

3.13 PUBLIC SERVICES AND UTILITIES

This section of the Draft EIR (DEIR) for the proposed project includes an assessment of potential environmental impacts related to public services, utilities, and service systems that could result from the implementation of the proposed project. Public services include fire protection and emergency medical response, law enforcement services, public schools, water, wastewater, solid waste, parks and recreation, general governmental facilities, and electricity, propane, and telephone. The analysis identifies the potential physical environmental impacts that would result from provision of service to the proposed project. This evaluation also identifies appropriate mitigation measures to reduce impacts that would result from provision of services. Please refer to Section 3.9, Hydrology and Water Quality, for analysis of stormwater drainage impacts and to Section 3.14 for impacts relating to transportation and circulation.

3.13.1 FIRE PROTECTION AND EMERGENCY MEDICAL RESPONSE

3.13.1.1 SETTING

The proposed project is located within the Higgins Fire Protection District (HFPD), which serves an area of approximately 90 square miles with a permanent population of approximately 12,000. The HFPD maintains mutual aid agreements with the Nevada County Consolidated Fire District to the north and the Placer County Fire Department to the south. The district's service area is primarily rural, with the exception of the Lake of the Pines gated community.

Three fire stations are located within the HFPD: Station 21, located 2 miles north of the project site at 10106 Combie Road, operates 24 hours per day; Stations 22 and 23 are located approximately 9 miles to the northeast and 8.5 miles northwest of the project site, respectively. The HFPD contracts with the California Department of Forestry and Fire Protection (CAL FIRE) for equipment and staff to supplement the HFPD's staff and equipment. All three stations and their associated equipment are identified in **Table 3.13.1-1** below.

**TABLE 3.13.1-1
HIGGINS FIRE PROTECTION DISTRICT – STATIONS, EQUIPMENT, AND STAFFING**

Station Number	Location	Equipment/Staff
21	10106 Combie Road	Staffed with a minimum of 2 persons 24/7; three pumpers of at least 500 gallons, one 3,000-gallon water tender
22	20233 Morning Sun Drive	Staffed with 2 persons from 7:00 a.m. to 5:30 p.m.; 1 250 gpm pumper and air support
23	20604 McCourtney Road	Staffed with 2 persons from 7:00 a.m. to 5:30 p.m.; 1,000 gpm pumper and 3,000-gallon water tender

Source: Cleary 2011

An Insurance Services Office (ISO) rating is a collection of information on a community's public fire protection, which is determined by using Fire Suppression Rating Schedule (FSRS). The FSRS is the manual that the ISO uses in reviewing the firefighting capabilities of individual communities. The schedule measures the major elements of a community's fire suppression system and develops a numerical grading called a Public Protection Classification (PPC). The FSRS determines a PPC from 1 to 10. Class 1 represents the best public protection, and Class 10 indicates less than the minimum recognized protection. By classifying a community's ability to suppress fires, ISO helps the communities evaluate their public fire protection services. The HFPD currently has ISO ratings of 4 for areas within 5 miles of a station and 10 for areas that are not

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within 5 miles of a station. The project site is located nearest to the district's Station 21 and is within an area where the ISO rating is 4 (Cleary 2011).

The average response time for 2010 was 6.5 minutes (Cleary 2011). Response to the project site would consist of three pumpers, each carrying a minimum of 500 gallons, and one 3,000-gallon water tender (Cleary 2011).

Existing Impact Mitigation Fee Program

New development in the HFPD is currently subject to a fire protection development impact mitigation fee (impact mitigation fee) established by the Nevada County Board of Supervisors in 1991 (Resolution No. 90-91-11, ordinance No. 1703), in accordance with Section 66000 of the Government Code. The one-time fee collected at building permit issuance is \$0.44 per square foot for all residential and light load commercial construction, \$0.88 per square foot for moderate load commercial and industrial structures, \$1.32 per square foot for heavy load commercial and industrial, and \$0.16 per square foot for non-habitable structures located in areas of the district served by fire hydrants. These rates are for buildings without automatic sprinkler systems, whereas buildings with sprinklers are charged half as much per square foot. The impact mitigation fee revenue is applicable only to expenditures for the district's capital improvements, including "acquisition, construction, repair, and financing" but does not include costs of routine maintenance.

CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION

The California Department of Forestry and Fire Protection (CAL FIRE) provides wildfire protection to undeveloped forested areas of the Sierra Nevada. CAL FIRE is largely concerned with the prevention and control of wildland fires and deterring the spread of fire into developed areas. Although CAL FIRE does not normally respond to structure fires, it provides protection to structures threatened by forest fire. Other sources of fire protection that could be called upon to serve the site include the U.S. Forest Service and other Nevada County Fire Protection Districts.

No ambulances are based within the HFPD. However, all firefighters within the district are trained as emergency medical technicians or first responders. CALSTAR and American Medical Response Western Division, private ambulance services, are the nearest ambulance service providers, with ambulances stationed approximately 10 miles south of the project site in Auburn.

The HFPD is currently funded through a combination of property taxes, Proposition 172 funds, and a voter-approved special assessment district. The district currently charges \$0.44 a square foot for moderate development with fire sprinklers to mitigate development impacts on fire protection services.

EMERGENCY MEDICAL SERVICES

Rincon del Rio will provide on-site nursing, two EMT personnel on site at all times (24/7), and contract physicians providing geriatric care for the residents within the project. The on-site EMT personnel are capable of handling most fall incidents and can make diagnostic assessments as to whether the patient needs to be transferred to a medical facility. Rincon del Rio also intends to contract with the local hospital to have a direct line notifying the hospital when transport is necessary and will have all medical history and insurance information available electronically before the patient arrives, thus eliminating the need for registration and triage. On-site EMT personnel will have access to contract physicians to assess the patient and ascertain whether or not transportation to the local hospital is necessary.

3.13.1.2 REGULATORY FRAMEWORK

STATE

California Fire Code

The 2010 California Fire Code (Title 24, Part 9 of the California Code of Regulations) establishes regulations to safeguard against hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. The Fire Code also establishes requirements intended to provide safety and assistance to firefighters and emergency responders during emergency operations. The provisions of the Fire Code apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure throughout the State of California (CBSC 2011). The Fire Code includes regulations regarding fire-resistance-rated construction, fire protection systems such as alarm and sprinkler systems, fire services features such as fire apparatus access roads, means of egress, fire safety during construction and demolition, and wildland-urban interface areas. Nevada County has adopted the California Fire Code.

California Health and Safety Code

Additional state fire regulations are set forth in Section 13000 et seq. of the California Health and Safety Code. They include regulations for building standards as set forth in the California Building Code, fire protection and notification systems, fire protection devices such as extinguishers, smoke alarms, high-rise buildings, childcare facility standards, and fire suppression training.

LOCAL

Nevada County General Plan

The Nevada County General Plan serves as the overall guiding policy document for the unincorporated areas of Nevada County. A summary of the proposed project's consistency with applicable General Plan fire protection policies is contained in **Appendix 3.0-A**. While this Draft EIR analyzes the project's consistency with the General Plan pursuant to California Environmental Quality Act (CEQA) Section 15125(d), the Nevada County Board of Supervisors makes the ultimate determination of consistency with the General Plan.

Nevada County Land Use and Development Code

Chapter XVI – Fire Safety Regulations

The regulations provide the necessary minimum wildfire protection standards to minimize public safety effects with the establishment of land uses and buildings within State Responsibility Area (SRA) lands within Nevada County. The regulations are intended to mitigate effects of wildland fire exposure to such land uses within the State Responsibility Areas, and they are further adopted to equal, exceed, or provide the same practical effect contained in the California State Board of Forestry's Fire Safe Regulations adopted on November 7, 1990. The fire safety regulations provide measures for emergency access, street name and building address signage, water reserves for emergency fire use, and vegetation modification.

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Section L-II 4.3.18 – Wildland Fire Hazard Areas

The Nevada County Land Use and Development Code, Section L-II 4.3.18, includes defensible space regulations that require vegetation clearance around structures to meet the minimum requirements of Public Resources Code Section 4291 prior to any occupancy of the project site. Structures are required to maintain a firebreak by removing and clearing away all brush, flammable vegetation, or combustible growth no less than 100 feet from structures or to the property line, whichever is closer.

3.13.1.3 IMPACTS AND MITIGATION MEASURES

STANDARDS OF SIGNIFICANCE

The impact analysis provided below is based on the following State CEQA Guidelines Appendix G thresholds of significance, which state that a project would have a significant impact if it would:

- 1) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection.

Impacts related to the exposure of people or structures to a significant risk of loss, injury, or death involving fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands are discussed in Section 3.8 Hazardous Materials/Human Health.

METHODOLOGY

The analysis of fire protection impacts is based on consultations with Nevada County planning staff and the HFPD, as well as a review of the Nevada County General Plan. The analysis considered buildout of the project as described in Section 2.0, Project Description.

PROJECT IMPACTS AND MITIGATION MEASURES

Impacts to Fire Protection and Emergency Medical Services

Impact 3.13.1.1 Implementation of the proposed project will not result in the need for additional or expanded fire protection facilities and will not result in decreased fire protection service levels. This impact is considered **less than significant**.

The proposed project would generate an increase in population of residents and workers to the project site and add significant exposure and life safety issues, increasing the demand for fire protection and emergency medical services. The National Fire Protection Association (NFPA) requirements dictate that within this area, four firefighters should be available to respond to emergencies on a 24 hours/7 days a week basis. As stated earlier, Station 21 is the only station that is staffed 24/7. The other stations that serve the project area, Stations 22 and 23, have staff on-site between the hours of 7:00 a.m. and 5:30 p.m.

Property taxes, funds from Proposition 172, a voter-approved special assessment district, and development mitigation fees paid by the proposed project would assist in funding some of the increased demand. While some of the assessment and all of the mitigation fees collected cannot be used for staffing needs but must be used for facilities and new equipment, the proposed on-site EMT personnel noted in the Project Description (see Section 2.0) will reduce demand on the HFPD. The proposed project is located near HFPD Station 21 and will be exposed to potential fire hazards. Design features of the project, including clear areas consistent with state law, irrigated landscaping, trails, access gardens, onsite hydrants and water storage reduce the potential wildfire hazards to **less than significant**.

All development related to the buildout of the proposed project will be required to meet the minimum standards of the California Fire Code and the requirements of Nevada County for fire flow, access, and fuel modification. The locations of proposed fire hydrants and hammerhead turnarounds for fire truck access are shown on **Figure 2.0-13**. Verification that all fire safe standards have been satisfied is required from CAL FIRE/Nevada County Fire Protection Planner prior to final occupancy approval.

According to Troy Adamson, the Fire Captain/Deputy Fire Marshall at Cal Fire CAL FIRE, operation of the proposed project, including the additional residences and businesses, would require additional staffing at Station 21 as well as potentially an additional engine to maintain adequate service levels (Adamson 2011). As noted in setting above, the proposed project will be required to pay fees to address impacts to fire services. Emergency medical services would be provided on-site, as stated above. Impacts to fire protection for the proposed project would be considered **less than significant** on the environment.

Mitigation Measures

None required.

Fire Flow Impacts

Impact 3.13.1.2 The minimum fire flow requirements would be met under the proposed project. This is considered a **less than significant** impact.

