

4.8 LAND USE

This section of the Environmental Impact Report (EIR) describes the affected environment and regulatory setting for land use and planning on the proposed project site. It also describes the impacts on land use and planning that would result from implementation of the proposed project, including an evaluation of consistency with relevant plans and programs that have jurisdiction within the project area and those related to the Sphere of Influence (SOI). The evaluation includes a discussion of the proposed project compatibility with surrounding land uses, and provides mitigation measures that would reduce these impacts, as appropriate. The following analysis of the potential environmental impacts related to land use and planning is derived primarily from the following sources and agencies:

- Nevada City Housing Element
- Nevada City 2017 Annexation Plan
- Nevada City Zoning Ordinance
- Nevada County General Plan
- Nevada County LAFCo Policies

The following section discusses the existing land uses on the project site, in the vicinity surrounding the proposed project area, and as applicable within the region as a whole. The discussion includes a description of the land use conditions, such as type of use and the densities of development that could influence land use compatibility and result in land use conflicts.

4.8.1 ENVIRONMENTAL SETTING

Regional Location

The City of Nevada City (City) is the County seat of Nevada County (County) and is in the western foothills of the Sierra Nevada Mountains, approximately 70 miles northeast of Sacramento, CA. Nevada County is bounded by the Middle Fork of the Yuba River and Sierra County on the north, the state of Nevada to the east, the Bear River and Placer County to the south, and Yuba County to the west. Nevada County's total land area is approximately 978 square miles and has an estimated total population of 99,155 people of which 66,207 people live in unincorporated areas and 32,948 people live in the three incorporated cities. The three incorporated cities include Grass Valley with 13,041 people, Truckee with 16,681 people, and Nevada City with 3,226 people [California Department of Finance (CDOF), 2018]. *Figure 3-1: Regional Location Map*, shows the position of the Nevada City in the County and northern California and in relation to the surrounding counties. *Figure 3-2: Vicinity Map* shows Nevada City in relation to other cities, towns, and major roadways in the vicinity of the project area. Urbanization within the County is primarily located within these three City centers and consists of residential, commercial, industrial, and other uses typical of small cities. The majority of land uses and housing outside the incorporated cities generally consists of low density and rural residential, open space, undeveloped land, agricultural uses and intermittently located commercial and industrial uses.

The major transportation routes that provide regional connectivity through the City is the generally east-west trending State Route 20 (SR-20) and north-south trending State Route 49 (SR-49) which through the City are joined. SR-20 and SR 49 are the major connectors through the City and to points east. SR-49 provides access to the northwesterly areas of the City and SOI west from the SR-20/SR-49/Uren Street Intersection. SR-20\49 connects Nevada City to the City of Grass Valley approximately four miles to the southwest.

Local Vicinity

Nevada City was founded in 1850 and incorporated on April 19, 1856. Nevada City started as a gold-mining community one hundred and fifty (150) years ago and is now characterized as a modern city but still with modest cottages and Victorian houses and classic brick buildings. The City is located within a basin on the western slope of the Sierra Nevada and has a unique topography with hills and valleys and aesthetic and scenic quality. The town is located in a natural “bowl” giving the impression that the historic mining town is compact as it is surrounded by hills and trees (Nevada City, 2017). Nevada City is focused on maintaining its identity as an entertainment, cultural, social, and recreational center based on its history and surrounding environment.

Residential development within the City boundaries is predominantly single-family and exists within an approximate 30-acre area on the westerly side of SR 20 that takes primary access from Broad Street. The City boundaries are generally surrounded by rural residential development and undeveloped coniferous forest. These areas extend from the City boundary in all directions and are included in the proposed City SOI. These unincorporated lands are primarily designated and developed for residential uses and are discussed in additional detail under the *Project Site*, heading immediately below.

Project Site

The SOI Plan update area encircles the City. The City’s jurisdictional boundaries include approximately 1,470 incorporated acres (2018 Nevada County GIS data) and the current SOI (exclusive of the incorporated area) includes approximately 2,702 acres. Within its boundaries, the City provides a full portfolio of municipal services, including treated water, public sewer, police, fire protection, and recreation and park services. Based on the existing roadways and landscape, the surrounding uses are described in four general directions including southeast, northeast, northwest, and southwest. With the exception of the City of Grass Valley to the south, land in all directions consists of unincorporated county land. The land uses patterns within the SOI are discussed in additional detail below. Land uses are separated into quadrants delineated by major roadways and landmarks. Due to the lack of completely uniform development these areas are generalized and shown on *Figure 3-3: Generalized Land Use Areas*.

Southeast – This portion of the proposed SOI area is located to the east of SR 20\49 and community of Town Talk. This area is primarily accessed via Pittsburg Road, Granholm Lane, Gracie Road, and Banning Way as well as local and neighborhood roads that provide access to the interior rural residential uses. The moderately hilly landscape provides some distant views and is thickly vegetated by tall trees and dominated by species of evergreen. Commercial development in this area is limited and largely adjacent

to SR-20 and consists of a nursery, child development center, and construction yard. Within the northeastern portion of this quadrant is a self-storage facility and Nevada County Sportsmen's Club.

Northeast – This portion of the proposed SOI area is located east of the existing City boundary and southeast of northerly portion of SR-20. This area is primarily accessed via Red Dog Road, Willow Valley Road, as well as local and neighborhood roads that provide access to interior land uses areas. Similar to the southeastern quadrant, land uses typically consisting of low density rural residential, which are situated in hilly tree-covered terrain. Commercial development in this area is minimal. Due to the variation in elevation, some distant views are afforded through breaks in the tree and vegetative canopy.

North and Northwest – This portion of the proposed SOI area is located west of SR-20\49 and northerly of SR-49. From this intersection SR-49 trends westerly through the City into the proposed SOI area and unincorporated County Land. This area is primarily accessed via Coyote Street, North Bloomfield Road, Wethill Road/Indian Flat Road, and Cement Hill Road, as well as local and neighborhood roads that provide access to interior areas. Residential land uses in this portion of the proposed SOI consist of predominantly low density residential and rural residential uses with limited commercial and industrial uses. Within this area is the Nevada County Consolidated Fire District, and the topography is more varied lower valleys including a small lake, to the approximate 3,070 Sugarloaf Mountain and the hill leading to the "Old Airport Property" at a height of 3,100 feet.

Southwest – This portion of the SOI area is located south of SR-49, west of the City boundary and northwesterly from SR-20 and Town Talk. This area is primarily accessed via, Champion Mine Road on the north and Ridge Road on the south. The central portion of this area is strongly characterized by Deer Creek which flows in a meandering westerly direction and the Deer Creek Tribute Trail which provides for some recreational opportunities. Residential areas consist of rural residential uses, and other areas are undeveloped, heavily forested and have elevation changes of a few hundred feet which provides for some distant views through breaks in the vegetation.

Project Background

Over the last two years, the City and LAFCo have worked together and developed the LAFCo/City Preferred Consensus Alternative (Consensus Alternative). This annexation strategy was prepared as a compromise proposal for the 2017 City Annexation Plan. This Consensus Alternative has been designated as the Preferred Project Alternative for the purposes of this EIR. Therefore, while the proposed project is the SOI Plan update, the EIR describes and evaluates how the Consensus Alternative differs from the 2017 City Annexation plan in that it would remove some of the lands included in the 2008 SOI boundary also reflected in the 2017 City Annexation Plan. However, the Consensus Alternative does include four areas designated for priority annexation. The priority annexation areas are termed Annexation Area #1, Annexation Area #2, Annexation area #3, and Annexation Area #4.

