contain unique, valuable or sensitive resources reflecting environmental or biological sensitivity; scenic landscape units; community separators; historic, cultural, and archaeological content; and low intensity recreational potential. The District could also serve as a mitigation bank to provide funds for the restoration and enhancement of wetlands and watersheds in coordination with mitigation for new development allowed under the General Plan.</p> <p>The County may also consider formation of an Open Space Authority under applicable State legislation to finance the acquisition of open space in the County through a transaction and use tax over a 20 year period; the Authority would enter into an agreement with the District for use of the funds generated by the tax in accordance with an expenditure plan adopted by the Authority.</p>	<p>Verify inclusion at adoption of General Plan.</p>	<p>Nevada County Planning Department</p>	<p>For directive policies, at General Plan adoption. For action policies, refer to Implementation Plan in Appendix J, for policy implementation and review.</p>

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>Impact #31. Buildup of proposed General Plan land uses and associated population growth may result in State roadways and roads within incorporated areas (not under the jurisdiction of the County) operating at unacceptable levels of service, until needed roadway improvements can be funded and constructed. This is considered to be a significant and unavoidable impact, as proposed General Plan and RTP policies would not necessarily ensure that funding would be available to construct improvements needed to maintain acceptable LOS on State roadways.</p>	<p><u>Other Mitigation Measures</u> The following text should be added to the end of Policy 16.17: “Parcels eligible for Williamson Act contracts shall be 5 or more acres in size.” Implementation of proposed policies identified above and Mitigation Measure #1 would serve to further reduce the impact but not to a less-than-significant level. This impact is therefore considered to be significant and unavoidable.</p> <p><u>Plan Policies That Serve as Mitigation</u> Implementation of proposed General Plan policies 4.6, 4.7, 4.8, 4.9, 4.11, and 4.20, and RTP policies 3.1 through 3.12 would serve to reduce the impact to a less-than-significant level on local roads under the jurisdiction of the County. However, significant, unavoidable impacts would occur on State roads and roads within incorporated areas if needed roadway improvements are not funded and constructed as necessary to provide for minimally acceptable LOS.</p> <p><u>Other Mitigation Measures</u> Implementation of the proposed policies identified above along with Mitigation Measures #31A and 31B below, would serve to reduce the impact but not to a less-than-significant level.</p> <p>31A. The following new action policy should be added under Objective 3.2 of the General Plan as a new Policy 3.9(a): To ensure adequate timing of major development projects in the Martis Valley with the availability of adequate transportation facilities, the County shall conditionally restrict or otherwise prohibit development of all discretionary projects within the Martis Valley and with</p>	<p>Verify inclusion at adoption of General Plan.</p>	<p>Nevada County Planning Department</p>	<p>For directive policies, at General Plan adoption. Monitoring would also occur at relevant development and permit application stage.</p>
<p>Impact #31. Buildup of proposed General Plan land uses and associated population growth may result in State roadways and roads within incorporated areas (not under the jurisdiction of the County) operating at unacceptable levels of service, until needed roadway improvements can be funded and constructed. This is considered to be a significant and unavoidable impact, as proposed General Plan and RTP policies would not necessarily ensure that funding would be available to construct improvements needed to maintain acceptable LOS on State roadways.</p>	<p><u>Other Mitigation Measures</u> The following text should be added to the end of Policy 16.17: “Parcels eligible for Williamson Act contracts shall be 5 or more acres in size.” Implementation of proposed policies identified above and Mitigation Measure #1 would serve to further reduce the impact but not to a less-than-significant level. This impact is therefore considered to be significant and unavoidable.</p> <p><u>Plan Policies That Serve as Mitigation</u> Implementation of proposed General Plan policies 4.6, 4.7, 4.8, 4.9, 4.11, and 4.20, and RTP policies 3.1 through 3.12 would serve to reduce the impact to a less-than-significant level on local roads under the jurisdiction of the County. However, significant, unavoidable impacts would occur on State roads and roads within incorporated areas if needed roadway improvements are not funded and constructed as necessary to provide for minimally acceptable LOS.</p> <p><u>Other Mitigation Measures</u> Implementation of the proposed policies identified above along with Mitigation Measures #31A and 31B below, would serve to reduce the impact but not to a less-than-significant level.</p> <p>31A. The following new action policy should be added under Objective 3.2 of the General Plan as a new Policy 3.9(a): To ensure adequate timing of major development projects in the Martis Valley with the availability of adequate transportation facilities, the County shall conditionally restrict or otherwise prohibit development of all discretionary projects within the Martis Valley and with</p>	<p>Verify completion of Capital Improvement Fund.</p>	<p>County Administrator.</p>	<p>Within 12 months of General Plan and annually thereafter.</p>
<p>Impact #31. Buildup of proposed General Plan land uses and associated population growth may result in State roadways and roads within incorporated areas (not under the jurisdiction of the County) operating at unacceptable levels of service, until needed roadway improvements can be funded and constructed. This is considered to be a significant and unavoidable impact, as proposed General Plan and RTP policies would not necessarily ensure that funding would be available to construct improvements needed to maintain acceptable LOS on State roadways.</p>	<p>31A. The following new action policy should be added under Objective 3.2 of the General Plan as a new Policy 3.9(a): To ensure adequate timing of major development projects in the Martis Valley with the availability of adequate transportation facilities, the County shall conditionally restrict or otherwise prohibit development of all discretionary projects within the Martis Valley and with</p>	<p>Verify inclusion at adoption of General Plan.</p>	<p>Nevada County Planning Department</p>	<p>For action policies, refer to the Implementation Plan.</p>

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>Public Services and Utilities</p> <p>Impact #42. Buildout of proposed General Plan land uses and associated population growth will result in increased demand for surface water and groundwater supplies. This is considered to be a significant, unavoidable impact.</p>	<p>access to State Highway 267 until the bypass with Interstate Freeway 80 is completed.</p> <p>31B. The following new text should be added to the end of Policy 1.42:</p> <p>The coordinated development impact fee program shall include coordination with incorporated cities and possibly a Memorandum of Understanding between the County and cities regarding facilitation and implementation of this program.</p>	<p>Verify inclusion at adoption of General Plan.</p>	<p>Nevada County Planning Department</p>	<p>At General Plan adoption.</p>
<p>Public Services and Utilities</p> <p>Impact #42. Buildout of proposed General Plan land uses and associated population growth will result in increased demand for surface water and groundwater supplies. This is considered to be a significant, unavoidable impact.</p>	<p><u>Plan Policies That Serve as Mitigation</u></p> <p>Implementation of proposed General Plan policies 3.1, 3.2, 3.4, 3.5, and 3.13 through 3.15 would serve to reduce the impact but not to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u></p> <p>Mitigation Measures #16 and #39, which would reduce overall land use intensity in the Rural Regions and Community Regions, respectively, would reduce the impact. In addition, Mitigation Measure #38, below, would address impacts on groundwater supply.</p>	<p>Verify inclusion at General Plan adoption</p>	<p>Nevada County Planning Department</p>	<p>At General Plan adoption and every year at policy review.</p>
<p>38. The County shall undertake a Countywide groundwater study to assess groundwater supplies, quality, demand, and use. If the results of the evaluation indicate that overdrafting is occurring, alternate water sources should be provided. Rural development may be required to tie into a surface water supply system versus a groundwater system. The County should work closely with Placer</p>	<p><u>Other Mitigation Measures</u></p> <p>Mitigation Measures #16 and #39, which would reduce overall land use intensity in the Rural Regions and Community Regions, respectively, would reduce the impact. In addition, Mitigation Measure #38, below, would address impacts on groundwater supply.</p>	<p>Verify revision of General Plan land use maps</p>	<p>Nevada County Planning Department</p>	<p>Within 6 months of General Plan adoption.</p>
<p>38. The County shall undertake a Countywide groundwater study to assess groundwater supplies, quality, demand, and use. If the results of the evaluation indicate that overdrafting is occurring, alternate water sources should be provided. Rural development may be required to tie into a surface water supply system versus a groundwater system. The County should work closely with Placer</p>	<p>The County shall undertake a Countywide groundwater study to assess groundwater supplies, quality, demand, and use. If the results of the evaluation indicate that overdrafting is occurring, alternate water sources should be provided. Rural development may be required to tie into a surface water supply system versus a groundwater system. The County should work closely with Placer</p>	<p>Verify completion of study and implementation of its requirements.</p>	<p>Nevada County Planning Department</p>	<p>Verify study completion within 24 months of General Plan adoption.</p>

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>Impact #43. Buildout of proposed General Plan land uses would result in increased wastewater flows which would require expansion of wastewater collection and treatment facilities. This is considered to be a significant, unavoidable impact.</p>	<p>County and the Labontan RWQCB to ensure that groundwater demands from the Marfis Valley aquifer do not violate Public Law 101-618.</p> <p><u>Plan Policies that Serve as Mitigation</u></p> <p>Implementation of proposed General Plan policies 3.1 through 3.9 and 3.12 through 3.14 would serve to reduce the impact but not to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u></p> <p>Implementation of Mitigation Measure #39, below, would serve to further reduce the impact, and by limiting future development to that which is consistent with existing zoning, would limit the need for future expansion of existing systems. However, due to the expansion of facilities required to support even a reduced level of growth, the impact would be significant and unavoidable.</p> <p>39. Revise the land use map within the unincorporated portions of the Community Regions to be consistent with existing County zoning.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Department of Sanitation</p>	<p>For directive policies, verify inclusion at General Plan adoption and verify annually thereafter. For action policies, refer to Implementation Measure 12, Regional Wastewater Treatment System Study.</p>
<p>Impact #46. Buildout of proposed General Plan land uses could result in the generation of 25,769 school-aged children. Existing facilities would not have the capacity to serve these children, and this is considered to be a significant, unavoidable impact.</p>	<p><u>Plan Policies That Serve as Mitigation</u></p> <p>Implementation of proposed General Plan policies 3.12 through 3.14, 7.3, and 7.5 through 7.7 would serve to reduce the impact but not to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u></p> <p>None available.</p>	<p>Verify inclusion of policies at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>At General Plan adoption and at relevant development and permit application stage.</p>

TABLE 9.1
MITIGATION MONITORING PLAN (continued)

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>Impact #48. Buildout of proposed General Plan land uses and associated population growth would result in an increased exposure of persons and property to wildland fire. This is considered to be a significant, unavoidable impact. While proposed Plan policy and State standards would serve to reduce wildland fire hazards and associated need for increased fire protection services, these would not reduce the impact to a less-than-significant level.</p>	<p><u>Plan Policies That Serve as Mitigation</u> Implementation of proposed General Plan policies 10.1, 10.4, 10.5, 10.6, 10.8, and 10.9 would serve to reduce the impact but not to a less-than-significant level.</p>	<p>Verify inclusion at adoption of General Plan</p>	<p>Nevada County Planning Department</p>	<p>For directive policies, within 6 month of General Plan adoption. For Action policy 10.4, within 6 months. For Action policy 10.5, adoption and ordinance amendment within 12 months from adoption of General Plan.</p>
<p><u>Other Mitigation Measures</u> Mitigation measures #16 (see the Biotics section of this EIR) and #1 (see the Land Use section of this EIR) which respectively would reduce densities in portions of the Rural Regions and require clustering of development an all Rural Regions would serve to further mitigate the effects of exposure to wildland fire hazard, but not to a less-than-significant level.</p>	<p><u>Other Mitigation Measures</u> Mitigation measures #16 (see the Biotics section of this EIR) and #1 (see the Land Use section of this EIR) which respectively would reduce densities in portions of the Rural Regions and require clustering of development an all Rural Regions would serve to further mitigate the effects of exposure to wildland fire hazard, but not to a less-than-significant level.</p>	<p>Verify at adoption of General Plan and at ordinance adoption. Confirm compatibility with zoning map</p>	<p>Nevada County Planning Department</p>	<p>Amend Zoning Ordinance to require clustering within 6 months of General Plan adoption.</p>