The HFPD has determined that the current water provider, the Nevada Irrigation District (NID), cannot guarantee fire flows at more than 1,000 gallons per minute (gpm). Fire flow requirements may be reduced by up to 75 percent by the HFPD if sprinklers are installed; however, the resulting fire flow is required to not be less than 1,500 gpm for residential buildings (California Fire Code, Section 903.3, Appendix B). Although the HFPD has required the installation of fire sprinklers, fire alarms, and fire hydrants throughout the entire project, the impact would still be considered significant, as flows in excess of 1,000 gpm are not guaranteed and the project requires flows of at least 1,500 gpm. The HFPD has the ability to boost the pressure to 1,250 gpm with its engines; however, this still would not meet the fire flow requirements.

An approximately 300,000-gallon on-site tank is proposed to augment the required storage for fire flow. A 10- or 12-inch mainline would be extended from the new tank. New pumps would be required at the existing Timber Ridge tank/pump building. The water tank is sized to provide a 1,500 gpm flow for four hours. This storage is calculated to ensure adequate water volume at the site. This tank would ensure that fire flows meet minimum California Fire Code requirements. Construction of the on-site storage tank and fire pump system has been addressed as part of the proposed project, and is subject to all relevant mitigation measures identified throughout this Draft EIR. These improvements would be constructed as part of the proposed project and would

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not result in greater impacts than those identified for the project construction in the relevant sections of this DEIR. Therefore, fire flow impacts are considered **less than significant**.

Mitigation Measures

None required.

3.13.1.4 CUMULATIVE SETTING, IMPACTS, AND MITIGATION MEASURES

CUMULATIVE SETTING

The cumulative setting for fire and emergency services is the HFPD. The project proposal would increase development within the district. Commercial and residential growth has rapidly increased in this area in recent years. To view a list of cumulative projects in the area, please refer to **Table 3.0-2** in Section 3.0 of this Draft EIR.

CUMULATIVE IMPACTS AND MITIGATION MEASURES

Cumulative Impacts to Fire Protection and Emergency Services

Impact 3.13.1.3 Cumulative development within the HFPD would increase demand for fire protection and emergency medical services. The project would have a **less than cumulatively considerable** contribution to this impact.

Proposed CCRC Development

Implementing the proposed project would place demands on general governmental services and facilities provided by the County, which include, but are not limited to, fire services. All projects are assessed with development impact fees, which are used to off-set the cost of capital improvements needed to support new development. The HFPD receives funding from Nevada County's General Fund and a number of state and federal grant funding sources for operational costs. The proposed project may also result in sales tax revenues to the General Fund that could assist in offsetting increased costs associated with fire services.

All projects are subject to review by the HFPD and the County's Fire Marshall to ensure consistency with the Nevada County Fire Plan and California Fire Code requirements. Each project's impacts are evaluated and mitigation established a project-by-project basis.

The project would be required to pay fees for the funding for additional fire facility needs, as required by Resolution No. 90-91-11, ordinance No. 1703, described in the existing setting above, . The project's contribution to cumulative service impacts on the environment are considered **less than cumulatively considerable**.

General Plan and Zoning Ordinance Text Amendments

As discussed in further detail in Section 4.0, Cumulative Impacts Summary, the proposed General Plan and Zoning Ordinance text amendments are policy actions that would not directly result in increased demands on general governmental services and facilities in the cumulative setting. Although CCRCs would be permitted in either a PD (Planned Development) or SDA (Special Development Area) land use designation with approval of a zone change after implementation of the proposed project, such rezoning applications would be subject to further CEQA analysis of project-specific impacts (proposed Zoning Ordinance amendment Section L.II 2.7.11(C)(4)),

including fire service impacts. At a programmatic level, the environmental impacts associated with development of all PD and SDA designated areas in the county were analyzed in the Nevada County General Plan Environmental Impact Report, Volume I, SCH #1995102136 (1995). Future site-specific CEQA analysis would result in project-specific mitigation to address impacts. Therefore, cumulative fire service impacts associated with the proposed General Plan and Zoning Ordinance text amendments are considered **less than cumulatively considerable**.

Mitigation Measures

None required.

3.13.2 LAW ENFORCEMENT

3.13.2.1 SETTING

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

Sheriff's Department facilities also include two satellite volunteer service centers: one in the business center across from the main gate to Lake Wildwood and the other in a business complex near Lake of the Pines in the southern part of Nevada County. Both centers are staffed on certain days and hours by citizen volunteers and are utilized by patrol staff to meet with citizens and to complete their law enforcement reports. The department has approximately 253 employees (Nevada County 2010). The department does not currently have any set standards as to the number of officers per 1,000 population.

Patrol areas align with the boundaries of the county's five supervisorial districts. The proposed project is located within Supervisorial District Two; the patrol area is known as "Beat 2." Beat 2 extends south of Grass Valley to the Yuba County/Nevada County and Placer County/Nevada County lines. One unit is on patrol in Beat 2 from 7:30 a.m. until 2:00 a.m. the following day. Response times in the vicinity of the proposed project area are estimated to be approximately 20 to 25 minutes as the main station, located in Nevada City, is approximately 20 miles north of the project site.

The Sheriff's Department has mutual aid assistance agreements with the California Highway Patrol (CHP), which provides police protection on all state and county roadways within Nevada County. CHP also provides backup protection to the Sheriff's Department as needed, and the Sheriff's Department provides backup protection to the CHP.

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3.13.2.2 REGULATORY FRAMEWORK

LOCAL

Nevada County General Plan

The Nevada County General Plan serves as the overall guiding policy document for the unincorporated areas of Nevada County. A summary of the proposed project's consistency with applicable General Plan law enforcement policies is contained in **Appendix 3.0-A**. While this DEIR analyzes the project's consistency with the General Plan pursuant to CEQA Section 15125(d), the Nevada County Board of Supervisors makes the ultimate determination of consistency with the General Plan.

3.13.2.3 IMPACTS AND MITIGATION MEASURES

STANDARDS OF SIGNIFICANCE

The impact analysis provided below is based on the following State CEQA Guidelines Appendix G thresholds of significance, which state that a project would have a significant impact if it would:

- 1) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection.

METHODOLOGY

Evaluation of potential law enforcement service impacts for the proposed project was based on consultations with Nevada County planning staff and the Nevada County Sheriff, as well as review of the Nevada County General Plan and the Nevada County General Plan Environmental Impact Report.

PROJECT IMPACTS AND MITIGATION MEASURES

Law Enforcement Impacts

Impact 3.13.2.1 Implementation of the proposed project would not result in the need for additional or expanded police facilities and would not result in decreased police service levels. This impact is considered **less than significant**.

Implementing the proposed project would place demands on general governmental services and facilities provided by the County, which include, but are not limited to, law enforcement services. All projects are assessed with development impact fees, which are used to off-set the cost of capital improvements needed to support new development. The Nevada County Sheriff's Department receives funding from Nevada County's General Fund and a number of state and federal grant funding sources for operational costs. The proposed project may also result in sales tax revenues to the General Fund that could assist in offsetting increased costs associated with law enforcement services. The Sheriff's Office does not believe that the

proposed project will result in the need for additional police officers or increased facilities beyond those envisioned by the development impact fee program (Royal 2011).

Mitigation Measures

None required.

3.13.2.4 CUMULATIVE SETTING, IMPACTS, AND MITIGATION MEASURES

CUMULATIVE SETTING

The cumulative setting for law enforcement services would include not only the proposed project but also existing and proposed development within Nevada County. Commercial and residential growth has rapidly increased in this area in recent years. See Section 3.0, Introduction to the Environmental Analysis and Assumptions Used, to reference the cumulative project list for the surrounding area and criteria for the assumptions used in this DEIR.

CUMULATIVE IMPACTS AND MITIGATION MEASURES

Cumulative Impacts to Law Enforcement

Impact 3.13.2.2 The proposed project, in addition to reasonably foreseeable development, would increase the population within Nevada County and require additional law enforcement services under cumulative conditions. The project would have a **less than cumulatively considerable** contribution to this impact.

Proposed CCRC Development

The cumulative effect of the proposed project and development anticipated in the General Plan would increase service calls throughout Nevada County. The County will generate revenue for police services through property taxes on new development, property tax increment (existing and new development), sales tax and state and federal grant sources. The need for additional funding sources, equipment or personnel is evaluated as part of the CEQA process prior to the consideration of any new project, similar to this EIR for the proposed project. If the County determines that a future project requires additional Sheriff's services conditions of approval, mitigation measures and/or changes to County ordinances can be used to result in new services. At this time, and with the cumulative projects shown in Section 3.0, the cumulative service impacts associated with the proposed project are addressed through payment of the appropriate taxes. The project would have a **less than cumulatively considerable** contribution to cumulative law enforcement impacts to the environment.

General Plan and Zoning Ordinance Text Amendments

As discussed in further detail in Section 4.0, Cumulative Impacts Summary, the proposed General Plan and Zoning Ordinance text amendments are policy actions that would not directly result in increased demands on general governmental services and facilities in the cumulative setting. Although CCRCs would be permitted in either a PD (Planned Development) or SDA (Special Development Area) land use designation with approval of a zone change after implementation of the proposed project, such rezoning applications would be subject to further CEQA analysis of project-specific impacts (proposed Zoning Ordinance amendment Section L.II 2.7.11(C)(4)), including law enforcement impacts. Future site-specific CEQA analysis would result in project-specific mitigation to address impacts. Therefore, cumulative law enforcement impacts

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associated with the proposed General Plan and Zoning Ordinance text amendments are considered **less than cumulatively considerable**.

Mitigation Measures

None required.

3.13.3 PUBLIC SCHOOLS

3.13.3.1 SETTING

The project site is within the boundaries of the Pleasant Ridge Union School District (PRUSD) and the Nevada Joint Union High School District (NJUHSD). PRUSD is located in southern Nevada County beginning at the Placer/Nevada county line, along the Bear River, and extending north along State Route (SR) 49 until approximately 3 miles south of Grass Valley. PRUSD also extends from Yuba County on the west to the Placer county line at Taylor Crossing on Dog Bar Road on the east. The Lake of the Pines and Alta Sierra communities, as well as the residential developments along SR 49, are within the PRUSD boundaries. The NJUHSD district offices are located in Grass Valley with the district serving western Nevada County. Three high schools are within the NJUHSD jurisdiction: Bear River High School, Nevada Union High School, and Park Avenue Alternative Education. Nevada County has nine elementary/middle school districts feeding into the high schools, which provide secondary education to over 4,000 students with a variety of schools and programs.

FUNDING AND FINANCING MECHANISMS

State Funding

The State has traditionally been responsible for the funding of local public schools. To assist in providing facilities to serve students generated by new development projects, the State passed Assembly Bill 2926 (AB 2926) in 1986. This bill allowed school districts to collect impact fees from developers of new residential and commercial/industrial building space. Development impact fees were also referenced in the 1998 Leroy Greene Lease-Purchase Act (described below), which required school districts to contribute a matching share of project costs for construction, modernization, or reconstruction.

The Kindergarten-University Public Education Facilities Bond Act of 2002 (Prop 47)

This act was approved by voters in November 2002 and provides for a bond issue of \$13.05 billion to fund necessary education facilities to relieve overcrowding and to repair older schools. Funds will be targeted to areas of greatest need and must be spent according to strict accountability measures. Funds will also be used to upgrade and build new classrooms in the California Community Colleges, the California State University, and the University of California to provide adequate higher education facilities to accommodate growing student enrollment.

