

4.9 Land Use and Planning

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
9. LAND USE AND PLANNING— Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4.9.1 Setting

Existing Land Uses

Regional

Single family residential is the predominant housing type throughout the County, with most of the multi-family housing development located in Grass Valley. In addition, considerable development has occurred throughout much of rural Nevada County. While residences are found along many of the highways and roadways in the rural areas of the County, residential development is also found in a dozen or so smaller rural communities.

A majority of the commercial and industrial development in Nevada County is located in or around the City of Grass Valley and in Nevada City. Commercial uses are concentrated in downtown Grass Valley and downtown Nevada City, with newer uses in the Brunswick area.

The extent of public land is a major factor in the County's land use pattern. There are several land use/land ownerships that cover 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 U. S. Forest Service. The U.S. Forest Service lands are primarily located on the summit and north of Truckee. The Bureau of Land Management has some 20,000 acres of land in Nevada 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 943 square miles.

Resource based land uses, including agriculture and timberlands continue to be significant in terms of the extent of such uses and the continuity of their function in the County's economy.

These uses also contribute to maintenance of the rural environment of the County, and by maintaining the rural character, enhance tourism in the County (Nevada County, 1999).

Local

The Idaho-Maryland site is generally vacant with the exception of an area at the intersection of Idaho-Maryland Road and Centennial Drive which is currently used as a lumber mill (the Hap Warnke Mill). The adjacent land northeast of Centennial Drive and on either side of Whispering Pines Lane have been developed for business office uses. The New Brunswick site is occupied by generally vacant with the exception of remnants of ore bins from historical mining. Rural residential to the north and east, the property surrounds a residential lot, south is the old Bohemia Mill site. The Round Hole site is currently vacant except for an old mining shaft that is covered. The lands west and south of the property are developed as a business office park. The adjacent properties are vacant lands, with the exception of buildings located to the southwest. There are buildings located across the street along Whispering Pines Lane.

4.9.2 Regulatory Context – Applicable Plans and Policies

The project site consists of three separate sites: the Idaho-Maryland and New Brunswick sites (currently in unincorporated Nevada County) and the Round Hole site (within the City of Grass Valley). While the Idaho-Maryland and New Brunswick sites are currently unincorporated, the City of Grass Valley identifies the two sites as being within the City's sphere of influence (SOI).¹ This Regulatory Context discussion section provides a description of existing plans and policies that are currently applicable to the sites; the Impacts section, below, describes plans and policies that would be applicable to the proposed project with adoption of the proposed annexation, general plan amendments, and zoning changes that pertain to the Idaho-Maryland and New Brunswick sites.

Nevada County General Plan²

The New Brunswick and Idaho-Maryland sites are currently within the jurisdiction of Nevada County. The Nevada County General Plan designates the New Brunswick site for *Industrial* uses and the Idaho-Maryland site for *Business Park* uses (see **Figure 4.9-1**). The *Business Park* designation is intended to “provide for a variety of related and mutually supporting manufacturing, distribution, processing, service, and research and development uses.” Development within the *Business Park* designation consists of light industries and supporting business and service activities, which are conducted within enclosed structures and do not create external vibration, noise, glare or other hazard. The *Industrial* land use designation is intended to “provide for areas in which goods are produced, distributed and warehoused, along with supporting business and service uses” (Nevada County, 1996).

¹ A sphere of influence (SOI) is the probable ultimate physical boundaries and service area of a city as determined by the local agency formation commission (LAFCO) for each county.

² Under the proposed project, Nevada County plans and policies would only apply to the New Brunswick site, which would not be annexed into the City of Grass Valley as part of this proposed project.

Figure 4.9-1
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Nevada County Zoning Ordinance and Map

Consistent with the General Plan Land Use designations, the Idaho-Maryland site is currently zoned *Business Park* and the New Brunswick site is currently zoned *Light Industrial – Site Performance Combining District* (M1-SP) by the Nevada County Zoning Map (see **Figure 4.9-2**). The *Business Park* zoning district “provides areas for a variety of related uses, including manufacturing, distribution, processing, service, and research and development uses normally associated with light industries.” All uses within the *Business Park* district must be contained within a planned setting reflecting a "campus" character providing a high level of on-site amenities. The *Light Industrial*, or M1, District provides “areas for the production, repairing, distribution, and warehousing of goods and equipment, along with supporting businesses and services” (Nevada County, 2005).