TABLE 9.1
MITIGATION MONITORING PLAN (continued)

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>SIGNIFICANT IMPACTS</p> <p>Land Use</p> <p>Impact #1. Buildup of proposed General Plan land uses and RTP road improvements would result in incompatible land uses in proximity to one another. This is considered to be a significant impact as proposed plan policies would not necessarily minimize land use conflicts that could occur.</p>	<p><u>Plan Policies That Serve as Mitigation</u></p> <p>Implementation of proposed General Plan policies 1.17, 1.20, 1.21, 17.6, 17.14, 17.15, 17.24 and Regional Transportation Plan policies 1.1 and 2.2 would serve to reduce this impact but not to a less-than-significant level.</p>	<p>Verify inclusion of policies at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>At General Plan adoption and at relevant development and permit application stage.</p>
	<p><u>Other Mitigation Measures</u></p> <p>Implementation of proposed policies identified above and Mitigation Measure #1, below, would serve to reduce the impact to a less-than-significant level.</p> <p>1. Replace proposed General Plan policies 1.17 and 1.18 in their entirety, as follows, in order to provide for: a program for preparing adequate development standards; implementing these standards via the use of appropriate land use, siting, and design tools (including mandatory clustering); and determination of project approval.</p> <p>Policy 1.17 - The County shall prepare and adopt Comprehensive Site Development Standards. These standards shall be used during the "project site review process" to provide a consistent approach for addressing the presence of sensitive environmental features and/or natural constraints; clustering and provision of open space as part of site development; the potential for land use conflicts between uses; and the potential for public health hazards.</p>	<p>Verify inclusion of policies at General Plan adoption. Verify amendment of zoning ordinance.</p>	<p>Nevada County Planning Department</p>	<p>At General Plan adoption, and at relevant development and permit application phase. Verify completion of SDS within 12 months of General Plan adoption.</p>

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
	<p>The County shall prepare and adopt specific Comprehensive Site Development Standards which shall be applicable to all development projects in Community Regions and Rural Regions and protective of the County's unique character, providing guidance for:</p> <ul style="list-style-type: none"> a. Protection of environmentally sensitive resources; b. Provision of open space as part of site development; c. Prevention and elimination of fire hazards; d. Maintenance and enhancement of vegetation and landscaping; e. Prevention and elimination of fire hazards; f. Transitions between uses and multiple-use site development; g. Community design; h. Buffering and screening to mitigate adverse effects; i. Incentives to provide for access to public resources and open space values; and j. Protection of important agricultural mineral and timber resources. <p>The standards shall identify the basic requirements for site development in the County, including, at a minimum, standards to mitigate the impact of development on environmentally sensitive resources as defined in the following criteria:</p> <ul style="list-style-type: none"> • Wetlands [as delineated in the National Wetlands Inventory (NWI)]; 			

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
	<ul style="list-style-type: none"> • Important deer habitats, as defined by Fish and Game's Migratory Deer Range Maps; • Landmark oaks, defined as any oak 35+'' at dbh; • Landmark groves, defined as areas with 10+% canopy closure based on CDFs Hardwoods Map; • Rare and endangered species, as found in NDDDB and Inventory of Rare and Endangered Vascular Plants of California, 1994; • Riparian corridors within 100 feet of intermittent or perennial water courses, as shown on USGS quad maps; • Significant cultural resources, as defined by Appendix K of CEQA; • Floodplains, as defined by FEMA, precluding development and land disturbance within folkways and restricting development within the floodway fringe, through the establishment of floodplain setbacks and associated development regulations; • Important timberlands, as defined by Site Class 1 through 4, or a moderately high to very high site index (85+) using soils survey maps; • Important agricultural lands, as defined by State Important Farmland map; • Significant mineral areas, defined by State DM&G's MRZ-2 classification maps; • Earthquake faults, as defined by State Fault Map of California, 1975, or as determined by the State DB&G; 			

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
	<ul style="list-style-type: none"> • Avalanche hazard, as defined by Avalanche Hazard Study; • Steep slopes (30+ %); • Areas with high erosion potential, as delineated in Figure 3.3 of the Nevada County Master Environmental Inventory; • Areas subject to fire hazards, as defined by the State Department of Forestry's Fire Hazard Zone Mapping; • Visually important ridgelines and viewsheds, as defined by standards developed by Policy 18.3 of the General Plan. 			
	<p>Where such resources are present, the standards shall require that professional field inventory and review shall be undertaken to delineate the extent of the resource and determine the impact of the proposed development. The following siting and design measures shall be implemented as appropriate to meet the performance criteria:</p> <ul style="list-style-type: none"> • Identification of building envelopes; • Conservation easements/deed restrictions; • Use of common vs. individual driveways; • Specification of location and type of fencing; • Identification of setbacks and/or buffers; • Development restrictions; • Use of Transfer of Development Rights; and • Offsite mitigation/mitigation banking. 			

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>The County shall approve a project for a discretionary permit only if it can be demonstrated that the project as designed and sited meets the intent of the SDS performance criteria.</p>	<p>Policy 1.18 - Clustering of development is an effective and direct means to provide for the maintenance of the rural quality of life and protection of environmental resources which are important to Nevada County. Therefore, clustering of all land divisions shall be required within the Estate, Rural, and Forest General Plan land use designations in order to maintain the open, pastoral character of development which gives definition to the Rural Regions, and to protect environmental features by preserving areas containing such features as Open Space.</p>	<p>Verify inclusion at General Plan adoption. Verify amendment of Zoning Ordinance. Verify implementation for each land division.</p>	<p>Nevada County Planning Department</p>	<p>At General Plan adoption, and at permit application stage.</p>
<p>In all other residential use designations (including Residential, Urban Single-Family, Urban Medium Density, and Urban High Density), clustering of development shall be strongly encouraged to maintain viable open space onset to contribute to open space linkages through and between land use areas. In addition, clustering in these land use designations shall be mandatory for all discretionary projects where environmentally sensitive resources, as defined in Policy 1.17, are present.</p>	<p>Clustering may be achieved by building site clustering with creation of permanent open space; restriction of buildable area on individual lots; or other means which are consistent with the protection of the natural resources and environmental characteristics on the site.</p>	<p>No specific amount or ratio of open space shall be required; however, the amount of open space shall not be less than the amount of land area on the site subject to significant environmental features, as defined in Policy 1.17. Where the</p>		

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
	<p>entire site is affected by significant environmental features, clustered development shall occur on the least sensitive habitat or resource area, as defined by an environmental analysis. Within such defined areas, maximum subdivision parcel size shall be limited to that needed to meet water and sewage disposal standards, as determined by the Department of Environmental Health.</p> <p>Open space created through clustering shall be assured of permanent maintenance as open space by mechanisms such as, but not limited to, dedication, permanent easement, irrevocable trust, deed restrictions, or other mechanism assuring its permanent status.</p> <p>The allowable number of dwelling units for any clustered development shall not exceed the number of units determined by dividing the total acreage of a parcel by the maximum permitted density specified in Policy 1.22 for the land use designation in which the parcel is located.</p>	<p>Verify at adoption of land use map.</p>	<p>Nevada County Planning Department</p>	<p>At adoption of General Plan.</p>
	<p>1A. Additional mitigation could include changes to the land use map to reduce densities to the RES designation for the Sunset, Squirrel Creek, Alta Hill, and Ridge Road areas in response to the Resolution Committee recommendations. Densities should be reduced in the Penn Valley area, the Mystic Mine Road area, the Rough and Ready area, and the Lake Vera/Round Mountain Neighborhood Association area in response to the Resolution Committee recommendations.</p> <p>1B. Revise Policies 1.5j and 1.5k as follows: <u>Policy 1.5j:</u> Highway Commercial (HC) is intended to provide for the retail service needs of both highway-related and tourist populations, including automotive and travel-related</p>	<p>Verify inclusion of policies at adoption of General Plan.</p>	<p>Nevada County Planning Department</p>	<p>For directive policies, within 6 months of General Plan adoption.</p>

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
	<p>services, recreation, dining, and lodging. Development within this designation shall be grouped as a contiguous center to preclude strip development, and with convenient, controlled access to Interstate, freeway or primary arterial routes.</p> <p><u>Policy 1.5.k:</u> Rural Commercial (RC) is intended to provide for limited day-to-day retail and service needs for local residents, or for uses of limited scale and intensity providing goods and services to support local agricultural, natural resource or recreational operations. Such designations should have not more than 5 acres in a single location, and a convenient, controlled access to an arterial or major collector roadway.</p> <p>Size may be increased to not more than 10 acres where it is determined that a local market need clearly exists for this size development based upon a professionally-prepared market study, and a Design Master Plan is adopted providing for development in keeping with the rural character of the area.</p>			
1C.	<p>Policy 3.19 should be amended as follows:</p> <p>Maintain minimum lot size standards sufficient to maintain adequate area for the appropriation of water and disposal of sewage and ensure the continued protection of the public health, safety, and welfare.</p>	Verify inclusion of policy at General Plan adoption.	Nevada County Planning Department	Monitor each year at General Plan review.
Geology and Soils	<p>Impact #6. Buildup of proposed General Plan land uses, associated population growth, and RTP road improvements, may expose future residents and structures to seismic</p>	Verify inclusion of policies at General Plan adoption.	Nevada County Planning Department	For directive policies, monitor at General Plan adoption and ongoing each year

TABLE 9.1
MITIGATION MONITORING PLAN (continued)

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>hazards related to ground rupture and ground shaking from a large magnitude earthquake. This is considered to be a significant impact as proposed plan policies would not necessarily ensure that seismic hazards are minimized.</p>	<p><u>Other Mitigation Measures</u> Implementation of policies identified above, Mitigation Measure #1 (see Land Use section of this EIR), and Mitigation Measure #3, below, would serve to reduce the impact to a less-than-significant level.</p> <p>3. Revise policy 10.13 as follows: As part of the project site review process, require sufficient soils and geologic investigations to identify and evaluate the various geologic and seismic hazards that may exist for all proposed development including subdivisions. Such investigations shall be required within an area determined to be seismically active by the State Division of Mines and Geology or within an area having potential geologic hazards, including slope instability and excessive erosion.</p>			<p>at General Plan review. For action policies, see Section 4, Implementation Plan in Appendix J. Monitoring would also occur at relevant development and permit application phase.</p>
<p>Impact #7. Buildup of the proposed General Plan land uses and RTP road improvements may result in exposure of future residents and structures to landslide hazards. This is considered a significant impact as plan policies would not necessary protect future structures and residents from landslide hazards.</p>	<p><u>Plan Policies That Serve as Mitigation</u> Implementation of proposed General Plan policies 1.17, 1.18 and 10.13 would serve to reduce the impact but not to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u> Implementation of Mitigation Measures #1 (see Land Use section) and #3, above, would serve to reduce the impact to a less-than-significant level.</p>	<p>Verify inclusion of policies at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>For directive policies, monitor at General Plan adoption and ongoing each year at General Plan review. For action policies, see Section 4, Implementation Plan in</p>