Proposition 55

On March 2, 2004, voters in California passed Proposition 55, a statewide bond authorizing \$12.3 billion to help fund public school facility needs. Specifically, the bond funds will provide a total of \$7.75 billion for new K-12 school construction and \$2.25 billion for K-12

reconstruction/modernization needs. The remaining \$2.3 billion are reserved for community college, California State University, and University of California facilities.

Nevada Joint Union School District Funding

The Pleasant Ridge Union School District currently levies the following fees in conjunction with the Nevada Joint High School District:

- \$2.14 per square foot of residential construction
- \$0.34 per square foot of commercial construction
- \$0.06 per square foot of mini-storage construction

The PRUSD collects 57 percent of the developer fees and the NJUHSD collects the remaining 43 percent.

3.13.3.2 REGULATORY FRAMEWORK

STATE

Leroy F. Greene School Facilities Act of 1998 (SB 50)

The Leroy F. Greene School Facilities Act of 1998, also known as Senate Bill 50 (Stats. 1998, Ch. 407), governs a school district's authority to levy school impact fees.

Senate Bill (SB) 50 and Proposition 1A provide a comprehensive school facilities financing and reform program by primarily authorizing a \$9.2 billion school facilities bond issue, school construction cost containment provisions, and an eight-year suspension of the Mira, Hart, and Murrieta court cases. Specifically, the bond funds are to provide \$2.9 billion for new construction and \$2.1 billion for reconstruction/modernization needs. The provisions of SB 50 prohibit local agencies from denying either legislative or adjudicative land use approvals on the basis that school facilities are inadequate and reinstate the school facility fee cap for legislative actions (e.g., general plan amendments, specific plan adoption, zoning plan amendments). According to Government Code Section 65996, the development fees authorized by SB 50 are deemed to be full and complete school facilities mitigation. These provisions were written to be in effect until 2006 and will remain in place as long as subsequent state bonds are approved and available.

SB 50 establishes three levels of developer fees:

- 1) Level One fees are the base statutory fees of \$2.05 per square foot of assessable space for residential development and \$0.31 per square foot of chargeable, covered and enclosed commercial/industrial development.
- 2) Level Two fees allow the school district to impose developer fees above the statutory levels, up to 50 percent of certain costs under designated circumstances. The State would match the 50 percent funding if funds are available.
- 3) Level Three fees apply if the State runs out of bond funds after 2006, allowing the school district to impose 100 percent of the cost of the school facility or mitigation minus any local dedicated school moneys.

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In order to levy the alternate (Level Two) fee and qualify for 50 percent state-matching funds, a school district must prepare and adopt a School Facilities Needs Analysis, apply and be eligible for state funding, and satisfy two of the four specified criteria after January 1, 2000: (1) 40 percent of pupils are enrolled on multi-track year-round schedule; (2) a general obligation bond to finance new school facilities has been placed on the ballot in the past four years and passed with 50 percent +1 vote; (3) at least 20 percent of teaching stations are portable classrooms; or (4) the school district has issued debt or incurred obligations for capital outlay in an amount equal to 15 percent of school district's local bonding capacity including property taxes, parcel taxes, the district's general fund, redevelopment agency funds, and special taxes from community facilities districts approved prior to November 1998 (or 30 percent if post-November 1998 landowner-approved Mello-Roos bonds are counted). The ability of a city or county to impose fees is limited to the statutory and potential additional charges allowed by the act, as described above.

Nevada County General Plan

The Nevada County General Plan serves as the overall guiding policy document for the unincorporated areas of Nevada County. A summary of the proposed project's consistency with applicable General Plan educational facility policies is contained in **Appendix 3.0-A**. While this Draft EIR analyzes the project's consistency with the General Plan pursuant to CEQA Section 15125(d), the Nevada County Board of Supervisors makes the ultimate determination of consistency with the General Plan.

3.13.3.3 IMPACTS AND MITIGATION MEASURES

STANDARDS OF SIGNIFICANCE

The impact analysis provided below is based on the following State CEQA Guidelines Appendix G thresholds of significance, which state that a project would have a significant impact if it would:

- 1) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for schools.

METHODOLOGY

Evaluation of potential public school impacts for the proposed project was based on data received from the NJUHSD and the PRUSD, review of the Nevada County General Plan (1995), and consultation with County staff.

PROJECT IMPACTS AND MITIGATION MEASURES

School Impacts

- Impact 3.13.3.1** Implementation of the proposed project could indirectly generate additional students. However, payment of Level One developer fees would reduce this impact to **less than significant**.

The proposed community will be age restricted with residents age 55 or older. Therefore, no students would be generated as a result of the residents living in the community. However, the proposed project could indirectly result in additional enrollment at NJUHSD and PRUSD schools because employees serving the development could move into the area and have school-age children. However, payment of Level One developer fees associated with the proposed project would more than cover any employees that could potentially bring a child into the local school districts. The payment of the Level One developer fees would reduce the impact of the project on school facility needs to **less than significant** and would not result in any physical effects to the environment.

Mitigation Measures

None required.

3.13.3.4 CUMULATIVE SETTING, IMPACTS, AND MITIGATION MEASURES

CUMULATIVE SETTING

The cumulative setting for the project is the service area of two school districts: Pleasant Ridge Union School District, with jurisdiction over elementary and middle schools, and Nevada Joint Union High School District. Both districts indicate the schools within their boundaries are impacted. Collection of development impact fees will help fund the construction of additional facilities to accommodate the increase in current and future enrollment.

Cumulative Impacts to Schools

Impact 3.13.3.2 Implementation of the proposed project would require the payment of Level One development fees. The project would have a **less than cumulatively considerable** contribution to cumulative impacts on district facilities.

Proposed CCRC Development

Nevada County recognized that buildout of the General Plan land uses and associated population growth would result in the generation of approximately 25,769 school-age children and that existing facilities would not have the capacity to serve these children. This was considered a significant and unavoidable impact. While state programs would serve to reduce the need for additional school facilities, these measures cumulatively would not reduce the impact to less than significant, and the County adopted an Override Finding in conjunction with the adoption of the General Plan.

Under cumulative conditions, there would be a slight increase in student population within both the NJUHSD and PRUSD districts associated with the proposed project. SB 50 enables school districts to levy Level One, Two, and Three developer impact fees on new residential, commercial, and industrial development. Funding is currently available for the districts through a variety of different bonds and fees. The payment of school mitigation fees (Level One developer fees) would serve as appropriate mitigation for service impacts. Neither district identified any anticipated cumulative significant impacts associated with implementation of the proposed project (Skavdahl 2011; Suenram 2010). Cumulative impacts are anticipated to be less than significant. The project would have a **less than cumulatively considerable** contribution to cumulative impacts associated with school facilities.

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General Plan and Zoning Ordinance Text Amendments

As discussed in further detail in Section 4.0, Cumulative Impacts Summary, the proposed General Plan and Zoning Ordinance text amendments are policy actions that would not directly result in increased demands on general governmental services and facilities in the cumulative setting. Although CCRCs would be permitted in either a PD (Planned Development) or SDA (Special Development Area) land use designation with approval of a zone change after implementation of the proposed project, such rezoning applications would be subject to further CEQA analysis of project-specific impacts (proposed Zoning Ordinance amendment Section L.II 2.7.11(C)(4)), including public education impacts. Future site-specific CEQA analysis would result in project-specific mitigation to address impacts. Therefore, cumulative public education impacts associated with the proposed General Plan and Zoning Ordinance text amendments are considered **less than cumulatively considerable**.

Mitigation Measure

None required.

3.13.4 WATER SERVICE

This water service discussion focuses on the availability of water resources and the potential facilities impacts resulting from implementation of the proposed project.

3.13.4.1 SETTING

NEVADA IRRIGATION DISTRICT

The Nevada Irrigation District (NID) would provide potable water for the project. The Nevada Irrigation District is an independent special district providing water in portions of Nevada and Placer counties. The Nevada Irrigation District encompasses approximately 287,000 acres and provides water services to over 23,750 customers. The district is organized primarily to supply water for irrigation, municipal, domestic, and industrial purposes; however, the district also generates hydroelectric power at seven locations within the district boundaries. NID operates and maintains an extensive system of canals, reservoirs, and pipelines throughout the county including 10 reservoirs, 8 water treatment plants, over 300 miles of pipeline, and over 450 miles of canals. Currently, the NID water system has over 280,390 acre-feet¹ of storage capacity, with various capacity and operational enhancements currently budgeted. NID's urban water connections have grown at a rate of approximately 1.6 percent annually over the past ten years and are anticipated to continue growing at the same rate through 2020.

NID receives its water supply from four main sources: the watershed, carryover storage in surface reservoirs, contract purchases, and recycled water. Watershed runoff includes all runoff produced by NID's watershed during the water year, which usually lasts through June or July. NID has ten main storage reservoirs totaling a maximum of 280,390 acre-feet. Carryover storage is the amount of water left in these reservoirs at the end of a normal irrigation season, which generally ends in late September. Contract water purchases are available each year through the NID's 1963 agreement with Pacific Gas and Electric (PG&E). In years of at least normal

¹ An acre foot is the amount of water that would cover one acre of land to a depth of one foot. The amount of water is approximately 325,851 gallons of water.

precipitation, the maximum amount available is 59,361 acre-feet, and in dry years, this amount reduces to a maximum of 23,591 acre-feet. NID recycled water supplies are made up of treated water from four municipal wastewater treatment plants, blended with surface water and conveyed to NID customers.

NID adopted a drought contingency plan in December 1992, which identifies drought-caused water supply shortages and water demand reduction goals in the district during drought conditions. NID uses the March Snow Survey information for each year to forecast water supplies and, depending on the results of the survey, implements one of the five stages of the contingency plan, which includes involuntary and voluntary conservation programs.

Table 3.13.4-1 illustrates the historic and projected water supply sources and estimated volumes of water supply available for NID use.

**TABLE 3.13.4-1
HISTORIC AND PROJECTED WATER SUPPLY 1990–2020
ACRE-FEET PER WATER YEAR**

Source	1990	1995	2000	2005	2010	2015	2020
Watershed Runoff	124,038	403,237	192,384	206,200	209,377	229,124	229,124
Carryover Storage	136,712	56,534	144,295	118,600	139,395	119,843	119,843
Contract Purchases	9,345	7,356	8,936	8,000	59,361	59,361	59,361
Recycled	2,335	2,856	3,200	3,400	2,500	2,500	2,500
Total	272,430	472,621	348,815	336,200	410,633	410,828	410,828

Source: NID 2011

Past, Current, and Projected Water Use

NID has three main water use sectors: agriculture, urban, and environmental requirements for minimum pools and fish releases. As indicated above, new urban connections are added at a rate of 1.6 percent per year. Agricultural water uses account for approximately 95 percent of all NID’s water use, with the remaining 5 percent accounted for by urbanized land uses. **Table 3.13.4-2** illustrates the past, current, and projected water connections in the number of connections per year.

