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# **1.0 INTRODUCTION**

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This Draft Environmental Impact Report (Draft EIR; DEIR) was prepared in accordance with and in fulfillment of the California Environmental Quality Act (CEQA) and CEQA Guidelines. An environmental impact report (EIR) is described in CEQA Guidelines Section 15121(a) as a public informational document that analyzes the significant environmental effects of a project, identifies ways to minimize the significant impacts, and describes reasonable alternatives to the project. Public agencies are charged with the duty to consider and minimize environmental impacts of proposed development where feasible, and obligated to balance a variety of public objectives including economic, environmental, and social factors. CEQA requires that an EIR be prepared by the agency with primary responsibility over the project (the lead agency).

### 1.1 PURPOSE OF THE EIR

CEQA requires the preparation of an EIR prior to approving any project that may have a significant effect on the environment. Therefore pursuant to CEQA, the County of Nevada (County), acting as the lead agency, has prepared this Draft EIR to provide the public and responsible and trustee agencies with information about the potential environmental effects of the proposed Rincon del Rio Continuing Care Retirement Community (CCRC) project (proposed project; project; CCRC project).

For the purposes of CEQA, the term “project” refers to the whole of an action which has the potential for resulting in a direct physical change or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15378[a]). With respect to the proposed project, the County has determined that adoption and implementation of the proposed Rincon del Rio Continuing Care Retirement Community project is a project within the definition of CEQA.

### 1.2 TRUSTEE AND RESPONSIBLE AGENCIES

For the purpose of CEQA, the term “trustee agency” means a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California. Specifically, the following trustee agencies may have an interest in the proposed project:

- California Department of Fish and Game (CDFG)
- California Department of Forestry and Fire Protection (CAL FIRE)

In CEQA, the term “responsible agency” includes all public agencies other than the lead agency that may have discretionary actions associated with the proposed project. The following agencies have been identified as potential responsible agencies:

- California Department of Social Services
- California Department of Transportation (Caltrans)
- Northern Sierra Air Quality Management District (NSAQMD)
- Nevada County Local Agency Formation Commission (LAFCo)/County Sanitation District #1 (Lake of the Pines)
- Nevada Irrigation District (NID)

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- Central Valley Regional Water Quality Control Board (CVRWQCB)
- U.S. Army Corps of Engineers (USACE)
- U.S. Environmental Protection Agency (USEPA)
- U.S. Fish and Wildlife Service (USFWS)

### **1.3 TYPE OF DOCUMENT**

The CEQA Guidelines identify several types of EIRs, each applicable to different project circumstances. This EIR has been prepared as a Project EIR pursuant to CEQA Guidelines Section 15161. The analysis associated with a Project EIR focuses primarily on the changes in the environment that would occur as a result of project implementation and examines all phases of the project (i.e., planning, construction, and operation).

### **1.4 INTENDED USES OF THE EIR**

This Draft EIR is intended to evaluate the environmental impacts of implementation of the proposed project. This Draft EIR, in accordance with CEQA Guidelines Section 15126, should be used as the primary environmental document to evaluate all subsequent planning and permitting actions associated with the project. These actions include, but are not limited to, the following:

- General Plan Text Amendment
- General Plan Land Use Diagram Amendment
- Zoning Text Amendment
- Zoning Map Amendment
- Tentative Map
- Use Permit
- Development Agreement
- Management Plan
- Road Standard Exception
- Road Maintenance Agreement
- Annexation into Sanitation District

### **1.4 RELATIONSHIP TO THE NEVADA COUNTY GENERAL PLAN**

The County adopted the Nevada County General Plan in 1996. The General Plan is the County's overall guide for the use of the county's resources, expresses the development goals of the community, and is the foundation upon which all land use decisions are made.

The General Plan EIR analyzed the environmental impacts associated with buildout of the land uses and densities allowed by the General Plan. Where feasible, the County has adopted mitigation measures to reduce impacts to a level of insignificance. The Nevada County Board of Supervisors adopted Findings of Fact and a Statement of Overriding Considerations (Nevada County Board of Supervisors Resolution No. 95530, November 14, 1995) addressing the significant and unavoidable impacts identified in the General Plan EIR.

