



Letter 6 – City of Grass Valley

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

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

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

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

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



(Section A4.304), using material sources that are made of recycled content or from rapidly renewable sources (Section A4.405), and energy efficient heating and cooling systems (Section A4.207). Implementation of the measures would reduce greenhouse gas emissions from the project.

Response 6-D With regard to the statement in the EIR regarding the mitigation for sewer pipelines, the text in under Section 2.2-12 Section 4.13, and Mitigation Measure 4.13-2 ~~has~~ been revised to state the developer must show that adequate facilities (including conveyance collection, and wastewater treatment facilities) are available prior to the issuance of any permit authorizing construction. The analysis for Impact 4.13.2 in the Draft EIR notes that additional capacity would be needed. It should be noted that the County's Land Use and Development Code (LUDC) Section L-II 2.7.11.C.6 (specific to the RH Combining District) requires developers to provide written documentation from the applicable public utility, water, and sewer service providers demonstrating that adequate public utilities, water, and sewage disposal is available to accommodate the proposed development for a site. If the property does not have direct access to adequate public utilities to serve the proposed development, it is the responsibility of the developer to provide adequate infrastructure to serve the site consistent with the rules, regulations and standards of the applicable utility provider. The Final EIR has been revised to include this statement.

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

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

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

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



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the Newmont Mine are diverted to a private system, which is anticipated to be completed in 2014.¹

The maximum yield for the proposed project sites within the City's Sphere of Influence, is a total of 1,478 units. Assuming a 0.71 EDU for multi-family units², approximately 1,049 EDUs would be added within the City of Grass Valley SOI, which is within the City's WWTP existing capacity. The City issues EDUs based on a "first come, first served" basis.³

With regard to other related sewer infrastructure from collection and conveyance systems as well as other planned development in the area, Section 4.13 of the Draft EIR has been revised to include the following additional analysis on the City's wastewater infrastructure:

The City has established sewer capacity service requirements for development within their jurisdiction and has done a detailed analysis of the sewer conveyance and collection system capacity in the Brunswick Road Area (Sites 3-9) as a part of the certified EIR for the Loma Rica Specific Plan⁴ (adjacent to Sites 3-9). This analysis was based on a Sewer Capacity Study⁵ that concluded existing sewer lines would be required to be increased for additional capacity as a result of planned development within the City's Airport Industrial Park Corridor and East-Idaho-Maryland Road development area (e.g. Grass Valley General Plan 2020 build-out) and as a result of the build-out of the Loma Rica Ranch project. With regard to wastewater treatment capacity, the Loma Rica Specific Plan Sewer Capacity Study states that the added flow would put the City's wastewater treatment plant at approximately 78% of its capacity of 2.78 mgd. The Sewer Capacity Study states that the treatment plant would need to be enlarged to accommodate the future flows from throughout the City's system with or without the Loma Rica Specific Plan development. Since significant new development has not occurred in this region since the certification of the Loma Rica Ranch Specific Plan EIR, this study is sufficient documentation of the capacity of the City's sewer infrastructure including collection and treatment capacities. This project will incrementally contribute to the wastewater treatment flows anticipated in this area of the City's sewer treatment system and subsequently mitigation is provided below to ensure adequate capacity within the treatment plant and collection and conveyance system is available at the time of development.

If a property within the City's jurisdiction does not have direct access to adequate sewer facilities (including conveyance, collection and

¹ City of Grass Valley, Southern Sphere of Influence Planning and Annexation Project, Draft Environmental Impact Report, page 3.12-8, October 2013.

² County of Nevada

³ Personal Communication, Trisha Tillotson, Senior Civil Engineer/Deputy Director, City of Grass Valley, January 8, 2014.

⁴ Loma Rica Specific Plan Environmental Impact Report, prepared by RBF Consulting, certified May 2011

⁵ Sewer Capacity Study, Loma Rick Ranch, prepared by Sauers Engineering, Inc. June 17, 2010.



wastewater treatment systems) to serve the proposed development, it is the responsibility of the developer to provide adequate infrastructure to serve the site consistent with the City's rules, regulations and standards for wastewater treatment. Without proposed improvements to the City's existing WWTP and sewer conveyance and collection facilities to serve the project sites, there would not be sewer service available for the proposed project sites and the proposed project would result in potentially significant impact.

