
12.0 LAND USE AND PLANNING

This section describes the existing and proposed land uses and land use designations on each of the project sites and surrounding properties, and analyzes the potential for the project to conflict with existing land use policies or result in incompatible land uses.

12.0 GENERAL ENVIRONMENTAL CONDITIONS AND REGULATIONS

The following description of regional environmental conditions and applicable regulations, policies, and standards applies to each project site.

12.0.1 REGIONAL ENVIRONMENTAL SETTING

Nevada County encompasses 958 square miles, of which approximately 70 percent is privately owned and 30 percent is public land. There are three incorporated cities: Grass Valley, Nevada City, and Truckee. The major population centers in the county are connected primarily by State Route (SR) 49 and SR 20. Each of the project sites is located within the western-central area of unincorporated Nevada County and has regional access available from these two major roadways. See **Figure 2.0-1**.

The county is composed of a mix of residential, commercial, industrial, agricultural, and public land use patterns. While Grass Valley, Nevada City, and Truckee are focal points for the development of multiple land uses, there has also been considerable growth in unincorporated areas of the county since the 1970s (Nevada County 2014).

The predominant type of residential development in western Nevada County has been single-family dwelling units, with multiple-family development occurring mainly in the Grass Valley and Nevada City areas. In the unincorporated area of the county, the greatest residential density occurs in the Alta Sierra area to the south of Grass Valley/Nevada City, Lake Wildwood to the west of Grass Valley/Nevada City, and Lake of the Pines to the south of Alta Sierra along the most southerly County boundary (Nevada County 2014).

Most of the commercial and industrial development in western Nevada County is located in or around Grass Valley and Nevada City. Commercial uses are concentrated in the downtown areas of each city, the Brunswick/Glenbrook Basin area, and the Pine Creek Shopping Center on SR 49 south of Grass Valley (Nevada County 2014).

The county also includes agricultural land, dominated by cattle ranching and to a lesser extent, vineyards and wineries. Public land comprises a significant amount of the county's total land area. About 169,045 acres or 265 square miles of land in Nevada County is owned by the federal government for the Tahoe National Forest, operated by the US Forest Service. The Bureau of Land Management is responsible for approximately 20,000 acres of land in the county. The Spenceville Wildlife and Recreation Area contains 11,000 acres or 17.19 square miles, with half the tract in western Nevada County and the other half in Yuba County. These three areas cover a total of 314 square miles of Nevada County's 958 square miles (Nevada County 2014).

Land use in the county (exclusive of land under federal jurisdiction) is guided by the Nevada County General Plan and Title 3 of the Nevada County Code (Land Use and Development Code).

12.0.2 REGULATORY FRAMEWORK

Federal

There are no applicable federal laws or regulations.

12.0 LAND USE AND PLANNING

State

California state law requires cities and counties to prepare a general plan describing the location and types of desired land uses and other physical attributes in the city or county. General plans are required to address land use, circulation, housing, conservation, open space, noise, and safety.

Local

Nevada County General Plan

The Nevada County General Plan is the county's basic planning document and provides a comprehensive, long-term plan for physical development in the county. Area plans are supporting land use policy documents that complement and assist in the further implementation of the goals, policies, and programs of the General Plan (e.g., Penn Valley Village Center Area Plan).

The General Plan (Policy 1.1.2) establishes boundaries and general land use direction for Community Regions and Rural Regions, and for Rural Centers, Village Centers, and Rural Places within those regions. In the Community Regions, balanced growth is encouraged to provide managed housing and community located for convenience, efficiency, and affordability. In the Rural Regions, growth is limited to those types and densities of development which are consistent with the open, rural lifestyle, pastoral character, and natural setting and surrounding land use patterns in these areas. The Penn Valley and Rough and Ready Highway¹ project sites are in a Community Region. Penn Valley is a Village Center, and the Rough and Ready Highway site is within the Grass Valley Community Region. The Alta Sierra site is in a Rural Region and is a Rural Center.

The Land Use Element of the Community Development section of the General Plan contains the following policies (or relevant excerpts thereof) concerning land use and planning that are relevant to the proposed project:

- Policy 1.3.8 Future development within the following land use designations shall be considered to be appropriate within Rural Centers.
- a. Neighborhood Commercial
 - b. Office-Professional
 - c. Business Park
 - d. Urban Medium Density Residential
 - e. Urban Single Family Residential
 - f. Residential
 - g. Public

These uses provide the opportunity for mutually supporting development in a focused center to provide goods, services and employment for residents of Rural Places and the surrounding Rural Regions. The grouping of such uses in

¹ The Rough and Ready Highway site is at the westernmost edge of the Grass Valley Community Region and approximately 2 miles east of the Rough and Ready Rural Center.

compact, defined centers also provides the opportunity for more efficient provision of public services than would be possible in a more dispersed pattern.

The Land Use Element establishes the following general site development standards:

- Policy 1.7.4 The General Plan shall provide for the following building intensities in the respective land use designations [Table 1.4]. Impervious surface shall include all land covered by structures or paved surfaces (excluding gravel surfaces). [Per Table 1.4, for Neighborhood Commercial, the maximum impervious surface is 85 percent, and the maximum building height is three stories or 45 feet.]