TABLE 9.1
MITIGATION MONITORING PLAN (continued)

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>Impact #8. Buildup of proposed General Plan land uses and RTP road improvements may result in increased erosion associated with development in areas of steep slope and/or improper development practices. This is considered a significant impact, as the proposed General Plan policies would not necessarily include site plan and excavation procedures to reduce the impact.</p>	<p><u>Plan Policies That Serve as Mitigation</u> Implementation of proposed General Plan policies 1.17, 1.18, 10.13, 12.1, 12.2, 12.4 and 13.2 would serve to reduce the impact but not to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u> Implementation of Mitigation Measures #1 (see Land Use section) and #3, above, would serve to reduce the impact to a less-than-significant level.</p>	<p>Verify inclusion of policies at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>For directive policies verify at General Plan review. For action policies, refer to Section 4, Implementation Plan in Appendix J. Monitoring would also occur at relevant development and permit application phase.</p>
<p>Impact #9. Buildup of General Plan land uses and RTP road improvements may result in development over known deposits of valuable mineral resources. Incompatible land uses may conflict with active mining or preclude future mining. This is considered a significant impact as proposed Plan policies would not ensure that all mineral resources would remain accessible.</p>	<p><u>Plan Policies That Serve as Mitigation</u> Implementation of proposed General Plan policies 17.4 through 17.7, 17.9, 17.15, 17.17, 17.18, 17.20, and 17.24 would serve to reduce the impact to a less-than-significant level.</p>	<p>Verify inclusion of policies at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>For directive policies verify at General Plan review. For action policies, refer to Section 4, Implementation Plan in Appendix J. Monitoring would also occur at</p>

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>Hydrology and Water Quality</p> <p>Impact #11. Buildup of proposed General Plan land uses and associated population could result in increased development in floodplains resulting in periodic damage to structures and possible loss of life if flooding occurs. This is considered to be a significant impact, as plan policies do not necessarily provide for avoidance of development in floodplain areas.</p>	<p><u>Other Mitigation Measures</u></p> <p>Implementation of proposed policies identified above and Mitigation Measure #4, below would serve to reduce the impact to a less-than-significant level.</p> <p>4. Add the following policy to Chapter 17 of the proposed General Plan:</p> <p>The County shall zone lands identified as MRZ-2 areas in the "ME" Mineral Extraction Combining District as a means to provide for the public awareness of the potential for surface mining to occur where it has been established that important minerals are present. The "ME" District shall be used only on those lands which are within a compatible general Plan designation and which are not residentially zoned.</p>	<p>Verify inclusion of policy at General Plan adoption and at adoption of zoning ordinance.</p>	<p>Nevada County General Plan</p>	<p>relevant development and permit application phase.</p> <p>Verify amended zoning regulations and zoning district maps within 6 months of General Plan adoption.</p>
<p><u>Plan Policies That Serve as Mitigation</u></p> <p>Implementation of proposed General Plan policies 1.17, 1.18, 10.14, 10.15, and 11.8 would serve to mitigate the impact but not to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u></p> <p>Implementation of the policies above, Mitigation Measure #1 (see Land Use section of this EIR), and the following mitigation measure would serve to reduce the impact to a less-than-significant level.</p>	<p><u>Plan Policies That Serve as Mitigation</u></p> <p>Implementation of proposed General Plan policies 1.17, 1.18, 10.14, 10.15, and 11.8 would serve to mitigate the impact but not to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u></p> <p>Implementation of the policies above, Mitigation Measure #1 (see Land Use section of this EIR), and the following mitigation measure would serve to reduce the impact to a less-than-significant level.</p>	<p>Verify inclusion of policies at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>For directive policies, verify inclusion at General Plan adoption and review their application annually. For action policies, refer to Section 4, Implementation Plan in Appendix J. Monitoring would also occur</p>

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
	at relevant development and permit application phase.			
	5. Add the following policies to the Water Chapter of the proposed General Plan. Approve only those grading applications and development proposals that are adequately protected from flood hazards and which do not add flood damage potential. This may include the requirement for foundation design which minimizes displacement of flood waters, as well as other mitigation measures. Require new utilities, critical facilities and non-essential public structures to be located outside the 100-year flood plain unless such facilities are necessary to serve existing uses, there is no other feasible location, and construction of these structures will not increase hazards to life or property within or adjacent to the flood plain or coastal inundation areas. When constructed within a floodplain, require elevation of the habitable portions of residential structures to be above the 100-year flood level. Require flood-proofing or elevation of non-residential structures. Require that foundations do not cause floodwater displacement except where necessary for flood-proofing	Verify inclusion of policies at General Plan adoption.	Nevada County Planning Department	Verify inclusion of policy at General Plan adoption. Verify adoption of zoning ordinance to conform with General Plan policy.

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>Impact #12. Buildup of proposed General Plan land uses will result in increased impervious surfaces and associated stormwater runoff. This would be considered a significant impact if the capacity of natural drainage and/or constructed stormwater drainage systems would not have the capacity to handle increased flows.</p>	<p><u>Plan Policies That Serve as Mitigation</u> Implementation of proposed General Plan policies 1.17, 1.23, 3.8 and 10.12 would serve to reduce the impact but not to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u> Implementation of the policies above, Mitigation Measures #6, #7, and #8, and Mitigation Measure #1 (see Land Use section of this EIR) would serve to reduce the impact to a less-than-significant level. The following policies should be added to Chapter 3 (Public Facilities and Services) of the General Plan:</p>	<p>Verify adoption of policies at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>For directive policies, verify inclusion at General Plan adoption and review their application annually. For action policies, refer to Section 4, Implementation Plan, Appendix J. Verify inclusion of policy at General Plan Adoption. Verify adoption of ordinances within 12 months of General Plan adoption.</p>
<p>6. For all discretionary development, the County shall require full onset retention/detention of stormwater flow (for 100-year storms) so that the rate of runoff from the developed site is not greater than that from the site prior to development.</p>		<p>Verify adoption of policy of General Plan adoption. Verify adoption of ordinances. Verify compliance of discretionary approvals.</p>	<p>Nevada County Planning Department</p>	<p>Verify General Plan and other discretionary approval stages.</p>

TABLE 9.1

MITIGATION MONITORING PLAN (continued)

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>Impact #13. Buildup of proposed General Plan land uses and RTP road improvements may result in an overall decrease in surface water quality in County streams, lakes, and reservoirs due to increases in erosion and sedimentation due to improper development practices, urban pollutants carried in stormwater, and septic system failure. This is considered a significant impact, as implementation of proposed plan policies will not necessarily protect surface water quality.</p>	<p>7. The County shall strongly encourage the formation of independent or dependent entities (Community Service Area, County Service Area, special district or equivalent entities) for the purpose of maintaining drainage facilities to handle stormwater runoff.</p> <p>8. For all discretionary projects, the County shall require that maintenance of all onsite drainage facilities and all offsite facilities constructed as part of the project is assured through a permanent, legally-enforceable mechanism.</p>	<p>Verify policy inclusion General Plan adoption.</p> <p>Verify adoption of policy of General Plan adoption. Verify adoption of implementing ordinances. Verify compliance discretionary approvals.</p>	<p>Nevada County Planning Department.</p> <p>Nevada County Planning Department</p>	<p>Verify inclusion of policy at General Plan adoption and review annually thereafter.</p> <p>Verify at General Plan and other discretionary approval stages.</p>
<p>Impact #13. Buildup of proposed General Plan land uses and RTP road improvements may result in an overall decrease in surface water quality in County streams, lakes, and reservoirs due to increases in erosion and sedimentation due to improper development practices, urban pollutants carried in stormwater, and septic system failure. This is considered a significant impact, as implementation of proposed plan policies will not necessarily protect surface water quality.</p>	<p><u>Plan Policies That Serve as Mitigation</u></p> <p>Implementation of proposed General Plan policies 11.2 through 11.7, 11.9, 12.1, 17.11, 17.12 and 17.15 would serve to reduce the impact but not to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u></p> <p>Implementation of the above policies and Mitigation Measures #1 (see the Land Use section of this EIR) and #9, below, would reduce the impact to a less-than-significant level. The following recommended measure is for consideration during the development of the Comprehensive Site Development Standards related to protection of water quality.</p>	<p>Verify inclusion of policies at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>For directive policies verify inclusion at General Plan adoption and each year at General Plan review. For action policies, refer to Section 4, Implementation Plan in Appendix J.</p>

TABLE 9.1

MITIGATION MONITORING PLAN (continued)

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>Impact #14. Buildup of proposed General Plan land uses and associated population may result in an overall decrease in ground water quality as a result of increased use of septic systems. This is considered a significant impact as proposed plan policies would not necessarily serve to minimize impact.</p>	<p>9. New development shall minimize the discharge of pollutants into surface water drainages by providing the following improvements or similar methods which provide equal or greater runoff control: (a) include curbs and gutters on arterials, collectors, and local roads consistent with adopted road standards; and (b) oil, grease, and silt traps for parking lots, land divisions, or commercial and industrial development. Maintenance of such facilities shall be assured through a legally-enforceable mechanism.</p>	<p>Verify inclusion in Site Development Standards.</p>	<p>Nevada County Planning Department</p>	<p>Verify inclusion at relevant permit and development application phase.</p>
	<p>9A. Policy No. 12.3 should be revised to read: Cooperate with and encourage the activities of the Nevada County Resource Conservation District, including provision of educational materials for the general public regarding techniques and practices to minimize erosion from construction activities.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>For directive policies, verify inclusion at General Plan adoption and annually thereafter. For action, verify implementation policies, refer to Section 4, Implementation Plan in Appendix J. Monitoring</p>
	<p><u>Plan Policies That Serve as Mitigation</u></p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>For directive policies, verify inclusion at General Plan adoption and annually thereafter. For action, verify implementation policies, refer to Section 4, Implementation Plan in Appendix J. Monitoring</p>
	<p><u>Other Mitigation Measures</u></p>	<p>Implementation of proposed General Plan policies 11.2, 11.4, 11.5, 11.6, 3.1 and 3.5 would serve to reduce the impact but not to a less-than-significant level.</p> <p>Implementation of Mitigation Measures #10, #11, and #12, below, would serve to reduce the impact to a less-than-significant level. The following recommended measures are for consideration during development of the Comprehensive Development Standards related to groundwater quality.</p>	<p>Nevada County Planning Department</p>	<p>For directive policies, verify inclusion at General Plan adoption and annually thereafter. For action, verify implementation policies, refer to Section 4, Implementation Plan in Appendix J. Monitoring</p>

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
				would also occur at relevant development and permit application phase.
	<p>10. In order to determine the potential long-term effects of the continued use of septic tank/leachfield systems on groundwater quality, a survey of existing system conditions and failures within the County should be undertaken to supplement the limited existing information. Based upon the documentation of existing failures and problems resulting from the study, this proposed survey should recommend specific courses of action to take to mitigate groundwater impacts. Such actions may include more stringent requirements for new development, using septic systems, protections of aquifer recharge areas, and new requirements regarding protection of wells. The survey should include consideration of the variables listed in Table 4.3-2. This table presents an outline of study components and variables as identified in the Public and Private Sewerage Systems Report (HBA, 1992), which should be considered in developing a scope for such a survey. This study should be coordinated with the recommended groundwater study addressed under Mitigation Measure No. 38. Table 4.3-2 should be amended to include "eastern Nevada County" in the first sentence (A).</p>	Add to Implementation Plan.	Nevada County Planning Department	Complete study within 24 months of General Plan adoption.