Priority Annexation Areas

Annexation Area 1 - is located just south of the City adjacent to SR 20. Annexation Area #1 consists of a northerly and southerly area separated by approximately 500 feet. In sum, the areas total 16.63 acres.

The northerly location is a triangular-shaped parcel approximately 5.29 acres in size and is generally bound by SR 20 to the west, Gold Flat Road to the north, and is accessed by Granholm Lane to the south. The second parcel is approximately 11.34 acres in size and is bound by SR 20 to the west and undeveloped lands to the north, east, and south. Existing land uses on this site includes the California Department of Transportation facility (currently connected to City sewer), the Prospector’s Nursery, and the Little Friends Child Development Center, along Gold Flat Road.

The following Tables, *Table 4.8-1* through *Table 4.8-4*, lists the Annexation Areas and associated parcel numbers, Nevada County General Plan designation, zoning designations, and acres.

Table 4.8-1: Annexation Area #1 Parcel Data and Land Use Designation

APN number:	Address	County General Plan	County Zoning	Acres
035-230-033	10114 Granholm Lane	PUB	P	1.5
035-230-035	10057 Gold Flat Road	PUB	P	8.03
035-230-036	10266 Granholm Lane	PUB	P	1.1
035-230-037	10310 Granholm Lane	CC	C2	0.71
035-240-009	10003 Granholm Lane	CC	C2 and OS-SP	5.29
Total:				16.63
Abbreviations: General Plan: PUB = Public, CC= Community Commercial, Zoning Districts: P=Public, C2= Community Commercial, OS-SP= Open Space, RA-3-PD = Residential Agriculture				

Annexation Area #2 - is located in the northwestern part of the City adjacent California State Route 49 (SR 49). Annexation Area #2 is approximately 86 acres in size and is generally bound by SR 49 on the north, the existing City Boundary to the east, American Hill Road to the south, and Constitution Court to the west. Annexation Area #2 consists of three parcels and the land uses includes the County Juvenile Hall (currently connected to City sewer), and two adjacent and vacant County-owned properties, located south of Hwy 49.

Table 4.8-2: Annexation Area #2 Parcel Data and Land Use Designations

Parcel	Address	County General Plan	County Zoning	Acres
005-050-032	15405 Kahele Court	EST	RA-3 -PD	21.7
005-050-028	15380 Kahele Court	EST	RA-3 -PD	1.56
005-050-015	15434 State Highway 49	EST	P	10.09
Total:				33.35
Abbreviations: General Plan: EST = Estate Zoning Districts: P=Public, RA-3-PD = Residential Agriculture				

Annexation Area #3 - is located in the northeastern part of the City and is approximately 33 acres in size. Annexation Area #3 is generally bound by Willow Valley Road to the north, undeveloped land to the east and south, and the existing City Boundary to the west. Annexation Area #3 consists of 20 parcels, but does not include the former County Health Education and Welfare (H.E.W.) Building (now privately owned and currently connected to City sewer) and the Nevada Cemetery District offices along Willow Valley Road. The parcels are privately owned and three of which are connected to the City sewer system.

Table 4.8-3: Annexation Area #3 Parcel Data and Land Use Designation

Parcel	Address	County General Plan	County Zoning	Acres
036-310-008	10369 Willow Valley Road	EST	RA-3	0.27
036-310-044	14700 Harter Place	EST	RA-3	1.15
036-310-046	14649 Harter Place	EST	RA-3	1.02
036-310-045	14648 Harter Place	EST	RA-3	1.12
036-310-012	14597 Harter Place	EST	RA-3	1.26
	14599 Harter Place			
036-310-011	14594 Harter Place	EST	RA-3	0.6
036-310-010	14612 Harter Place	EST	RA-3	0.4
	14514 Harter Place			
036-310-036	10349 Willow Valley Road	EST	RA-3	0.63
036-310-055	10317 Willow Valley Road	EST	RA-3	0.9
036-310-056	14715 Pear Tree Lane	EST	RA-3	1.0
036-310-064	14663 Pear Tree Lane	EST	RA-3	1.49
036-310-058	14607 Pear Tree Lane	EST	RA-3	2.0
036-310-066	14648 Pear Tree Lane	EST	RA-3	1.61
036-310-072	10297 Willow Valley Road	EST	RA-3	0.44
036-310-071	10285 Willow Valley Road	EST	RA-3	0.36
036301047	10364 WILLOW VALLEY RD	EST		0.73
036301046	10340 WILLOW VALLEY ROAD	EST		0.62
036301045	10322 WILLOW VALLEY ROAD	EST		0.60
036301044	10304 WILLOW VALLEY ROAD	EST		0.56
Total:				16.76
Abbreviations: General Plan: PUB = Public, EST= Estate Zoning Districts: P=Public, RA-3 = Residential Agriculture				

Annexation Area #4 - is located in the northeastern part of the City and is approximately 23 areas in size. Annexation Area #4 is generally bound by Red Dog Road on the north, Park Avenue on the east and south, and the City boundary to the west. Annexation Area #4 contains 22 parcels and land uses include a cemetery that fronts on Boulder Street and Park Avenue Extension and 18 intervening privately owned properties.

Table 4.8-4: Annexation Area #4 Parcel Data and Land Use Designation

Parcel	Address	County General Plan	County Zoning	Acres
036-330-010	10585 Boulder Street	PUB	P	0.2
036-330-011	10577 Boulder Street	PUB	P	0.32
036-330-009	10546 Red Dog Road	PUB	P	1.85
036-330-013	10580 Red Dog Road	PUB	P	0.99
036-360-025	10563 Red Dog Road	PUB	P	6.11
036-360-026	10563 Red Dog Road	PUB	P	2.23
036-360-024	10529 Boulder Street	EST	RA-5	0.5
036-360-022	10519 Boulder Street	EST	RA-5	0.5
036-360-023	10523 Boulder Street	EST	RA-5	1.01
036-360-016	10338 Park Avenue Extension	EST	RA-5	1.0
036-360-015	10314 Park Avenue Extension	EST	RA-5	0.3
036-360-010	10465 Boulder Street	EST	RA-5	1.92

Table 4.8-4: Annexation Area #4 Parcel Data and Land Use Designation

Parcel	Address	County General Plan	County Zoning	Acres
036-360-007	10455 Boulder Street	EST	RA-5	0.2
036-360-006	10443 Boulder Street	EST	RA-5	0.3
036-360-005	10433 Boulder Street	EST	RA-5	0.13
036-360-004	10417 Boulder Street	EST	RA-5	0.43
036-360-003	10407 Reef Point	EST	RA-5	0.1
	10409 Reed Point			0.1
036-360-011	11405 Reef Point	EST	RA-5	0.12
036-360-012	11055 Reed Point	EST	RA-5	0.19
036-360-014	10338 Park Avenue Extension	EST	RA-5	0.92
036-360-013	10246 Park Avenue Extension	EST	RA-5	2.18
036-360-008	10491 BOULDER STREET	EST		0.78
Total:				22.38
Abbreviations: General Plan: PUB = Public, EST= Estate, Zoning Districts: P=Public, RA-5 = Residential Agriculture				