**TABLE 3.13.4-2
PAST, PRESENT, AND PROJECTED WATER SERVICE CONNECTIONS**

Water Use Sector	1995	2000	2005	2010	2015	2020
Seasonal Irrigation	4,545	4,940	5,300	5,682	6,063	6,445
Year-Round Irrigation	913	640	440	340	240	140
Treated Water	15,294	16,482	17,801	19,225	20,763	22,424

Source: NID 2011

NID does not foresee significant water demand increases over the next 20 years (Nevada County 2009). If substantial growth occurs within NID boundaries, agricultural water supplies would be converted to urbanized uses to accommodate the new residential, commercial, and industrial connections.

3.13 PUBLIC SERVICES AND UTILITIES

3.13.4.2 REGULATORY FRAMEWORK

STATE

Urban Water Management Planning Act

The Urban Water Management Planning Act (Water Code Sections 10610–10656) requires every urban water supplier that either provides over 3,000 acre-feet of water annually or serves more than 3,000 connections to assess the reliability of its water sources over a 20-year planning horizon considering normal, dry, and multiple dry years. This assessment is to be included in an Urban Water Management Plan (UWMP); these plans are required to be prepared every five years and submitted to the Department of Water Resources (DWR 2011). The most recently adopted version of the Urban Water Management Plan was adopted in 2010.

Senate Bill 610 and Senate Bill 221

Senate Bill (SB) 610 and SB 221 amended state law, effective January 1, 2002, to improve the link between information on water supply availability and certain land use decisions made by cities and counties. SB 610 and SB 221 are measures that seek to promote more collaborative planning between local water suppliers and cities and counties by requiring that detailed information regarding water availability be provided to decision-makers prior to approval of specified large development projects. SB 610 requires that detailed information be included in a water supply assessment (WSA), which is then included in the administrative record that serves as the evidentiary basis for an approval action by the city or county. SB 221 requires that the detailed information be included in a verification of water supply (VWS).

Under SB 610, WSAs must be furnished to local governments for inclusion in any environmental documentation for the following projects (as defined in Water Code 10912[a]) subject to CEQA:

- A proposed residential development of more than 500 dwelling units;
- A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space;
- A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space;
- A proposed hotel or motel, or both, having more than 500 rooms;
- A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area;
- A mixed-use development that includes one or more of the uses described above;
- A development that would demand an amount of water equivalent to or greater than the amount of water required by a 500 dwelling-unit project; and
- For lead agencies with fewer than 5,000 water service connections, any new development that will increase the number of water service connections in the service area by 10 percent or more.

According to SB 610, the latest adopted UWMP may be utilized to provide the information required for a water supply assessment. If the demands expected from the proposed project are not accounted for in the UWMP, a discussion must be included with regard to whether the water system's total projected water supplies during normal, single dry, and multiple dry years over a 20-year period from the date of the report would meet the projected demand of the proposed project in addition to the system's existing and projected future uses.

Per SB 221 and on the basis of the WSA, the public water supplier is required to provide written verification of sufficient water supplies. The VWS must consider the following factors:

- The availability of water over the next 20 years.
- The applicability of any urban water shortage contingency analysis prepared per Water Code Section 10632.
- The reduction in water supply allocated to a specific use by an adopted ordinance.
- The amount of water that can be reasonably relied upon from other water supply projects, such as conjunctive use, reclaimed water, water conservation, and water transfer.

LOCAL

Nevada County General Plan

The Nevada County General Plan serves as the overall guiding policy document for the unincorporated areas of Nevada County. A summary of the proposed project's consistency with applicable General Plan water supply and service policies is contained in **Appendix 3.0-A**. While this Draft EIR analyzes the project's consistency with the General Plan pursuant to CEQA Section 15125(d), the Nevada County Board of Supervisors makes the ultimate determination of consistency with the General Plan.

Nevada Irrigation District Urban Water Management Plan Update

NID prepared an Urban Water Management Plan, which allows the District to compare its water supplies with existing and anticipated water demands, identify and implement urban water conservation practices, analyze the possibility of drought-induced urban water shortages and plan various management procedures for implementation during normal and emergency conditions.

As of June 2011, NID is in the process of updating the 2010 Urban Water Management Plan. The update will bring the plan into compliance with new requirements to the Urban Water Management Planning Act, including consistency with use as a document for water supply assessments and written verification of water supply. The update also includes updates to water use projections and update and evaluation of demand management measures.

NID produces several brochures to assist its costumers in voluntary water conservation to protect and preserve the district's water supply. The brochures include tips for personal activities such as showering and bathing, as well as household hints for washing dishes, laundry, and gardening and landscaping care. Properties outside the NID boundaries are served by private well systems.

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3.13.4.3 IMPACTS AND MITIGATION MEASURES

STANDARDS OF SIGNIFICANCE

The impact analysis provided below is based on the following State CEQA Guidelines Appendix G thresholds of significance, which state that a project would have a significant impact if it would:

- 1) Require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects.
- 2) Have insufficient water supplies available to serve the project from existing entitlements and resources, or if new or expanded entitlements are needed.

Substantially degrade groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted). The reader is referred to Section 3.9, Hydrology and Water Quality, regarding hydrological and water quality related impacts and a discussion of groundwater resources. (Standard of Significance 3)

METHODOLOGY

This water service and systems analysis focuses on potential environmental impacts associated with development of the water system and availability of water supplies required to serve the proposed project. The reader is referred to Section 3.9, Hydrology and Water Quality, regarding hydrological and water quality related impacts and a discussion of groundwater resources.

PROJECT IMPACTS AND MITIGATION MEASURES

Project Water Demand and Supplies

Impact 3.13.4.1 There are sufficient water supplies available to serve the project from existing entitlements and resources. No new or expanded entitlements would be needed to provide adequate water supplies to the project. This impact would be considered **less than significant**.

The project would result in increased demand for water to serve the proposed uses. A will-serve letter for the project has been issued by the Nevada Irrigation District (Bradley 2009). The NID's Treated Water Master Plan Assumptions Update uses the water demand rates listed in **Table 3.14.4-3**.

**TABLE 3.13.4-3
NID UNIT WATER USE CRITERIA**

Land Use	Unit	Average Housing Density (D.U./Ac)	Maximum Day Water Use (gpm/unit)
Residential	D.U.	0 to 0.3	1.5
Residential	D.U.	0.3 to 6	1.0
Residential	D.U.	6 or more	0.75
Commercial	Acre	N/A	2.1
Light Industrial	Acre	N/A	2.1
Institutional	Acre	N/A	3.5
Parks	Acre	N/A	1.4

Source: NID 1997

The proposed project would consist of 345 residential units, 218,000 square feet of retail, and 33,000 square feet of common area project amenities. The project would also include 4 acres of agricultural uses. For the purposes of this analysis, the Village Commercial units and common area amenities (totaling 5.76 acres) are calculated as commercial and the agricultural uses are calculated as park. Given these designations, the project is estimated to use 535.2 gpm of water, or 863.3 acre-feet per year.

NID would provide water supplies to meet projected demands for the project. **Table 3.13.4-4** compares the current and projected water supply demand for NID.

**TABLE 3.13.4-4
SUPPLY AND DEMAND COMPARISON**

Comparison	2010	2015	2020	2025	2030	2035
Supply Totals	410,633	410,828	410,828	410,828	410,828	410,828
Total Demand	129,894	180,046	187,360	195,729	200,646	203,536

Source: NID 2011

Note: Unit of Measure: acre-feet per year

As shown in the table above, NID has sufficient water to meet anticipated demands through 2035 in average precipitation years. In addition, a 50 percent reduction in NID’s overall supply (which is more severe than a hypothetical three-year worst-case scenario) does not require mandatory rationing of urban customers because the urban demands are anticipated to remain a small portion of the district’s overall demands. While the project proposes to change its General Plan designation and allow for greater development on the project site than what was estimated in the Nevada County General Plan, NID would still have an adequate raw water supply to meet the estimated water demands of the project. This additional water demand can easily be met by NID, which has over half of its 410,633 afy supply remaining.

It should be noted that while adequate water is available to meet the projected water demand, the existing water system facilities in the area cannot provide adequate fire flows.

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Please see Impact 3.13.1.2 for a discussion of fire flows and the project's installation of a 300,000-gallon non-potable water storage tank.

NID has sufficient water supplies available to serve the proposed project. No new or expanded entitlements would be needed to provide adequate water supplies to the project. Therefore, the project would have a **less than significant** impact on water demand and availability.

Mitigation Measures

None required.

Water Supply and Conveyance Facilities

Impact 3.13.4.2 The proposed project would result in the construction of new water conveyance facilities, the construction of which would cause significant environmental effects. This is a **potentially significant** impact.

NID currently provides both potable and non-potable water through an existing system of treatment and distribution lines. The project site would be served potable water by the Lake of the Pines Water Treatment Plant. The Lake of the Pines Water Treatment Plant was expanded to a capacity of 5 million gallons per day, which is consistent with providing peak day water service to the Nevada County General Plan area. Water storage tanks store the treated water and provide domestic water for residents throughout the system. Treated water storage is designed to provide peak demand flows, emergency flows, and water to meet fire demands. Treated water storage is expanded according to NID's water distribution system master plan as development occurs.

Implementation of the project would increase the demand for water and require new conveyance systems and facilities. A mainline extension (of an existing 8-inch waterline) will be required from the northeast corner of the project site at Rodeo Flat Road and will be constructed as part of the project (Bradley 2009). Any off-site construction will be located within the existing Rodeo Flat Road Public Utility Easement (PUE). Proposed water lines within the project site are shown on the Preliminary Infrastructure Plan (see **Figure 2.0-16**).

An approximately 300,000-gallon on-site non-potable water tank is proposed to augment the required storage for fire flow. A 10- or 12-inch mainline would be extended from the new tank to the developed area of the project. The project will also need to install new water pumps in the existing Timber Ridge tank/pump building. Final location and alignment of the water lines would be subject to NID review and approval. The placement of the new infrastructure and extending existing pipelines would require trenching, earthmoving, and other construction activities. However, all new pipelines and water conveyance facilities would be constructed and located within existing roadways and rights-of-way to lessen potential environmental impacts.

While adequate water would be available to serve the project, there is no timing and enforcement mechanism currently in place that would ensure the timing related to the design and construction of the project's water distribution system. This is a **potentially significant** impact.

Mitigation Measure

MM 3.13.4.2 Prior to approval of improvement plans for each building, the project applicant shall provide the County with an approved set of improvement plans accepted by NID, which shall include:

- Quantification of anticipated water usage by parcel.
- A comprehensive water system design for distribution piping and connection to the existing NID distribution system.
- Appropriate pipe sizing to accommodate minimum fire flow water pressures (as determined by CAL FIRE, NID, and the HFPD).
- Identification of pipe sizing, pipe location, and the location of the tie-in with NID facilities.
- Provisions for easement, rights-of-way, and in-fee land to NID for water facilities.

Timing/Implementation: Prior to improvement plan approval

Enforcement/Monitoring: Nevada County Planning Department; NID

Implementation of mitigation measure **MM 3.13.4.2** establishes the timing of water system improvements and ensures that the project's impacts to water supply and conveyance facilities are **less than significant**.