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
	<p>11. Restrict septic tank and leachfields from all waterways, including perennial or intermittent streams, seasonal water channels, natural bodies of water, and 100-year floodplains consistent with the State Regional Water Quality Control Board Basin Plan Guidelines.</p> <p>12. Prohibit the location of septic systems and leachfields within the 100-year floodplain. However, for the western portion of the County, sewage systems should be set back 100 feet from the 100-year floodplain to be consistent with requirements of the Central Valley Regional Water Quality Control Board.</p>	<p>Add to Implementation Plan.</p> <p>Add to Implementation Plan.</p>	<p>Nevada County Planning Department</p> <p>Nevada County Planning Department</p>	<p>Verify at adoption of Comprehensive Development Standards.</p> <p>Verify at adoption of Comprehensive Development Standards.</p>
<p>Biotic Resources</p> <p>Impact #15. Buildup of proposed General Plan land uses and RTP road improvements would result in the direct loss of wildlife habitat and/or habitat fragmentation. This is considered to be a significant impact as proposed plan policies would not necessarily prevent this loss/fragmentation.</p>	<p><u>Plan Policies That Serve as Mitigation</u></p> <p>Implementation of proposed General Plan policies 1.17, 1.18, 13.1, and 13.2 would serve to reduce the impacts but not to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u></p> <p>Implementation of Mitigation Measures #1 (see the Land Use section of this EIR), and #14, #15, and #16, below, would reduce the impact to a less-than-significant level.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>For directive policies, verify inclusion at General Plan adoption and verify annually thereafter. For action policies, refer to Section 4, Implementation Plan in Appendix J. Monitoring would also occur at relevant development and permit application phase.</p>

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
	<p>14. The following policies should be added to the Wildlife and Vegetation Element of the proposed General Plan.</p> <p>No net loss of habitat functions or values shall be caused by development where significant environmental features or significant habitat, as defined in Policy 1.18, are identified during the review of proposed projects. No net loss shall be achieved through avoidance of the resource, or through creation or restoration of habitat of superior or comparable quality, in accordance with guidelines of the U.S. Fish and Wildlife Service and the California Department of Fish and Game.</p> <p>Habitat that is required to be protected, restored, or created as mitigation for a project's impacts shall be monitored and maintained in accord with a County-approved Habitat Management Plan.</p> <p>The land use designations and associated acreages identified on the proposed General Plan land use maps for Special Development Areas should be modified as necessary at the Specific Plan stage to protect sensitive natural communities and other important biotic resources.</p> <p>The County shall prepare and implement a Habitat Management Plan for the western and eastern portions of the County. This plan shall include a descriptive and mapped inventory of habitat types and associated characteristic plant and wildlife species. This plan shall also describe special status species known to occur within the County or typically associated with habitats found in the County. This information shall be used as the basis for developing and adopting a program for the management of habitat and associated species in the</p>	<p>Verify inclusion at General Plan adoption.</p> <p>Verify inclusion at General Plan adoption. Add to Implementation Plan.</p> <p>Verify changes at Specific Plan stage.</p> <p>Add to Implementation Plan.</p>	<p>Nevada County Planning Department</p> <p>Nevada County Planning Department</p> <p>Nevada County Planning Department</p> <p>Nevada County Planning Department</p>	<p>Verify inclusion at General Plan adoption; verify implementation annually during General Plan review.</p> <p>Verify implementation annually at General Plan review.</p> <p>Verify at Specific Plan or Tentative Map application stage.</p> <p>Verify completion of Plan within 12 months of General Plan adoption.</p>

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
	<p>western portion of the County. This program shall include but not be limited to recommendations related to site, development standards, habitat protection/restoration programs, and General Plan land use map changes. General Plan land use map changes could include the identification of favorable sites for future ecological reserves. The County should redesignate the ecological reserve areas as Open Space/Resource Conservation on the land use map. Identified areas suitable as reserves could serve as the possible "mitigation banking" sites where future development projects could contribute to the purchase and maintenance of selected reserves through contribution to a conservation impact fee.</p>	<p>Add to Implementation Plan.</p>	<p>Nevada County Planning Department</p>	<p>Verify resolution within six months of General Plan adoption.</p>
	<p>15. Revise proposed General Plan policy 13.3 as follows: As part of the Comprehensive Site Development Standards, require the maximum feasible use of drought tolerant native and/or site-appropriate plant species for landscaping of all new multi-family residential, commercial, and industrial, and public projects. Invasive, non-native plants that may displace native vegetation on adjoining undeveloped lands shall not be used. Landscaping with native trees and shrubs shall be encouraged to provide suitable habitat for native</p>	<p>Verify inclusion of policy at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>Verify at General Plan adoption. Ongoing monitoring at relevant development and permit application phase.</p>

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
	wildlife, particularly in proposed open space uses of future development.			
	16. Revise proposed General Plan Land Use Maps to redesignate lots of less than 20 acres to provide for designations with a minimum parcel size of 20 acres or larger in Rural Regions (outside of Rural Centers) within the western portion of the County, except as indicated in Mitigation Measure #10 below. This redesignation would primarily affect lots in the San Juan Ridge, around the Penn Valley area, and in the southwestern portion of the County. This redesignation would also result in the elimination of the New Town SDA in the southwestern portion of the County.	Verify inclusion at General Plan adoption. Amend zoning ordinance.	Nevada County Planning Department.	Verify at General Plan adoption. Verify zoning ordinance amendment within 6 months of General Plan adoption. Refer to Implementation Measure 3, Section 4 of the Implementation Plan found in Appendix J.
	16A. Revise Policy 1.5.r as follows: Policy 1.5.r. Open Space (OS) is intended to provide for land, primarily in public ownership, which is dedicated to recreation, resource and habitat preservation, and protection of environmental resources, and which typically allows only recreation or very low-intensity limited uses, such as, but not limited to, visual corridor preservation, interconnecting wildlife corridors, slope protection, preservation of ditches, railroad rights-of-way, and historic trails. This designation shall also provide for the designation of land in private ownership which is permanently devoted to open space through clustering or other open space requirements.			

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>Impact #16. Buildout of the General Plan would result in the loss or disturbance of habitat used by deer for movement, as winter and summer range, and for fawning. This is considered to be a significant impact, as proposed General Plan policies would not necessarily protect habitat used by deer.</p>	<p><u>Plan Policies That Serve as Mitigation</u> Implementation of policies 1.17, 1.18, 13.1, and 13.2, of the proposed General Plan would serve to reduce the impact but not to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u> Implementation of Mitigation Measures #1 (see the Land Use section), #16 above, and #17 and #18, below, would reduce the impact to a less-than-significant level.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>For directive policies, verify inclusion at General Plan adoption and verify annually thereafter. For action policies, refer to Section 4, Implementation Plan in Appendix J. Monitoring would also occur at relevant development and permit application phase.</p>
<p>17. The following policy should be added to the Wildlife and Vegetation Element of the proposed General Plan. Non-development buffers shall be maintained adjacent to stream corridors through the use of clustering, the designation of a Planned Development, or the implementation of other siting and design tools. Buffers shall be sufficient in size to protect the stream corridor for movement, as well as provide some adjacent upland habitat for foraging.</p>	<p>17. The following policy should be added to the Wildlife and Vegetation Element of the proposed General Plan. Non-development buffers shall be maintained adjacent to stream corridors through the use of clustering, the designation of a Planned Development, or the implementation of other siting and design tools. Buffers shall be sufficient in size to protect the stream corridor for movement, as well as provide some adjacent upland habitat for foraging.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>Verify at General Plan adoption.</p>
<p>18. Revise General Plan land use map to provide for a 40-acre minimum parcel size in critical migratory deer winter ranges in Rural Regions within the western portion of the County (see Figure 4.4-4).</p>	<p>18. Revise General Plan land use map to provide for a 40-acre minimum parcel size in critical migratory deer winter ranges in Rural Regions within the western portion of the County (see Figure 4.4-4).</p>	<p>Verify inclusion at General Plan adoption. Amend zoning ordinance.</p>	<p>Nevada County Planning Department</p>	<p>Verify at General Plan adoption. Verify zoning ordinance amendment within 6 months of General Plan adoption.</p>

TABLE 9.1

MITIGATION MONITORING PLAN (continued)

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>Impact #17. Buildout of proposed General Plan land uses and RTP road improvements would result in the loss or degradation of oak trees in the western portion of the County. This is considered to be a significant impact, as proposed plan policies would not necessarily serve to minimize this loss.</p>	<p><u>Plan Policies That Serve as Mitigation</u> Implementation of proposed General Plan policies 1.17, 1.18, 13.1, 13.2, and 13.8 would serve to reduce impacts but not to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u> Implementation of the proposed policies above and Mitigation Measure #1 (see the Land Use section of this EIR) and #19, below, would reduce the impact to a less-than significant level.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>For directive policies, verify inclusion at General Plan adoption and verify annually thereafter. For action policies, refer to Section 4, Implementation Plan in Appendix J. Monitoring would also occur at relevant development and permit application stage.</p>
<p>Impact #18. Buildup of proposed General Plan land uses and RTP road improvements may result in the elimination, interruption or disturbance of special status species or their habitat as a result of development and associated</p>	<p>19. The following policy should be added to the Wildlife and Vegetation Element of the proposed General Plan. Development in the vicinity of significant oak groves of all oak species shall be designed and sited to maximize the long-term preservation of the trees and the integrity of their natural setting. The County should adopt a Tree Protection Ordinance specifically geared towards the protection of oaks.</p> <p><u>Plan Policies That Serve as Mitigation</u> Implementation of proposed General Plan policies 1.17, 1.18, 13.1, and 13.2 and RTP policy 2.2 would serve to reduce impacts but not to a less-than-significant level.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County General Planning Department</p>	<p>At General Plan adoption and at Specific Plan or Tentative Map application.</p>
		<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>For directive policies, verify inclusion at General Plan adoption and verify annually</p>

TABLE 9.1
MITIGATION MONITORING PLAN (continued)