Exclusion Areas

In addition to the Priority Annexation areas, through consultation with the City, the Consensus Alternative includes five exclusion areas. The exclusion areas would occur in five pockets surrounding the City and are recommended for removed from the SOI. The area encompassed by the exclusion areas is included by the current SOI and are discussed as part of City Recommendation Alternative. The exclusion areas are described in *Table 4.7-5 – Summary of Exclusion Areas*:

Table 4.8-5: Summary of Exclusion Areas

Area	Location	Parcels	Characteristics
Airport/Cement Hill Road	West of the Airport property (a non-contiguous portion of the City). These parcels are located off Cement Hill Road	7	All parcels are designated Estate. Four are developed.
N. Bloomfield Road	Intersection of N. Bloomfield and Lake Vera Roads	34	All parcels are designated Estate. Only one is undeveloped.
Red Dog Road	East of current City boundary, including lands north and south of Willow Valley Road and north of Red Dog Road	63	All parcels designated for residential use, including Estate and Residential General Plan designations. 56 parcels are developed and 7 are undeveloped.
DS Canal/Pittsburgh Road	South of the current City boundary. These parcels are located south of the DS Canal and north of Pittsburgh Road.	111	Most parcels designated Residential, several are designated Estate and 2 are designated for open space. 87 parcels are developed and the remaining 24 are unimproved. At least 3 are owned by the federal government (including the two Open Space properties).

Table 4.8-5: Summary of Exclusion Areas

Area	Location	Parcels	Characteristics
Eden Ranch	West of current city boundaries and south of State Route 49 near Old Downieville Road.	80	Most parcels designated for residential use (one is designated O.S.). Includes a small residential development project with public sewer service provided by the County Sanitation District. 58 parcels are developed, and the remaining 22 are undeveloped.

Land Uses and Services

Federal Lands

The BLM Administrative Unit Field Office Boundary: Mother Lode Field – The BLM Mother Lode Field Office manages over 230,000 acres of public land in Central California. These lands are scattered within Amador, Calaveras, El Dorado, Mariposa, Nevada, Placer, Sacramento, Stanislaus, Tuolumne and Yuba counties.

Within Nevada County and the SOI Plan update area, there are six general areas under BLM jurisdiction. *Table 4.7-6 – Federal Land Parcel Information*, provides a summary of these areas.

Table 4.8-6: Federal and State Land Parcel Information

Parcel	Agency	Address	County General Plan	County Zoning	Acres
<i>Two Parcels Between Palisade Drive and Pinewood Road</i>					
037-070-010	BLM	12555 Palisade Drive	E	E	4.62
037-070-011	BLM	12670 Pinewoods Road	E	E	12.88
				Sub-Total:	17.5
<i>Vicinity of Gracie Road and Banner Mountain Trail¹</i>					
037-080-008	BLM	14108 Gracie Road	OS	OS	2.7
037-080-007	BLM	14107 Gracie Road	OS	OS	0.74
037-080-009	BLM	14034 Gracie Road	OS	OS	5.88
037-080-002	BLM	13804 Gracie Road	OS	OS	13.64
037-080-054	BLM	11297 Banner Mountain Trail	OS	OS	34.68
037-010-012	BLM	11130 Banner Mountain Trail	OS	OS	23.75
037-090-017	BLM	11485 Banner Mountain Trail	OS	OS	48.68
				Subtotal	130.07
<i>Vicinity of Red Hill Canal Road</i>					
004-060-015	BLM	10625 Cement Hill Road	OS	OS	13.37
004-060-086	BLM	10626 Cement Hill Road	OS	OS	11.57
004-060-016	BLM	None	OS	OS	2.64
				Subtotal	27.58

Table 4.8-6: Federal and State Land Parcel Information

Parcel	Agency	Address	County General Plan	County Zoning	Acres
<i>Adjacent to Downieville Highway</i>					
005-100-094	Other Federal Land	16010 American Hill Road	Rural	Rural	4.88
005-100-034	Other Federal Land	15867 Old Downieville Highway	OS	OS	2.99
004-151-057	Other Federal Land	16411 Champion Road	OS	OS	5.94
				Subtotal	13.81
<i>Granholm Lane and Gold Flat Road</i>					
035-230-035	CalTrans Site	10057 Gold Flat Road	P	P	8.03
035-230-036	CalTrans Site	10266 Granholm Lane	P	P	1.1
035-230-037	CalTrans Site	10310 Granholm Lane	P	P	0.71
				Subtotal	9.84
<i>Providence Mine Road</i>					
035-210-069	Division of Forestry	102 Ridge Road	P	P	4.93
035-210-068	Division of Forestry	None	P	P	0.64
005-220-014	Division of Forestry	400 P Street Ste 3110	P	P	2.48
				Subtotal	8.05
				TOTAL	206.85
¹ Two additional BLM parcels are attached but are located outside the existing SOI area (037-280-002 14471 Gracie Road 41 acres, and 037-280-004 14456 Gracie Road 8.5 acres). Abbreviations: General Plan: EST = Estate Zoning Districts: P=Public, RA-3-PD = Residential Agriculture Source: Nevada County My Neighborhood GIS, 2019.					

4.8.2 REGULATORY SETTING

The following discussion provides an overview of the Federal, State, and local regulatory and policy documents that are applicable to the proposed project.

Federal

There are no federal regulations related specifically to land use issues associated with the SOI Plan update. Certain federal regulations that are applicable to the proposed project, such as for air quality, biological resources and cultural resources, are discussed in the respective Chapters of the EIR.

State

California Environmental Quality Act

CEQA establishes that a significant effect on the environment involves an adverse change to the physical environment. Pursuant to the State *CEQA Guidelines*, a project's impact related to land use planning is evaluated in terms of physically dividing an established community, compatibility with existing land uses

and consistency with local plans and other local land use controls (i.e., general plans, zoning codes, specific plans, etc.) such that if conflicts do exist, would the conflict result in a significant environmental impact. This is discussed in additional detail in the methodology and impacts section below.

California Government Code Section 6586021

California Government Code Section 6586021 requires zoning to be consistent with an agencies' general plan. Consistency with the general plan is possible only if the local government, in this case the City of Nevada City uses the General Plan 1980-2000 Nevada City, California. The land uses authorized in the City's Municipal Code must then be compatible with the objectives, policies, general land uses, and programs specified in the General Plan. Both the General Plan and Municipal Code are discussed in detail in the Local regulatory setting below.

Cortese Knox Hertzberg Local Government Reorganization Act

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKHA) of 2000 establishes procedures for the establishment, updating, or amendments to a SOI. The Nevada County LAFCo is responsible for implementing the CKHA at the County level and is the agency responsible for the approval of the proposed SOI Plan update. In part, the CKHA is intended to discourage urban sprawl and encourage orderly development through use of the LAFCo agencies to ensure annexations are sensitive to local conditions, future needs and demands of the jurisdictions, and environmental considerations.