3.13.4.4 CUMULATIVE SETTING, IMPACTS, AND MITIGATION MEASURES

CUMULATIVE SETTING

The cumulative setting for water resources includes the 278,000-acre service area of the NID, which covers portions of Nevada, Placer, and Yuba counties. NID serves the towns of Auburn, Grass Valley, and Nevada City and several smaller communities, including Lake of the Pines. There are a number of proposed, pending, and approved projects in the vicinity of the proposed project. See **Table 3.0-2** in Section 3.0 for a list of projects that would cumulatively increase water demands and NID-related services.

CUMULATIVE IMPACTS AND MITIGATION MEASURES

Cumulative Water Impacts

Impact 3.13.4.3 Implementation of the proposed project, in combination with cumulative development, would increase the current demand for water supply service. Cumulative impacts to water supply are considered **less than cumulatively considerable**.

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Proposed CCRC Development

The proposed project, in combination with other proposed and approved projects in the area, would result in a cumulative demand for water supply that is consistent with the projections in the 2010 UWMP and the facilities already constructed by NID. Water supply, delivery, and fire flows must be demonstrated on a project-by-project basis. As indicated in **Table 3.13.4-3**, NID has sufficient raw water to meet anticipated demands through 2035 in average precipitation years. In the event of a 50 percent reduction in NID's overall supply (which is more severe than a hypothetical three-year worst-case scenario), no mandatory rationing of urban customers would be necessary as urban demands are anticipated to remain a small portion of the district's overall demands. Because there is adequate water available to serve cumulative development in the NID service area, the proposed project would have a **less than cumulatively considerable** contribution to water supply impacts.

General Plan and Zoning Ordinance Text Amendments

As previously discussed, implementation of the proposed project would result in amendments to the County's General Plan and Zoning Ordinance in order to establish a CCRC land use designation and zoning district. The proposed text amendments are policy actions that would not directly increase demand for water supply within the cumulative setting. However, future cumulative development in Nevada County would be subject to the new uses allowed by the proposed amendments, meaning that, after implementation of the proposed project, CCRCs would be permitted in either a PD (Planned Development) or SDA (Special Development Area) land use designation with approval of a zone change. As discussed in further detail in Section 4.0, Cumulative Impacts Summary, currently 22 areas in the county meet the acreage criteria for CCRCs per the proposed text amendments that could be proposed for CCRC use in the future.

Given that it is currently unknown which, if any, of these 22 areas would be proposed for CCRC development in the future, identification of site-specific water demand resulting from the proposed text amendments would be speculative at this time. At a programmatic level, the environmental impacts associated with development of all PD and SDA designated areas in the county were analyzed in the Nevada County General Plan Environmental Impact Report, Volume I, SCH #1995102136 (1995). In addition, any future CCRC development projects would be required to submit a rezoning application in order to establish CCRC Combining District zoning for an individual CCRC use on any of the sites identified above. Such rezoning applications would be subject to further CEQA analysis of project-specific impacts (proposed Zoning Ordinance amendment Section L.II 2.7.11(C)(4)), including water supply impacts. It is reasonable to assume that future site-specific CEQA analysis would result in project-specific mitigation to address impacts.

Furthermore, future CCRC development projects would only be allowed in areas already planned for some level of urban development (PD and SDA designations) and, as previously discussed, NID has sufficient raw water to meet anticipated demands through 2035 in average precipitation years. Future CCRC development projects would be required to be consistent with the proposed text amendments to the General Plan and Zoning Ordinance, which require CCRCs to be served by public water and public sewer facilities and to comply with applicable provisions of the particular service provider and County policy as a condition of extension of water and/or sewer services to the project site, including annexation into service area boundaries where required (proposed Zoning Ordinance amendment Section L.II 2.7.11(I)).

Given that the proposed text amendments would not directly increase the demand for water supply within the cumulative setting, and any future rezoning applications would be subject to further CEQA analysis of project-specific impacts (proposed Zoning Ordinance amendment Section L.II 2.7.11(C)(4)), including water supply impacts, cumulative impacts associated with the proposed General Plan and Zoning Ordinance text amendments are considered **less than cumulatively considerable**.

Mitigation Measures

None required.

3.13.5 WASTEWATER SERVICE

3.13.5.1 SETTING

NEVADA COUNTY SANITATION DISTRICT #1

Wastewater systems in Nevada County include both private septic systems and public wastewater treatment facilities. Nevada County Sanitation District #1 (NCSD-1) provides wastewater collection and treatment facilities in ten separate geographical zones in the county, servicing 5,230 accounts and a population of approximately 14,000. NCSD-1 facilities collect and treat approximately 1,245,000 gallons of wastewater each day. Adjacent to the project area, NCSD-1 operates the Lake of the Pines wastewater collection and treatment facilities.

NCSD-1 was formed and operated as a County Sanitation District in accordance with California Health and Safety Code Sections 4700 through 4858. The sanitation district's rate setting capability is in accordance with Health and Safety Code Sections 5470 through 5474.10 and is subject to Proposition 218. Funding is accomplished from sewer service and standby charges. This funding is used to provide administrative, operation, and maintenance functions. The sewer service and standby charges also fund capital improvement projects. The sewer service charge per equivalent dwelling unit (EDU) is made up of two components: a sewer maintenance and operation fee and a capital acquisition and improvement fee. The sewer standby charge per EDU is also made up of two components: a sewer maintenance fee and a capital acquisition and improvement fee.

Existing Capacity and Treatment Facilities

There are no public sanitary sewage facilities currently available at the project site. NCSD-1 facilities could be extended to provide service to the project site. Adjacent to the project, the Higgins Center developed a small individual community wastewater treatment on a 12-acre site. While the Higgins Center Wastewater Treatment Facility is also operated by NCSD-1, the facility does not have sufficient wastewater treatment capacity to serve the proposed project.

Wastewater from the proposed project would be conveyed to and treated at the expanded NCSD-1-operated Lake of the Pines Wastewater Treatment Plant (LOP WWTP) located northwest of the project site. Expansions and upgrades to the WWTP were completed by NCSD-1 in 2005. (EDAW 2005) This facility currently discharges an average dry weather flow (ADWF) of 0.4 million gallons per day (mgd). The WWTP discharges tertiary treated water year-round to Magnolia Creek. The LOP WWTP has an ADWF permitted capacity of 0.72 mgd that would allow it to provide future service to some of the areas within its sphere of influence as identified in the Nevada County General Plan (EDAW 2005). According to a capacity assessment for the LOP

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WWTP (see **Appendix 3.13-A**), the plant currently has 2,090 connected equivalent dwelling units (EDUs), as well as 720 standby and committed EDU's.

The LOP WWTP is designed around a membrane bioreactor system (MBR) which involves a series of tanks, filters and a small-pore membrane. The system is specifically designed to allow for expansion by increasing the number of filter units known as a cassette. Each cassette will enable an incremental increase in the treatment capacity of the WWTP (EDAW 2005).

Project Wastewater Disposal

The project proposes to construct an on-site sewer lift station (and possibly an intermediate lift station) and extend a 6-inch force-main from the project site to Rodeo Flat Road. From the high point near the intersection of Rodeo Flat and Timber Ridge, wastewater which would then flow by gravity to Timber Ridge Road eventually terminating at an existing manhole located on Riata Way near the Lake of the Pines WWTP. All onsite sewer lines and conveyance facilities would be constructed and placed within the project's roadways and rights-of-way to lessen potential environmental impacts. All off-site improvements will be within a public utility easement and/or existing road prism.

3.13.5.2 REGULATORY FRAMEWORK

FEDERAL

Clean Water Act

The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. Under the CWA, the United States Environmental Protection Agency (USEPA) has implemented pollution control programs such as setting wastewater standards for industry and water quality standards for all contaminants in surface waters.

The CWA made it unlawful to discharge any pollutant from a point source (direct discharge) into navigable waters, unless a permit is obtained. The USEPA's National Pollutant Discharge Elimination System permit program controls discharges (USEPA 2011) through the California Regional Water Quality Control Board.

National Pollutant Discharge Elimination System

The National Pollutant Discharge Elimination System (NPDES) program, Section 402 of the Clean Water Act, controls direct discharges into navigable waters. Direct discharges, or point source discharges, are from sources such as pipes and sewers. NPDES permits, issued by either the USEPA or an authorized state/tribe, contain industry-specific, technology-based, and/or water-quality-based limits, and establish pollutant monitoring and reporting requirements. (The USEPA has authorized 40 states to administer the NPDES program.) A facility that intends to discharge into the nation's waters must obtain a permit before initiating a discharge. A permit applicant must provide quantitative analytical data identifying the types of pollutants present in the facility's effluent, and the permit will then set forth the conditions and effluent limitations under which a facility may make a discharge (USEPA 2011).

STATE

Porter-Cologne Water Quality Control Act

In 1969, the California Legislature enacted the Porter-Cologne Water Quality Control Act to preserve, enhance, and restore the quality of the state's water resources. The act established the State Water Resources Control Board (SWRCB) and nine Regional Water Quality Control Boards (RWQCBs) as the principal state agencies with the responsibility for controlling water quality in California. Under the act, water quality policy is established, water quality standards are enforced for both surface water and groundwater, and the discharges of pollutants from point and nonpoint sources are regulated. The act authorizes the SWRCB to establish water quality principles and guidelines for long-range resource planning including groundwater and surface water management programs and control and use of recycled water (USDOE 2011).

State Water Resources Control Board

The five-member SWRCB is responsible for implementing the Clean Water Act and the Porter-Cologne Water Quality Control Act. The SWRCB allocates water rights, adjudicates water right disputes, develops statewide water protection plans, establishes water quality standards, and guides the nine RWQCBs located in the major watersheds of the state. The SWRCB also issues NPDES permits to cities and counties through the RWQCBs (SWRCB 2011).

Waste Discharge Requirements Program

State regulations pertaining to the treatment, storage, processing, or disposal of solid waste are found in Title 27, CCR, Section 20005 et seq. (Title 27). In general, the Waste Discharge Requirements (sometimes referred to as the Non Chapter 15 (Non 15) Program) regulates point discharges that are exempt pursuant to Subsection 20090 of Title 27 and not subject to the federal Clean Water Act. Exemptions from Title 27 may be granted for nine categories of discharges (e.g., sewage, wastewater) that meet, and continue to meet, the preconditions listed for each specific exemption. The scope of the WDR Program also includes the discharge of wastes classified as inert, pursuant to Section 20230 of Title 27. Several SWRCB programs are administered under the WDR Program, including the Sanitary Sewer Order and recycled water programs (SWRCB 2011).

If the operation or discharges from a property or business affect California's surface water, coastal waters, or groundwater, the discharger is required to obtain a permit from the appropriate RWQCB to discharge waste. For those discharging pollutants (or proposing to) into surface waters, a federal National Pollutant Discharge Elimination System (NPDES) permit must be obtained. For other types of discharges, such as those affecting groundwater or in a diffused manner (e.g., erosion from soil disturbance or waste discharges to land), a Report of Waste Discharge must be filed with the appropriate Regional Water Quality Control Board in order to obtain WDRs.