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>loss or degradation of habitat. This is considered to be a significant impact, as proposed plan policies would not necessarily minimize impacts to such species.</p>	<p><u>Other Mitigation Measures</u> Implementation of proposed policies above, Mitigation Measures #1 (see the Land Use section of this EIR), #14, #16 above, and #20 below, would reduce the impact to a less-than significant level.</p>	<p>thereafter. For action policies, refer to Section 4, Implementation Plan in Appendix J. Monitoring would also occur at relevant development and permit application stage.</p>		
<p>20. The following policies should be added to the Wildlife and Vegetation Element of the proposed General Plan. Project review standards shall include a requirement to conduct a site-specific biological inventory to determine the presence of special status species or habitat for such species that may be affected by a proposed project. The results of the biological inventory shall be used as the basis for establishing land use siting and design tools required to achieve the objective of no net loss of habitat function or value for special status species. The Habitat Management Plan shall be prepared to comply with the requirement of the Federal Endangered Species Act (FESA) and the California Endangered Species Act (CESA). The plan shall provide the background data, impact analysis, and mitigation programs necessary to obtain a FESA Section 10(a) and CESA Section 2081 permit authorizing incidental take of federal and state listed threatened and endangered species that occur in areas proposed for future development.</p>	<p>20. The following policies should be added to the Wildlife and Vegetation Element of the proposed General Plan. Project review standards shall include a requirement to conduct a site-specific biological inventory to determine the presence of special status species or habitat for such species that may be affected by a proposed project. The results of the biological inventory shall be used as the basis for establishing land use siting and design tools required to achieve the objective of no net loss of habitat function or value for special status species. The Habitat Management Plan shall be prepared to comply with the requirement of the Federal Endangered Species Act (FESA) and the California Endangered Species Act (CESA). The plan shall provide the background data, impact analysis, and mitigation programs necessary to obtain a FESA Section 10(a) and CESA Section 2081 permit authorizing incidental take of federal and state listed threatened and endangered species that occur in areas proposed for future development.</p>	<p>Verify at General Plan adoption and ordinance amendment. Refer to Implementation Measure 1, Implementation Plan. At General Plan adoption and ordinance amendment. Refer to Implementation Measure 1, Implementation Plan.</p>	<p>Nevada County Planning Department Nevada County Planning Department</p>	<p>Adoption and ordinance amendment within 12 months of General Plan. Ongoing review at development and permit application stage. Adoption and ordinance amendment within 12 months of General Plan. Ongoing monitoring at development and permit application stage.</p>

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>Impact #19. Buildup of proposed General Plan land uses and RTP road improvements may result in the loss of wetlands due to filling as a result of development, interruption of drainage to wetlands, and/or degradation of wetland water quality associated with increased urban runoff and sedimentation. This is considered to be a significant impact.</p>	<p>Prior to implementation of an adopted Habitat Management Plan, project applicants proposing the development of a project that would impact a federal or state listed species, or a species that is proposed for listing, shall be individually responsible for obtaining federal and state incidental take permits on a project-by-project basis.</p> <p><u>Plan Policies That Serve as Mitigation</u></p> <p>Implementation of existing state and federal regulations and policies, the local zoning ordinance, and proposed plan policies 1.17, 1.18, 13.1, and 13.2 of the proposed General Plan and RTP policy 2.2 would serve to reduce the impact but not to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u></p> <p>Implementation of Mitigation Measure #1 (see the Land Use section of this EIR), and #21 and #22 below would serve to reduce the impact to a less-than-significant level.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>For directive policies, verify inclusion at General Plan adoption and verify annually thereafter. For action policies, refer to Section 4, Implementation Plan in Appendix J. Monitoring would also occur at relevant development and permit application phase.</p>
<p>21. The following policies should be added to the Wildlife and Vegetation Element of the proposed General Plan. No net loss of riparian or wetland habitat functions or values shall be caused by development.</p>	<p>21. The following policies should be added to the Wildlife and Vegetation Element of the proposed General Plan. No net loss of riparian or wetland habitat functions or values shall be caused by development.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>Verify at adoption of General Plan. Review at development and permit application stage and other</p>

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
	<p>Development projects which have the potential to remove riparian or wetland habitat shall not be permitted unless:</p> <p>(a) No suitable alternative site or design exists for the land use;</p> <p>(b) There is no degradation of the habitat or reduction in the numbers of any rare, threatened, or endangered plant or animal species as a result of the project;</p> <p>(c) Habitat of superior quantity and superior or comparable quality will be created or restored to compensate for the loss; and</p> <p>(d) The project conforms with regulations and guidelines of the US Fish and Wildlife Service, U.S. Army Corps of Engineers, California Department of Fish and Game, and other relevant agencies.</p>			discretionary applications.
<p>Impact #20. Buildup of proposed General Plan land uses and RTP road improvements may result in the loss or degradation of riparian habitats as a result of adjacent development and/or activities such as agricultural and timber production/harvesting, mineral extraction, etc. Fisheries could be impacted by the loss or degradation of riparian habitats. This is considered to be a significant impact as proposed plan policies would not necessarily minimize impacts.</p>	<p>Future development shall be set back a minimum of 100-feet from all significant wetlands.</p> <p><u>Plan Policies That Serve as Mitigation</u></p> <p>Implementation of policies 1.17, 1.18, 13.1, and 13.2 of the proposed General Plan and RTP policy 2.2 would serve to reduce the impact but not to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u></p> <p>Implementation of Mitigation Measure #1 (see Land Use section of this EIR), #14, #17, above, and #22 below would reduce the impact to a less-than-significant level.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>For directive policies, verify inclusion at General Plan adoption and verify annually thereafter. For action policies, refer to Section 4, Implementation Plan in Appendix J. Monitoring</p>

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
				would also occur at relevant development and permit application stage.
	<p>22. The following policy should be added to the Wildlife and Vegetation Element of the proposed General Plan. Setback future development a minimum of 100-feet from top of bank, or the width of riparian vegetation if greater, from all water bodies.</p>	Verify inclusion at General Plan adoption.	Nevada County Planning Department	Verify at General Plan adoption and permit application stage.
	<p>22A. Revise Policy 5.20 of the General Plan as follows: Recognize and protect the South Yuba River canyon as an important resource in terms of recreation, tourism, aesthetics, water resource, mineral resource, water quality, and wildlife habitat through the following actions:</p> <ul style="list-style-type: none"> a. Designate publicly-owned lands physically adjoining the river as open space in the General Plan land use maps. b. Encourage the recreation master planning and development activities by the State Department of Parks and Recreation. c. Encourage the protection of the South Yuba River from dams. 	Verify inclusion at General Plan adoption.	Nevada County Planning Department	Verify at General Plan adoption and permit application stage.
<p>Cultural Resources Impact #22. Buildout of proposed General Plan land uses and construction of RTP road improvements may result in</p>	<p><u>Plan Policies That Serve as Mitigation</u> Implementation of proposed General Plan policies, 4.39 and</p>	Verify inclusion at General Plan	Nevada County Planning	For directive policies, verify inclusion at

TABLE 9.1

MITIGATION MONITORING PLAN (continued)

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>disturbance to known or undiscovered cultural resource sites related to development as well as increased vandalism. This is considered to be a significant impact, as implementation of proposed plan policies would not necessarily result in the identification and protection of cultural resources.</p>	<p>19.1 through 19.7 would serve to reduce the impact but not to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u></p> <p>Implementation of the policies identified above, and Mitigation Measures # 1 (see the Land Use section of this EIR), #23, and #27, below, would serve to reduce the impact to a less-than-significant level.</p>	<p>adoption.</p>	<p>Department</p>	<p>General Plan adoption and verify annually thereafter. For action policies, refer to Section 4, Implementation Plan in Appendix J. Monitoring would also occur at relevant development and permit application stage.</p>
<p>23. Where review indicates significant archaeological or historical sites or artifacts are, or are likely, present, an on-site field review shall be required. If a site or artifacts are discovered, the find shall be evaluated and potential significance determined. If significant cultural resources may be directly or indirectly impacted by proposed development, appropriate mitigation shall be developed and implemented in accordance with California Environmental Quality Act standards, including Appendix K, prior to onset of ground disturbance. Avoidance of significant cultural resources shall be considered the mitigation priority. Excavation of such resources shall be considered only as a last resort when sufficient planning flexibility does not permit avoidance. On-site field review, evaluation of site significance, and development of mitigation measures, as identified above,</p>	<p>23. Revise Cultural and Historic Resource Element policy 19.6 as follows:</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>Verify inclusion at General Plan adoption.</p>

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
	<p>shall be performed by a qualified professional archaeologist.</p> <p>24. Site development standards for cultural and historic resources, as stipulated in revised policy 1.17 (see Mitigation Measure #1) and policy 19.5, shall be developed in accordance with revised policy 19.6 (see Mitigation Measure #23), above, and shall incorporate the use of the Cultural Sensitivity Modelling contained in Appendix D.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>Verify at General Plan adoption and at Specific Plan and Tentative Map stage.</p>
	<p>24A. Revise Cultural and Historic Resource Element Policy 19.1 as follows:</p> <p>Enact a Cultural Resources Ordinance to ensure effective preservation, protection, and management of cultural resources. Such an ordinance might include the identification and preservation of historical, cultural, and architecturally significant sites and resources within Nevada County. The establishment of a county listing of significant cultural resources may be part of a Cultural Resources Ordinance. The identified cultural resources could be evaluated as to their potential significance in relation to the criteria used for both the National Register of Historic Places and the California Register of Historic Places. These four criteria for evaluation are the same for both registers. The resource must either be:</p> <p>A. associated with events that made a significant contribution to local, state, or national history;</p> <p>B. associated with the lives of persons significant in our past (local, state, or national);</p> <p>C. embodies the distinctive characteristics of a type, period, or method of construction, or represents the</p>	<p>Verify inclusion at General Plan and Ordinance adoption.</p>	<p>Nevada County Planning Department</p>	<p>Adopt ordinance within 12 months of General Plan adoption.</p>

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
	<p>work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose component may lack individual distinction; or</p>			
	<p>D. yields, or may be likely to yield information important in prehistory or history.</p>			
	<p>In addition, the identified cultural resource must be evaluated as to its integrity of location, design, setting, materials, workmanship, feeling, and association. All of these same criteria may be used to designate significant resources for a local, county-wide listing of significant sites and/or resources.</p>			
	<p>The Cultural Resources Ordinance could also specify the mitigation procedures to be followed once a resource has been identified and determined to be significant. The preferred measure would be avoidance and/or protection of a site by project redesign or fencing, etc. If the resource is or will be impacted, a professional archaeologist/historian/architectural historian should be contacted to set up a research design to deal with the resource.</p>			

TABLE 9.1

MITIGATION MONITORING PLAN (continued)

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>Visual Quality</p> <p>Impact #24. Buildout of proposed General Plan land uses may impact the significant stands of oak trees in the western portion of the County. This is considered to be a significant impact, as plan policies do not necessarily provide for avoidance of development in areas of oak woodlands.</p>	<p><u>Plan Policies That Serve as Mitigation</u></p> <p>Implementation of proposed General Plan policies 1.17, 1.18, 10.14, 10.15, and 11.8 would serve to mitigate the impact but not to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u></p> <p>Implementation of the proposed policies identified above along with Mitigation Measure #1 (see Land Use section of this EIR), Mitigation Measure #19 (see Biotic Resources section of this EIR) and Mitigation Measure #25 below, would serve to reduce the impact to a less-than-significant level.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>For directive policies, verify inclusion at General Plan adoption and verify annually thereafter. For action policies, refer to Section 4, Implementation Plan in Appendix J.</p>
<p>Impact #25. Buildup of proposed General Plan land uses in close proximity to the County's river corridors could adversely affect the scenic value of the waterways, especially if vegetation adjoining the waterways were removed for new development. This would be considered a significant impact as plan policies do not necessarily provide for projection of visual quality along river corridors.</p>	<p>25. The County shall adopt a regulation to protect heritage trees, native oak trees, and significant oak groves. All native tree species with a trunk diameter of 36 inches or greater should be protected.</p>	<p>Verify at ordinance adoption.</p>	<p>Nevada County Planning Department</p>	<p>Verify ordinance within 6 months of General Plan adoption.</p>
<p>Impact #25. Buildup of proposed General Plan land uses in close proximity to the County's river corridors could adversely affect the scenic value of the waterways, especially if vegetation adjoining the waterways were removed for new development. This would be considered a significant impact as plan policies do not necessarily provide for projection of visual quality along river corridors.</p>	<p><u>Plan Policies That Serve as Mitigation</u></p> <p>Implementation of proposed General Plan policies 1.17, 1.23, 3.8 and 10.12 would serve to reduce the impact but not to a less-than-significant level.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>Verify inclusion in General Plan at adoption; verify adoption and ordinance amendment within 12 months of General Plan adoption.</p>
<p><u>Other Mitigation Measures</u></p> <p>Implementation of the policies above, and Mitigation Measures</p>	<p>Implementation of the policies above, and Mitigation Measures</p>	<p>Verify at adoption of General Plan;</p>	<p>Nevada County Planning</p>	<p>Verify inclusion in General Plan at adoption; verify</p>