Combining Districts are established to provide specialized consideration of unique or sensitive areas. When added to a base zoning district, the standards established in the combining district may require more or less restrictive regulations. Except as noted, allowed uses within the base district are also allowed within each applicable combining district subject to approval of the same land use permit and level of review. The *Site Performance Combining District*, or SP, provides for refinements in the site development standards and/or the permitted uses in the base zone district. These refinements ensure consistency with, and further the intent of, all General Plan policies. Specific development requirements for the SP Combining District are set forth in the Whispering Pines Specific Plan, which is discussed below (see page 4.9-6).

Grass Valley Annexation Plan and City of Grass Valley Annexation Resolution

The Grass Valley Annexation Plan was adopted by the Nevada County Local Agency Formation Commission (Nevada County LAFCO) on March 16, 2000 and has been updated to reflect subsequent annexations. LAFCOs are independent regulatory commissions created by the California Legislature to control the boundaries of cities and most special districts (Bui and Irhke, 2003). According to the Grass Valley Annexation Plan, the Idaho-Maryland site is forecast to be annexed into the City of Grass Valley in 2000-2005 and the New Brunswick is forecast to be annexed into the City in 2015-2020 (see **Figure 4.9-3**) (Nevada County, 2000).

In addition, in July 2003, the City of Grass Valley City Council adopted a resolution (Resolution No. 03-39) adopting procedures and policies relating to the processing and review of special development areas and annexations. In adopting this resolution, the City of Grass Valley adopted an annexation policy requiring each annexation application to demonstrate written compliance with the following priorities:

- 1) Provision of affordable workforce housing and a mix of housing types.
- 2) Integration of community design principles of General Plan.
- 3) Future transportation/infrastructure needs and current project-related deficiencies.
- 4) Future park/recreation facility needs and maintenance costs.

Figure 4.9-2
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Figure 4.9-3
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- 5) Future short- and long-term fiscal impacts.
- 6) Definition of annexation boundaries, phasing and rate of growth.
- 7) Consistency with General Plan policies and Sphere of Influence Plan.

In addition, the resolution requires that each annexation application adhere to specified procedures or steps in the submittal and review of their application, the following of which would be applicable to the annexation proposed as part of the project:

- 8) For all annexations, applications shall be required to prepare a Fiscal Impact Analysis of entire annexation area.
- 9) For all annexations proposing a change in land use designations or mix established for the property by the General Plan in the amount of 20% or more of its acreage or density, an economic/market analysis shall be prepared that verifies the project does not impact the existing tax base, jobs/housing balance and regional market demand.

(City of Grass Valley City Council, 2003).

City of Grass Valley General Plan

Land Use and Conservation Elements

Land Use Designations

The City of Grass Valley 2020 General Plan designates the Idaho-Maryland site for *Business Park* and *Urban Medium Density* (UMD) residential uses, the New Brunswick site for *Manufacturing-Industrial* (M-I), and the Round Hole site for *Business Park* (BP) uses (see **Figure 4.9-4**). The intent of the *Business Park* land use designation is to “accommodate a variety of employment-generating land uses in a master-planned, campus-type setting, designed to preserve and enhance the natural environment and to be fully integrated into the larger community. Employment types include a full range of industrial and commercial land uses.” The *Manufacturing-Industrial* designation is intended to “accommodate a variety of industrial and service commercial uses.” Typical uses in M-I designation are: light manufacturing, automotive services, warehousing/distribution, and wholesale-retail outlets. Finally, the *Urban Medium Density* designation is for “single family detached and attached homes, single family patio homes, duplexes, and town houses” (City of Grass Valley, 1999).

Land Use and Conservation General Plan Element Policies

The Land Use and Conservation Elements of the 2020 General Plan include the following policies that are applicable to the proposed project:

- **Policy 10-LUP:** Annex properties within the Grass Valley Planning Area prior to or in conjunction with their development.
- **Policy 39-LUP:** Assure that acceptable inter-agency agreements regarding future service and facility provision are in place prior to approval of any major new development.