Sanitary Sewer Overflow Program

A sanitary sewer overflow (SSO) is any overflow, spill, release, discharge, or diversion of untreated or partially treated wastewater from a sanitary sewer system. Sanitary sewer overflows often contain high levels of suspended solids, pathogenic organisms, toxic pollutants, nutrients, oil, and grease and can pollute surface waters and groundwater, threaten public health, adversely affect aquatic life, and impair the recreational use and aesthetic enjoyment of surface waters. To provide a consistent, statewide regulatory approach to address SSOs, the SWRCB adopted

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Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, Water Quality Order No. 2006-0003 (Sanitary Sewer Order) on May 2, 2006. The Sanitary Sewer Order requires public agencies that own or operate sanitary sewer systems to develop and implement sewer system management plans and report all sanitary sewer overflows to the SWRCB's online SSO database. All public agencies that own or operate a sanitary sewer system that comprises more than 1 mile of pipes or sewer lines which convey wastewater to a publicly owned treatment facility must apply for coverage under the Sanitary Sewer Order (SWRCB 2011).

Local

Nevada County General Plan

The Nevada County General Plan serves as the overall guiding policy document for the unincorporated areas of Nevada County. A summary of the proposed project's consistency with applicable General Plan wastewater service policies is contained in **Appendix 3.0-A**. While this DEIR analyzes the project's consistency with the General Plan pursuant to CEQA Section 15125(d), the Nevada County Board of Supervisors makes the ultimate determination of consistency with the General Plan.

3.13.5.3 IMPACTS AND MITIGATION MEASURES

STANDARDS OF SIGNIFICANCE

The impact analysis provided below is based on the following State CEQA Guidelines Appendix G thresholds of significance, which state that a project would have a significant impact if it would:

- 1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.
- 2) Require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- 3) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity within the collection system to serve the project's projected demand in addition to the provider's existing commitments.

METHODOLOGY

The analysis of potential wastewater service impacts is based upon review of relevant Nevada County General Plan policies and State of California wastewater regulations, as well as consultation with NCSD-1 staff.

Water quality impacts associated with wastewater facilities are addressed in Section 3.9, Hydrology and Water Quality.

IMPACTS AND MITIGATION MEASURES

Wastewater Treatment Impacts

Impact 3.13.5.1 The proposed project would generate 280 EDUs worth of wastewater. The Lake of the Pines WWTP has sufficient capacity to accommodate wastewater treatment and disposal requirements for the project. This would be a **potentially significant** impact.

Based on unit calculation provided in **Appendix 3.13-A**, the project is anticipated to generate approximately 280 equivalent dwelling units (EDU) worth of wastewater (Joslyn 2011). The design value per EDU in Lake of the Pines Zone 2 is 204 gallons per day for average dry weather flow. Therefore, the proposed project is estimated to generate approximately 57,120 gallons of wastewater per day for average dry weather flow. The specific EDU calculations will be completed at the time of building permit application. The proposed project's 280 EDU wastewater demand would require 3.3 cassettes at the LOP WWTP, but the minimum installation is two cassettes per basin so eight cassettes would be required (Joslyn 2011).

The LOP WWTP currently serves approximately 2,810 connected, standby and committed EDUs. Including the proposed project's 280 EDUs, there is a potential for an additional 590 EDUs for planned future projects. The WWTP is currently designed to handle 2,707 EDUs but can be expanded up to 4,700 EDUs with the purchase of additional cassettes (Joslyn 2011). The LOP WWTP has been designed to accommodate such modifications, and expansion has been planned for at the WWTP. However, this expansion does not have a funding mechanism in place. This impact is therefore considered **potentially significant**.

Mitigation Measures

MM 3.13.5.1 Prior to final map approval, the applicant shall fund the project's fair share of addition of membranes at the Lake of the Pines Wastewater Treatment Plant. NCSD-1 shall determine the exact payment to ensure adequate capacity at the plant is available.

Timing/Implementation: Prior to final map approval

Enforcement/Monitoring: Nevada County Sanitation District-1

Implementation of the above mitigation measures would mitigate wastewater facility impacts to a **less than significant** level.

Wastewater Conveyance Impacts

Impact 3.13.5.2 Implementation of the proposed project would require construction of wastewater conveyance infrastructure. This infrastructure would be installed within rights-of-way on- and off-site within existing public utility easements and road prism. Impacts to wastewater conveyance are considered **less than significant**.

The project proposes to construct an on-site gravity wastewater system, directed to a lift station. The lift station will pump wastewater through a force-main toward the northeast to another on-site lift station. The force main will continue off-site to the north along Rodeo Flat Road, then gravity-flow down Timber Ridge Road and eventually terminate at an existing manhole located

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on Riata Way near the Lake of the Pines WWTP. All off-site construction of the sewer main will be located within existing PUEs and/or road prism. Annexation to Nevada County Sanitation District #1 will be necessary, requiring approval of the Nevada County Local Agency Formation Commission (LAFCo). The final EDU calculations will be made at the time of building permit submittal. The proposed wastewater system is illustrated on **Figure 2.0-16**.

Impacts associated with the construction of the conveyance infrastructure, such as biological, cultural, air quality, and noise impacts, are addressed as part of the analysis of the project as a whole and disclosed in the appropriate sections of this Draft EIR. The proposed infrastructure would be adequate to convey project wastewater. Therefore, impacts to wastewater conveyance are considered **less than significant**.

Mitigation Measures

None required.

3.13.5.4 CUMULATIVE SETTING, IMPACTS, AND MITIGATION MEASURES

CUMULATIVE SETTING

The cumulative setting for wastewater is the sphere of influence boundaries of the NCSD-1 service area for the Lake of the Pines WWTP. There are a number of proposed, pending, and approved projects in the vicinity of the proposed project. See **Table 3.0-2** in Section 3.0 for a list of projects that would cumulatively increase wastewater demands and NID-related services.

CUMULATIVE IMPACTS AND MITIGATION MEASURES

Cumulative Wastewater Impacts

Impact 3.13.5.3 Implementation of the proposed project, in combination with other developments within NCSD-1's service area, would increase wastewater flows and the current demand for wastewater treatment services. Necessary infrastructure to accommodate the proposed project and future planned development could be extended and wastewater services could be provided by the wastewater treatment plant. Therefore, the project's contribution to cumulative wastewater impacts would be **less than cumulatively considerable**.

Although implementation of the proposed project in combination with area and regional growth would increase the overall demand for wastewater collection and treatment services, the necessary infrastructure to accommodate the proposed project and future planned development could be extended and wastewater services could be provided by the wastewater treatment plant. Individual projects are required to identify interim wastewater service and disposal, such as septic tanks. The Nevada County General Plan EIR analyzed wastewater flows associated with development of the project site as Planned Development, Estate. The wastewater flow rates for the Planned Development Estate designation are below the flow rates for a Continuing Care Retirement Community designation. As a result, the EDUs anticipated for the project site under the General Plan are less than the EDUs necessary to serve the proposed project with continuing care retirement community (CCRC) uses. However, implementation of mitigation measure **MM 3.13.3.1** would ensure that the project's fair share has been paid to accommodate any required plant expansion. The project's contributions to

cumulative impacts on wastewater services are anticipated to be **less than cumulatively considerable**.

General Plan and Zoning Ordinance Text Amendments

As previously discussed, implementation of the proposed project would result in amendments to the County's General Plan and Zoning Ordinance in order to establish a CCRC land use designation and zoning district allowable in PD or SDA designated areas; however, it is currently unknown which PD or SDA areas would be proposed for CCRC development in the future. Therefore, identification of site-specific wastewater impacts resulting from the proposed text amendments would be speculative at this time. At a programmatic level, the environmental impacts associated with development of all PD and SDA designated areas in the county were analyzed in the Nevada County General Plan Environmental Impact Report, Volume I, SCH# 1995102136 (1995). In addition, any future CCRC development projects would be required to submit a rezoning application in order to establish CCRC Combining District zoning for an individual CCRC use on any of the sites identified above. Such rezoning applications would be subject to further CEQA analysis of project-specific impacts (proposed Zoning Ordinance amendment Section L.II 2.7.11(C)(4)), including wastewater impacts. It is reasonable to assume that future site-specific CEQA analysis would result in project-specific mitigation to address impacts.

Given that the proposed text amendments would not directly increase the demand for wastewater treatment/conveyance within the cumulative setting, and any future rezoning applications would be subject to further CEQA analysis of project-specific impacts (proposed Zoning Ordinance amendment Section L.II 2.7.11(C)(4)), including wastewater impacts, cumulative impacts associated with the proposed General Plan and Zoning Ordinance text amendments are considered less than cumulatively considerable.

Mitigation Measures

None required.

3.13.6 SOLID WASTE

3.13.6.1 SETTING

The Nevada County Department of Public Works (DPW) manages the County's solid waste and recycling programs. The DPW divides the solid waste and recycling programs into two service areas: Western and Eastern Nevada County. The project site is located in the service area described as Western Nevada County. Waste Management, Inc. contracts with the County to provide solid waste and recyclable materials collection, transfer, and disposal services to residential, commercial, and industrial customers. Nevada County residents also have the option to self-haul their refuse to the McCourtney Road, Washington, and North San Juan transfer stations, which are operated and maintained by DPW.

EXISTING SOLID WASTE COLLECTION AND DISPOSAL

Waste Management's commercial waste services provide free assistance to businesses in the areas of waste prevention, recycling, recycled product information, technical assistance, and education. Both front-loader and rear-loader containers and various recycling programs are available for commercial customers. In addition, Waste Management's Industrial Services Group

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designs specialized collection, transportation, recycling, and disposal services for hazardous materials, fuels, and other specialized industrial wastes. Nevada County does not have an active landfill and transfers the refuse collected at the transfer stations via trailer trucks to the Ostrom Road Landfill in Yuba County, California. In accordance with County standards, Waste Management provides recycling services and collects the recycling materials via its curbside collection operations.

Waste Management offers customized recycling programs to residential, commercial, and industrial customers to reduce the amount of solid waste generated in Nevada County. Current programs include buy/drop-off centers, paper, wood and pallet, glass, and plastic recycling. Waste Management also provides recycled materials pickup and transfer services and offers a variety of sizes of mail-back sharps containers that provide customers a system for the safe disposal of sharps waste. A Waste Reduction Awards Program (WRAP) is sponsored by the California Integrated Waste Management Board to recognize businesses that have developed outstanding waste reduction programs. NECOMAX is a free local materials exchange for businesses, nonprofits, schools, artists, and organizations. In addition, the County employs one recycling coordinator and three recycling technicians to assist the County in developing the infrastructure needed to meet the state mandate of diverting solid waste disposal.

Although Nevada County provides incentives and has developed solid waste source reduction programs, the diversion rate steadily declined from 43 percent in 2000 to only 27 percent in 2004 (Table 3.13.6.1). However, the diversion rate went back up to 43 percent by 2008.

TABLE 3.13.6-1
NEVADA COUNTY DIVERSION RATES 2000–2008

Reporting Year	Biennial Review Cycle	Diversion Percentage
2000	Board Approved	43%
2001	Board Approved	42%
2002	Board Approved	32%
2003	Board Approved	30%
2004	Board Approved	27%
2005	Board Approved	36%
2006	Board Approved	50%
2007	Staff Reviewed	43%
2008	Staff Reviewed	43%

Source: CalRecycle 2011

LANDFILL CAPACITY

The Ostrom Road Landfill has a remaining life projection of 55 years at maximum daily throughput of 3,000 tons. Of its 43 million cubic yard capacity, approximately 90 percent is still available (CalRecycle 2011).

