



## **ORDINANCE No. 2517**

### **OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA**

**AN ORDINANCE AMENDING ZONING DISTRICT MAP NO. 052a TO REZONE ASSESSOR'S PARCEL NUMBER 004-140-067 FROM RESIDENTIAL AGRICULTURAL – 3-ACRE MINIMUM PARCEL SIZE – PLANNED DEVELOPMENT (RA-3-PD) TO RESIDENTIAL AGRICULTURAL – 1.5-ACRE MINIMUM PARCEL SIZE (RA-1.5) (FILE NOS. PLN21-0311; RZN21-0004; CUP21-0006; EIS22-0009) (COUNTY OF NEVADA, PROPERTY OWNER)**

THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

#### SECTION I:

That Assessor's Parcel Numbers 004-140-067, which is located at 16782 State Highway 49 in Nevada City, CA. The site fronts State Highway 49 and is just southeast of the intersection of Newtown Road and State Highway 49 west of Nevada City, unincorporated Nevada County, California be rezoned from from RA-3-PD to RA-1.5 based on the following findings A-E:

- A. That the proposed amendment is consistent with and furthers the goals, objectives, policies, programs and implementation measures of the General Plan and the provisions of the Land Use and Development Code Chapter II Zoning Regulations, including Land Use and Development Code Section L-II 2.2.1; and
- B. That the project site is physically suitable for the requested "RA-1.5" zoning district for the County of Nevada to occupy and operate a 6-unit multifamily residential development containing six (6) one-bedroom apartments; and
- C. That the proposed amendment for the project site will not conflict with uses and zoning that surround the subject parcels as the proposed zoning is consistent with those established uses; and
- D. That the proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the County; and

- E. That the Nevada County Planning Commission after taking public testimony and deliberating on the project recommended that the Board of Supervisors adopt this Ordinance by a 3-0 vote as required by Nevada County Land Use and Development Code Section L-II 5.9.E.

#### SECTION II:

Pursuant to Section L-II 1.3.D of Article 1 of Chapter II of the Land Use and Development Code of the County of Nevada, Zoning District Map No. 052a is hereby amended as follows:

Zoning District Map No. 052a is hereby amended as shown on Exhibit "A" attached hereto and made a part of this Ordinance. Said property comprises approximately 4.7-acres and is located at 16782 State Highway 49 in Nevada City, in unincorporated Nevada County, California; and

All that certain property described on Exhibit "A", is hereby rezoned as follows: From RA-3-PD to RA-1.5, as defined in Chapter II of the Land Use and Development Code of the County of Nevada, and is hereby subject to the restrictions and allowable uses set forth therein.

#### SECTION III:

If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and adopted this ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

#### SECTION IV:

This Ordinance shall take effect and be in full force thirty (30) days from and after introduction and adoption, and it shall become operative on the 23rd day of February, 2023, and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the Supervisors voting for and against same in the Union, a newspaper of general circulation printed and published in the County of Nevada.

PASSED AND ADOPTED by a majority vote of the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 24th day of January, 2023, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward C. Scofield, Lisa Swarthout, Susan Hoek and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