The Economic Development Element includes the following policy concerning the types of businesses that are encouraged in commercial-designated land:

- Policy 2.11 Within areas designated in the General Plan Land Use maps for commercial development, the County shall encourage the location of a broad range of retail, service and support businesses providing additional goods and services that are not now available in the County.

Land Use Designation Definitions

According to Nevada County General Plan Policy 1.2.4.g, the Neighborhood Commercial (NC) land use designation is intended to provide for local needs of nearby neighborhoods and should be grouped as a clustered and contiguous center to preclude strip development with convenient, controlled access to arterial or collector roads. Under General Plan Policy 1.2.4.h, the Community Commercial (CC) land use designation is intended to provide a wide variety of commercial uses, and limited mixed-use employment opportunities, to serve large geographic areas with a wider range of goods and services than are available in Neighborhood Commercial areas.

Nevada County Land Use and Development Code

According to the Nevada County Zoning Ordinance (Section L-II 2.4.B), the Neighborhood Commercial (C1) zoning district is intended to provide for the retail and service needs of nearby neighborhoods, and to provide limited mixed-use employment opportunities. Development is intended to be grouped as a clustered and contiguous center to preclude strip development. Retail sales conducted indoors, such as with the proposed project, are permitted within this zone with issuance of a development permit. The Community Commercial (C2) District is intended to provide a wide range of retail and service uses that serve the varied needs of large geographic areas. The Site Performance Combining District (SP) (Section L-II 2.7), which is specific to the Penn Valley site only and requires adherence to the Penn Valley Village Center Area Plan, provides for refinements in the site development standards and/or the permitted uses in the base zone district with which the SP District regulations are combined. Such refinements must ensure consistency with, and further the intent of, all General Plan policies.

Open Space Requirements

The County requires a portion of a site to be set aside for permanent open space. Nevada County Code Section L-II 4.2.10 defines open space "as any parcel or area of land or water which is essentially unimproved and devoted to an open space use for the purposes of (1) the preservation of natural resources, (2) the managed production of resources, (3) outdoor recreation, or (4) public health and safety." The code identifies the standard to be defined by the project location

12.0 LAND USE AND PLANNING

elevation, greater or less than 4,000 feet, and size of the project, greater than or equal to/less than 1 acre. For the proposed projects, all of which have a site elevation of less than 4,000 feet, the standard is 15 percent for projects over 1 acre and 10 percent for projects 1 acre or less in size.

Western Nevada County Non-Motorized Recreational Trails Master Plan

The Nevada County Planning Department developed the Western Nevada County Non-Motorized Recreational Trails Master Plan (2010) to guide the review of discretionary projects for new development proposals in western Nevada County. The primary components of the plan include: (1) a map depicting existing trails and identifying gaps in the regional trail system; (2) goals and policies developed through collaboration and public involvement; (3) design guidelines for trail development; and (4) programs to implement the regional trail system.

Airport Land Use Compatibility Plan

The project sites are not located within the influence area of the Nevada County Airport and are not subject to any airport land use compatibility plans.

12.0.3 IMPACT METHODOLOGY

Standards of Significance

The impact analyses provided below are based on the following California Environmental Quality Act (CEQA) Guidelines Appendix G thresholds of significance, which state that a project would have a significant impact pertaining to land use and planning 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 mitigating an environmental effect.
- 3) Conflict with any applicable habitat conservation plan or natural community conservation plan.

In addition, the County also evaluates land use impacts to determine whether proposed uses would:

- 4) Result in structures and/or land uses incompatible with existing land uses.

Methodology

Evaluation of the proposed projects' potential impacts related to land use and planning was based on a review of the Nevada County General Plan, the Nevada County Land Use and Development Code, and other applicable land use plans. Additional considerations specific to the standards of significance are presented below.

Standard of Significance 1

Division of an established community is generally recognized as the result of development and construction of features that result in a physical barrier to easy and frequent travel between two

or more constituent parts of a community. A large linear feature, such as a new freeway or rail line with few crossings through an established community, is an example of a feature that could divide an existing community.

Standards of Significance 2 and 4

Section 15125(d) of the CEQA Guidelines requires that EIRs discuss any inconsistencies between the proposed project and applicable general plans in the environmental setting section of the document. The type of commercial development proposed at each site is allowed under the General Plan land use designation and zoning for each site.

Conflicts with a general plan do not inherently result in a significant effect on the environment within the context of CEQA. Determination of consistency of the project with the County General Plan as a whole would be made by the County during the approval process. No single policy can stand alone in the review and evaluation of a development project. It is the task of the County Board of Supervisors, consistent with state law, to weigh project benefits and consequences against the County General Plan as a whole.

As stated in CEQA Guidelines Section 15358(b), "effects analyzed under CEQA must be related to a physical change." Thus, the focus of the impact analysis is whether project implementation would result in significant physical environmental impacts associated with land use. Specific impacts and issues associated with aesthetics, air quality, biological resources, cultural resources, greenhouse gas emissions, hydrology and water quality, noise, and traffic/circulation are addressed in each technical section. These types of impacts may have the potential to result in land use incompatibilities. The reader is referred to these other sections of the Draft EIR for detailed analyses of other potential environmental effects.