3.13.6.2 REGULATORY FRAMEWORK

STATE

California Integrated Waste Management Act

The California Integrated Waste Management Act of 1989, or AB 939 (Public Resources Code, Section 42900–42927), required all California cities and counties to reduce the volume of waste deposited in landfills by 50 percent by the year 2000 and continue to remain at 50 percent or higher for each subsequent year. The purpose of this act is to reduce, recycle, and reuse solid waste generated in the state to the maximum extent feasible.

AB 939 requires each California city and county to prepare, adopt, and submit to the California Department of Resources Recycling and Recovery (CalRecycle) a source reduction and recycling element (SRRE) that demonstrates how the jurisdiction will meet the Integrated Waste Management Act’s mandated diversion goals. Each jurisdiction’s SRRE must include specific components, as defined in Public Resources Code Sections 41003 and 41303. In addition, the SRRE must include a program for management of solid waste generated in the jurisdiction that is consistent with the following hierarchy: (1) source reduction, (2) recycling and composting, and (3) environmentally safe transformation and land disposal. Included in this hierarchy is the requirement to emphasize and maximize the use of all feasible source reduction, recycling, and composting options in order to reduce the amount of solid waste that must be disposed of by transformation and land disposal (Public Resources Code Sections 40051, 41002, and 41302) (CalRecycle 2011).

Local

Nevada County General Plan

The Nevada County General Plan serves as the overall guiding policy document for the unincorporated areas of Nevada County. A summary of the proposed project’s consistency with applicable General Plan solid waste service policies is contained in **Appendix 3.0-A**. While this Draft EIR analyzes the project’s consistency with the General Plan pursuant to CEQA Section 15125(d), the Nevada County Board of Supervisors makes the ultimate determination of consistency with the General Plan.

3.13.6.3 IMPACTS AND MITIGATION MEASURES

STANDARDS OF SIGNIFICANCE

The impact analysis provided below is based on the following State CEQA Guidelines Appendix G thresholds of significance, which state that a project would have a significant impact if it would:

- 1) Be served by a landfill with insufficient permitted capacity to accommodate the project’s solid waste disposal needs.
- 2) Fail to comply with federal, state, and local statutes and regulations related to solid waste.

3.13 PUBLIC SERVICES AND UTILITIES

METHODOLOGY

Evaluation of potential solid waste impacts of the proposed project is based on consultations with the County of Nevada Department of Public Works as well as review of the Nevada County General Plan, and review of current waste reduction and recycling programs through information provided on the CalRecycle website.

Solid Waste Impacts

Impact 3.13.6.1 The proposed project will be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs. This impact is considered **potentially significant**.

Operation of the proposed project would add to the county's total waste generation production. Using the Nevada County solid waste generation rates of 3.1 pounds per person per day for residential and 26.4 pounds per employee per day for retail, the project would generate approximately 2,580 pounds of solid waste per day (Elder 2011).

Although landfill facilities and services provided by Waste Management, Inc. would have adequate capacity to dispose of project-generated solid waste, the Nevada County Department of Transportation and Sanitation conditions all projects for waste collection and recycling services as follows: participate in the recycling program offered through the County's franchised waste collection company; divert all "green waste" material generated at the project area to the County's franchised waste collection company's green waste collection program, or an equivalent method; provide adequate space for waste and recycling containers; undertake a program of reuse of waste materials generated at the project; and during construction of the project, all recyclable materials would be diverted and recycled (Nevada County 2009). Further, the project would be required to comply with federal, state, and local regulations relating to the disposal of solid waste. The project would also need to participate in the County's recycling efforts to assist the County in complying with AB 939. Failure to comply with these conditions would result in an impact that is considered **potentially significant**.

Mitigation Measures

MM 3.13.6.1 Prior to issuance of occupancy permits the applicant will complete the following mitigation measures:

- 1) All businesses will subscribe to waste collection and recycling services provided by the County's franchised waste collection company.
- 2) All businesses will participate in the recycling program offered through the County's franchised waste collection company. Businesses will recycle all items available through the company's program, or an equivalent method, which ensures that the waste is diverted away from landfill disposal.
- 3) Any green waste material generated at the project area such as lawn trimmings, shrubbery, and tree trimmings shall be diverted away from disposal through the County's franchised waste collection company's green waste collection program or an equivalent method which ensures that the waste is diverted away from landfill disposal.

- 4) Adequate space for waste and recycling containers will be constructed at the complex to ensure ease of collection by the County's franchised waste collection company. The units housing the containers shall be constructed to allow sufficient space for the quantity of containers needed to ensure that the waste and recyclables can be collected in an efficient manner. Waste Management will be consulted to ensure that sufficient space is available for recycling and trash containers.

Timing/Implementation: Prior to the issuance of occupancy permits for commercial and retail establishments

Enforcement/Monitoring: Nevada County Department of Transportation and Sanitation

Implementation of mitigation measure **MM 3.13.6.1**, as well as compliance with the regulations discussed in this impact above, would reduce solid waste impacts resulting from the project to a **less than significant** level.

Impact 3.13.6.2 Implementation of the proposed project would not be expected to result in conflicts with any federal, state, or local solid waste regulations. This impact is considered **less than significant**.

The project will be required to comply with federal, state, and local regulations relating to the disposal of solid waste. The project would also need to participate in the County's recycling efforts to assist the County in complying with AB 939. Compliance with these regulations, as well as **MM 3.13.6.1** will ensure that this impact remains less than significant.

Mitigation Measures

None required.

3.13.6.4 CUMULATIVE SETTING, IMPACTS, AND MITIGATION MEASURES

CUMULATIVE SETTING

The Nevada County Department of Public Works service area includes the portion of the unincorporated county where the project is located, as well as the cities of Nevada and Grass Valley. Nevada County contracts with Waste Management, Inc. for collection, transportation, and processing of recyclable materials. See Section 3.0, Introduction to the Environmental Analysis and Assumptions Used, to reference the cumulative project list for the surrounding area and criteria for the assumptions used in this DEIR.

CUMULATIVE IMPACTS AND MITIGATION MEASURES

Cumulative Solid Waste Impacts

Impact 3.13.6.3 Although sufficient landfill capacity exists to serve the project, implementation of the proposed project, as well as other proposed and approved projects, would increase solid waste generation in Nevada County. Therefore, the project's contribution to cumulative impacts to landfill capacity and solid waste disposal is considered **less than cumulatively considerable**.

3.13 PUBLIC SERVICES AND UTILITIES

Proposed CCRC Development

Under cumulative conditions, each individual development project would be required to comply with all pertinent countywide recycling programs, including AB 939. Further, all new development would be conditioned to participate in the recycling programs offered through the County's franchised waste collection company. These measures would reduce waste generated by projects under cumulative conditions to the levels required by AB 939.

While the proposed project would increase the amount of waste that was anticipated to be generated in the General Plan, the project will participate in recycling programs that are available and contracted on a project-by-project basis, which will further reduce waste. As described above, the remaining life of the Ostrom Road Landfill in Yuba County is projected to be 55 years at a maximum daily throughput of 3,000 tons. The project's 2,580 pounds per day would not substantially affect the daily waste stream of the landfill. Ostrom Road Landfill is anticipated to have adequate capacity for cumulative levels of development. Cumulative impacts to solid waste collection and landfill capacity are considered **less than cumulatively considerable**.

General Plan and Zoning Ordinance Text Amendments

As discussed in further detail in Section 4.0, Cumulative Impacts Summary, the proposed General Plan and Zoning Ordinance text amendments are policy actions that would not directly generate additional solid waste in the cumulative setting. Although CCRCs would be permitted in either a PD (Planned Development) or SDA (Special Development Area) land use designation with approval of a zone change after implementation of the proposed project, such rezoning applications would be subject to further CEQA analysis of project-specific impacts (proposed Zoning Ordinance amendment Section L.II 2.7.11(C)(4)), including solid waste impacts. At a programmatic level, the environmental impacts associated with development of all PD and SDA designated areas in the county were analyzed in the Nevada County General Plan Environmental Impact Report, Volume I, SCH #1995102136 (1995). Future site-specific CEQA analysis would result in project-specific mitigation to address impacts. Therefore, cumulative impacts associated with the proposed General Plan and Zoning Ordinance text amendments are considered **less than cumulatively considerable**.

Mitigation Measures

None required.

3.13.7 PARKS AND RECREATION

3.13.7.1 SETTING

The Bear River Recreation and Parks District (BRRPD) provides parks and recreation services to the southwestern portion of Nevada County. The proposed project falls within the jurisdictional boundaries of the BRRPD. Overall, the BRRPD boundary encompasses about 109 square miles and includes the unincorporated communities of Alta Sierra and Lake of the Pines and nearby unincorporated areas of Nevada County from Grass Valley to the Placer County line and from the Western Gateway Recreation District boundary to the Bear River. The BRRPD's service area is primarily rural in character, with the main concentration of development in the Lake of the Pines and Alta Sierra areas.

Services currently provided by the BRRPD include sports leagues and camps, after-school enrichment programs, and adult education programs.

A number of other recreational facilities are located within the BRRPD area that are not owned by the district. Most notable are the various facilities and neighborhood parks in the Lake of the Pines community, the Alta Sierra and Dark Horse golf courses, and the sports fields and multipurpose rooms at the local schools. In addition, Nevada County owns approximately 6 miles of easement for trail alignment along the Emigrant Trail alignment. The BRRPD shares the 6.5-acre Magnolia Sports Complex under a joint use agreement with the Pleasant Ridge Union School District (PRUSD). This complex is owned by the PRUSD. The BRRPD boundary includes Lake Combie, which is located along the Nevada County/Placer County line and managed by the Nevada Irrigation District (NID). Lake Combie is not currently available for public use.

3.13.7.2 REGULATORY FRAMEWORK

LOCAL

Nevada County General Plan

The Nevada County General Plan serves as the overall guiding policy document for the unincorporated areas of Nevada County. A summary of the proposed project's consistency with applicable General Plan parks and recreation policies is contained in **Appendix 3.0-A**. While this DEIR analyzes the project's consistency with the General Plan pursuant to CEQA Section 15125(d), the Nevada County Board of Supervisors makes the ultimate determination of consistency with the General Plan.

Non-Motorized Transportation Master Plan

Element D of the County's Non-Motorized Transportation Master Plan (NMTMP) conceptually addresses rural recreational trail facilities with the purpose of formalizing a comprehensive and, where possible, integrated countywide trail system. There were 35 trail study corridors adopted with the plan for the purpose of further study to define specific trail routes within the corridors to connect gaps in the regional trail system. The proposed project site is adjacent to the Combie-Retherford Trail Study Corridor and has been reviewed for potential recreational trail opportunities as discussed below (Feiler 2010).

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Western Nevada County Non-Motorized Recreational Trails Master Plan

Fifteen trail connectivity routes have been identified in the Western Nevada County Non-Motorized Recreational Trails Master Plan. Route 2 is proposed along the Bear River between the Dog Bar Road bridge crossing and the State Route 49 bridge crossing. The proposed project has the potential to provide a multi-use (pedestrians, equestrians, and bicyclists) non-motorized recreational trail consistent with Route 2 as identified in the plan (Feiler 2010).

Nevada County Land Use and Development Code

Section L-II 4.1.8 – Pedestrian Pathways

Section L-II 4.1.8 of the Nevada County Land Use and Development Code encourages the development of pedestrian walkways to, between, and within developments. The proposed project is in a Rural Region and, as such, should be evaluated and designed to provide a link to adjacent properties where topography, sensitive resources, or other site constraints do not preclude construction of pedestrian pathways (Feiler 2010).