Local

The SOI Plan update is subject to several local planning documents and programs that have varying degrees of regulation over use of developments within the City, and SOI Plan update area. This includes the Nevada County General Plan for unincorporated areas and the City General Plan and Nevada City Zoning Ordinance, which would be applicable to areas as they are annexed and related to annexation procedures. Lastly, LAFCo has certain policies and laws it must conform to related to the regulation of orderly annexations. The pertinent policies and guidance contained in these documents is discussed in additional detail below.

Nevada City General Plan

California Government Code Section 65300 requires every city and county in California to adopt a comprehensive, long-term General Plan for the physical development of the jurisdiction. A General Plan should consist of an integrated and internally consistent set of goals and policies grouped by topic into a set of elements and guided by a jurisdiction-wide vision. State law requires that a General Plan address seven elements or topics (land use, circulation, housing, conservation, open space, noise, and safety), but allows some discretion on the arrangement and content.

Nevada City General Plan (NCGP) was adopted March 24th, 1986 and later updated to incorporate resolution 2009-49 (land use element) and Sphere of Influence boundaries map dated October 8, 2008 and the 2019-2027 Housing Element adopted December 2019. The overall purpose, as stated in the NCGP, is to preserve the existing essential character of Nevada City. Using policies to guide land uses and

City actions, the General Plan directs land uses based on four major principles that include: 1) Preserve the Sense of Wooded Enclosure; 2) Enhance the Historic Core; 3) Reinforce Existing Commercial Concentrations; and 4) Create Opportunities for Employment and Revenue Generators.

To organize development, the General Plan includes a total of 14 land use designations that are currently applicable to the lands within the City boundaries. The City has also applied some of these land use designations to areas within the existing 2008 General Plan land use map. Because the areas are not formerly incorporated to the City, the City does not have direct approval over what occurs in these County lands. The designations; however, do provide a vision for future development should they be annexed to the City as development applications and project approvals are made.

AF – Agriculture Forestry – Farmland, timberland, and other areas suitable for only very rural uses (5-acre minimum lot size)

R – Rural – Areas outside of projected public service boundaries that should remain very low-density agriculture and/or residential use. (Maximum 1 dwelling unit/1-5 acres)

E – Estate – Areas outside of projected public service boundaries that should remain very low density or agriculture and/or residential use. (Maximum 1 dwelling unit/1-3 acres).

SF – Single Family – Historic or other sensitive single-family neighborhoods inappropriate for increased densities (Maximum 4 dwelling units/acre).

UHD – Urban high-density Multiple family – The UHD land use designation is intended to accommodate up to 16 units per acre. UHD is intended to accommodate town house style units, apartment and condominiums without distinction as to owner or renter occupancy. The primary purpose of the UHD land use designation is to fulfill the Housing Element needs to provide adequate sites to accommodate the City’s regional housing requirements.

MF – Mixed Residential – Areas suitable for increased housing density by such means as smaller lot sizes, planned unit development, townhouse, or garden apartment site plans (Maximum 8 dwelling units/acre).

GC – General Commercial – Business and service-oriented to community-wide or tourist needs, within the inclusion of mixed residential uses, and while complementing the nature and scale of Nevada City’s central business district.

SL – Service Lodging – Existing hotels, motels, and lodging facilities location outside of service areas suited for future lodging facilities. Based on future zoning ordinance implementation, this designation could include use permit or other provisions for conference or convention facilities and/or other visitor supported land uses.

EC – Employment Commercial – Light commercial or light industrial development concentrations which address the city’s need for jobs and revenue, but which do not harm the essential visual character of “historic town surrounded by open forest,” and which remain sensitive to established neighborhoods.

This designation is intended to include existing light industrial development and future development opportunities. Future zoning and development under this designation should fall within the following different categories, based on zoning and/or site plan review considering the nature of the neighborhood and surrounding areas¹.

PD – Planned Development – Large ownerships or other special opportunities for clustering or mixed-use development. PD classifications allow more creative solutions to provision of open space and amenities than to the standard setback, coverage, and height requirements².

OP – Office & Professional -Professional offices, general business office and research and development facilities not oriented toward general retail sales located in area of transition between residential and more intensive land uses and/or where traffic access and circulation is good, but not sufficient for retail commercial. The OP land use designation is also ideal for mixed use residential uses to provide both short and long-term employee housing while advancing the residential-office transition.

SC – Service Commercial – Shops and services catering to the day-to-day needs of nearby residents. Mixed residential uses are also encouraged (analogous to Local Business Zoning Classification).

P/R – Public/Recreation - Areas for public use, providing recreational facilities by public entities.

P – Public – Sites or facilities intended to remain in long-term public use.

OS – Open Space Preserve – land of high scenic, recreational, and/or resource value in an essentially unimproved state.

Implementation of the General Plan

The NCGP provides Long range comprehensive policy guidance for the development of Nevada City and its eventual extensions. To help ensure development within the City is orderly and occurs contiguously, the NCGP includes a description of the development approval process which notes that development applications should include the following:

- Proposed Land uses, quantity and/or density;
- Outline of needed sewer, water, drainage, and circulation infrastructure both on-site and offsite;
- Demand for other community facilities; and
- Estimated cost of the services and facilities.

The NCGP notes that the environmental review process, mandated by the state, can be a good means for the City to achieve goals, especially if it is begun early in the planning process. It is noted that potential

¹ Subcategories of the EC designation is available in the General Plan.

<https://www.nevadacityca.gov/pview.aspx?id=20707&catid=0>

² Additional detail regarding PD designations is available in the General Plan.

<https://www.nevadacityca.gov/pview.aspx?id=20707&catid=0>

harmful effects of a project should be identified as early as possible in order to allow for avoidance or mitigation. Other tools used by the City in accordance with the NCGP include design review, specific plans, and an annexation program.

To guide development, the NCGP also has numerous objectives and policies. Those related to development and annexation are as follows:

Objectives

- Foster a compact rather than scattered development pattern in order to preserve the existing impression of a tightly clustered, fine-grained core with tree-covered, rural surroundings, to prevent “strip” development along the highways, and reduce the extent and cost of public services.
- Determine appropriate use for land in Nevada City on the basis of the following criteria:
 - o Physical characteristics (slope, soils, vegetation, visual sensitivity, accessibility, etc.)
 - o Priority level (first priority for annexation are areas already on public services; second are areas within planned extensions of public services)
 - o Special resource or landmark significance implying consideration for open space or public use (e.g., Sugar Load Reservoir and Bowl, Old Seven Hills School properties).

Policies

- Do not permit urban density uses beyond the SOI boundary as shown on the land use plan.
- Encourage urban-type development to occur as infill within the City. Urban-type development in county territory in most cases is inconsistent.
- Designate additional urban land only when it is clearly demonstrated that the supply in a particular area is insufficient to permit a reasonable choice of sites for new development of desired uses, and that scattered development will not occur.
- Change specific land use designations only after it has been determined that the change enhances eventual achievement of the objectives, policies, and the plans of the General Plan, and that it will serve a public purpose in making such a change.
- Land Use- Establish General Plan classifications of adequate variety and specificity to guide further elaboration by means of zoning and other implementation methods.