Figure 4.9-4
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- Policy 41-LUP: Request and respond to referrals from Nevada County concerning pending land use decisions within the Grass Valley Planning Area.
- Policy 43-LUP: Establish and maintain a clear boundary between the City of Grass Valley and unincorporated areas of Nevada County, beyond which urban land use types and densities will not be permitted.
- Policy 44-LUP: Encourage the application of City standards throughout the City's Sphere of Influence.
- Policy 1-COSP: Continue to identify mineral resources and to develop policies addressing their protection from competing land uses, minimizing impacts on mining activities, in compliance with State law.

(City of Grass Valley, 1999).

Mineral Management Element

The Conservation/Open Space Element addresses those aspects of conservation and open space determined to be most important to Grass Valley. It supplements, but does not replace, the Mineral Resources Element adopted by the City in 1993. The City's General Plan Mineral Management Element currently remains in effect to "recognize and protect where feasible valuable mineral resources for current and future generations in a manner that does not create land use conflicts."

Mineral Management Element Designations

As shown on the City's General Plan Mineral Management Element, the Idaho-Maryland site is within a designated Mineral Management Area and the northern half of the Idaho-Maryland site is further identified as a "Targeted for Possible Mining Conservation" area (City of Grass Valley, 1993).

All areas within Grass Valley and the Planning Area are classified by the State Division of Mines and Geology as MRZ-2, areas where adequate information indicates that significant mineral deposits are present or where it is judged that there is a high likelihood for their presence. The 2020 General Plan Conservation Element states that "[m]ineral land classifications will be of continuing importance as Grass Valley prepares for annexation of formerly productive mine properties" (City of Grass Valley, 1999).

Mineral Management Element Policies

The Mineral Management Element contains the following policies and actions that are applicable to the proposed project:

- Policy 4: The city encourages extraction of mineral resources in compatible areas prior to intensified urbanization or conversion to other incompatible land use development.
- Policy 5: The city will consider the social and economic impacts associated with proposed mining projects.

- **Action 6:** Grass Valley recognizes and adopts by reference those State Classification Reports...providing information on the location of significant mineral deposits within the City's Planning Area.
- **Action 7:** The General Plan Mineral Management map shall include a Significant Mineral Deposit identification reflecting MRZ-2 areas as determined in the reports and similar studies. At anytime a Classification Report is presented to the city, said map shall be amended to reflect the report within a reasonable period of time. When it is necessary, due to the lack of specificity, to clarify the exact location of this identification, said reports shall be used.
- **Action 15:** Regardless of the General Plan designation, subsurface mining throughout the city may be permitted upon obtaining a use permit from the Planning Commission. Said mining shall be allowed only after impacts on the environment and affected surface land uses have been adequately review and found to be in compliance with the California Environmental Quality Act.
- **Action 16:** Surface access to subsurface mining may be permitted only in compatible General Plan designations defined herein. However, vent and escape shafts may be conditionally approved upon obtaining a use permit from the Planning Commission in incompatible General Plan designations where surface disturbance is minimal.

(City of Grass Valley, 1993).

City of Grass Valley Capital Improvements Program

The 1998 update of the City of Grass Valley Capital Improvements Program for Facilities and Major Equipment for 1995-2015, adopted by reference under the General Plan, includes the planned extension of Centennial Drive beyond Whispering Pines Lane south to Bennett Road, to be completed by 2015 (City of Grass Valley, 1999). The extended Centennial Drive would serve as a City-designated arterial that would provide a north-south link between Idaho Maryland Road and East Bennett Road (City of Grass Valley, 1999). The proposed Centennial Drive extension right-of-way is currently owned by the project applicant.

City of Grass Valley Zoning Map and Ordinance

The City of Grass Valley's Zoning Ordinance is intended to apply to all private, public quasi-public, institutional, and public utility properties and all other lands, buildings, and structures within the incorporated area of the City of Grass Valley. The purpose of the Zoning Ordinance is

“to provide reasonable protective regulations designed to promote and protect the health, safety, peace, morals, comfort, convenience and general welfare; and (a) to protect the established character and the social and economic stability of agricultural, residential, commercial, industrial, and other types of improved areas; and (b) to assist in providing a definite comprehensive plan for sound and orderly development, and to guide and regulate such development in accordance with the objectives and standards set forth in the Ordinance.” (City of Grass Valley, 1993).