3.13.7.3 IMPACTS AND MITIGATION MEASURES

STANDARDS OF SIGNIFICANCE

The impact analysis provided below is based on the following State CEQA Guidelines Appendix G thresholds of significance, which state that a project would have a significant impact if it would:

- 1) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for parks.

METHODOLOGY

Evaluation of potential recreation impacts of the proposed project was based on consultation with the Bear River Recreation and Parks District (BRRPD), as well as review of the Nevada County General Plan and the Nevada County Parks and Recreation Municipal Services Review (2006).

Impacts to Park Facilities

Impact 3.13.7.1 The proposed project would not require the construction of any new recreation facilities to serve it, nor would it contribute to deterioration of existing park facilities. This impact is considered **less than significant** impact.

The project proposes to provide over 4 miles of improved walking trails and soft surface trails throughout the project site as well as picnic areas and social gathering areas along the Bear River. The BRRPD has determined no new recreational facilities would be required and no deterioration of existing park facilities would occur as a result of the implementation of the project (Sharon 2011). Therefore, impacts would be **less than significant**.

Mitigation Measures

None required.

3.13.7.4 CUMULATIVE SETTING, IMPACTS, AND MITIGATION MEASURES

CUMULATIVE SETTING

The cumulative setting for parks and recreation consists of the Bear River Recreation and Parks District (BRRPD) service area boundaries. The BRRPD indicated that the proposed project will not have a significant impact on park facilities. All proposed projects are reviewed by the BRRPD and mitigation is placed on the projects if necessary to ensure less than significant impacts to the park system.

Cumulative Impacts to Park Facilities

Impact 3.13.7.2 The proposed project would not require the construction of additional park and recreation facilities, nor would it contribute to the deterioration of existing park facilities. Therefore, the project's contribution to cumulative parks and recreation impacts is **less than cumulatively considerable**.

Proposed CCRC Development

Due to the adult-oriented focus of the project, and the recreational facilities included in the project design, development of the proposed project would not incrementally increase the demand for parkland. The proposed change in land use designations does not impact current park facilities or cause the need for new facilities beyond that anticipated for the existing General Plan land use designation of Planned Development, Estate. The proposed project would have a **less than cumulatively considerable** contribution to cumulative impacts on parks and recreation.

General Plan and Zoning Ordinance Text Amendments

As discussed in further detail in Section 4.0, Cumulative Impacts Summary, the proposed General Plan and Zoning Ordinance text amendments are policy actions that would not directly result in impacts on parks and recreation in the cumulative setting. Although CCRCs would be permitted in either a PD (Planned Development) or SDA (Special Development Area) land use designation with approval of a zone change after implementation of the proposed project, such rezoning applications would be subject to further CEQA analysis of project-specific impacts (proposed Zoning Ordinance amendment Section L.II 2.7.11(C)(4)), including park and recreation impacts. At a programmatic level, the environmental impacts associated with development of all PD and SDA designated areas in the county were analyzed in the Nevada County General Plan Environmental Impact Report, Volume I, SCH #1995102136 (1995). Future site-specific CEQA analysis would result in project-specific mitigation to address impacts. Therefore, cumulative impacts associated with the proposed General Plan and Zoning Ordinance text amendments are considered **less than cumulatively considerable**.

Mitigation Measures

None required.

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3.13.8 ELECTRICAL, PROPANE, AND TELEPHONE

3.13.8.1 SETTING

ELECTRICAL

PG&E would serve this project from existing facilities on Rincon Way. Existing facilities consist of overhead power lines on Rincon Way. It was not determined if this is Phase 1 or Phase 3 power, but Phase 3 can be made available. It is not likely that there would be more than one point of service for the project. Existing electric facilities are also located east of the project site in the Rodeo Flat area (this area has Phase 3 power at the NID water tank on Timber Ridge); however, because of the distance away from the site, PG&E would probably not serve the project from this location (SCO 2011).

PROPANE

PG&E has no natural gas facilities in the area. From the Grass Valley area, the closest natural gas is on La Barr Meadows, which is a great distance from the site. Coming from Auburn, the closest natural gas is somewhere in the vicinity of the first stoplight approaching Auburn on State Route 49. The project does not propose using natural gas (SCO 2011).

The project site would be served by individual propane tank systems, which are provided and serviced by private commercial propane companies. Propane meets the standards set by the federal Clean Air Act Amendments (CAAA) for reducing air pollutants. Propane burns cleaner than gasoline and other fossil fuels, emits lower levels of carbon dioxide and particulates, and does not produce sulfur dioxide. It is also nontoxic and vaporizes quickly, so it does not contaminate soil or groundwater.

TELEPHONE SERVICES

AT&T would serve this project from existing facilities at Rincon Way or State Route 49. Existing facilities consist of overhead lines on Rincon Way and fiber optics on SR 49. It is undetermined what the capacity of the existing phone line is on Rincon Way; however, the proposed project would likely be serviced from the fiber on SR 49. This would enable AT&T to deliver fiber-to-the-premises (FTTP) technologies for new construction in accordance with their initiative to expand fiber optics network Internet Protocol services to neighborhoods. AT&T also has plans to enhance mobile services to homes in rural areas; however, the proposed project would likely be served by fiber due to the close proximity to SR 49 (SCO 2011).

3.13.8.2 REGULATORY FRAMEWORK

STATE

California Building Energy Efficiency Standards

Title 24, Part 6 of the California Code of Regulations, known as the Building Energy Efficiency Standards, were established in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. On January 1, 2010, the California Building Standards Commission adopted CALGreen and became the first state in the United States to adopt a statewide green building standards code. CALGreen requires new

buildings to reduce water consumption by 20 percent, divert 50 percent of construction waste from landfills, and install low pollutant-emitting materials.

LOCAL

Nevada County General Plan

The Nevada County General Plan serves as the overall guiding policy document for the unincorporated areas of Nevada County. A summary of the proposed project's consistency with applicable General Plan electrical, propane, and telephone policies is contained in **Appendix 3.0-A**. While this Draft EIR analyzes the project's consistency with the General Plan pursuant to CEQA Section 15125(d), the Nevada County Board of Supervisors makes the ultimate determination of consistency with the General Plan.

Nevada County Land Use and Development Code

Section L-II 4.3.9 – Energy Conservation

Section L-II 4.3.9, Energy Conservation, requires that all projects be designed to incorporate passive heating and cooling opportunities in order to conserve energy resources without significantly increasing the cost of housing.

3.13.8.3 IMPACTS AND MITIGATION MEASURES

STANDARDS OF SIGNIFICANCE

For purposes of this DEIR, the following criteria were used in determining whether the proposed project would result in a significant impact to electricity, propane, or telephone service. An impact would be considered significant if the project would:

- 1) Result in the increased demand for additional personnel, equipment, or facilities that impairs the ability of electrical, propane, and telephone service providers to maintain an acceptable level of service.
- 2) Inefficient, wasteful, and unnecessary consumption of energy

METHODOLOGY

Evaluation of potential electricity and telephone impacts of the proposed project was based on consultations with Pacific Gas and Electric and AT&T personnel as well as review of the Nevada County General Plan.

IMPACTS AND MITIGATION MEASURES

Impacts to Electrical, Propane, and Telephone Service

Impact 3.13.8.1 Implementation of the proposed project would increase demand for electric, propane, and telephone services and require the extension of existing infrastructure. This would be a **less than significant** impact.

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Several private commercial propane companies exist in Auburn that could serve the project's proposed neighborhood propane storage tanks. Electrical and telephone infrastructure is currently located adjacent to the project site. See **Figure 2.0-16** for the project's infrastructure plan. PG&E and AT&T would serve the proposed project, and the project applicant would be required to cooperate with both companies to ensure adequate funding of any necessary infrastructure. PG&E and AT&T would extend the infrastructure or tie into existing infrastructure to serve the proposed project within existing rights-of-way on Rincon Way and State Route 49.

The project would also be required to comply with Title 24 of the California Code of Regulations regarding energy efficiency. These energy efficiency standards were developed in response to the state's energy crisis as well as AB 970 and SB 5X in regard to improving residential and nonresidential building energy efficiency, minimizing impacts to peak energy usage periods, and reducing impacts on overall state energy needs. Section 3.5 Climate Change and Greenhouse Gases, describes energy efficiency measures associated with the proposed project, including compliance with Assembly Bill 1493 (Pavley) for vehicle fuel efficiency, and implementation of mitigation measure **MM 3.5.1b** that would also ensure Title 24 standards are exceeded through energy-efficient building measures.

Mitigation Measures

None required.

3.13.8.4 CUMULATIVE SETTING, IMPACTS, AND MITIGATION MEASURES

CUMULATIVE SETTING

There are several projects proposed, planned, and approved in the vicinity of the proposed project, as listed in **Table 3.0-2** in Section 3.0. These projects would cumulatively increase electric, propane, and telephone/cable service demands and related facilities. The cumulative setting includes the Nevada County service area boundaries of PG&E and AT&T.

CUMULATIVE IMPACTS AND MITIGATION MEASURES

Cumulative Impacts to Electric, Propane, and Telephone Service and Infrastructure

Impact 3.13.8.2 Implementation of the proposed project in addition to reasonably foreseeable developments may include the extension of existing infrastructure and require new facilities to accommodate the anticipated growth. The project would have a **less than cumulatively considerable** contribution to this cumulative impact.

Proposed CCRC Development

The change in land use designations and development proposed by the project does not affect the ability of the service providers to adequately serve the project site. Although it may be necessary to extend existing service lines, the project will be conditioned to comply with the current General Plan policies relating to the undergrounding and installation of utilities.

Detailed electrical and telephone/cable designs for the proposed project are not available at this time. Cumulative service and infrastructure demands are determined on a site-specific basis, and cumulative environmental impacts are not possible to evaluate without specific site plans and related service demands. Cumulative development would require additional vehicle trips for the refilling of propane tanks and the maintenance and installation of utility infrastructure.

However, these activities would not result in substantial traffic, air quality, or other environmental impacts and are considered cumulatively less than significant. The project would have a **less than cumulatively** considerable contribution to this impact.

General Plan and Zoning Ordinance Text Amendments

As discussed in further detail in Section 4.0, Cumulative Impacts Summary, the proposed General Plan and Zoning Ordinance Text Amendments are policy actions that would not directly result in increased demands for utilities in the cumulative setting. Although CCRCs would be permitted in either a PD (Planned Development) or SDA (Special Development Area) land use designation with approval of a zone change after implementation of the proposed project, such rezoning applications would be subject to further CEQA analysis of project-specific impacts (proposed Zoning Ordinance amendment Section L.II 2.7.11(C)(4)), including utility service impacts. At a programmatic level, the environmental impacts associated with development of all PD and SDA designated areas in the county were analyzed in the Nevada County General Plan Environmental Impact Report, Volume I, SCH #1995102136 (1995). Future site-specific CEQA analysis would result in project-specific mitigation to address impacts. Therefore, cumulative impacts associated with the proposed General Plan and Zoning Ordinance text amendments are considered **less than cumulatively considerable**.

Mitigation Measure

None required.

3.13 PUBLIC SERVICES AND UTILITIES

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