

## **3.10 LAND USE**



This section of the Draft EIR addresses the existing land uses on and adjacent to the project site and discusses the potential impacts of the proposed project on existing land uses. Key issues addressed in this section include compatibility of the project with adjacent land uses, and any potential conflicts between the project and applicable plans and policies in the County.

### 3.10.1 SETTING

#### PROJECT SITE

The project site is located in unincorporated southwestern Nevada County just south of the City of Grass Valley and north of the City of Auburn in Placer County. The site is located at the east terminus of Rincon Way and one-half mile east of State Route (SR) 49 near the Lake of the Pines community. This area is characterized by rural residential development and agricultural (grazing) land as well as undeveloped open space and the Bear River. The 215-acre project site currently encompasses four parcels (APNs 57-240-17, -18, and -19 and 57-130-13).

The project site is primarily undeveloped with the exception of a 13,000-square-foot single-family residence constructed in 2001 and located on a bluff in the site's southwestern corner overlooking the Bear River. Associated with this residence are auxiliary buildings, unpaved access roads, a garden area with raised planting beds, landscaping, and fencing. In addition, there is a golf driving range located at the northwestern corner of the site near its primary access point at Rincon Way. The range consists of a large, narrow grassy area and tall net fencing. Various types of fencing and gates, including livestock corrals, and unpaved access roads are also located throughout the site. **Figure 2.0-2** in Section 2.0, Project Description, illustrates the location and existing parcelization of the project site as well as surrounding land uses.

#### EXISTING LAND USE DESIGNATIONS AND ZONING

##### General Plan Land Use Designations

The project site is currently designated by the Nevada County General Plan (1996) as Planned Development, Estate (PD-EST). According to the General Plan, the Planned Development (PD) designation is intended to designate planned developments in locations where a mix of uses are desirable. The PD designation may allow a variety of land uses including single-family and multi-family residential, commercial, open space and other land uses consistent with the capability and constraints of the land. The primary emphasis of this designation is placed on clustering intensive land uses to minimize impacts on various natural and man-made resources and to minimize public health concerns and aesthetic concerns.

The County's Estate (EST) land use designation is intended to provide for low-density residential development at a minimum lot size of 3 acres per dwelling unit in areas that are essentially rural in character, but are adjacent to community boundaries or near Community Regions and therefore are more accessible to shopping, employment, and services. In keeping with the rural character, agricultural operations and natural resource related uses, including the production of timber, are also appropriate in this designation.

##### Zoning Districts

The project site is zoned by the Nevada County Zoning Ordinance (Chapter II of the Nevada County Land Use and Development Code) (2007) as RA-3-PD (Residential Agricultural, 3-acre, Planned Development). The RA zoning establishes provisions for low-density single-family

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dwelling, as well as other dwelling unit types in keeping with the rural character of the area, at densities equivalent to 1.5-acre minimum parcel size, or a 3-acre minimum parcel size where neither a public water nor a public sewer system is available. Within the Residential and Estate General Plan designations, including the proposed project site, the single-family dwelling is of primary importance and agricultural uses are secondary.

The purpose of the Planned Development Combining District is to allow residential development that allows support uses in a planned community and to allow for flexible standards in both residential and commercial/industrial development.

The existing land use designations and zoning of the project site and adjacent properties are shown in **Figures 2.0-3** and **2.0-4** in Section 2.0, Project Description.

#### ADJACENT LAND USES

The area surrounding the project site is characterized by rural residential development and agricultural (grazing) land as well as undeveloped open space and the Bear River. Immediately west of the project site, south of Rincon Way, are three existing residences along Connie Court. West of the site, north of Rincon Way, are numerous more closely spaced residences along Rincon Way and Hidden Ranch Road. Beyond these immediate uses to the west is SR 49, a four-lane, north-south-oriented regional highway. Immediately south of the site is the Bear River. North of the site is also characterized as rural, with numerous residences off of Hidden Ranch Road, Beaver Court, Pleasant Court, Starfire Court, and Rodeo Flat Road. East of the site is more rural open space and grazing land with scattered residences.

Lots to the south of the project site generally range from approximately 10 to 17 acres. Lots to the west generally range between 1.3 and 11.5 acres, although there is one 71-acre lot located to the west of the project site. Lots to the north of the project site are primarily 5 acres. Lots to the east of the project site generally range from 5 to 20 acres.

#### 3.10.2 REGULATORY FRAMEWORK

##### FEDERAL AND STATE

There are no applicable federal or state regulations.

##### 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 project's consistency with applicable General Plan land use policies is contained in **Appendix 3.0-A**.