Figure 4.9-5
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Consistent with the General Plan Land Use designations, the Round Hole site is currently zoned Specific Plan (SP1-A) in the City's Whispering Pines Specific Plan (see **Figure 4.9-5**). The Specific Plan District is intended to accommodate various types of development such as professional and administrative offices, industrial parks, commercial service centers, neighborhood and district shopping centers, multifamily housing developments, single family residential developments, and any other use or combination of uses. The Specific Plan District is intended to encourage the flexibility of design and development of land to promote the most appropriate use, to support high standards, to preserve the natural features and qualities of the site, to counteract the effects of urban congestion and monotony, to increase economy in provision of streets and utilities, to create attractive, identifiable centers for work, commercial services and residential development in Grass Valley. Specific development requirements for the Whispering Pines Specific Plan are discussed below.

The City's existing Zoning Map currently does not identify zoning designations for the Idaho-Maryland or New Brunswick sites since they are currently not located within the City's jurisdiction (although they are within the City's existing sphere of influence).

Whispering Pines Corporate Community Specific Plan

The Round Hole site is located in the SP-1A, *Corporate District*, subarea of the Whispering Pines Corporate Community Specific Plan (Whispering Pines Specific Plan). The SP-1A subarea provides for higher density employee-generating activities including office, research, development and assembly. These uses require well designed and landscaped sites with activity occurring within enclosed facilities. This subarea can also accommodate restricted light industrial facilities serving western Nevada County (City of Grass Valley, 1984). The City's 2020 General Plan designates Subarea SP-1A as Business Park.³

The Whispering Pines Specific Plan specifies that the primary scenic resource in the Specific Plan area is the "dense, uniform Ponderosa pine tree cover" and the "[v]isual prominence of the pine covered skyline [is to] be retained, even at full development." Specifically, Chapter 4, Conditions for Development, of the Whispering Pines Specific Plan provides the following applicable development standards:

- A.4.a: Site landscaping should preserve and enhance the overall wooded character of the site.
- A.4.b: Ponderosa Pine or other native pines should be planted as the dominant landscape tree.
- A.4.c: Other trees and shrubs should complement, but not dominate, the pine tree theme.

(City of Grass Valley, 1984).

³ At the time the Specific Plan was adopted, the General Plan designation for SP-1A subarea was planned employment center.

City of Grass Valley Park and Recreation Master Plan

The City of Grass Valley Parks and Recreation Master Plan was created to assess and accommodate Grass Valley's future recreational needs. The Master Plan guides the City's response to demographic changes in the community, and new developments in the field of parks and recreation management. The purpose of the Parks and Recreation Master Plan is to establish policy, set standards, identify and prioritize capital investments, and address operational and fiscal issues regarding parks and recreation facilities and programs in Grass Valley.

The Park and Recreation Master Plan Map identifies a planned Neighborhood/Pocket Park on the Idaho-Maryland site. A neighborhood or pocket park is a local park located within biking and walking distance of users. The Master Plan states that the proposed neighborhood and community park locations are not specific. On the map they are generally located in areas where park facilities do not exist. Their exact placement will depend on existing development. To increase available field space, the neighborhood and community parks can be located adjacent to school sites. The neighborhood parks serve a 1/2 mile radius (City of Grass Valley, 2001).

4.9.3 Impacts Discussion

The land use analysis presented below evaluates the consistency of the proposed project with the type and intensities of the existing and planned land uses surrounding the project sites. Potential land use conflicts or incompatibility with adjacent areas are usually the result of other environmental effects, such as the generation of noise or objectionable odors. Potential land use conflicts to adjacent areas resulting from the effects the proposed project are discussed below. Noise-, traffic-, and air quality-related effects of the proposed project to nearby areas are discussed in detail in other relevant sections of the MEA.

Methods

The effort to identify potential conflicts with applicable adopted plans and policies included a review of existing documents and policies including the Nevada County General Plan and Zoning Ordinance, the City of Grass Valley General Plan and Zoning Ordinance, the Whispering Pines Corporate Community Specific Plan / Master Environmental Impact Report, the Grass Valley Annexation Plan, the City of Grass Valley Parks and Recreation Master Plan, and the City of Grass Valley City Council's Resolution No. 03-39. In addition, A Citizen's Guide to LAFCOs (Bui and Irhke, 2003) was used as a reference to provide general background information on proposed annexations.

Results

Construction

Impact 4.9-1: Construction generated by infrastructure, building, and other site improvements could result in temporary impacts to adjacent land uses associated with traffic congestion, air emissions, and noise increases. This would be a less than significant impact.