The Nevada County Land Use and Development Code, Chapter II, Zoning Regulations (Zoning Ordinance), provides specific development and land use standards for the unincorporated areas of the county. The Zoning Ordinance was updated and revised in 2004 to reflect new standards that consist of implementation of many objectives and policies set forth in the General Plan.

The site has a General Plan land use designation of Planned Development, Estate (PD-EST) that allows for more intensive land uses than typically allowed in the Rural Region, with an emphasis on clustering intensive land uses to minimize impacts. Nevada County's existing General Plan and Zoning Ordinance do not contain any provisions that address this type of land use nor would they allow the proposed CCRC project at this location. The proposed project includes General Plan text changes, modification of policies, and Land Use Diagram amendments that are tailored to this project and this location, along with corollary changes to the Zoning Ordinance and Zoning Map.

### 1.5 ORGANIZATION AND SCOPE

Sections 15122 through 15132 of the CEQA Guidelines identify the content requirements for Draft and Final EIRs. An EIR must include a description of the environmental setting, an environmental impact analysis, mitigation measures, alternatives, identification of significant irreversible environmental impacts, and growth-inducing and cumulative impacts. The environmental issues addressed in the Draft EIR were established through review of environmental documentation developed for the site, environmental documentation for nearby projects, and responses to the Notice of Preparation (NOP). Based upon these comments, agency consultation, and review of the project application, the County determined the scope for this Draft EIR.

This Draft EIR is organized in the following manner:

#### EXECUTIVE SUMMARY

This section provides a project narrative and identifies environmental impacts and mitigation measures through a summary matrix consistent with CEQA Guidelines Section 15123.

#### SECTION 1.0 – INTRODUCTION

Section 1.0 provides an introduction and overview of the project EIR.

#### SECTION 2.0 – PROJECT DESCRIPTION

This section provides a detailed description of the proposed project, including intended objectives, background information, and physical and technical characteristics.

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### SECTION 3.0 – ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

Section 3.0 contains an analysis of environmental topic areas as identified below. Each subsection contains a description of the existing setting of the project area and of the regulatory environment, identifies standards of significance, identifies project-related impacts, and recommends mitigation measures.

The following major environmental topics are addressed in this section:

- 3.1 – Aesthetics
- 3.2 – Agriculture and Forest Resources
- 3.3 – Air Quality
- 3.4 – Biological Resources
- 3.5 – Climate Change and Greenhouse Gases
- 3.6 – Cultural and Paleontological Resources
- 3.7 – Geology and Soils
- 3.8 – Hazardous Materials/Human Health
- 3.9 – Hydrology and Water Quality
- 3.10 – Land Use
- 3.11 – Noise
- 3.12 – Population, Housing, and Employment
- 3.13 – Public Services and Utilities
- 3.14 – Transportation and Circulation

### SECTION 4.0 – CUMULATIVE IMPACTS

This section discusses the cumulative impacts associated with the proposed project. As required by CEQA Guidelines Section 15130, an EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable.

Cumulative environmental effects of the proposed project are generally based on information provided in the Nevada County General Plan (1995) and Nevada County General Plan EIR (1995), with identification of the project's contribution to the cumulative condition and updated information on the cumulative setting based on currently approved and proposed development projects in the county.

As implementation of the proposed project would result in amendments to the County's General Plan and Zoning Ordinance as discussed in Section 2.0, Project Description, future cumulative development in Nevada County would be subject to the new uses allowed by the proposed

amendments. The environmental impacts associated with the text amendments as they pertain to cumulative development in the county are discussed in this section.

#### **SECTION 5.0 – ALTERNATIVES TO THE PROJECT**

CEQA Guidelines Section 15126.6 requires that an EIR describe a range of reasonable alternatives to the project which could feasibly attain the basic objectives of the project and avoid and/or substantially lessen the any of the significant effects of the project. This section discusses alternatives to the proposed project, including the CEQA mandatory “No Project” alternative, that are intended to avoid or reduce significant environmental impacts of the proposed project.

#### **SECTION 6.0 – LONG-TERM IMPLICATIONS OF THE PROJECT**

This section contains discussions and analysis of various topical issues mandated by CEQA. These topics include significant environmental effects that cannot be avoided if the project is implemented as well as growth-inducing impacts.