##### **Nevada County Zoning Ordinance**

The Nevada County Zoning Ordinance (Chapter II of the Land Use and Development Code) provides specific development and land use standards for all unincorporated areas of the county with the intent of implementing and ensuring consistency with the goals, objectives, and policies of the Nevada County General Plan. The Zoning Ordinance sets forth zoning districts for

the unincorporated areas of the County, with regulations for each district governing the uses of land and structures and comprehensive site development standards.

### **Western Nevada County Design Guidelines**

The Western Nevada County Design Guidelines provide a menu of design concepts and techniques to assist project developers in enhancing the character of Nevada County by encouraging the highest level of design quality while at the same time provide the flexibility necessary to promote economic viability. The Design Guidelines promote new development that encourages a "sense of place" and that adds to community identity by inviting pedestrian activity, i.e., placing buildings closer to roads, limiting building size to a human scale, clustering buildings, placing parking behind buildings, breaking up parking lots with trees and walkways, and creating clearly visible entries and public places (Nevada County 2002).

### **3.10.3 IMPACTS AND MITIGATION MEASURES**

#### **STANDARDS OF SIGNIFICANCE**

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

- 1) Physically divide an established community.
- 2) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigation an environmental effect.
- 3) Conflict with any applicable habitat conservation plan or natural community conservation plan.

For the purposes of this Draft EIR, the following criterion was also used in determining whether the proposed project would result in a significant impact associated with land use. An impact would be considered significant if the project would:

- 4) Result in land uses that are incompatible with existing and planned land uses on or surrounding the project site.

#### **METHODOLOGY**

The following impact analysis was based on a review of the Nevada County General Plan, the Nevada County Zoning Regulations, and the proposed project's amendments to and consistency with these documents, as well as site reconnaissance and review of aerial and site photographs.

Potential land use conflicts or incompatibilities are typically the result of other environmental effects, such as the generation of noise or air emissions resulting from grading activities or increased traffic on area roadways. Land use conflicts during both project construction and operation are addressed in this section. The reader is also referred to Sections 3.1 through 3.14 for detailed analysis of other environmental impacts, including those associated with aesthetics, agricultural resources, air quality, cultural resources, hazardous materials, hydrology and water quality, noise, public services and utilities, transportation and circulation, and climate change.

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### IMPACTS AND MITIGATION MEASURES

#### Physically Divide an Established Community (Standards of Significance 1)

**Impact 3.10.1** The proposed project would not physically divide an established community and **no impact** would occur.

Division of an established community commonly occurs as a result of development of physical features that constitute a barrier to easy and frequent travel between two or more constituent parts of a community. For example, a large freeway structure with few crossings could effectively split a community.

The project proposes to construct a continuing care retirement community (CCRC) on a largely undeveloped site in a rural area of Nevada County. There are currently no public roadways or other public travel corridors within the project site. Furthermore, the surrounding area is characterized by rural residential uses and grazing land and is not part of an established community. Therefore, development of the proposed project would not create a barrier to travel between or to parts of a community. **No impact** would occur.

#### Mitigation Measures

None required.

#### Conflict with Nevada County General Plan and Zoning Ordinance (Standards of Significance 2)

**Impact 3.10.2** The proposed project is not consistent with the existing General Plan land use designation or zoning for the project site. However, the project proposes amendments to the land use map and text of the General Plan and the zoning map and text of the County's Zoning Ordinance in order to achieve consistency. Therefore, this impact is considered to be **less than significant**.

The project site is designated by the Nevada County General Plan as Planned Development, Estate (PD-EST) (see **Figure 2.0-3**). As described previously in Setting above, these designations generally allow for low-density residential development at a minimum lot size of 3 acres per dwelling unit but also provide for flexibility in site design to allow for a greater mix of land uses and to emphasize clustering of intensive uses to minimize potential environmental impacts. The project site is zoned by the Nevada County Zoning Regulations (2007) as RA-3-PD (Residential Agricultural, 3-acre, Planned Development) (see **Figure 2.0-4**). As described previously in this section, this zoning allows for low-density residential development and support uses in a planned community setting.

The proposed project, as a continuing care retirement community (CCRC) featuring single- and multi-family dwelling units at higher densities, is not an allowable use under the existing land use designations and would conflict with the site's existing zoning. As such, the project proposes to amend the General Plan to establish a CCRC land use designation and to change the site's designation from PD-EST to PD-CCRC. The project also proposes to amend the County's Zoning Ordinance to establish and define a CCRC combining district and to rezone the site from RA-3-PD to PD-CCRC. These proposed changes would allow for the development of a continuing care retirement community on the project site while allowing for flexibility in site design, including the clustering of uses to minimize adverse effects to the natural resources on the site.