TABLE 9.1
MITIGATION MONITORING PLAN (continued)

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>Impact #26. Buildup of proposed General Plan land uses and RTP road improvements within the watershed of designated scenic routes could diminish the aesthetic value of the roadside scenery. This is considered a significant impact, as implementation of proposed plan policies will not necessarily protect visual quality.</p>	<p># 1 (see Land Use section of this EIR) #21, #22 (see Biotic Resources section of this EIR), and #25B would serve to reduce the impact to a less-than-significant level.</p>	<p>verify adoption of standards and procedures.</p>	<p>Department</p>	<p>adoption of standards and procedures within 12 months of General Plan adoption. If approved, prepare Scenic Stream Corridor Plan within 24 months of General Plan adoption.</p>
<p>25B. The following new policy should be added under Objective 18.2 of the General Plan:</p> <p>To provide for scenic stream corridor protection along designated streams, the County shall prepare standards and procedures whereby local groups, associations, or similar organizations can apply for designation of a segment of any stream as a local scenic stream corridor. If approved, a Scenic Stream Corridor Plan shall be prepared.</p>	<p><u>Plan Policies That Serve as Mitigation</u></p> <p>Implementation of proposed General Plan policies 18.3, 18.4, 18.5, 18.6, 18.7, 18.8, and 18.9 would serve to reduce the impact but not to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u></p> <p>Implementation of the proposed policies identified above along with Mitigation Measures #26 and #27 below, would serve to reduce the impact to a less-than-significant level.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>For directive policies, verify inclusion at General Plan adoption and verify annually thereafter. For action policies, refer to Section 4, Implementation Plan in Appendix J.</p>

TABLE 9.1

MITIGATION MONITORING PLAN (continued)

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
26.	<p>The County should designate scenic corridors along the following routes: Interstate 80 and Highways 49, 89, 174, and 267 for their entire length in the County; all of Highway 20; Donner Pass Road (Old Highway 40), from the Interstate 80 intersection at Soda Springs to Donner State Memorial Park. These corridors should be placed within the SC "Scenic Corridor" Combining District, with boundaries based upon adopted studies.</p>	<p>Verify inclusion at General Plan adoption. Verify at ordinance adoption.</p>	<p>Nevada County Planning Department</p>	<p>Verify 18 months from ordinance adoption.</p>
27.	<p>The following policies shall be added to the Aesthetics chapter of the General Plan:</p> <p>The County shall prepare Scenic Highway Reports for all those highways in the County as shown on the State Scenic Highways Master Plan for which such reports have not been prepared. The County shall prepare such reports within one year of the adoption of the General Plan, and shall implement these studies by zoning and other applicable regulations along such routes within the SC "Scenic Corridor" Combining District within two years of the approval of the Scenic Highway Resolution Package by the Caltrans Departmental Transportation Advisory Committee.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>Verify inclusion in General Plan at adoption. Verify preparation of reports within one year of General Plan adoption and verify zoning ordinance 5 years from report acceptance.</p>
27A.	<p>The following changes should be made to Policy 18.9 of the General Plan:</p> <p>To encourage a system of scenic County roads, the County shall prepare standards and procedures whereby local groups, associations, or similar organizations can apply for</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>Refer to Implementation Plan, Measures 2, 3 and 53.</p>

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>Impact #27. Buildout of proposed General Plan land uses within the Community Commercial, Highway Commercial, Business Park, Industrial, and Recreation designations could result in buildings as tall as 60 feet. Depending on their location, such buildings could create a dominant visual feature, contrasting significantly with adjoining agricultural lands and limiting the view of motorists. This is considered a significant impact, as implementation of proposed plan policies will not necessarily prevent such visual contrast.</p>	<p>designation of County roadways. If approved, a County Scenic Corridor Plan shall be prepared.</p>			
	<p><u>Plan Policies That Serve as Mitigation</u> Implementation of proposed General Plan policies 18.1 and 18.2 would serve to reduce the impact, but not to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u> Implementation of the proposed policies identified above along with Mitigation Measure #28 below, would serve to reduce the impact to a less-than-significant level.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>For directive policies, verify inclusion at General Plan adoption and verify annually thereafter. For action policies, refer to Section 4, Implementation Plan in Appendix J.</p>
<p>28. The maximum allowable height limit for Community Commercial, Highway Commercial, Business Park, Industrial and Recreation designations should be 45 feet. Discretionary permits could be required for special uses that would need to exceed the allowable height.</p>		<p>Verify inclusion at General Plan adoption. Verify completion of Community Regional Design Guidelines.</p>	<p>Nevada County Planning Department</p>	<p>Complete Community Regional Design Guidelines within one year of General Plan adoption.</p>

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>Impact #29. Buildup of General Plan land uses could result in a linear "sprawl" along the major transportation routes linking the communities.</p>	<p><u>Plan Policies That Serve as Mitigation</u> Implementation of proposed General Plan policies 18.1 and 18.2 would serve to reduce this impact, but not to a less-than significant level.</p> <p><u>Other Mitigation Measures</u> Implementation of the proposed policies above, along with Mitigation Measure #29 below, would serve to reduce the impact to a less-than-significant level.</p> <p>29. The following policy shall be added to the Aesthetics chapter of the proposed General Plan: The County shall promote a compact development pattern to protect open space buffers between communities and to maintain a geographic distinction between communities.</p>	<p>Verify inclusion at General Plan adoption</p>	<p>Nevada County Planning Department</p>	<p>Verify at General Plan adoption and at annual updates.</p>
<p>Traffic and Circulation Impact #33. Buildup of proposed General Plan land uses and associated population and employment growth will increase the demand for bicycle, pedestrian and equestrian facilities. This is considered to be a less-than-significant impact as the proposed General Plan has policies that would provide for facilities to meet this demand.</p>	<p><u>Plan Policies That Serve as Mitigation</u> Implementation of proposed General Plan policies 4.27, 4.28, and 4.32 through 4.36 would serve to reduce the impact but not to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u> Implementation of the proposed policies identified above along with Mitigation Measure #32 below, would serve to reduce the impact to a less-than-significant level.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>For directive policies, verify inclusion at General Plan adoption and verify annually thereafter. For action policies, refer to Section 4, Implementation Plan in Appendix J. Monitoring would also occur</p>

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>Impact 34B. If residential development in the County outpaces job-generating development (or vice versa), an imbalance in the jobs/housing ratio may result in either out-commuting or in-commuting and associated traffic, air quality and noise-</p>	<p>32. Replace General Plan Policy 4.33 in its entirety to provide for inclusion of bicycle and pedestrian facilities as follows: The County shall impose comprehensive development fees in amounts sufficient to offset the costs identified as the appropriate share of the bicycle and pedestrian improvements under the approved Bicycle and Pedestrian Master Plans and Non-Motorized Multi-Purpose Trails Master Plan which are necessary to serve future development. The comprehensive development fee structure shall ensure that future growth fully mitigates its direct and cumulative impacts on the County. and revise Policy 4.27 and 4.28 as follows; by adding: 4.27 New development adjacent to or including any designated bicycle facility shall be coordinated with provision of such facility under Policy 4.33. 4.28 New development adjacent to or including any designated bicycle facility shall be coordinated with provision of such facility under Policy 4.33.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>County Administrator Nevada County Planning Department</p>	<p>at relevant development and permit application stage. Verify inclusion of policy at General Plan adoption. Verify adoption of an Impact Fee Program within 12 months of General Plan adoption. Verify preparation of Pedestrian and Bicycle Master Plans and Non-Motorized Multi-Purpose Trails Plan within 18 months of General Plan adoption.</p>

Policies That Serve as Mitigation

Policies 2.5, 2.6, and 4.30 would serve to partially mitigate the above impact.

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>related impacts. This impact would be less-than-significant with the adoption of existing policies and other recommended mitigation measures.</p>	<p><u>Other Mitigation Measures</u> The following policy should be added to the Circulation section of the General Plan: 4.30(c). Approval of future residential building permits should be tied to job growth within the County. The County should monitor both residential building permits and job generation within the County to ensure that a job/housing balance is maintained. Should an imbalance occur, the County should adopt an ordinance restricting either residential building permits or job-generating building permits (depending on the type of imbalance) until a specified balance is achieved.</p>	<p>Record residential application and commercial/industrial development within the County.</p>	<p>Nevada County Planning Department</p>	<p>Review applications annually to verify the balance or imbalance of application based on adopted standards. These standards shall be developed within six months of General Plan adoption.</p>

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>Noise</p> <p>Impact #36. Buildup of General Plan land uses and RTP road improvements would result in increases in noise levels along roadways. This is considered to be a significant impact as proposed General Plan policies would not necessarily ensure that siting of plan-related land uses would not result in conflicts with noise regulations.</p>	<p><u>Plan Policies That Serve as Mitigation</u></p> <p>Implementation of proposed General Plan policies 1.17, 9.1, 9.4, 9.5, 9.8, 9.10 through 9.13, and 9.15, and Regional Transportation Plan policies 1.1 and 2.2 would serve to reduce the impact of future land uses and roadway improvements but not to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u></p> <p>Implementation of policies above, and Mitigation Measures #1 (see the Land Use section of this EIR), and #36 and #37, below, would serve to reduce the impact to a less-than-significant level.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>For directive policies, verify inclusion at General Plan adoption and verify annually thereafter. For action policies, refer to Section 4, Implementation Plan in Appendix _____. Monitoring would also occur at relevant development and permit application stage.</p>
<p>36. Revise Noise Element policy 9.10 as follows:</p> <p>Require the preparation of a comprehensive noise study for all land use projects determined to have a potential to create noise levels inconsistent with those standards found in Policy 9.1, and in accordance with the methodology identified in the Noise Element Manual contained in General Plan Volume 2, Section 3-Noise Analysis, Appendix A.</p>		<p>Verify completion of noise study</p>	<p>Nevada County Planning Department</p>	<p>Verify within one year of adoption of General Plan</p>
<p>37. Revise Noise Element policy 9.11 as follows:</p> <p>Provide for adequate design controls to fully mitigate the significant adverse impacts of future noise generating</p>		<p>Verify inclusion at General Plan</p>	<p>Nevada County Planning</p>	<p>Verify within one year of adoption of</p>

TABLE 9.1
MITIGATION MONITORING PLAN (continued)