Nevada City Zoning Ordinance

The Nevada City Zoning Ordinance is Title 17 – Zoning of the Nevada City Municipal Code of 2007. As described in Section (§) 17.04.010, the zoning ordinance for the City is a precise and detailed plan for the uses of land based on the NCGP for the City and enacted in order to promote the public health, safety, comfort and general welfare throughout the City. The Zoning Ordinance establishes various zone districts, which specifies among other things, where it is allowable to construct, alter or maintain certain buildings, use certain lands and consists of appropriate regulations to be enforced in the applicable zones. According

to the NCGP, the zoning ordinance is the single most useful tool for carrying out the General Plan. The Zoning ordinance includes specification related to development including allowable uses, parcel size, structure height, coverage, and setbacks. The Zoning ordinance describes the intent and evaluation criteria for projects. By state law, zoning must be consistent with the General Plan.

Chapter 17.100- Annexations discusses the City requirements regarding the annexation process. This includes a requirement to prezone the land with certain exceptions related to size, if the land is already developed, if the annexation of the subject area was previously analyzed in an EIR and mitigation proposed, or if the annexation is needed to protect public safety. Related to environmental review, Chapter 17.100.030 specifically requires that all annexations, including exceptions, undergo environmental review in accordance with current procedures of the City and to meet CEQA requirements.

The Zoning Ordinance established base zoning districts and combining districts are discussed below.

Base Zoning District

AF – Agriculture Forestry - The purpose of the AF zone is to preserve in agricultural and forestry use in the urban fringe, land suited to eventual development in other uses, pending proper timing for the economical provision of utilities, major streets and other facilities, so that compact, orderly development will occur. Change of zoning from AF to any other zone shall only be made in general accord with the Nevada City General Plan. This zone is consistent with all residential general plan designations.

RR- Rural Residential - The purpose of the RR zone is to stabilize and protect the residential characteristics of district and to promote and encourage a suitable environment for family. The rural residential zone is intended to be used only for single-family and services appurtenant thereto. This zoning district is consistent with residential General Plan designations, except agriculture/forestry and rural.

R1 – Single Family Residential- The purpose of the R1 zone is to stabilize and protect the residential characteristics of district and to promote and encourage a suitable environment for family. The R1 zone is intended to be used only for single-family homes and service appurtenant thereto. This zoning district is consistent with the single-family and mixed residential General Plan designations.

R2 – Multiple Family Residential- The purpose of the R2 multiple-family residential zone is to stabilize and protect the residential characteristics of a district where a compatible mingling of single-family dwellings and multi-family dwellings is likely to occur, and to promote and encourage a suitable environment for family life. The R2 zone is intended for residence and the community services appurtenant thereto. This zoning district is consistent with the mixed residential general plan designations.

R3- High Density Multiple Family Residential - The purpose of the R3 high density multiple-family residential zone is to implement the general plan urban high-density land use designation. The primary purposes are to provide lands where greater density to accommodate affordable housing sites as required by the housing element. Suitable lands shall contain public sewer service, a public water supply, dry utilities, and have frontage on an improved city street with adequate capacity. To the extent possible, selected sites should be within walking distance of schools, shopping, parks and located on or in close

proximity to a public transit route. Having access to such city services and facilities will minimize development costs and daily living expenses.

OP – Office and Professional - The OP zoning district is established to accommodate the need for the development of office space and mixed-use residential uses. The inclusion of mixed use residential land uses in commercial areas is encouraged to increase the area's population and pedestrian activity while reducing air pollution, energy consumption and transportation costs. Normally this zoning will serve as a transition between commercial areas and residential areas and it is intended that the development permitted by this zoning shall be designed and landscaped so as to be in harmony with adjacent residential uses. This zoning district is consistent with the Office and Professional, General Commercial, and Service Commercial land use designations of the General Plan.

LB – Local Business - The purpose of the LB zone is to provide a neighborhood shopping zone where retail business or service establishments supply commodities or perform services to the daily needs of the residential neighborhoods or to meet the unique commercial demands placed upon Nevada City. This district is intended to allow most uses which are primarily involved in conducting retail sales and can accommodate mixed use residential uses. The inclusion of mixed use residential land uses in commercial areas is encouraged to increase the area's population and pedestrian activity while reducing air pollution, energy consumption and transportation costs. This district is consistent with the Service Commercial General Plan designation.

GB – General Business - The purpose of the GB zone is to provide a location for the sale of commodities, performance of services, repair facilities, tourist-oriented sales, and other types of general enterprise. The GB zone can also accommodate mixed use residential uses. The inclusion of mixed-use residential land uses in commercial areas is encouraged to increase the area's population and pedestrian activity while reducing air pollution, energy consumption and transportation costs.

EC – Employment Center - The purpose of the EC zone is to encourage the development of light assembly, manufacturing, and research and development uses, which are compatible with surrounding neighborhoods and environment. Permitted uses shall be primarily employment oriented, with incidental retail sales permitted with approved uses. This zone shall be consistent with the Employment Center designation of the General Plan.

LI- Light Industrial -The purpose of the LI zone is to encourage sound industrial development of the non-nuisance type by providing and protecting an area for such development, which area in turn shall be compatible with adjoining nonindustrial uses. This zoning district is consistent with the Employment Center General Plan designation.

SL – Service Lodging - The purpose of the SL zoning district is to provide for and encourage the continuation, enhancement, and development of hotels, motels, and bed and breakfast facilities, together with incidental uses to these facilities. This zoning district is consistent with the Service Lodging, Service Commercial, General Commercial, and Employment Center designations of the General Plan.

OS – Open Space - The purpose of the OS zoning district is to provide for and encourage the creation and permanent maintenance of open space, both natural and landscaped, for the purposes of maintaining and enhancing aesthetics, recreational opportunities, resource management, public health and safety, and mitigation of development. This zoning district is consistent with all General Plan designations.

P – Public - The purpose of the P zoning district is to provide zoning for areas occupied by federal, state, county and city government uses, along with recreation areas and parks, cemeteries. This district is also intended to accommodate quasi-public and public utility uses, along with uses incidental to public services. This zoning district is consistent with all General Plan land use designations.

PR – Public/Recreation - Public/recreation zoning provides for public use with development limited to providing recreational facilities by public entities for the use of the general public. Up to twenty-five percent of such property including parking areas of such property may be utilized for compatible public uses such as a school, fire station, library, community center or other similar public service uses.

SC – Scenic Corridor - The SC scenic corridor district classification is intended to be applied to land areas which are adjacent to roads and highways which are indicated on the General Plan with the symbol for scenic corridors, and as may be designated by the city council from time to time. These roadways are generally entryways to Nevada City which were recognized in the General Plan as being particularly important to protect the existing essential character of Nevada City, namely that of a small, compact historical town surrounded by green, wooded hills, by hiding development from view from the highways and preserving the existing tree cover to the greatest extent possible and assuring visually pleasing corridors through design control.

Combining Districts

The Zoning Ordinance also include combining districts which incorporate characteristics of more than one zone. The purpose of the combining district regulations is to provide additional development standards for selected special cases to achieve the desired level of development standards and land use application processing. Combining districts that would be applicable to the proposed project include the following:

PD – Planned Development - The purpose of the PD planned development combining district is to provide for greater flexibility in the design of integrated development in context with the general character of the city which would not be otherwise possible through strict interpretation or application of district regulations. It is the intent of this section to encourage the design of well-planned facilities which offer a variety of housing or other land uses through creative and imaginative planning, which may be reviewed under the conditional use permit process. The standards and regulations of this combining district may be utilized in reviewing the proposed development of any property having the "-PD" combining district attached to the base zoning district. When shown on the Zone District Map, the regulations herein are encouraged to be utilized during the development of vacant lands.