Thresholds Not Evaluated

There are no adopted habitat conservation plans or natural community conservation plans in Nevada County. There would be no potential for the project to conflict with such a plan; therefore, there would be no impact relative to Standard of Significance 3 and this impact is not further evaluated for any of the project sites. Biological impacts are discussed in Section 6.0 of this EIR.

Urban Decay

The County received several comments in response to the NOP regarding the potential for the proposed project to negatively affect existing businesses economically, and concerns that the project could lead to urban decay. Subsection 1.8, in Section 1.0, Introduction, summarizes the range of comments received about these potential effects for each site under the "Socioeconomics" subheading, and the comment letters are included in **Appendix 1.0**.

The current CEQA Guidelines Appendix G does not include a checklist item for assessing urban decay. Urban decay is a socioeconomic consideration, which generally does not require analysis under CEQA unless there is a chain of cause and effect that significant adverse physical impacts related to economic and social changes and/or effects would occur (CEQA Guidelines Section 15131). The term urban decay is not defined in CEQA or by state statute or judicial decision. Generally, urban decay is associated with extended long-term business vacancies that directly or indirect result in physical deterioration to properties or structures that is so prevalent, substantial, and lasting such a significant period of time that it impairs the proper utilization of the properties and structures, and affects the health, safety, and welfare of the surrounding community.

12.0 LAND USE AND PLANNING

Economic studies have been prepared for the proposed projects (ALH 2015a, 2015b). These studies are included in **Appendix 12.0-A and Appendix 12.0-B**. The County has considered the information contained in these studies and has concluded the proposed project would not cause either negative economic impacts or urban decay. Based on the economic data and analyses presented in these studies, there is no substantial evidence significant adverse physical impacts would occur as a result of the proposed project based on economic considerations, and no further analysis is required.

12.1 ALTA SIERRA SITE

12.1.1 PROJECT-SPECIFIC SETTING

The Alta Sierra site is located east of SR 49 and south of Grass Valley, at the entrance to the unincorporated community of Alta Sierra.

Alta Sierra Community

Alta Sierra is an existing planned residential community that consists primarily of residential uses and limited community support facilities. The Alta Sierra community has the greatest residential density in unincorporated Nevada County. The Nevada County General Plan recognizes Alta Sierra as a likely candidate for preparation of an area plan; however, such a plan has not yet been developed (Nevada County 2014).

Alta Sierra Project Site

The Alta Sierra project site consists of three parcels, one parcel for the construction of the retail store (APN 25-430-08), and two parcels for an off-site septic system located immediately north of the store parcel (APNs 25-430-10 and -12). APN 25-430-10 would contain the septic system tight line, which would run to the leach field on APN 25-430-12. The parcel on which the store would be constructed is undeveloped, and the off-site parcels are developed with multi-tenant commercial structures (APN 25-430-10) and a restaurant (APN 25-430-12), respectively. Farther north/northwest along Alta Sierra Drive are other commercially developed properties consisting of a variety of uses, including but not limited to a gas station, a bike shop, a pizza parlor, and a specialty wine shop. The Alta Sierra Market, an existing commercial development, is located to the south, and Alta Sierra Drive and Little Valley Road bound the store parcel to the west and east, respectively. West of Alta Sierra Drive are two undeveloped parcels zoned Neighborhood Commercial (C1). Other uses to the west include commercial development, with a personal storage facility, a real estate office, and the Oak View Center, a commercial development. East of Little Valley Road is a developed residential parcel. The next closest residential dwelling is approximately 180 feet from the northeastern property boundary and approximately 400 feet from the proposed building. Rural residential uses dominate the landscape east of Little Valley Road, including the Alta Sierra residential subdivision (see **Figure 2.0-5**).

General Plan Land Use Designation and Zoning

The Alta Sierra project site is designated Neighborhood Commercial (NC) and zoned Neighborhood Commercial (C1).

12.1.2 REGULATORY FRAMEWORK

There are no additional regulations, policies, or standards that pertain to the Alta Sierra site other than those described in Subsection 12.0.2, above.

12.1.3 IMPACTS AND MITIGATION MEASURES

Physical Division of Established Community (Standard of Significance 1)

Impact 12.1.1(AS) Development of the Alta Sierra site would not physically divide the surrounding community. **(No Impact)**

The parcel on which the store would be constructed at the Alta Sierra site is currently vacant with existing commercial development to the north and south and Alta Sierra Drive and Little Valley Road to the west and east, respectively. Development of the site would introduce a new building and septic system in an area already developed with buildings, structures, and roadways. Development on the on-site and off-site parcels would not preclude or limit access to adjoining parcels or travel along Alta Sierra Drive and Little Valley Road. There would be **no impact** related to community division.

Mitigation Measures

None required.

