



# **ORDINANCE No.**

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

**AN ORDINANCE IMMEDIATELY ENACTING A REZONE THAT WAS PREVIOUSLY APPROVED BY ORDINANCE 2453 TO OCCUR OVER A 10 YEAR ROLL OUT PERIOD. THE IMMEDIATE REZONE ENACTS AN AMENDMENT TO ZONING DISTRICT MAP NO. 077, TO REZONE TWO PARCELS (SIX ASSESSOR PARCEL NUMBERS) FROM TIMBER PRODUCTION ZONE-40 (TPZ-40) TO RESIDENTIAL AGRICULTURAL-10 (RA-10) (APNS 38-330-01, 02, 03, 04, & 87) AND GENERAL AGRICULTURAL-30 (AG-30) (APN 38-330-86). (FILE NOS. PLN23-0021, RZN23-0002, TFM23-0001 AND EIS24-0008).**

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

### **SECTION I:**

That Assessor's Parcel Numbers 38-330-01, 02, 03, 04, 87 and 86, which are located within Section 14, Township 16N, Range 9E, to Township 16N, Range 10E, Red Dog, Quaker Hill, Banner Quaker Hill area of unincorporated Nevada County, California, approximately 4 miles southeast of downtown Nevada City, California, to be immediately rezoned from Timber Production Zone with 40-acre minimum density (TPZ-40) to Residential Agricultural with 10-acre minimum density (RA-10) and General Agricultural with 30-acre minimum density (AG-30) based on the following findings A-F:

- A. That there is no substantial evidence in the record supporting a fair argument that the proposed project, as mitigated and conditioned, might have any significant adverse impact on the environment as shown in the Initial Study/Mitigated Negative Declaration which was adopted under a separate Resolution;
- B. The immediate rezoning is in the public interest due to the dedication of land to the Nevada County Consolidated Fire District and dedication of an easement for a public trail;
- C. The immediate rezoning would not have a substantial and unmitigated adverse effect upon timber-growing use of adjacent lands within one (1) mile of the exterior boundaries of the land to be rezoned due to the immediate rezone not having a more

substantial impact than the already approved 10-year rezone rollout period; and the project parcels being surrounded on three sides by RA and AG;

- D. The soils, slopes and watershed conditions would be suitable for the uses proposed if the conversion were approved due to the building envelopes of the associated subdivision avoiding steep slopes and watercourses and waterbodies;
- E. There is no nearby land suitable for an alternative use not allowed within the TPZ District because many of the surrounding parcels not in TPZ have already been subdivided to the extent allowed by the zoning districts;
- F. The uneconomic character of the existing use shall not be sufficient reason for the approval of immediate rezoning. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable timber growing use to which the land may be put.

#### SECTION II:

Pursuant to Section 12.01.030.D of the Code of the County of Nevada, Zoning District Map No. 077 is hereby amended as follows:

Zoning District Map No. 077 is hereby amended as shown in Exhibit "A" from Ordinance 2453 attached hereto and made a part of this Ordinance. Said property comprises approximately 307-acres combined and is located in unincorporated Nevada County, California; and

All that certain property described on Exhibit "A", is hereby immediately rezoned as follows: From Timber Production Zone 40-acre minimum density (TPZ-40) to Residential Agricultural with 10-acre minimum density (RA-10) and General Agricultural with 30-acre minimum density (AG-30) as defined in Chapter II of the 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 \_\_\_\_ day of \_\_\_\_\_, 2025, 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.

Attached: Exhibit A