AN – Annexation - The AN Annexation combining district is intended to be attached to the base zoning districts of parcels annexed after April 24, 1985. The district is administrative in nature and the city staff is authorized to attach the combining district to any such annexed lands. The purpose of the combining

district is to identify lands which are affected by ordinances requiring payment of development fees or other mitigation measures, so that such fees or conditions may be required at the time of site plan, conditional use permit, or land division approval. Such fees shall be payable prior to the issuance of a building permit or prior to the recording of the final or parcel map, whichever occurs first.

Nevada County General Plan

Nevada County's General Plan is the long-term policy guide for the physical development of the County. The County views the General Plan as its constitution for the physical use of the County's resources and the foundation upon which all land use decisions are made. The General Plan expresses the community's development goals and embodies public policy relative to the distribution of future public and private land use. In addition to providing overall guidance for County development, the Nevada County General Plan also makes allowances for annexations and includes the following:

Policy 1.8.4 - For all discretionary projects within a City's/Town's sphere, the County shall first request that the City/Town determine whether or not it desires to annex the project. If the City/Town does desire annexation, the applicant will be directed to the City/Town. If the City/Town does not desire annexation, the application will be referred to the City/Town for review and comment.

Policy 1.8.9 Provide for a comprehensive and equitable distribution of revenues for all annexations; and

Policy 1.8.10 The County will actively pursue formal arrangements and share annexation revenues with the Cities/Town based upon the cost of providing facilities and services in the annexation area.

Nevada County Land Use designations within the SOI Plan update area include the following:

Estate, EST – is intended to provide for low-density residential development at a minimum lot size of 3 acres per dwelling unit in areas which 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.

Open Space, OS – is intended to provide for land, primarily in public ownership, which is dedicated to recreation, resource and habitat preservation, and protection of environmental resources, and which typically allows only recreation or very low-intensity limited uses, such as, but not limited to, visual corridor preservation, interconnecting wildlife corridors, slope protection, preservation of ditches, railroad rights-of-way, historic trails, agriculture, and timber production. This designation shall also provide for the designation of land in private ownership which is permanently devoted to open space through clustering or other open space requirements.

Residential, RES – is intended to provide for lower density single-family residential uses at densities at a minimum lot size of 1.5 acres per dwelling unit in locations within or adjacent to Community Regions where limited services such as either public water and sewer (but not both) are available; or to reflect existing development patterns or where provision of transition from more intensive urban uses to less

intensive rural uses is desirable. In keeping with the rural character, agricultural operations and natural resource-related uses, including the production of timber, are also appropriate in this designation.

Public, Pub – is intended to provide for land in public or quasi-public ownership, including cemeteries, schools and other public and quasi-public buildings and uses in locations which are necessary to provide services to Community Regions and Rural Regions.

Planned Development, PD – is intended to designate planned developments in locations where a mix of uses is desirable. The "PD" designation may allow a variety of land uses, including single-family and multi-family, residential, continuing care retirement communities, commercial, industrial, open space, and/or other land uses consistent with the capability and constraints of the land. Primary emphasis shall be placed on clustering intensive land uses to minimize impact on various natural and manmade resources, minimize public health concerns, and minimize aesthetic concerns.

Recreation, REC – is intended to provide for a wide range of recreation uses and supporting services. Such uses may include destination resorts, including country clubs; ski resorts; golf clubs and golf courses; marinas; campgrounds providing a full range of services; and other similar uses. Because such uses are likely to attract significant vehicular trips, such uses should be in close proximity to a major highway or arterial road, but with controlled or indirect access. Also, such uses may have significant impact on environmental resources and require careful site design and development. Therefore, a comprehensive master plan for the entire site shall be required prior to approval of development.

Industrial, IND – Industrial (IND) is intended to provide for areas in which goods are produced, distributed and warehoused, along with supporting business and service uses. Locations within this designation should be able to provide buffering from adjacent land uses to minimize incompatibility, and should have convenient, controlled access to arterial or major collector roads without passing through residential areas.

Community Commercial, CC – 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. Community Commercial designations shall be located within Community Regions although they may serve areas outside the Community Region. This designation shall contain 10 acres or more of land area with development grouped as a contiguous center to preclude strip development, with convenient, controlled access to arterial or major collector, roads (Nevada County, 2016).

LAFCo

LAFCo is charged with applying the policies and provisions of the Cortese-Knox Hertzberg Act to its decisions regarding annexations, incorporations, reorganizations, and other changes of government. LAFCo is required to adopt written policies and procedures and to exercise its powers in a manner consistent with those policies and procedures and with the policy directives of the Act. On April 28, 1994 and as amended on July 19, 2018, LAFCo adopted formal a formal guidance document listing the policies

to which LAFCo would adhere in performance of their responsibilities and duties. The purpose of the policies is to do the following: 1) provide information; 2) set criteria; 3) ensure greater consistency; 4) Facilitate Communication; 5) Minimize Adverse Impacts; and 6) Provide for Planned, Well-ordered, and efficient urban development patterns. Accordingly, LAFCo's were created by state legislation to ensure that changes in governmental organizations occur in a matter which provides efficient and quality services and preserves open space and land resources.

One way in which LAFCo's accomplish the above is through the use of their specific authority to review and approve or disapprove certain actions undertaken by cities and the County. In regard to the proposed project and future actions that may result from implementation of the SOI, LAFCo has the following specific authorities:

- Annexations to, or detachments from cities or districts;
- Consolidation of reorganization of cities or districts;
- The development of, and amendments to, Spheres of Influence;
- Extension of service beyond an agency's jurisdictional boundaries; and
- Pursuant to Section 56434, the Commission may review and approve proposals that extend service into previously unserved territory in unincorporated areas (LAFCo, 2015).

In order to carry out the legislative policies identified above, LAFCo has the power to approve, conditionally approve or deny applications. However, while LAFCo is required to consider the impacts of land use in its determination, it is specifically prohibited from directing specific land use or zoning actions. LAFCo can deny an application where the land use that would result violates the statutory policy of Cortese-Knox-Herzberg.

In addition, LAFCo maintains general policies and standards that apply to LAFCo consideration of any type of proposal. The policies relate to administrative requirements as well as some topics related to environmental protection. The general policies that are most pertinent to this environmental analysis address Urban Development; Urban Sprawl, Environmental Consequences (CEQA); Balancing Jobs and Housing; Compact Urban Form and Infill Development; Adequate Services; Community Impacts; Conformance with General and Specific Plans; Boundaries; Agricultural and Open Space Land Conservation; Need for Services. LAFCo notes, that in certain situations, the application of one policy may conflict with the application of another; and in that case LAFCo will exercise its discretion to balance policies in a manner consistent with the Cortese-Knox-Hertzberg Act and other LAFCo standards.

4.8.3 STANDARDS OF SIGNIFICANCE

In accordance with State CEQA Guidelines, the effects of a project are evaluated to determine whether they would result in a significant adverse impact on the environment. An EIR is required to focus on these effects and offer mitigation measures to reduce or avoid any significant impacts that are identified. The criteria used to determine the significance of impacts may vary depending on the nature of the project.