Conflict with Land Use Policies (Standards of Significance 2 and 4)

Impact 12.1.2(AS) Development of the Alta Sierra site as proposed would be consistent with applicable land use plans, policies, and regulations and would be compatible with the surrounding uses. **(Less than Significant with Mitigation Incorporated)**

The Alta Sierra project site is located within a cluster of commercial uses which includes a small market, auto repair center, retail shops, restaurants, and other similar commercial and retail uses. The site is designated and zoned for commercial development. The project would be similar to existing commercial development to the north and south of the site. Therefore, development of the site with a retail use and associated sewage disposal infrastructure would be physically compatible with these adjacent uses and no conflicts would be anticipated. However, there could be incompatibilities with one developed residential property east of the site and Little Valley Road if the project is not properly designed and mitigated to minimize potential nuisances.

The project applicant has proposed two 6-foot-high screening walls just inside of the landscape buffer, with cultured stone veneer columns every 15 feet at the east side of each parking finger to block noise and vehicle headlights from impacting surrounding residential uses. The gap between the two walls is approximately 30 feet wide and may not provide adequate screening of the site from the residential uses east of Little Valley Road. To further screen the project with the intention of reducing potential land use compatibility impacts, mitigation measure **MM AS-4.1.1c** (see Subsection 4.1.1 Aesthetics) requires the addition of a third wall or extension of the currently proposed walls to close the gap.

The project site would be accessed from the west; thus no project traffic would enter or leave the site onto Little Valley Road near the existing residential use. As shown on **Figure 2.0-8a**, 6-foot-high concrete masonry unit (CMU) walls would be constructed along the eastern boundary of the site, which would provide visual screening of the proposed parking areas and reduce noise to the east.

12.0 LAND USE AND PLANNING

The eastern wall of the proposed building would be solid with no lighting or signage, and no operations (e.g., loading/unloading, trash enclosures, storage) would occur along the eastern site boundary. As discussed in Impact 4.1.2(AS), the lighting plan for the project indicates that no light would spill onto the adjacent residential parcel. Furthermore, as discussed in Subsection 13.1, with mitigation (**MM AS-13.1.1**) the proposed project would not exceed the applicable County noise standards at the adjacent residential property line. Given that the project would be similar to the existing commercial development to the north and south of the site, the types of activities associated with commercial development would not be new to the area. Further, with site design features incorporated into the project and the mitigation measures provided in this EIR, the proposed development would not substantially interfere with occupancy of the adjacent residential property or result in significant nuisances. Therefore, operation of the Alta Sierra project would not be considered incompatible with surrounding uses.

The applicant is proposing to create a temporary encroachment onto Little Valley Road to be used during grading activities for the exportation of soils. While this activity would be short-term, it would create a temporary inconvenience to the residents who live on Little Valley Road as well as persons traveling on Alta Sierra Drive, which would result in a temporary land use incompatibility impact that would be **potentially significant**.

Nevada County General Plan

The Alta Sierra project site has a General Plan land use designation of Neighborhood Commercial (NC). According to Nevada County General Plan Policy 1.2.4, the NC land use designation is intended to provide for local needs of nearby neighborhoods and should be grouped as a clustered and contiguous center to preclude strip development with convenient, controlled access to arterial or collector roads.

The proposed retail store would serve the surrounding community of Alta Sierra and would be developed as part of an established, clustered commercial center with access to an arterial roadway (Alta Sierra Drive). Therefore, the proposed project would be consistent with the Nevada County General Plan.

Nevada County Land Use and Development Code

Nevada County Zoning Ordinance

The Alta Sierra project site is zoned Neighborhood Commercial (C1). The proposed project includes a request for a development permit. Therefore, with project approval, the proposed development would be consistent with the Nevada County Zoning Ordinance.

Open Space Requirements

Nevada County Code Section L-II 4.2.10 provides minimum requirements for the provisions of permanent open space in all commercial, industrial, multiple-family, public, and recreational zoning districts. Given that the proposed Alta Sierra project site is not located above 4,000 feet elevation and is 1 acre in size, the minimum amount of open space to be provided is 15 percent of the overall site acreage. The Alta Sierra project proposes to set aside 6,622 square feet or 15.2 percent of the 1-acre project site. Therefore, the Alta Sierra project would comply with the County's open space requirements.

Parking Requirements

Section L-II 4.2.9 of the Nevada County Code identifies parking requirements for development in the county. For general retail uses, the parking requirement is 1 space per 200 square feet of gross floor area plus 1 space per 600 square feet of outdoor use area. However, the required number of parking stalls may be modified by the Planning Agency if the project applicant submits a parking study indicating that the proposed development would require fewer parking stalls.

Based on the County's parking requirement, the Alta Sierra project would require 46 parking spaces but would provide only 34. Thus, a parking study was prepared for the project (Kunzman Associates 2014; see **Appendix 12.0-C**). Kunzman Associates determined that, based on parking surveys conducted at similar Dollar General stores, the project's peak parking demand would be 15 parking spaces, and the proposed Alta Sierra project would provide adequate parking spaces. Therefore, the proposed project would comply with the County's parking requirements.