#### **SECTION 7.0 – REPORT PREPARERS**

This section lists all authors and agencies that assisted in the preparation of the EIR by name, title, and company or agency affiliation.

#### **APPENDICES**

This section includes all notices and other procedural documents pertinent to the EIR, as well as all technical material prepared to support the analysis.

### **1.6 ENVIRONMENTAL REVIEW PROCESS**

The review and certification process for the EIR will involve the following procedural steps:

#### **NOTICE OF PREPARATION AND INITIAL STUDY**

In accordance with Section 15082 of the CEQA Guidelines, the County prepared a Notice of Preparation (NOP) of an EIR for the project on May 11, 2011. The NOP was circulated to the public, local, state, and federal agencies and other interested parties to solicit comments on the proposed project. A scoping meeting was held on May 25, 2011, to solicit input from interested agencies and the public. Concerns raised in response to the NOP and at the scoping meeting were considered during preparation of the Draft EIR. The 30-day comment period closed on June 13, 2011. The NOP and comments from interested parties are presented in **Appendix 1.0-A**.

#### **DRAFT EIR**

This document constitutes the Draft EIR. The Draft EIR contains a description of the project, description of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives. Upon completion of the Draft EIR, the County will file the Notice of Completion (NOC) with the State Office of Planning and Research to begin the public review period (Public Resources Code Section 21161).

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### **PUBLIC NOTICE/PUBLIC REVIEW**

Concurrent with the NOC, the County will provide public notice of the availability of the Draft EIR for public review and invite comment from the general public, agencies, organizations, and other interested parties. Public comment on the Draft EIR will be accepted in written form via common carrier or via electronic mail (e-mail) form. Public comment will also be accepted orally at public hearings. Notice of the time and location of the hearing will be published prior to the hearing. All comments or questions regarding the Draft EIR should be addressed to:

Brian Foss, Interim Planning Director  
**NEVADA COUNTY**  
Community Development Agency  
950 Maidu Avenue  
Nevada City, CA 95959-8617

### **RESPONSE TO COMMENTS/FINAL EIR**

Following the public review period, a Final EIR will be prepared. The Final EIR will respond to written comments received during the public review period and contain any revisions to the Draft EIR.

### **CERTIFICATION OF THE EIR/PROJECT CONSIDERATION**

The Nevada County Planning Commission will review and consider the Final EIR during the public hearing(s) for the proposed project. If the Planning Commission finds that the Final EIR is "adequate and complete," the Planning Commission will make a recommendation to the Nevada County Board of Supervisors to certify the Final EIR.

The Nevada County Board of Supervisors will then review and consider the Final EIR and may certify the Final EIR if it also finds that the Final EIR is adequate and complete. The rule of adequacy generally holds that the EIR can be certified if it shows a good faith effort at full disclosure of environmental information and provides sufficient analysis to allow decisions to be made regarding the project in contemplation of its environmental consequences.

Upon review and consideration of the Final EIR, the Board of Supervisors may take action to recommend approval, revise, or reject the Use Permit and Tentative Map and Management Plan. A decision to approve the project would be accompanied by written findings in accordance with CEQA Guidelines Section 15091. If applicable, the Board may approve the project even with significant and unavoidable environmental impacts by making a finding of overriding considerations as outlined in Section 15093. A Mitigation Monitoring and Reporting Program (MMRP), as described below, would also be adopted for mitigation measures that have been incorporated into or imposed upon the project to reduce or avoid significant effects on the environment. The MMRP will be designed to ensure that these measures are carried out during project implementation.

### **MITIGATION MONITORING**

CEQA Section 21081.6(a) requires lead agencies to adopt an MMRP to describe measures that have been adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. The specific reporting or monitoring program required by CEQA is not required to be included in the EIR; however, it will be presented to the Board of

Supervisors for adoption. Throughout the EIR, mitigation measures have been clearly identified and presented in language that will facilitate establishment of an MMRP. Any mitigation measures adopted by the County as conditions for approval of the project will be included in an MMRP to verify compliance.