Because of the unknown timing of the development, capacity that is available today may not be available in the future; the impact was identified as significant and unavoidable. The EIR does require mitigation (Mitigation Measure 4.13.2) which requires the developer to demonstrate to the satisfaction of the City of Grass Valley (for Sites 1-9) that adequate facilities (including capacity) exist prior to construction. Mitigation Measure 4.13-2 has been revised to clarify the responsibility of the developer to determine the capacity of the existing sewer system including conveyance, collection, and wastewater treatment facilities at the time construction is proposed.

Mitigation Measure:

This mitigation measure applies to all sites:

4.13-2 Prior to approval of a Site Plan, grading plan, or any permit authorizing construction (or as part of the annexation request for Sites 1-9) for a property within the RH Combining District, the project developer shall to the satisfaction of the Director of the County Planning Department (or City of Grass Valley ~~Planning Department~~ Public Works Director/City Engineer for Sites 1-9):

Provide written documentation that adequate sewer capacity and infrastructure is available to serve the project. This can be accomplished by providing project specific design calculations (i.e. Sewer Capacity Study) for the proposed sewer system (including conveyance, collection, and wastewater treatment facilities) to ensure proper sizing of sewer lines, lift stations, and wastewater treatment capacity are adequate is available for the proposed development. ~~The project developer may provide written documentation that the Sewer Capacity study will document whether existing sewer conveyance, collection, or wastewater treatment plant facilities have~~ has been upgraded to increase capacity or a report from and include calculations from a registered civil engineer demonstrating that adequate capacity is available. If adequate sewer capacity of conveyance, collection and wastewater treatment facilities does not exist, the developer will pay for ~~WWTP~~ upgrades to account for the additional effluent. The project developer may develop—enter into a reimbursement agreement, if needed, to recuperate fair-share costs associated with other proposed developments nearby.

Finally, Staff is recommending that only three of the seven sites proposed along Brunswick Road be approved for inclusion of the Housing Element Rezone Program. As such, of the nine sites evaluated in the EIR, only three site would be approved for development. Site 1 is not included in the staff recommendation and the property owner for Site 2 had requested to be removed from the program. If adopted, the project would result in substantially fewer number of units than what is evaluated in the EIR and would have less demand on the City's conveyance, collection, and wastewater treatment plant.



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

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

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

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

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

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

Response 6-J The County concurs that additional funding for public services may be required. Mitigation measure 4.13-1((a) and (c)) have been revised to include the following statement: "The formation of an assessment district may be required to provide adequate public safety services."

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



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



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- Response 6-W** The County acknowledges and appreciates this comment. The County is willing to discuss these options as part of the joint agency policy agreements discussed in Response 6-E above. Please see Response 6-S above.
- Response 6-X** The County acknowledges and appreciates this comment. The County has set the proposed densities consistent with the requirements of the State law (California Government Code Section 65584.09) which requires specific densities for the County to meet its Regional Housing Needs Allocation. The EIR does contain project alternatives which allow for the dispersion of some of the units along Brunswick Road which will be considered by the Board of Supervisors when considering the merits of the program.
- Response 6-Y** The County acknowledges and appreciates this comment. The EIR contains an alternative, the East Bennett Road Alternative (Alternative 2) that looks at rezoning property on East Bennett Road.
- Response 6-Z** The County acknowledges and appreciates this comment. The EIR alternatives analysis reviewed the Kenny Ranch Site and the Northstar Site as alternative locations, but these sites were not considered for further analysis due to physical and regulatory constraints, and not being able to meet the project objectives.
- Response 6-AA** The County acknowledges and appreciates this comment. The EIR contains the Berriman Ranch Alternative which includes Site 7, approximately 8 acres, which is within the City's Southern Sphere of Influence Planning and Annexation project. This alternative will be presented to the Board of Supervisors for their review and consideration with the EIR.
- Response 6-BB** The County acknowledges and appreciates this comment. The County properties are not eligible for this program as they have been designated for other uses by the County Board of Supervisors.