Western Nevada County Non-Motorized Recreational Trails Master Plan

There are no existing or planned recreational trails on or in the vicinity of the Alta Sierra project site, and the site is not within a planning corridor (Nevada County 2010). Therefore, the project would not conflict with the Western Nevada County Non-Motorized Recreational Trails Master Plan.

Summary

Mitigation measure **MM AS-12.1.2** restricts trips associated with the export of soils to non-peak traffic hours and limits the number of days from the commencement of site preparation to completion of soil exports to a period not to exceed 21 days from the issuance of the project grading permit. The 21-days limitation is meant to limit this activity but still provide enough flexibility to the contractor in the event of inclement weather or equipment failure. It also requires that the temporary encroachment onto Little Valley Road be permanently closed off following soil exporting activities. Implementation of this mitigation measure would reduce the impact to a **less than significant** level by minimizing the temporary land use incompatibility.

Mitigation Measures

Implement mitigation measures **MM AS-4.1.1c** and **MM AS-13.1.1**.

MM AS-12.1.2 To minimize potential conflicts with existing traffic flow and the general peace and welfare of surrounding residents and commercial businesses, soil export activities are limited to non-peak traffic hours (9 a.m. to 4 p.m.), Monday through Friday only. Additionally, soil export activities must be completed within 21-day of issuance of the grading permits, unless justifiable unforeseen circumstances occur (e.g., long periods of inclement weather or equipment failure) where an extension to this time frame may be allowed by the Building Department. Following soil export activities, the temporary access on Little Valley Road shall be permanently closed off. Future grading plans shall include a note that reflects the restricted duration, hours and days for soil export activities as well as the requirement to discontinue the use of the temporary access to Little Valley Road at the completion of soil export activities. Following the completion of the soil export activities, the developer shall notify the Planning Department to conduct a field visit to verify that the access to Little Valley Road has been permanently closed off.

12.0 LAND USE AND PLANNING

Timing/Implementation: Prior to Grading Permit issuance/during and after soil export activities

Enforcement/Monitoring: Nevada County Planning Department

12.2 PENN VALLEY SITE

12.2.1 PROJECT-SPECIFIC SETTING

Penn Valley Community

Penn Valley is an unincorporated community in western Nevada County approximately 1 mile south of SR 20, 6 miles west of Grass Valley, and 5 miles east of the Nevada/Yuba County line. The Penn Valley Community Region includes the Penn Valley Village Center, where the project site is situated. The Village Center is slightly greater than one-half square mile in size and encompasses 81 parcels.

Penn Valley Project Site

The Penn Valley project site is located north of Penn Valley Drive and south of SR 20. The project parcel is 5.95 acres and vacant; however, only 1.2 acres adjoining Penn Valley Drive are proposed for development. Squirrel Creek flows across the northern part of the parcel, but it is not within the proposed development area. There is also a seasonal drainage (or wash) on the west side of the parcel, which drains to Squirrel Creek.

The Penn Valley project site is surrounded on three sides by development. To the south is Penn Valley Drive, with the Penn Valley Seventh Day Adventist Church and the Penn Valley Gardens residential subdivision farther to the south. A US post office, a gas station, and the Penn Valley Shopping Center are located east of the site. Northeast of the site, there is vacant land, and the Creekside Village mobile home park farther north. The Penn Valley Mini Storage facility is west of the site. SR 20 is approximately 0.5 mile north and is separated from the site by Squirrel Creek and vacant land (see **Figure 2.0-6**).

There is a Class I bicycle/pedestrian trail along the south side of Penn Valley Drive (Penn Valley Bike Trail), which begins at Spenceville Road. The trail crosses Penn Valley Drive approximately 900 feet west of the project site and then runs along the north side, connecting to Western Gateway Regional Park. The project site is within the Spenceville Corridor rural recreation trail corridor study area (Nevada County 2010).

General Plan Land Use Designation and Zoning

The Penn Valley project site is designated as Community Commercial (CC) and zoned Community Commercial-Site Performance Combining (C2-SP).

12.2.2 REGULATORY FRAMEWORK

Nevada County General Plan

The General Plan includes the following policies specific to Village Centers:

- Policy 6.5 Within all Village and Rural Centers, as well as multi-family, commercial, business park and industrial development, the County shall require that appropriate areas be provided for urban open space in accordance with applicable zoning regulations and the Comprehensive Site Development Standards. Recreational use of urban open space shall be designed to minimize impact on sensitive environmental and/or biological values.
- Policy 6.6 Provide for, where feasible, continued access to open space and public resources by ensuring that all discretionary projects are consistent with development of the Nevada County Non-Motorized Trails Master Plan.

Penn Valley Village Center Area Plan

In addition to the regulations, policies, and standards described in Subsection 12.0.2, the site is in the Penn Valley Village Center Area Plan, which was adopted in 2000 for the Penn Valley Village Center. Land use designations present in the Village Center are Community Commercial, Office-Professional, Urban High Density Residential, Urban Medium Density Residential, Public, and Planned Development (Nevada County 2014).

The Penn Valley Village Area Plan contains the following guidelines pertaining to land use planning.