According to Appendix G of the State CEQA Guidelines, the proposed project would have a significant impact related to land use and planning, if it would:

- Physically Divide and established community;
- Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect; or

CEQA requires that an EIR consider whether a proposed project may conflict with any applicable land use plan, policy, or regulation (including, but not limited to a general plan, specific plan, or zoning ordinance) that was adopted for the purpose of avoiding or mitigating an environmental effect (refer to Appendix G to the State CEQA Guidelines). This environmental determination differs from the larger policy determination of whether a proposed project is consistent with a jurisdiction's general plan. The broader General Plan consistency determination considers all evidence in the record about the project characteristics, its desirability, as well as its economic, social, and other non-environmental effects. Regarding plan or policy consistency, the SOI Plan update is evaluated in terms of whether its approval would substantially impede implementation of an adopted plan or policy such that a significant environmental impact would result. The mere fact that any project may be inconsistent in some manner with certain policies in a general plan or zoning ordinance does not, per se, amount to a significant environmental effect. In the context of land use, significant impacts occur when a conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project results in an adverse physical environmental impact.

Evaluation of the potential impacts of the SOI Plan update on land use and planning was based on a review of the City General Plan and Zoning Ordinance. As discussed, general plan consistency does not require strict conformity of a project with each and every general plan goal, objective, policy, or action item. Rather, a project is consistent if, taken in view of the whole of the action, it is in agreement or harmony with the general plan. In other words, a project does not have to strictly or substantially conform to every applicable general plan policy.

Based on these standards, the effects of the SOI Plan update have been categorized as either a "less than significant" impact or a "potentially significant" impact. Mitigation measures, where applicable, are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a "significant and unavoidable" impact.

4.8.4 PROJECT IMPACTS AND MITIGATION

This EIR evaluates four project alternatives. The following impact evaluation focuses on the LAFCo/City Preferred Consensus Alternative (Consensus Alternative) which has been identified as the Preferred Alternative in accordance with CEQA requirements. Impacts for the other alternatives are discussed in Chapter 6.0 Alternatives. In some instances; however, impacts related to the overall SOI Plan update may be presented when applicable and to help illustrate the environmental effects in the framework of the overall SOI Plan update. The impacts are discussed in terms of direct and indirect impacts. Direct impacts

are those that occur immediately upon initiation of a project such as ground disturbance or demolition of existing structure(s). Indirect impacts occur when a project would induce growth into areas such as through the extension of infrastructure and that extension could facilitate new development or result in an annexation that could enable future development.

Impacts Discussion Overview

The Impacts Discussion Overview describes the characteristics of the Consensus Alternative development potential, assumptions for provision of services, and includes City and environmental review requirements. The discussion immediately following is applicable to both Impact LU-1 and LU-2, below, but is provided here to avoid repetitive discussion.

Adoption of the Consensus Alternative would result an update the SOI Plan area but future development under the authority of the City would only occur in conjunction with annexation to the City. With the exception of the six potential development areas identified by the City and discussed throughout this document, the lands within the SOI contains properties that are anticipated to be built out over time in accordance with existing City planning documents. Land uses in these areas are anticipated to maintain similar land use patterns to the surrounding areas and be based on the existing land use designations of the properties.

Within the Consensus Alternative boundaries there are four priority annexation areas (Annexation Area #1, #2, #3, and #4). In general, these areas are already developed, are in close proximity to, or are already being served by existing water or wastewater lines. Due to their locations contiguous with City lands and service areas, these areas are in logical locations for extension of City municipal services and represent a logical progression of City boundaries.

The majority of the remaining undeveloped areas within the Consensus Alternative area are designated for estate residential, rural residential, or open space with some areas designated for planned development, employment centers, public uses, or service commercial.

All future development within the Consensus Alternative area, including the six potential development areas identified by the City and described above would be subject to City design and review as part of City's project review process. All projects would be evaluated for consistency with the NCGP, Nevada City Municipal Code, and Nevada City Design Guidelines. The City also has authority to prezone all future annexations to Nevada City to ensure consistency with the surrounding area. Additionally, the City has the authority to and would specify conditions to ensure that future projects would incorporate all required elements of the listed development guidance documents to maintain the integrity and consistency of land uses. The project by project review also would include a City led CEQA analysis and as applicable, would require project-specific mitigation measures or binding conditions of approval to reduce impacts related to environmental issue that could be affected by changes to land use.

The proposed project also includes five exclusion areas that would not be included in the Consensus Alternative. The distance of the exclusion areas from existing utility services and the lack of need and demand for City services reduces the feasibility of annexation. Additionally, these areas are separated from the City by County land and without a substantial amount of other areas being annexed, annexation of or in these areas would result in the creation of City islands. This is consistent with LAFCo policies related to the creation of logical boundaries and the elimination of previously existing islands, island

corridors, or illogical boundaries. For these reasons, these areas have been removed from consideration but is noted in this Land Use section because their removal increases consistency with existing policies and reduced the potential for unconnected growth, lengthy utility service extensions, and their removal would help maintain a contiguous growth pattern for the City. Removal of the exclusion areas would eliminate the environmental effects of utility extensions and the secondary growth inducement it could cause.

Impact LU-1: Physically divide and established community?

Approval of the proposed Consensus Alternative would not directly implement any development proposals, new construction, new entitlements or improvements, and it would not change any existing land use designations. The Consensus Alternative does not propose any new development and would not directly result in the physical division of an established community.

As areas within the SOI are annexed to the City the areas would maintain or would be likely to have similar land use designations as shown on the City General Plan land use map. Priority Annexation Area #1 contains the existing Caltrans facility and no further development is planned. Priority Annexation Area #2 contains the County Juvenile Hall, is currently connected to the City's wastewater system, and no further development is proposed. Annexation of these areas would not indirectly induce growth such that a physical division of an established community would occur.

Priority Annexation Area #3 contains 19 parcels, three of which are connected to the City sewer system and two are undeveloped. Extension of services could result in service to the two undeveloped parcels and other developed sites. Priority Annexation Area #4 contains 22 parcels including a cemetery and 18 intervening privately owned properties, some of which are developed with rural residential homes. Annexation of these areas could result in extension of services to existing developed and undeveloped areas. If services are extended to developed sites it could induce construction at other locations but due to limited available area, growth would not be substantial. Additionally, while extension of services could result in development of some undeveloped sites, the development is anticipated to be consistent with the land use designations anticipated by the City. Lastly, all future development plans in these areas would be subject to the design review process to ensure consistency with relevant planning documents and regulations.

The Consensus Alternative creates a logical boundary for the SOI and does not create neighborhood or community islands. The Consensus Alternative boundary includes areas that could be logically served and uses natural and man-made features to define boundaries when feasible and appropriate. The Consensus Alternative would not indirectly result in a division of an established community and would not result in the physical division of community, commercial district, or other area that has a unique social or economic identity. Prior to any annexation and subsequent development, all projects would be reviewed by the City, requires to obtain City approval, and be approved by LAFCo. LAFCo has a robust policy document related to approvals of annexations and would follow these requirements to ensure approval of future City annexations within the Consensus Alternative would not physically divide a community. Additionally, if an annexation is proposed and LAFCo determines it would violate the statutory policies of CKHA or the boundaries could not be suitably adjusted to meet the criteria, the application could be denied. Thus,

conformance with this standard methodology would help ensure that future indirect impacts are reduced or eliminated.