Approval of the proposed project would eliminate all conflicts between the proposed project and the Nevada County General Plan and Zoning Ordinance. Therefore, upon approval the proposed project would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Impacts would be considered **less than significant**.

Mitigation Measures

None required.

**Conflict with a Habitat Conservation Plan or Natural Community Conservation Plan (Standards of Significance 3)**

**Impact 3.10.3** The project site is not within the boundaries of or otherwise subject to any habitat conservation plans or natural community conservation plans. **No impact** would occur.

There are no adopted habitat conservation plans (HCPs) or natural community conservation plans (NCCPs) in Nevada County. The project site and surrounding area are not subject to any such plans. Therefore, the proposed project would not conflict with a HCP or NCCP and there would be **no impact**.

Mitigation Measures

None required.

**Compatibility with Adjacent Land Uses (Standard of Significance 4)**

**Impact 3.10.4** The project proposes to develop a CCRC with residential, commercial, recreational, transportation, and a variety of other service uses in an area characterized by rural residential, open space, and agricultural uses. The CCRC would be clustered on the northwestern portion of the project site adjacent to numerous existing rural residences to the north and west. This is a **less than significant** impact.

As described previously in this section, the project site and surrounding area are characterized by scattered large-lot rural residences and large amounts of open space including both natural areas and grazing land. As shown on **Figure 2.0-2**, numerous rural residences are located just west and north of the site along Connie Court, Rincon Way, Hidden Ranch Road, Beaver Court, Pleasant Court, Starfire Court, and Rodeo Flat Road. These existing homes and associated properties would be located in close proximity to the proposed development and/or infrastructure improvements on the project site. The proposed development would be clustered in the northwestern portion of the site in order to preserve the majority of the site in its current condition (see **Figure 2.0-5**). As described in the Setting discussion, the county's General Plan, the Land Use and Development Code, and the Western Nevada County Design Guidelines encourage the use of cluster development as a means to minimize public health and aesthetic concerns, reduce dependence on automobiles, preserve open space and environmentally sensitive areas, support grazing, forest management, and crop production, and generally provide for the maintenance of a rural quality of life and protection of environmental resources. These attributes of cluster development also serve to reduce land use conflicts as most land use incompatibilities stem from these related environmental concerns (increased traffic, loss of farmland and open space, visual resource impacts, etc). Specific to the project site, the cluster

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development approach ensures that the view from adjacent properties remains of large open-range land with existing vegetation. While some of the site improvements may be visible in the distance, particularly during construction and before the landscaping matures, the views of distant buildings is consistent with the existing rural development in the area. As such, no land use compatibility issues are anticipated along the site's southern or eastern boundaries.

The project site is primarily rolling terrain with dense vegetation and bluffs that separate the site from surrounding uses. In addition, the proposed site plan provides for a 30-foot setback along the site's western, northern, and eastern boundaries as well as a 100-foot setback along the site's southern boundary, the Bear River (see **Figure 2.0-5**). Furthermore, no development is proposed in the site's northernmost portion, allowing for a greater buffer between proposed development and the existing homes to the north. The more intense residential and commercial uses for the project would be located primarily at the center of the community (i.e., the Village Center) with lower-density housing and recreational uses providing transition toward the surrounding rural residences (the reader is referred to Section 2.0, Project Description, of this Draft EIR for a detailed description of the various land uses on the project site). In addition, the project proposes to preserve much of the natural features on the site in order to maintain the rural character of the area. The rural character of the site will also be enhanced with the addition of landscaping throughout the developed portion of the project site (see **Figure 2.0-10** and **Figure 2.0-11**). The landscaping would be designed to incorporate areas of native vegetation and would utilize native and adaptive plant materials. These project features are intended to foster compatibility and minimize conflicts with adjacent land uses.

The proposed development includes residential and associated support uses and, from a land use perspective, would not conflict with the adjacent land uses which are also residential in nature. However, there is potential for conflicts to occur during construction of the proposed project, which is anticipated to occur intermittently over several years. These conflicts could include increased traffic including trucks, construction equipment, and worker vehicles along Rincon Way and SR 49, which serve as the primary access routes to both the project site and the adjacent residences to the west. These conflicts may also include noise related to equipment use, dust and odors resulting from grading and use of architectural coatings, routine transport and use of hazardous materials, changes in drainage patterns on and off the site, and changes in views of the site including removal of trees and vegetation, grading, and storage of equipment and materials. Conflicts that could occur during construction and operation of the proposed project are addressed throughout this Draft EIR, and the reader is referred to the appropriate technical analysis section (Sections 3.1 through 3.14) for further discussion. These sections provide a full analysis of the potential impacts and, where necessary, mitigation measures are provided to avoid or lessen these impacts to a less than significant level.