- SP1 Development of a new site should be considered as part of the cohesive whole of the Village Center.
- SP2 Pedestrian and auto access to neighboring sites should occur easily without the need to reenter the street.

Other guidelines are directed toward design (aesthetic) and traffic/circulation considerations. Those guidelines are identified in the appropriate technical chapters in this Draft EIR.

12.2.3 IMPACTS AND MITIGATION MEASURES

Physical Division of Established Community (Standard of Significance 1)

Impact 12.2.1(PV) Development of the Penn Valley site as proposed would not physically divide the surrounding community. **(No Impact)**

The project site is currently vacant and is surrounded by development along both sides of Penn Valley Drive. Squirrel Creek runs through the northern part of the parcel, which would not be developed. Development of the site would introduce a new building in an area already developed with buildings, structures, and roadways. Development on the parcel would not preclude or limit access to adjoining parcels or travel along Penn Valley Drive. There would be **no impact** related to community division.

Mitigation Measures

None required.

12.0 LAND USE AND PLANNING

Conflict with Land Use Policies (Standards of Significance 2 and 4)

Impact 12.2.2(PV) Development of the Penn Valley site as proposed would be consistent with applicable land use plans, policies, and regulations and would be compatible with the surrounding uses. **(Less than Significant)**

The Penn Valley project site is located in a developed area of the community with existing commercial/retail uses located to the south, east, and west and vacant land located to the north. Development of the project would be consistent with the General Plan and zoning designations for the site. Therefore, development of the site with a retail use would be generally compatible with adjacent uses and no conflicts would be anticipated. Compliance with the comprehensive site development standards provided in the County's Land Use and Development Code would further minimize conflicts by requiring screening to mitigate adverse effects of development. Therefore, this impact would be **less than significant**.

Nevada County General Plan

The Penn Valley project site has a General Plan land use designation of Community Commercial (CC). According to Nevada County General Plan Policy 1.2.4, the CC land use designation is intended to provide a wide variety of commercial uses to serve large geographic areas, including areas outside of Community Regions. Within this designation, development would be grouped as a contiguous center to preclude strip development with convenient, controlled access to arterial or major collector roads.

The proposed retail store would serve the surrounding community of Penn Valley and would be constructed within a developed portion of the community with access to a major collector roadway (Penn Valley Drive). Therefore, the proposed project would be consistent with the Nevada County General Plan.

Nevada County Land Use and Development Code

Nevada County Zoning Ordinance

The Penn Valley project site is zoned Community Commercial – Site Performance Combining (C2-SP). Retail sales uses, such as with the proposed project, are permitted within this zone with issuance of a development permit. The proposed project includes a request for a development permit. Therefore, with project approval, the proposed development would be consistent with the Nevada County Zoning Ordinance.

The Site Performance Combining District (SP) (Section L-II 2.7) provides for refinements in the site development standards and/or the permitted uses in the base zone district with which the SP District regulations are combined. Such refinements must ensure consistency with, and further the intent of, all General Plan policies and the Penn Valley Area Plan.

Open Space Requirements

Nevada County Code Section L-II 4.2.10 provides minimum requirements for the provisions of permanent open space in all commercial, industrial, multiple-family, public, and recreational zoning districts. Given that the proposed Penn Valley project site is not located above 4,000 feet elevation and is over 1 acre in size, the minimum amount of open space to be provided is 15 percent of the overall site acreage. The Penn Valley project proposes to set aside 11,823 square

feet or 22.6 percent of the 1.2-acre project site. Therefore, the Penn Valley project would comply with the County's open space requirements.

Parking Requirements

Section L-II 4.2.9 of the Nevada County Code identifies parking requirements for development in the county. For general retail uses, the parking requirement is 1 space per 200 square feet of gross floor area plus 1 space per 600 square feet of outdoor use area. Based on this standard, the Penn Valley project would require 46 parking spaces. The project proposes to provide 46 parking spaces on-site. Therefore, the proposed project would comply with the County's parking requirements.

Western Nevada County Non-Motorized Recreational Trails Master Plan

There is a Class I bicycle/pedestrian trail along the south side of Penn Valley Drive (Penn Valley Bike Trail), and the site is within the Spenceville Corridor rural recreation trail corridor study area. Because the area is already developed, the conversion of a portion of the vacant parcel to developed uses along the north side of Penn Valley Road would not preclude use of the bicycle/pedestrian trail on the south side, or the use of the Spenceville Corridor under future planning efforts. The proposed project would include a crosswalk that would connect to the trail on the south side of Penn Valley Road. No development would occur in or near undeveloped areas along Squirrel Creek to the north of the site. Therefore, the project would not conflict with the Western Nevada County Non-Motorized Recreational Trails Master Plan.

Based on the preceding analysis, the proposed Penn Valley project would be compatible with the surrounding development and would not result in any conflicts with applicable land use plans, policies, or regulations. This impact would be **less than significant**.

Mitigation Measures

None required.