Lastly, all future projects or entitlements for development or annexation into the City, would undergo a subsequent CEQA analysis per the requirement of City Municipal Code 17.100.030 – Environmental Review. As part of the development review process site-specific development approvals would be made on a project by project basis, and the potential for a project to have direct and indirect impacts related to the property, surrounding properties, and the resulting physical division of a community would be evaluated. These evaluations would identify, if any, conflicts with existing land uses and the City development code that could result in divisions within the community. It is anticipated, that modifications to a future proposed project, the project boundaries, or project scope and scale could be made to reduce the impact. Thus, the Consensus Alternative is consistent with applicable policies to not physically divide an established community and impacts would be less than significant.

Mitigation Measures: No Mitigation Measures are Required.

Impact LU-2: *Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

The Consensus Alternative would be consistent with applicable land use and planning documents. The SOI Update area consists of unincorporated Nevada County and adoption of the Consensus Alternative would not directly change any existing land uses or result in any development. This would ensure that direct environmental impacts from land use conflicts do not occur.

Inclusion in SOI would enable those areas to be annexed to the City. Upon annexation, the area(s) would be subject to the NCGP and City Zoning Code, and these documents would guide any potential future development. The City also reserves the right to prezone areas. This tool is anticipated to reduce land use conflicts by allowing the City to plan for future uses and maintain consistency between planning documents and land use needs. Accordingly, prior to any annexation, the City would work with Nevada County to ensure the annexation would be consistent with policy guidance in place to minimize land use conflicts. This would be done through the design review processes and annexation agreements.

Priority Annexation areas #1, #2, #3, and #4 are already largely developed. Priority Annexation Areas #1 consists of an existing Caltrans facility, Priority Annexation Area #2 consists of the County Juvenile Hall, and Priority Annexation Areas #3, and #4 consists of a cemetery, existing rural residential uses and a few undeveloped parcels. Future annexation of these parcels would enable services to these areas, but is not anticipated to change existing uses or designations and would not conflict with land use planning documents. Regarding the six potential development areas, there are no development applications or existing entitlements for development of these sites. If these sites are annexed and eventually built, all development is anticipated to be planned in accordance with the existing land use designations conflicts arising in environmental impacts are not expected.

It is important to note that LAFCo has a specific policy related to environmental consequences. This policy states that LAFCo shall operate in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Sections 21000. LAFCo shall assess the environmental consequences of its actions and decisions and take actions to avoid or minimize a project's adverse environmental impacts, if feasible, or may approve a project despite significant effects because it finds overriding considerations exist. To comply with CEQA, the Commission has adopted the State CEQA Guidelines for the Implementation of the California Environmental Quality Act (California Code of Regulations, Title 14, Chapter 3, Sections 15000 et seq.) to ensure the Commission's policies are consistent with the most current version and interpretation of the law. While this attention has been given to the Consensus Alternative, the same considerations would be given to future annexation proposals and similarly reduce the potential for environmental impacts associated with inconsistencies with land use and planning documents.

Incorporation to the City also would not result in conflicts with land use planning or policy documents in place with the purpose to avoid or mitigate environmental impacts. As areas are annexed to the City, all applicable plans, policies and permitting requirements aimed at protection of environmental resources would be applied to the areas for which development and use is proposed. Accordingly, the City would be required to, in accordance with Chapter 17.100.030 – Environmental Review of the Code of Ordinances subject every annexation, even listed exceptions (projects not subject to prezone) and states they shall undergo the environmental review procedures of the City and of CEQA. Therefore, impacts in this regard are less than significant, and mitigation is not required.

Mitigation Measures: No Mitigation Measures are Required.

4.8.5 CONCLUSION

The proposed project consists of an update to the SOI Plan. As discussed above, the Consensus Alternative would not directly result in land use impacts by authorizing or providing for any land use entitlements for the project area. Future development projects that are annexed to the City would be subject to the City's land use authority and would undergo CEQA review for all projects as set forth City zoning ordinance. The Consensus Alternative would be consistent with the existing NCGP land use designations, and upon annexation all applicable policies and guidance would be applied to the new City areas. Accordingly, as the lead agency for these projects, the City would require mitigation or conditions be implemented to reduce land use conflicts that could result in significant impacts to the environment.

The SOI Plan update area encompassing approximately 2,702 acres of existing County land. Future annexations into the City from this area; however, are not anticipated to conflict with any existing NCGP goals, policies, objectives relative to the protection of environmental resources. As part of the annexation process, the City would be required to work with the County and ensure a smooth transition of to the new land use authority. Accordingly, the City would be required to ensure future in annexation areas do not conflict with the City Zoning Code. All future projects that may be entitled within the Consensus Alternative area would be required to undergo the City development and review process and implement measures to reduce impacts. Therefore, the indirect impacts that could result from adoption of the Consensus Alternative would not constitute a significant impact in this regard.

4.8.6 CUMULATIVE IMPACTS

Adoption of the Consensus Alternative and future development undertaken in accordance with the City's General Plan upon annexation from to the City would not result in any direct changes to existing land uses. The adoption; however, could result in indirect future changes to the land use patterns and associated environment in which development would be enabled. As development occurs within areas annexed to the City, this could result in changes to the environment and could result in longer term environmental effects. The significance of these potential changes can be difficult to determine especially under a project such as this SOI update, because no project is proposed and the likelihood of future development resulting from inclusion or exclusion from the SOI is uncertain.

The lands within the Consensus Alternative area are currently developed with predominantly rural and estate residential uses, separated by open tracts of undeveloped land. Under the Consensus Alternative, while no direct impacts would occur, there is the potential for the area to experience growth as the future projects are approved. Future projects; however, are anticipated to be designed to be sensitive to and implement the goals, policies and objectives of the NCGP and be designed and developed in accordance with requirements of the Municipal Code. This would be the same for past, current, and future projects which have been and would also be subject to the City's design and review process on a project-by-project basis. If full buildout occurs in conformance with the NCGP and all the areas are annexed into the City, it could result in a substantial increase in development within the new City boundaries.

The cumulative nature of projects in the SOI Plan Update area would contribute to physical changes to the environment resulting in potentially significant environmental impacts. With the exception of a few locations designated for planned development, open space, and employment commercial, the majority the Consensus Alternative area, if full buildout is reached, it is anticipated to be developed with residential units at similar densities.

From a land use standpoint, future development within the Consensus Alternative area and surrounding locations would alter the physical environment. As discussed above, the proposed project itself would not result in any development and does not include any entitlements for development. The project itself is an adjustment and update to the SOI Plan area and the Consensus Alternative does not propose any physical development. Lastly, all future projects annexed to the City would be required to undergo individual CEQA review and be evaluated by the City for consistency with existing land use planning policy document and for conformance with environmental protection measures. As such, the cumulative nature of impacts from implementation of the Consensus Alternative are less than significant and mitigation in this regard is not required.

Mitigation Measures: No Mitigation Measures are Required.