As discussed in Chapter 3, Project Description, construction activities could begin as early as 2007. Proposed onsite construction would include grading the site; excavations and filling to construct onsite buildings; installing new utilities; placing foundations; construction and finishing new buildings; improving roadways; and paving.

Project construction-related activities which would affect adjacent land uses are discussed in Sections 4.3 *Air Quality*, 4.10 *Noise*, and 4.14 *Transportation and Traffic*.

Land Use Consistency

Impact 4.9-2: The proposed project, including proposed annexation of the Idaho-Maryland site into the City of Grass Valley, proposed General Plan Amendments, proposed zoning changes, and operation of a gold mine would result in a change to land uses at the project sites and could conflict with existing adopted applicable land use plans and policies. This would be a potentially significant impact.

The proposed project would result in the eventual operation of a gold mine and processing plant, a ceramics processing plant, and an onsite mine water treatment facility at the Idaho-Maryland site and the existence and use of a ventilation shafts at the New Brunswick and Round Hole sites. To ensure consistency with local land use plans, as part of the proposed project, the project applicant has submitted applications for a General Plan Amendment, zoning amendment, and an annexation plan. The project applicant proposes to have the Idaho-Maryland site annexed into the City of Grass Valley and to subsequently amend the City of Grass Valley's General Plan and Zoning Map to incorporate new proposed land use designations and zoning designations for the site. The following land use consistency analysis is provided for the proposed project.

Nevada County General Plan

The Idaho-Maryland and New Brunswick sites are currently within the jurisdiction of Nevada County.

The Nevada County General Plan designates the Idaho-Maryland site for *Business Park* uses and the New Brunswick site for *Industrial* uses. The proposed mine ventilation, internal mine hoisting, emergency underground access, and portal for dewatering of the mine at the New Brunswick site would be consistent with the site's *Industrial* designation. These uses would be consistent with permitted uses within the *Industrial* designation classified as supporting business and service uses of producing goods (gold).

Under the proposed project, the Idaho-Maryland site would be annexed into the City of Grass Valley, and thus, the Nevada County General Plan land use map would be amended to show that the Idaho-Maryland site is part of the City and thus, no County land use designation would be attached to the site; however, City of Grass Valley General Plan land use designations would be applicable.

Nevada County Zoning Map

The New Brunswick site, which would remain under County jurisdiction under the proposed project, is currently zoned *Light Industrial – Site Performance Combining District (M1-SP)*. The proposed use of the New Brunswick site for mine ventilation, internal mine hoisting, emergency underground access, and a portal for dewatering of the mine would generally be consistent with this zoning designation which provides for “a variety of related uses, including manufacturing, distribution, processing, service, and research and development uses normally associated with light industries.” However, the Zoning Ordinance also states that “[a]ll uses within the Business Park district must be contained within a planned setting reflecting a ‘campus’ character providing a high level of on-site amenities.” Since a 3,000 square-foot hoist house would be constructed and operated on the New Brunswick site and would not be constructed or maintained with a “campus” character, the proposed project would result in a potential conflict with the Nevada County Zoning Map and Ordinance, thereby resulting in a potentially significant conflict with an applicable land use plan.

Under the proposed project, the Idaho-Maryland site would be annexed into the City of Grass Valley, and thus, the Nevada County Zoning map would be amended to show that the Idaho-Maryland site is part of the City and thus, no County zoning designation would be attached to the site (City of Grass Valley zoning designations would be applicable).

Grass Valley Annexation Plan

IMMC has supplied an Annexation Application to the City of Grass Valley to initiate the annexation of the certain properties, including the Idaho-Maryland site and surrounding properties, which are within the City’s Sphere of Influence and are forecast to be annexed. It is expected that the proposed annexation of these properties will be conducted by way of a Resolution of Application of the City that will then be submitted to the Nevada County (County) Local Agency Formation Commission (LAFCo). The Idaho-Maryland and New Brunswick sites, while currently located on unincorporated County land, are within the City’s sphere of influence and are forecast to be annexed in 2000-2005 and 2015-2020, respectively.