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>Impact #39. Buildout of proposed General Plan land uses may expose noise-sensitive land uses to unacceptable industrial and other fixed noise sources. This is considered to be a significant impact as proposed General Plan policies would not necessarily ensure that sitting of plan-related land uses would not result in conflicts with noise regulations.</p>	<p>land uses through increased setbacks, landscaping, earthen berms, and solid fencing</p> <p><u>Plan Policies That Serve as Mitigation</u></p> <p>Implementation of proposed General Plan policies 1.17, 1.20, 1.21, 9.1, 9.4, 9.7 through 9.12, 17.6, 17.14, 17.17, and 17.24 would serve to reduce impacts but not to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u></p> <p>Implementation of policies above, and Mitigation Measures #1 (see Land Use section of this EIR) and Mitigation Measures #36 and #37, above, would serve to reduce the impact to a less-than-significant level.</p>	<p>adoption.</p> <p>Verify inclusion at General Plan adoption.</p>	<p>Department</p> <p>Nevada County Planning Department</p>	<p>General Plan</p> <p>For directive policies, verify inclusion at General Plan adoption and verify annually thereafter. For action policies, refer to Section 4, Implementation Plan in Appendix J.</p>
<p>Impact: #41. Buildup of General Plan land uses may expose noise-sensitive railroad noise. This is considered to be a significant impact as proposed General Plan policies would not necessarily ensure that sitting of plan-related land uses would not result in conflicts with noise regulations.</p>	<p><u>Plan Policies That Serve as Mitigation</u></p> <p>Implementation of proposed General Plan policies 9.1, 9.4, 9.8 and 9.12 would serve to reduce impacts to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u></p> <p>Implementation of policies above, and Mitigation Measures #1 (see Land Use section of this EIR) and Mitigation Measures #36 and #37, above, would serve to reduce the impact to a less-than-significant level.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>For directive policies, verify inclusion at General Plan adoption and verify annually thereafter. For action policies, refer to Section 4, Implementation Plan in Appendix J.</p>

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>Public Services and Utilities</p> <p>Impact #49. Buildout of proposed General Plan land uses and associated population increase would result in an increase in demand for law enforcement services in Nevada County. This is considered to be a significant impact, as proposed General Plan policies would not necessarily provide for needed facilities and equipment to serve new growth.</p>	<p><u>Plan Policies That Serve as Mitigation</u></p> <p>Implementation of proposed General Plan policies 3.1, 3.6, 3.7, 3.8, 3.10, 10.10, 10.11, and 10.20 as well as Mitigation Measure 40A below would serve to reduce the impact to a less-than-significant level.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>For directive policies, verify inclusion at General Plan adoption and verify annually thereafter. For action policies, refer to Section 4, Implementation Plan in Appendix J. Refer to Implementation Measure 12.</p>
<p>39. Revise the land use map within the unincorporated portions of the Community Regions to be consistent with existing County zoning.</p>	<p><u>Other Mitigation Measures</u></p> <p>40A. Policy 3.10 should be amended to include the following standard for law enforcement service levels: County Sheriff - e. For Community and Rural Regions: 1.5 officers for increase of 1,000 persons in countywide population.</p>	<p>Verify at General Plan adoption</p>	<p>Nevada County Planning Department</p>	<p>Review maintenance of standard annually.</p>

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>Impact #52. Assuming that each new residence would require about 6,150 kilowatt hours (kwh) of electricity per year (California Energy Commission, 1988), new residences would require about 314 million kwh per year (for 51,000 new residences). In addition, 24 million therms of natural gas for space and water heating per year would be required, assuming an average of 470 therms per unit per year. This impact would be a potentially significant impact. Implementation of proposed General Plan policies would serve to potentially mitigate the impact.</p>	<p><u>Plan Policies That Serve as Mitigation</u> Implementation of proposed General Plan policies 1.2, 1.9, 1.15, 1.18, 1.25, and 1.26 would serve to reduce this impact to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u> The following Mitigation Measures (#40, #41 and #42) would further reduce the impact of future development on energy demand.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>For directive policies, verify inclusion at General Plan adoption and verify annually thereafter. For action policies, refer to Implementation Measures 2 and 3.</p>
	<p>40. The County should adopt a Solar Access ordinance requiring the dedication of easements for solar access as a condition of subdivision map approval (as allowed by the 1978 Solar Rights Act of California).</p>	<p>Verify at ordinance adoption.</p>	<p>Nevada County Planning Department</p>	<p>Verify within 12 months of General Plan adoption.</p>
	<p>41. The County should adopt a Retrofit Ordinance requiring specific energy conservation measures such as attic insulation before resale of residential units, which would have the greatest effect on older units.</p>	<p>Verify at ordinance adoption.</p>	<p>Nevada County Planning Department</p>	<p>Verify within 12 months of General Plan adoption.</p>
	<p>42. During project approval and review, the County should evaluate and critique a project's attempt to promote alternative energy sources (e.g. passive solar design) and the incorporation of adequate tree cover on the west side of dwellings and along streets to help reduce the cooling demand during summer months.</p>	<p>Verify inclusion in procedures and manual.</p>	<p>Nevada County Planning Department</p>	<p>Verify within 12 months of General Plan adoption.</p>

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>IMPACTS NOT FOUND TO BE SIGNIFICANT</p> <p>Land Use</p> <p>Impact #4. Buildup of proposed General Plan land uses could result in conflicts with environmental plans and goals identified in the Nevada City and Grass Valley General Plans. This is considered to be a less-than-significant impact as proposed plan policies would minimize conflicts.</p> <p>Impact #5. Buildup of proposed General Plan land uses could result in conflicts with airport master plans related to potential public safety concerns. This is considered to be a less-than-significant impact as proposed plan policies would minimize conflicts.</p>	<p>43. Revise Policy 8.21 of the General Plan as follows:</p> <p>Review all existing and future building codes to ensure the maintenance of those standards that reasonably provide for the public health, welfare, safety, and energy efficiency, and to eliminate those standards that do not accomplish said goals.</p> <p>The County should develop prescriptive building standards that supplement existing building codes for such items as alternative energy systems, building materials, and alternative sewage systems.</p>	<p>Add to implementation plan.</p>	<p>Nevada County Planning Department</p>	<p>Verify adoption of standards within 12 months of Generic Plan adoption.</p>
<p><u>Plan Policies That Serve as Mitigation</u></p> <p>Implementation of proposed General Plan policies 1.38 through 1.40 would serve to reduce the impact to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u></p> <p>None warranted.</p>	<p><u>Plan Policies That Serve as Mitigation</u></p> <p>Implementation of proposed General Plan policy 10.7 would serve to reduce the impact to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u></p> <p>None warranted.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>Verify at adoption of General Plan</p>
<p><u>Plan Policies That Serve as Mitigation</u></p> <p>Implementation of proposed General Plan policy 10.7 would serve to reduce the impact to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u></p> <p>None warranted.</p>	<p><u>Plan Policies That Serve as Mitigation</u></p> <p>Implementation of proposed General Plan policy 10.7 would serve to reduce the impact to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u></p> <p>None warranted.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>Verify at General Plan adoption.</p>

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>Hydrology and Water Quality Impact #10. Buildup of the General Plan may expose future residents and structures to flood hazards related to dam failure and earthquake-related seiches. This is considered to be a less-than-significant impact as existing regulations, local plans, and proposed plan policies would minimize the hazards.</p>	<p><u>Plan Policies That Serve as Mitigation</u> Implementation of proposed General Plan policies 10.8, 10.9, 10.13, and 10.17 would reduce this impact to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u> None warranted.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>For directive policies, verify inclusion at General Plan adoption and verify annually thereafter. For action policies, refer to Section 4, Implementation Plan in Appendix J. Monitoring would also occur at relevant development and permit application stage.</p>
<p>Biotic Resources Impact #21. Buildup of proposed General Plan land uses and RTP road improvements may result in the loss or degradation of timberlands. This is considered to be a less-than-significant impact as proposed General Plan policies would serve to minimize the loss.</p>	<p><u>Plan Policies That Serve as Mitigation</u> Implementation of proposed General Plan policies 15.1, 15.3, 15.5, and 15.6 would serve to reduce the impact to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u> None warranted.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>For directive policies, verify inclusion at General Plan adoption and verify annually thereafter. For action policies,</p>

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>Visual Quality Impact #23. Buildup of the General Plan may result in scattered rural development on hillsides and ridgelines which could result in degradation of the aesthetic quality of views. This is considered to be a less-than-significant impact as existing regulations and proposed plan policies would minimize this impact.</p>	<p><u>Plan Policies That Serve as Mitigation</u> Implementation of proposed General Plan policies 18.3, 18.6, 18.7, 18.8, 1.17, and 1.18 would reduce this impact to a less-than-significant level.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>refer to Section 4, Implementation Plan in Appendix J. Monitoring would also occur at relevant development and permit application stage.</p>
<p><u>Other Mitigation Measures</u> 25A. The following revisions should be made to Policy 18.2 of the General Plan: The County may adopt Specific Design Guidelines for areas</p>		<p>Verify revisions at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>Verify adoption of Specific Design Guidelines within</p>

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>Impact #28. Buildup of proposed General Plan land uses and RTP improvements could generate light and glare that would be visible from major roads and from residences. Light and glare could be created throughout the areas proposed for development by lighting of roads, parking lots, playing fields, industrial/business park areas, interior building lighting, and the use of exterior building materials that could be reflective.</p>	<p>within <i>Community Regions, Rural Places, and Rural Centers</i> to provide for the maintenance of community identity, scenic resources and historic sites and areas. The Specific Design Guidelines may include, but not be limited to, standards which...</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>24 months of General Plan adoption.</p>
<p>Traffic and Circulation</p>	<p><u>Plan Policies That Serve as Mitigation</u></p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>Verify inclusion of policies at General Plan adoption</p>
<p>Impact #30. Buildup of proposed General Plan land uses and associated population growth will result in a net increase of approximately 887,400 daily trips in the County which would contribute to roadways currently operating at unacceptable levels of service and/or would cause operation of some County roadways to drop to unacceptable levels. This is considered to be a less-than-significant impact, as RTP improvements and proposed</p>	<p><u>Other Mitigation Measures</u></p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department and Nevada County Transportation Department</p>	<p>Refer to Implementation Measures 15, 16, 17, and 18.</p>
<p>Reduction of the intensity of use in the Northstar area to levels allowed under existing zoning (which are consistent with the 1980 Nevada County General Plan) along with the reduction in intensity of use to levels allowed in the Penn Valley and New</p>	<p><u>Other Mitigation Measures</u></p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department and Nevada County Transportation Department</p>	<p>Refer to Implementation Measures 15, 16, 17, and 18.</p>

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>General Plan policies would ensure that County roadways continue to operate at acceptable levels of service.</p>	<p>Town areas under Mitigation Measure #16 (see the Biotics section of this EIR) and #39 (see the Public Services and Utilities section of this EIR) would result in reduction of the traffic volumes at the SR 20/SR 49 interchange, allowing the minimum acceptable LOS to be achieved. Also, these reductions in intensity of use would be likely to similarly reduce the volume of traffic on surface streets in the vicinity, as indicated by the reduction in volumes on McCourtney Road from as high as 11,000 ADT under the proposed General Plan to 6,500 ADT with the reduced land use intensities based upon the existing zoning. Additionally, the following Mitigation Measure #31 would address the impacts of development on the future LOS for Alta Sierra Drive.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>Verify at adoption of General Plan</p>
<p>Impact #32. Buildup of proposed RTP improvements and other improvements that could result from implementation of proposed General Plan and/or RTP policy will have physical impacts on the environment and surrounding land uses. This is considered to be a less-than-significant impact as proposed plan policies would ensure that such impacts are fully mitigated.</p>	<p><u>Plan Policies That Serve as Mitigation</u> Implementation of proposed RTP policies 1.1 and 2.2 and proposed General Plan policy 4.37, as well as other policies as identified throughout this EIR would serve to reduce the impacts to a less-than-significant level. <u>Other Mitigation Measures</u> None warranted.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Department of Transportation</p>	<p>For directive policies, verify inclusion at General Plan adoption and verify annually thereafter. For action policies, refer to Section 4, Implementation Plan in Appendix J. Monitoring would also occur</p>