## **1.7 COMMENTS RECEIVED ON THE NOTICE OF PREPARATION**

The County received 71 comment letters on the NOP for the Rincon del Rio project DEIR. A copy of each letter is provided in **Appendix 1.0-A** of this DEIR. In addition, 52 commenters provided verbal comments at the scoping meeting for the project. Major issues addressed in the project comments are summarized below. The list does not summarize all comments received on the project but is intended to represent commonly received comments.

### **TRAFFIC AND ADDITIONAL VEHICLES**

- Increased traffic and safety issues on Rodeo Flat Road
- Increased traffic and safety issues on Rincon Way and Rincon/State Route 49 intersection
- Traffic on an already crowded State Route (SR) 49
- Public use of private roads
- Eventual opening of emergency access gate on Rodeo Flat Road (traffic and road wear)
- Additional noise caused by project (mostly associated with emergency vehicles and construction)
- Impacts of pollution from cars to local waterways
- Air quality and greenhouse gas (GHG) concerns due to traffic

### **ROADWAY AND FIRE HAZARDS**

- Excessive road grading needed
- Adequacy of Rodeo Flat Road as an emergency access road (does not meet fire code)
- Impacts from additional vehicles on the road during emergency situations
- Fire hazards
  - Roads cannot guarantee a quick evacuation
  - Winds can increase fire hazards
  - Additional people and structures in the area may increase fire hazards
- Road safety concerns
  - Elderly drivers on SR 49

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- Pedestrians and schoolchildren using roads
- Steep grades
- Narrow roads
- Poorly maintained roads
- No left turn onto SR 49
- Safety of people due to alcohol-serving uses and narrow roads

### PLANNING

- Too many project entitlements needed; need more details on entitlements
- Impacts to rural quality of life and rural nature of the area
- Amending the General Plan; General Plan consistency issues
- Project is not in the character of the community
- Alternative project location should be analyzed (makes more sense to be closer to amenities, safer roads, and an area with less fire hazards)
- Compare proposed project to buildout with single-family homes within existing zoning
- Too much density; how to control the population; employees of the project
- Consider clustering project
- Objection to using eminent domain on area roads (abuse of property rights)
- Construction-related impacts (traffic, noise, air quality, etc.)

### ECONOMICS

- Preparation of an economic analysis
- Project affordability
- Project costs to taxpayers
- Decreasing property values in vicinity of the project
- Provision of local jobs
- Other development projects in the area have gone bankrupt

### UTILITIES

- Limited sewer and water availability, impacts to existing water and sewer systems
- Who is paying for sewer/water/road maintenance and expansion? Lake of the Pines community or the project?
- Expanded sewer system will smell bad and create noise (and other environmental concerns)
- Effects of utility installation on local roadways

### OTHER

- Environmental friendliness of project construction and building materials
- Positive impacts of open space provided by project
- Project provides needed provisions for senior care
- New sources of nighttime lighting, night sky/light pollution
- Impacts to and from wildlife on site (rattlesnakes, owls, mountain lions, garter snakes, etc.)
- Trails needed on project site
- Scoping meeting was overcrowded and too contentious

## 1.8 IMPACT TERMINOLOGY

This Draft EIR uses the following terminology to describe environmental effects of the proposed project:

***Standards of Significance:*** A set of criteria used by the lead agency to determine at what level or "threshold" an impact would be considered significant. Significance criteria used in this EIR include the CEQA Guidelines; factual or scientific information; regulatory performance standards of local, state, and federal agencies; and County goals, objectives, and policies.

***Less Than Significant Impact:*** A less than significant impact would cause no substantial change in the environment. No mitigation is required.

***Significant Impact:*** A significant impact would cause, or would potentially cause, a substantial adverse change in the physical conditions of the environment. Significant impacts are identified by the evaluation of project effects using specified standards of significance. Mitigation measures and/or project alternatives are identified to reduce project effects to the environment.

***Significant and Unavoidable Impact:*** A significant and unavoidable impact would result in a substantial change in the environment that cannot be avoided or mitigated to a less than significant level if the project is implemented.

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***Cumulatively Significant Impact:*** A cumulatively significant impact would result in a new substantial change in the environment from effects of the project when evaluated in the context of reasonably foreseeable development in the surrounding area.

A complete list of CEQA and Project terms as well as abbreviations is included in **Appendix 1.0-B** of this document.