As part of the proposed project, the Idaho-Maryland site is proposed to be annexed into the City of Grass Valley, along with two separate adjacent properties, also within the County, owned by Milco Development (Milco) and Ennis. Two other adjacent properties, owned by Walsh and DeMartini, will also be annexed into the City as part of separate applications that received approval from LAFCO on May 18, 2006 (see **Figure 4.9-6**). The Idaho-Maryland, Milco, Ennis, Walsh and DeMartini properties have been identified by the City in its 2020 General Plan for annexation by 2005. The Milco and Ennis properties are included in the proposed action because if they were not, unincorporated islands would be created by the annexation of the Idaho-Maryland site. Creation of islands is contrary to City and LAFCO policies and therefore, those other properties are also included in the annexation to ensure consistency with local policies. The other property owners have been notified by IMMC of the inclusion of their properties in its annexation proposal; the other property owners have indicated support for the proposed

Figure 4.9-6
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annexation. Of those, DeMartini and Walsh have already proceeded with annexation of their properties to conform to their own development schedules⁴. Additional jurisdictional changes would include detachment of the properties from the Nevada County Consolidated Fire Department as well as detachment from the Nevada County Sanitation District. The proposed annexation of the Idaho-Maryland site would be consistent with LAFCO policies and the City of Grass Valley Annexation Plan.

While the New Brunswick site is currently not proposed to be annexed, consistent with the Grass Valley Annexation Plan, the New Brunswick site is scheduled to be annexed into the City between 2015-2020. Section 14G-14 of the City of Grass Valley Zoning Ordinance states that

“whenever property is annexed into the city where there is an active mining operation and reclamation plan approved by the County the city shall become and accept all lead agency responsibilities as defined in the Act, Public Resources Code Section 2710 et seq. and the California Code of Regulations, Section 3500 et seq.. All related documents, agreements and financial assurances obligations shall be transferred from the county to the city by agreement, approved as to form of the State Mines and Geology Board, between the operator, the county the city and the Director. Existing financial assurances for reclamation plan performance shall be amended to name the City and the California Department of Conservation as payees. Such agreement shall be executed prior to certification of the annexation by the Nevada County Local Agency Formation Commission.”

(City of Grass Valley, 1993).

In addition, as part of the proposed project, the project applicant will be required to submit written compliance demonstrating adherence to City of Grass Valley City Council Resolution No. 03-39, including, but not limited to, a Fiscal Impact Analysis and an economic/market analysis. The project applicant will also be required to comply with policies adopted as part of Resolution No. 03-39.

City of Grass Valley General Plan

Under the proposed project, the Idaho-Maryland site would be developed to support a gold mine operation and gold mining operations would take place through 2028. The Round Hole site would be used for a ventilation shaft, emergency access, and parking. The New Brunswick site would be used for a ventilation shaft, employee access, parking, and mine dewatering and treatment facility use. As discussed above, the Round Hole site is currently within (and would remain in) the jurisdiction of the City of Grass Valley. No jurisdictional changes to the New Brunswick site, which is currently within County jurisdiction and within the SOI of the City, would occur under the proposed project. Under the proposed project, the Idaho-Maryland site would be annexed into the City of Grass Valley; it would no longer be under County jurisdiction. Land use consistency with the City of Grass Valley General Plan for each of these sites is discussed below.

⁴ Once DeMartini and Walsh complete their final maps, pay fees, and record the annexations, the annexations of those properties into the City of Grass Valley will be complete.

Idaho-Maryland Site

The City of Grass Valley 2020 General Plan designates the Idaho-Maryland site for *Business Park* and *Urban Medium Density* (UMD) residential uses (see **Figure 4.9-4**). Under the proposed project, the Idaho-Maryland site would be annexed into the City of Grass Valley and thus, City of Grass Valley General Plan land use designations would be applicable. Because mineral development uses are not allowed on sites with *Business Park* and *UMD* land use designations, the project applicant has submitted an application for a General Plan Amendment, which would change the City land use designations of the site to *Manufacturing Industrial*. **Figures 4.9-4 and 4.9-7** provide maps designating the existing and proposed General Plan land use designations for the Idaho-Maryland site. The *Manufacturing Industrial* designation is intended to “accommodate a variety of industrial and service commercial uses.” Typical uses in M-I designation are light manufacturing, automotive services, warehousing/distribution, and wholesale-retail outlets (City of Grass Valley, 1999).