12.3 ROUGH AND READY HIGHWAY SITE

12.3.1 PROJECT-SPECIFIC SETTING

Rough and Ready Community

Rough and Ready is within the Grass Valley Community Region, approximately 3 miles west of Grass Valley and approximately 1.5 miles north of SR 20 in western Nevada County. The Rough and Ready Rural Center is approximately 2 miles west of the project site. The Rough and Ready area is primarily rural residential, with limited commercial uses.

Rough and Ready Highway Site

The project site is located along Rough and Ready Highway in a rural residential neighborhood. There is an existing commercial building on the property that is currently used as a jewelry repair and sales shop. Adjacent land uses include two single-family residences and other rural residential uses to the west. Directly east of the site are West Drive and single-family residential uses, and a small mobile home park farther east. South of the site are single-family residential uses. There are single-family residential uses and transitional housing to the north, across Rough and Ready Highway, and vacant undeveloped land farther north.

12.0 LAND USE AND PLANNING

General Plan Land Use Designation and Zoning

The Rough and Ready Highway project site has a general plan land use designation of Neighborhood Commercial (NC) and is zoned Neighborhood Commercial (C1). The adjoining parcel to the southeast, parcels on the east side of West Drive, and parcels on the west side and northwest across Rough and Ready Highway are also designated NC/C1. However, they are developed with residential uses. The parcels immediately south of the site and on the north side of Rough and Ready Highway are designated Residential with RA 1.5 zoning.

12.3.2 REGULATORY FRAMEWORK

There are no additional regulations, policies, or standards that pertain to the Rough and Ready Highway site other than those described in Subsection 12.0.2, above.

12.3.3 IMPACTS AND MITIGATION MEASURES

Physical Division of Established Community (Standard of Significance 1)

Impact 12.3.1(RR) Development of the Rough and Ready Highway site would not physically divide the surrounding community. **(No Impact)**

The project site contains a building, which would be demolished as part of the project. Adjoining land uses to the west are residential. There is also residential development on the east side of West Avenue and north of Rough and Ready Highway. Development of the site would introduce a new building feature in an area already developed with buildings, structures, and roadways. Development on the parcel would not preclude or limit access to adjoining parcels or travel along Rough and Ready Highway or West Drive. There would be no impact related to community division.

Mitigation Measures

None required.

Conflict with Land Use Policies or Adjacent Uses (Standards of Significance 2 and 4)

Impact 12.3.2(RR) Development of the Rough and Ready Highway site as proposed would be consistent with applicable land use plans, policies, and regulations, but would not be compatible with the surrounding residential uses. **(Significant and Unavoidable)**

Although the Rough and Ready Highway site is designated for commercial use and is developed with a commercial building, the site is surrounded by rural residential uses. Existing residences are located immediately adjacent the site's western and southern boundaries. In addition, there are residential properties located north and east of the site across the adjacent roadways. Construction and operation of the proposed project, which would include a building of a greater scale than the existing commercial building on the site, could be incompatible with these residential properties if not properly designed and mitigated to minimize potential nuisances.

The project site would be accessed from the north and east and would generally maintain the site's existing points of access. As shown on **Figure 2.0-10**, the project proposes to construct a 6-foot-high solid privacy fence along the entire western and southern site boundaries where it abuts residential uses. The proposed wall would visually screen on-site operations and would provide

noise attenuation. As discussed in Impact 13.3.1 (RR), with mitigation (**MM RR-13.3.1**), operation of the proposed development would not exceed applicable County noise standards at any of the adjacent residential property lines. As discussed in Impact 4.3.2(RR), with mitigation (**MM RR-4.3.2**), the proposed development would not result in light spilling onto adjacent residential parcels.

While noise and light from the project site can be minimized to ensure neighboring properties would not be impacted, the size of the building is substantially out of character for the area. The building footprint would be substantially larger than the neighboring residential structures (70 feet by 130 feet) and would be within 11.5 feet of the property line on the west. With respect to building height, the shortest component on any façade of the building would be 18.5 feet with some building components as tall as 26.5 feet. As noted above, the project site and some nearby parcels are designated in the General Plan for commercial use; however, the other commercial properties are developed with residential uses and the neighborhood has a residential character. Given the scale of the building, its proximity to adjacent residential uses, and the building's prominence in a predominantly residential neighborhood, even with mitigation to reduce effects of noise and lighting, the proposed development would be considered incompatible with the surrounding uses.

Nevada County General Plan

The Rough and Ready Highway project site has a General Plan land use designation of Neighborhood Commercial (NC). According to Nevada County General Plan Policy 1.2.4, the NC land use designation is intended to provide for the local needs of nearby neighborhoods and should be grouped as a clustered and contiguous center to preclude strip development with convenient, controlled access to arterial or collector roads.

The proposed retail store would serve the surrounding communities of Grass Valley and Rough and Ready. The project area is rural with limited commercial development occurring sporadically along Rough and Ready Highway. Although the proposed retail use would not be clustered with other existing uses, the surrounding parcels are designated for future commercial development. Furthermore, the site would provide controlled access to Rough and Ready Highway, a major roadway in the area. Therefore, the proposed project would be consistent with the Nevada County General Plan.