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>Impact #34. Buildup of proposed General Plan land uses and associated population and employment growth will increase the demand for transit services and facilities. This is considered to be a less-than-significant impact as the proposed General Plan has policies that would provide for adequate facilities to meet this demand.</p>	<p><u>Plan Policies That Serve as Mitigation</u> Implementation of proposed General Plan policies 4.17, 4.29, 4.31, and 14.7 would serve to reduce the impact to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u> None warranted.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>at relevant development and permit application stage.</p> <p>For directive policies, verify inclusion at General Plan adoption and verify annually thereafter. For action policies, refer to Section 4, Implementation Plan in Appendix J. Monitoring would also occur at relevant development and permit application stage.</p>

TABLE 9.1
MITIGATION MONITORING PLAN (continued)

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>Impact #34A. Increased traffic from growth associated with the General Plan could result in safety concerns, especially on narrow rural roads where sight distance may be limited and winter conditions such as ice and snow may affect travel safety. This is considered to be a less-than-significant impact, as RTP and General Plan policies would ensure that roadways operate safely.</p>	<p><u>Plan Policies That Serve as Mitigation:</u> Policy 1.2 of the Regional Transportation Plan and Policies 4.2, 4.5, 4.6, 4.7, 4.19, 4.25 would serve to reduce the impact to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u> None warranted.</p>	<p>Verify inclusion in General Plan at adoption.</p>	<p>Nevada County Planning Department. Nevada County Department of Transportation.</p>	<p>Verify at General Plan adoption and annually thereafter.</p>
<p>Air Quality</p>	<p>Impact #35. Buildup of proposed General Plan land uses and associated population growth may expose future residents and structures to severe weather conditions or weather hazards if development would be located in areas with such hazards. This is considered to be a less-than-significant impact, as proposed plan policies would minimize these hazards.</p>	<p><u>Plan Policies That Serve as Mitigation</u> Implementation of proposed General Plan policies 4.23, 4.24, 10.7 through 10.9 would serve to reduce the impact to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u> None warranted.</p>	<p>Nevada County Planning Department</p>	<p>Verify inclusion of policies at General Plan adoption</p>
<p>Impact #36. Buildup of proposed General Plan land uses and associated population growth will incrementally increase air emissions from mobile sources. This is considered to be a less-than-significant impact as proposed plan policies would ensure that air emissions from future County growth are minimized.</p>	<p><u>Plan Policies That Serve as Mitigation</u> Implementation of the proposed General Plan policies 4.17, 4.26 through 4.36, 14.1, and 14.5 would serve to reduce the impact to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u> None warranted.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Department of Transportation and Nevada County Planning Department</p>	<p>For directive policies, verify inclusion at General Plan adoption and verify annually thereafter. For</p>

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>Impact #37. Buildup of proposed General Plan land uses and associated population growth will incrementally increase PM-10 emissions associated with woodsmoke and other sources of suspended particulates. This is considered to be a less-than-significant impact as proposed plan policies would ensure that PM-10 emissions from future County growth are minimized.</p>	<p><u>Plan Policies That Serve as Mitigation</u> Implementation of the proposed General Plan policies 14.2, 14.4, and 14.6 would serve to reduce the impact to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u> The following mitigation measures (#33, #34, and #35) would serve to further reduce the impact of development on air quality.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>For directive policies, verify inclusion at General Plan adoption and verify annually thereafter. For action policies, refer to Section 4, Implementation Plan in Appendix J. Monitoring would also occur at relevant development and permit application stage.</p>
<p>#33 The County shall, as part of its development review process, ensure that proposed discretionary developments address the requirements of NSAQMD Rule 226.</p>	<p>Review of development plan</p>	<p>Nevada County Planning Department</p>	<p>At time of development plan submittal.</p>	

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>Impact #40. Buildup of General Plan land uses may expose future land uses to aircraft noise. This is considered to be a less-than-significant impact as proposed General Plan policies would ensure that siting of plan-related land uses would not result in conflicts with noise regulations.</p> <p>Public Services and Utilities</p> <p>Impact #43A. Meeting the increased water demands for residential and non-residential uses may be a priority for water purveyors if water supplies are limited. Consequently, water supplies for agricultural irrigation (both hobby and commercial agriculture) may be restricted or may increase in cost which would affect such operations. This impact is considered to be a less-than-significant impact due to policies contained in the General Plan.</p>	<p>#34 The County shall, as part of its Road Improvement Program, consider the benefits to air quality from the paving of unpaved roads.</p> <p>#35 The County shall revise proposed General Plan Policy 14.4 to include all types of biomassing options (e.g., composting, mulching, grinding, cogeneration, feedstocks, etc., in addition to clipping).</p> <p><u>Plan Policies That Serve as Mitigation</u></p> <p>Implementation of proposed General Plan policies 9.1, 9.17, 9.18, and 9.19 would serve to reduce impacts to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u></p> <p>None warranted.</p> <p><u>Plan Policies That Serve as Mitigation</u></p> <p>Implementation of proposed General Plan policies 16.15 and 16.16 would serve to reduce the impact to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u></p> <p>None warranted.</p>	<p>Consider paving each time Road Improvement Program is updated.</p> <p>Verify inclusion at General Plan adoption.</p> <p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p> <p>Nevada County Planning Department</p> <p>Nevada County Planning Department</p>	<p>Annually, at maintenance and update of Road Improvement Program.</p> <p>Verify at adoption of General Plan.</p> <p>Verify at adoption of General Plan</p> <p>Verify at General Plan adoption.</p>

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>Impact #44. Buildout under proposed General Plan land uses would result in increased generation of solid waste. This is considered to be a less-than-significant impact as proposed Plan policies would provide for this increased waste.</p>	<p><u>Plan Policies That Serve as Mitigation</u> Implementation of proposed General Plan policies 3.25 and 3.24 would serve to reduce the impact to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u> None warranted.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>For directive policies, verify inclusion at General Plan adoption and verify annually thereafter. For action policies, refer to Section 4, Implementation Plan in Appendix J. Monitoring would also occur at relevant development and permit application stage.</p>
<p>Impact #45. Buildout of proposed General Plan land uses could result in conflicts with provisions of the Nevada County Hazardous Waste Management Plan related to potential public safety concerns. This is considered to be a less-than-significant impact as proposed plan policies would minimize such concerns.</p>	<p><u>Plan Policies That Serve as Mitigation</u> Implementation of proposed General Plan policies 10.8, 10.9 and 10.10 would serve to reduce the impact to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u> None warranted.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>Verify at adoption of General Plan.</p>

TABLE 9.1
MITIGATION MONITORING PLAN (continued)

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>Impact #47. Buildout of proposed General Plan land uses and associated population would result in an increased demand for structural fire protection services. This is considered to be a less-than-significant impact as proposed plan policies and local fire district programs shall ensure that adequate services are provided to serve new growth.</p>	<p><u>Plan Policies That Serve as Mitigation</u> Implementation of proposed General Plan policies 3.12 through 3.15, 10.1, and 10.4 through 10.6 would serve to reduce the impact to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u> None warranted.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>County Administrator and Nevada County Planning Department</p>	<p>For directive policies, verify inclusion at General Plan adoption and verify annually thereafter. For action policies, refer to Section 4, Implementation Plan in Appendix J. Monitoring would also occur at relevant development and permit application stage.</p>
<p>Impact #49. Buildout of proposed General Plan land uses and associated population increase would result in an increase in demand for law enforcement services in Nevada County. This is considered to be a less-than-significant impact, as proposed General Plan policies would provide for needed facilities and equipment to serve new growth.</p>	<p><u>Plan Policies That Serve as Mitigation</u> Implementation of proposed General Plan policies 3.1, 3.6, 3.7, 3.8, 3.10, 10.10, 10.11, and 10.20 would serve to reduce the impact to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u> None warranted.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>For directive policies, verify inclusion at General Plan adoption and verify annually thereafter. For action policies, refer to Section 4, Implementation Plan in Appendix J. Monitoring</p>

TABLE 9.1

MITIGATION MONITORING PLAN (continued)

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>Impact #50. Buildout of proposed General Plan land uses and associated population growth would result in the need for 292 acres of additional parkland and associated recreation facilities and services to meet the needs of the new growth. This is considered to be a less-than-significant impact as implementation of proposed General Plan policies would provide for development of this parkland acreage.</p>	<p><u>Plan Policies That Serve as Mitigation</u> Implementation of proposed General Plan policies 3.10, 3.12 through 3.15, 5.1, 5.2, 5.3, 5.5, and 5.7 through 5.15 would serve to reduce the impact to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u> None warranted.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>would also occur at relevant development and permit application stage.</p>
<p>Impact #51. Buildout of proposed General Plan land uses and associated population growth would incrementally increase the demand for library services. This is considered to be a less-than-significant impact as implementation of proposed General Plan policies would ensure that adequate library facilities are</p>	<p><u>Plan Policies That Serve as Mitigation</u> Implementation of proposed General Plan policies 3.6 through 3.8, 3.10, and 3.14 would serve to reduce the impact to a less-than-significant level.</p> <p><u>Other Mitigation Measures</u> None warranted.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department</p>	<p>For directive policies, verify inclusion at General Plan adoption and verify annually thereafter. For permit application stage.</p>

**TABLE 9.1
MITIGATION MONITORING PLAN (continued)**

Impact	Mitigation Measures	Monitoring Requirements	Person/Agency Responsible	Timing of Monitoring
<p>provided to adequately serve the new population.</p>	<p>Impact #53. Increased residential, commercial, and industrial development throughout the County would increase transportation energy demand, especially that associated with daily commuters and everyday commercial needs. This impact would be a less-than-significant impact.</p> <p><u>Plan Policies That Serve as Mitigation</u> Implementation of policies 4.26, 4.27, 4.28, 4.29, 4.30, 4.31, 4.34, and 4.35 would reduce this impact to a less-than-significant impact.</p> <p><u>Other Mitigation Measures</u> None warranted.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department and Nevada County Department of Transportation</p>	<p>action policies, refer to Section 4, Implementation Plan in Appendix J. Monitoring would also occur at relevant development and permit application stage.</p>
<p>Impact #53. Increased residential, commercial, and industrial development throughout the County would increase transportation energy demand, especially that associated with daily commuters and everyday commercial needs. This impact would be a less-than-significant impact.</p>	<p><u>Plan Policies That Serve as Mitigation</u> Implementation of policies 4.26, 4.27, 4.28, 4.29, 4.30, 4.31, 4.34, and 4.35 would reduce this impact to a less-than-significant impact.</p> <p><u>Other Mitigation Measures</u> None warranted.</p>	<p>Verify inclusion at General Plan adoption.</p>	<p>Nevada County Planning Department and Nevada County Department of Transportation</p>	<p>For directive policies, verify inclusion at General Plan adoption and verify annually thereafter. For action policies, refer to Section 4, Implementation Plan in Appendix J. Monitoring would also occur at relevant development and permit application stage.</p>