As shown on the City’s General Plan Mineral Management Element, the Idaho-Maryland site is within a designated Mineral Management Area and the northern half of the Idaho-Maryland site is further identified as a “Targeted for Possible Mining Conservation” area (City of Grass Valley, 1993). In addition, all areas within Grass Valley and the Planning Area are classified by the State Division of Mines and Geology as MRZ-2, areas where adequate information indicates that significant mineral deposits are present or where it is judged that there is a high likelihood for their presence. A General Plan Amendment that would change the land use designation for the Idaho-Maryland site from *Business Park* and *Urban Medium Density* residential to *Manufacturing-Industrial* would be consistent with the site’s designated importance as a mineral resource area. The General Plan Amendment would allow a site that is currently vacant/industrial to be used for mineral resource extraction, consistent with the City’s Mineral Management Element. However, this change would also result in a loss of land within the City designated for residential uses (*Urban Medium Density Residential*), which could potentially conflict with the adopted local plans and policies. For additional discussion regarding this potential impact, please refer to Section 4.11, *Population and Housing*.

In addition, the proposed project could potentially conflict with the City of Grass Valley Capital Improvements Program, adopted by the General Plan, which provides for a proposed southerly extension of Centennial Drive to supply a north-south arterial link between Idaho Maryland Road and E. Bennett Road. While the City plans for the road extension to be completed by the year 2015, the project applicant does not propose to complete the road extension until the completion of its proposed mining operation (approximately 20 years into the future). More specific information regarding the project applicant’s plans for the completion of the Centennial Drive extension as well as the City of Grass Valley’s adopted policies pertaining to the road extension are needed to adequately assess consistency with the City of Grass Valley Capital Improvements Program, adopted by the General Plan; however, any conflict with the Capital Improvements Program would result in a potentially significant conflict with the City of Grass Valley General Plan.

Figure 4.9-7
8.5x11 b/w

New Brunswick Site

The City of Grass Valley 2020 General Plan designates the New Brunswick site for *Manufacturing-Industrial* (M-I) (see **Figure 4.9-4**). Under the proposed project, the New Brunswick site would remain in County jurisdiction and within the City's SOI. The proposed use of the New Brunswick site for mine ventilation, internal mine hoisting, emergency underground access, and a portal for mine dewatering, would be consistent with the City's *Manufacturing-Industrial* designation which includes light manufacturing, automotive services, warehousing/distribution, and wholesale-retail outlets land uses (City of Grass Valley, 1999).

Round Hole Site

The City of Grass Valley 2020 General Plan designates the Round Hole site for *Business Park* (BP) uses (see **Figure 4.9-4**). The proposed mine ventilation, emergency access, and parking at the Round Hole site would be consistent with the site's *Business Park* land use designation, the purpose of which is to accommodate "a variety of employment gathering land uses...[including] a full range of industrial and commercial land uses." Use of the Round Hole site for purposes described above would involve construction of only a small friction hoist and 200 square-foot hoist building. However, because physical development of the site would only involve one 200-square-foot structure, the proposed project would be consistent the site's current *Business Park* land use designation.

City of Grass Valley Zoning Map

Idaho-Maryland Site

The City's existing Zoning Map currently does not identify zoning designations for the Idaho-Maryland site since it is not currently within the City's jurisdiction. However, under the proposed project, the Idaho-Maryland site would be annexed into the City consistent with the City's Annexation Plan (see above). The project applicant proposes, as part of the project, that the City zone the Idaho-Maryland site *General Industrial – Mineral Resource* (M-2/MR). The City of Grass Valley's Zoning Map would be amended to reflect this change. **Figures 4.9-5 and 4.9-8** provide maps designating the existing and proposed zoning designations for the Idaho-Maryland site.

The M-2 zoning designation would be a compatible zoning designation with the proposed General Plan land use designation of *Manufacturing-Industrial*. Uses permitted in the M-2 zoning district include light industrial uses; wholesale lumber yards and lumber mills; pottery kilns and ceramic works of heavy industrial types; concrete batching plants; and blacksmith shops and casting foundries. The Mineral Resource Combining Zone (MR) is permissible to be combined with other zones, including industrial zones, to apply zoning regulations to the development and mining of the property with that designation (City of Grass Valley, 1993). As stated above (under "City of Grass Valley General Plan"), the proposed zoning designations would be consistent with the site's designated importance as a mineral resource area. The proposed zoning would allow a

Figure 4.9-8
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site that is currently vacant/industrial to be used for mineral resource extraction, consistent with the City's Mineral Management Element.