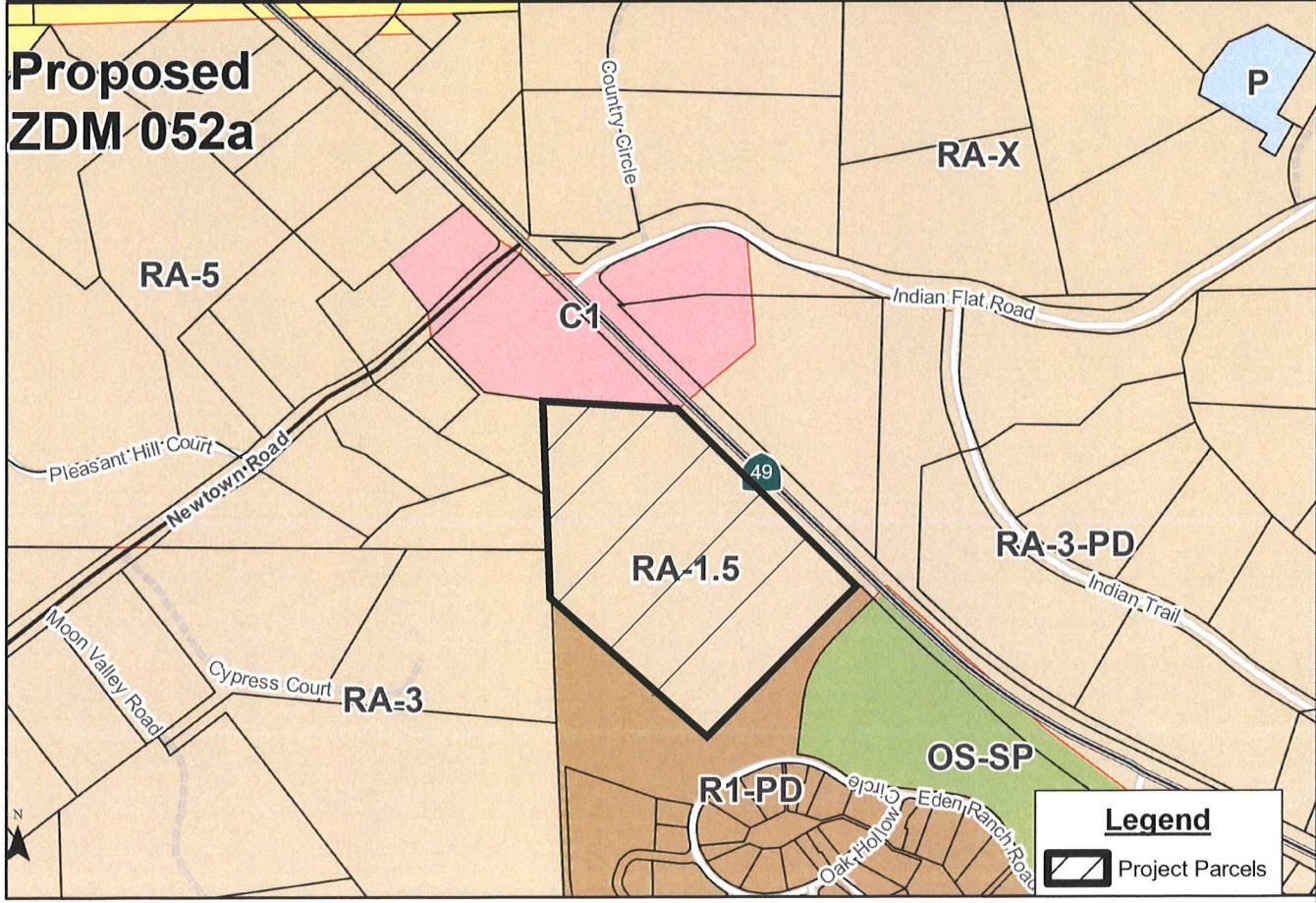
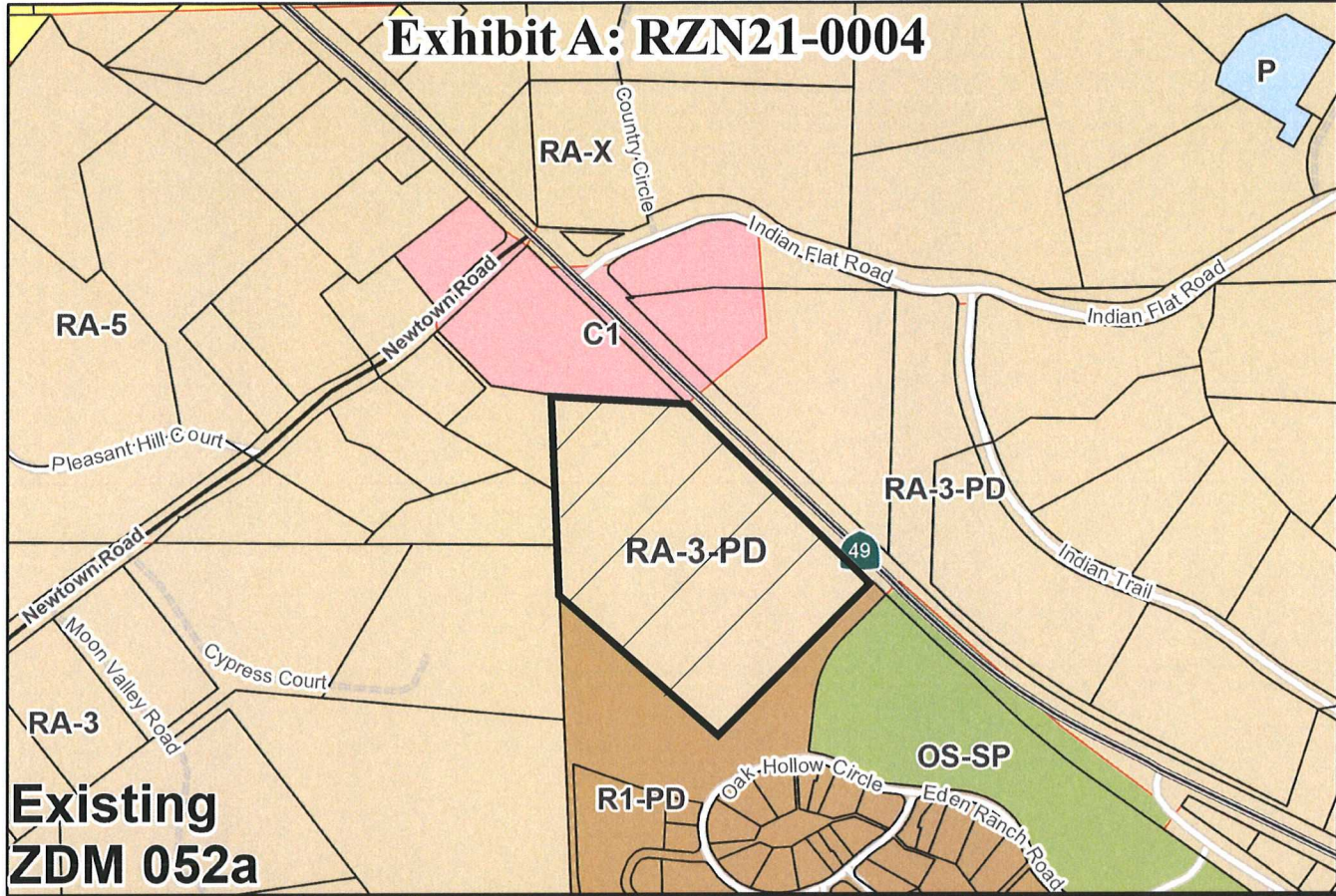
By: 

  
Edward C. Scofield, Chair

1/24/2023 cc: GIS\*  
Union\*  
COB\*  
CoCo\*  
QC\*  
Planning\*



# Exhibit A: RZN21-0004



**Legend**  
Project Parcels