Nevada County Land Use and Development Code

Nevada County Zoning Ordinance

The Rough and Ready Highway project site is zoned Neighborhood Commercial (C1). According to the Nevada County Zoning Ordinance, this zoning district is intended to provide a wide range of retail and service uses that serve the varied needs of large geographic areas. Retail sales uses, such as with the proposed project, are permitted in this zone with issuance of a development permit. The proposed project includes a request for a development permit. Therefore, with project approval, the proposed development would be consistent with the Nevada County Zoning Ordinance.

Open Space Requirements

Nevada County Code Section L-II 4.2.10 provides minimum requirements for the provisions of permanent open space in all commercial, industrial, multiple-family, public, and recreational zoning districts. Given that the proposed Rough and Ready Highway project site is located above 4,000 feet elevation and is over 1 acre in size, the minimum amount of open space to be provided

12.0 LAND USE AND PLANNING

is 15 percent of the overall site acreage. The Rough and Ready Highway project proposes to set aside 7,405 square feet or 16.7 percent of the 1.02-acre project site, which would comply with the County's open space requirements.

Parking Requirements

Section L-II 4.2.9 of the Nevada County Code identifies parking requirements for development in the county. For general retail uses, the parking requirement is 1 space per 200 square feet of gross floor area plus 1 space per 600 square feet of outdoor use area. However, the required number of parking stalls may be modified by the Planning Agency if the project applicant submits a parking study indicating that the proposed development would require fewer parking stalls.

Based on the County's parking requirements, the Rough and Ready Highway project would require 46 parking spaces but would provide only 29. Thus, a parking study was prepared for the project (Kunzman Associates 2015; see **Appendix 12.0-D**). Kunzman Associates determined that, based on parking surveys conducted at similar Dollar General stores, the project's peak parking demand would be 15 parking spaces and the proposed Rough and Ready Highway project would provide adequate parking spaces. Therefore, the proposed project would comply with the County's parking requirements.

Western Nevada County Non-Motorized Recreational Trails Master Plan

There are no existing trails at the project site. There is a non-County, non-motorized trail along Rough and Ready Highway that ends east of the site. The site is within the Rough and Ready Corridor-East rural recreation trail corridor study area (Nevada County 2010). The project site is currently developed and located in a developed area. Further, no features of the proposed project would preclude the use of this trail. Therefore, the project would not conflict with the Western Nevada County Non-Motorized Recreational Trails Master Plan.

Based on the preceding analysis, the proposed Rough and Ready Highway project would not result in any conflicts with applicable land use plans, policies, or regulations. However, due to the size and scale of the development, it would not be compatible with the surrounding residential uses. Mitigation measure **MM RR-4.3.2** would reduce effects of project lighting on adjacent users, and mitigation measure **MM RR-13.3.1** would limit the effects of noise due to deliveries, but the proposed building in this location cannot be reduced or screened in such a way as to reduce the building's prominence in a predominantly residential neighborhood. This impact would be **significant and unavoidable**.

Mitigation Measures

Implement mitigation measures **MM RR-4.3.2** and **MM RR-13.3.1**.

12.4 CUMULATIVE SETTING, IMPACTS, AND MITIGATION MEASURES

CUMULATIVE SETTING

The cumulative setting for land use impacts is western Nevada County.

CUMULATIVE IMPACTS AND MITIGATION MEASURES

Cumulative Land Use Impacts

Impact 12.4.1 Implementation of the proposed projects, in combination with existing, approved, proposed, and reasonably foreseeable development in nearby areas of Nevada County, would not contribute to cumulative land use impacts. The proposed project's incremental contribution would be **less than cumulatively considerable**.

Land use impacts are inherently site-specific as they depend on the existing land use designations and zoning of the subject site as well as the existing and planned uses that surround the site. As the region continues to develop in accordance with the Nevada County General Plan, land use conflicts are likely to increase as urban uses are developed adjacent to parcels that have not yet been developed from the existing rural uses to those urban uses envisioned by the General Plan. However, all development would be subject to the comprehensive site development standards provided in the County's Land Use and Development Code, which requires screening to mitigate adverse effects of development on adjacent parcels. In addition, such development would be subject to CEQA review, which would identify potential incompatibilities and provide mitigation to reduce conflicts as feasible. Therefore, this cumulative impact would be considered **less than cumulatively considerable**. The proposed projects would not combine to result in any change to the cumulative land use impacts.

Mitigation Measures

None required.

12.0 LAND USE AND PLANNING

REFERENCES

- ALH (ALH Urban & Regional Economics). 2015a. Dollar General Economic Analysis in Alta Sierra, CA.
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- . 2015. *Dollar General Parking Analysis*.
- Nevada County. 2010. *Western Nevada County Non-Motorized Recreational Trails Master Plan*. Appendix A (Rural Recreation Trails Study Corridor Map) and Appendix B (Western Nevada County Existing Trails System).
<https://www.mynevadacounty.com/nc/cda/planning/Pages/Western-Nevada-County-Non-motorized-Recreational-Trails-Master-Plan.aspx>.
- . 2014. *Nevada County General Plan Volume 1: Goals, Objectives, Policies, and Implementation Measures Section 2: Community Development, Land Use Element*