In addition, per Section L-II 5.3 of the County Zoning Ordinance, the proposed project would be reviewed for consistency with applicable, adopted Design Guidelines, including the Western Nevada County Design Guidelines, prior to issuance of development permits. The guidelines encourage environmentally sensitive site design that is consistent with the overall architectural character of the project and community.

In summary, physical development impacts will be clustered onto a small portion of the overall site which places the development further from existing adjacent uses. Further, the proposed project is residential in nature which is consistent with the adjacent residential land uses. The physical environmental impacts associated with adjacent land uses that could occur during construction and operation of the proposed project are addressed throughout this Draft EIR, and the reader is referred to the appropriate technical analysis section (Sections 3.1 through 3.14) for further discussion. These sections provide a full analysis of the potential impacts and, where

necessary, mitigation measures are provided to avoid or lessen these impacts to a less than significant level. Therefore the impact is considered **less than significant**.

Mitigation Measures

None required.

**3.10.4 CUMULATIVE SETTING, IMPACTS, AND MITIGATION MEASURES**

CUMULATIVE SETTING

The cumulative setting consists includes all existing, approved, proposed, and reasonably foreseeable development in southern Nevada County surrounding the SR 49 corridor from Alta Sierra South to the county line and the Lake of the Pines Community/Higgins Area Village Center. The majority of lands along the SR 49 corridor are designated in the Nevada County General Plan as Rural. To a lesser degree, lands designated as Residential, Estate, Planned Development, and Special Development Area surround the corridor. Other uses that make up a small portion of this cumulative area are designated Office Commercial, Business Park, Office-Professional, and Community Commercial. Refer to **Table 3.0-2** in Section 3.0, Introduction to the Environmental Analysis and Assumptions Used, for a list of approved and proposed projects in southern Nevada County.

**Cumulative Compatibility Impacts (Standards of Significance 4)**

**Impact 3.10.5** The proposed project, along with all existing, approved, proposed, and reasonably foreseeable development in southern Nevada County, would not result in any significant increased land use incompatibility. This impact is considered to be **less than cumulatively considerable**.

Generally, land use conflicts are site-specific and do not result in cumulative impacts. Site-specific incompatibility issues are addressed and mitigated on a project-by-project basis through implementation of the County's General Plan policies, Zoning Regulations, and Design Guidelines, as well as through the environmental review process.

As discussed in more detail in Section 4.0, Cumulative Impacts Summary, implementation of the proposed project would result in amendments to the County's General Plan and Zoning Ordinance. 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 (including establishment of a CCRC land use designation under General Plan Policy 1.5.w), CCRCs would be permitted with General Plan action to establish a CCRC land use designation on a project site, in combination with either a PD (Planned Development) or SDA (Special Development Area) land use designation, and with corollary CCRC and PD or SDA Zoning changes. The collective criteria for establishing a CCRC (which focus on size and setting of the project site, availability of key infrastructure, retention of open space/protection of the environment, land use compatibility, site planning, design and similar considerations), combined with use of a PD or SDA designation, will therefore only allow a CCRC development in areas appropriately planned for and able to support a CCRC use. The PD designation is intended to designate planned developments in locations where a mix of uses is desirable, and the SDA designation is intended to provide for the development of large land holdings as an integrated planned environment providing significant employment generation, along with supporting commercial, housing, public facilities, recreation, and open space. Therefore, future

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CCRC development would only be allowed in areas already planned for and thus compatible with urban development.

The text amendments include minimum lot size for CCRCs of 50 acres and maximum density of 2 units per acre in Rural Regions and 6 units per acre in Community Regions. In addition, at least 50 percent of the total parcel area is required to be open space. The proposed amendments are consistent with policy direction in the General Plan to allow an increased number of dwelling units for housing for senior citizen households through the density bonus provision of Policy HD-8.1.6 (Policy 1.22) and to encourage innovative land use measures promoting the preservation of open space and environmentally sensitive areas, including clustering incentives (Policy 1.3).

Furthermore, the proposed amendments create new allowed uses but would not result in any specific physical improvements in the County, nor would they grant entitlements for additional development. They would however ensure the proposed project's consistency with the County's General Plan and Zoning Ordinance. All future development projects contributing to cumulative conditions would be subject to applicable County regulations and requirements pertaining to land use, as well as further CEQA analysis of project-specific impacts.

Therefore, cumulative land use impacts would be considered **less than cumulatively considerable**.

#### Mitigation Measures

None required.

**REFERENCES**

Nevada County. 1996. Updated 2008 and 2010. *Nevada County General Plan, Volume I: Goals, Objectives, Policies and Implementation Measures.*

———. 2002. *Western Nevada County Design Guidelines.*

———. 2007. *Nevada County Zoning Regulations.*