New Brunswick Site

The City's existing Zoning Map currently does not identify zoning designations for the New Brunswick site since it is not currently within the City's jurisdiction. Under the proposed project, zoning regulations for the New Brunswick site would continue to be controlled by the Nevada County Zoning Ordinance.

Round Hole Site

Consistent with the General Plan Land Use designations, the Round Hole site is currently zoned Specific Plan (SP1-A) in the City's Whispering Pines Specific Plan (see **Figure 4.9-5**). See below for a discussion of the project's consistency with the Whispering Pines Specific Plan.

Whispering Pines Corporate Community Specific Plan

The Whispering Pines Specific Plan specifies that the primary scenic resource in the Specific Plan area is the "dense, uniform Ponderosa pine tree cover" and the "[v]isual prominence of the pine covered skyline [is to] be retained, even at full development." Development standards specify that "[s]ite landscaping should preserve and enhance the overall wooded character of the site. Thus, it is evident that a critical component of the Specific Plan is preservation and furtherance of the existence of the Ponderosa Pines that are currently located in the Specific Plan Area. While disturbance to the existing Round Hole site would be minimal due to construction of only one 200 square-foot hoist house on the site and thus, the campus-like atmosphere would not be applicable for the proposed project. However, potential conflicts with the Specific Plan could result from impacts to the 70 Ponderosa Pine trees located on the Round Hole site. More specific information regarding Ponderosa Pines proposed to be saved and those to be removed as a result of use of the Round Hole site are needed to adequately assess consistency with the Whispering Pines Corporate Community Specific Plan; however, removal of any Ponderosa Pines from the Round Hole site would result in a potentially significant conflict with the Whispering Pines Specific Plan.

City of Grass Valley Parks and Recreation Master Plan

The Park and Recreation Master Plan Map identifies a planned Neighborhood/Pocket Park on the Idaho-Maryland site. A neighborhood or pocket park is a local park located within biking and walking distance of users. The Master Plan states that the proposed neighborhood and community park locations are not specific and exact placement depends on existing development (City of Grass Valley, 2001).

The proposed project does not include development of a neighborhood or pocket park at the Idaho-Maryland site as is planned for in the City's Parks and Recreation Plan. This would result

in a potentially significant conflict with the City of Grass Valley Parks and Recreation Master Plan.

The proposed project would not result in the physical division of an established community nor conflict with an adopted habitat conservation plan or natural community conservation plan.

The main mining operations would occur on contiguous parcels; the proposed project would not construct roadways or buildings that would result in the physical division of an established community. There are no habitat conservation or natural community conservation plans that are applicable to the project site. Thus, the proposed project would not conflict with an adopted habitat or natural community conservation plan.

4.9.4 Data Gaps

1. Additional information regarding the proposed visitor's center is needed. Specifically, an explanation why the visitor's center is considered to be "consistent with the intent of the City's Parks and Recreation Master Plan as a pocket park..." With the information we have now regarding the proposed Visitor's Center, we are unable to determine that the project would not conflict with the City's Parks and Recreation Plan.
2. Additional information is needed regarding proposed mitigations is required to address inconsistency of proposed 3,000 square-foot hoist house on the New Brunswick site with the Nevada County Zoning Ordinance.
3. Additional information is needed regarding proposed mitigations is required to address conflict with City of Grass Valley Parks and Recreation Master Plan.
4. To adequately assess potential conflicts with the City of Grass Valley Capital Improvement Plan, as adopted by the General Plan, it is necessary to have more detailed plans for implementation of the proposed Centennial Drive arterial right-of-way by 2015 or a proposed alternative to the proposed Centennial Drive arterial right-of-way that would meet the City of Grass Valley's needs; as well as any further modifications to avoid potential conflicts with adopted City policies pertaining to the proposed road extension.
5. To adequately assess potential conflicts with the Whispering Pines Specific Plan, it is necessary to have a more detailed site plan for the Round Hole site that shows Ponderosa Pines to be saved and those to be removed as part of the project.

References – Land Use and Planning

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- City of Grass Valley, 1993. *City of Grass Valley General Plan Mineral Management Element*, adopted August 24, 1993.
- City of Grass Valley, 1999. *City of Grass Valley 2020 General Plan*, November 23, 1999.
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