

**Nevada County  
Local  
Agency  
Formation  
Commission**

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June 1, 2009

Jessica Hankins, Associate Planner  
Nevada County Planning Department  
950 Maidu Avenue  
Nevada City, CA 95959

Re: Rincon del Rio – Pre-Application Review

Enclosed are my preliminary comments on the referenced project. While they are submitted after the requested deadline, I hope that they may be useful.

As described, this project would create a planned development for a “Senior Living Retirement Community” on 215 acres. Domestic water service would be provided by Nevada Irrigation District. The project would certainly require public sewer service. It appears the nearest sewer treatment facility is the County Sanitation District’s Lake of the Pines treatment plant, but the subject area is not within the District or its sphere of influence; consequently, a sphere of influence amendment and annexation would be required.

Following is a list of some of the issues that should be addressed in the early planning and environmental review stages. Recognizing that the project information is preliminary at this stage, the following is not intended to be a comprehensive list of issues that should be addressed:

1. **SERVICE ISSUES:** When considering a proposal, LAFCo considers whether all necessary services are available to the project.

- Wastewater

Since the property is not within the County Sanitation District and not within its sphere, the District will need to apply to LAFCo on behalf of the project for a sphere amendment as well as for annexation. Such a request will need to provide specific information about the project’s service needs and the District’s capacity to meet them, as well as a justification for amending the sphere.

Although contiguity with District boundaries is not required by statute, given the distance between the project area and the LOP facility, the environmental analysis should consider the growth-inducing aspects of such action in relation to the intervening lands.

The LOP wastewater treatment plant was recently expanded; however, it is our understanding (as discussed in the comments of Sanitation District staff) that projects within the boundaries of the District could require between 500 to 600 EDUs, the full number of unallocated EDUs available at this time. We understand the District is developing a policy regarding acquisition of unallocated EDUs at this time; LAFCo will certainly wish to consider the provisions of the anticipated policy and how they relate to the project when wastewater service capacity is considered.

- Water

LAFCo law now specifically requires the Commission to consider the timely availability of water supplies adequate for projected needs. In the event that this project would result in an increase in density over that projected for the subject area by the County's General Plan, it would be helpful for the NID to be aware of that fact so that it can provide documentation of source and distribution capacity.

2. **POLICY ISSUES:** LAFCo will evaluate the project's consistency with LAFCo statute and Commission policies. While it is premature at this preliminary stage to fully consider all potential policy issues, the following broad statutory provisions and policies may have bearing on the project:

- Conformance with (County) General Plan

LAFCo policies require that the Commission evaluate the consistency of a proposal with the General Plan, including internal consistency. It would therefore be helpful for the County's environmental document to include analysis and documentation of this project's consistency with all aspects of the General Plan.

- Agricultural Land Conversion

LAFCo's statutory and policy provisions establish priorities and a protocol for considering proposals that would lead to conversion of Prime Agricultural Lands (as defined by Government Code 56064). While the standards established in that section are highly technical and it is not possible at this time to determine whether in fact the project area contains prime agricultural lands, it would be helpful to LAFCo if the environmental document could consider the applicability of that definition.

Thanks for the opportunity to review the project at this early stage. I hope my comments will be helpful to those responsible for planning and approving the development.

Sincerely,



S. R. Jones  
Executive Officer

cc: Ms. Jory Stewart, County Planning Director