



ORDINANCE No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE COUNTY OF NEVADA, PAMELA DOBBAS, AND TEICHERT AGGREGATE, INC., FOR THE BOCA QUARRY EXPANSION PROJECT AND OFF-SITE ROADWAY IMPROVEMENTS LOCATED AT 16616 AND 16774 WEST HINTON ROAD, EAST OF TRUCKEE, UNINCORPORATED NEVADA COUNTY

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

SECTION I:

The Development Agreement submitted by Teichert Aggregate, Inc. for Assessor's Parcel Numbers 048-090-012 and 048-200-003, which are located at 16616 and 16774 West Hinton Road, east of Truckee, in Nevada County, be approved, based on the following findings A-E:

- A. Teichert Aggregate, Inc., ("Developer") filed a Development Agreement application pursuant to Government Code section 65864, et seq. and Nevada County Land Use Development Code section L-II 5.18 for the 230-acre Boca Quarry Expansion Project located at 16616 and 16774 West Hinton Road, east of Truckee, in Nevada County; and
- B. That the proposed Development Agreement (the "Development Agreement"), a copy of which is attached as Exhibit "A," was duly reviewed and recommended for approval by the Planning Commission after a public hearing on August 22, 2019, on a 4-0, 1 absent vote; and
- C. That the Planning Commission's recommendation has been received; the Environmental Impact Report has been certified by the Board of Supervisors on October 8, 2019, included a review of the Development Agreement; and the public hearing has been held and concluded as required for approval of the Development Agreement; and
- D. That the Development Agreement complies with the requirements of Government Code section 65856.2 and Nevada County Land Use Development Code section L-II 5.18; and
- E. That the Board finds that the information presented or obtained at the public hearing substantiates all of the facts necessary for approval of the Development Agreement and that the Development Agreement:
 1. Is consistent with the goals, objectives, policies and applicable land use designations of the Nevada County General Plan; and

2. Complies with all of the provisions of the Nevada County Land Use and Development Code; and
3. Is consistent with the public convenience, general welfare and good land use practice, making it in the public interest to enter into the development agreement with the applicant; and
4. Will not:
 - a. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; and
 - b. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site; and
 - c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
 - d. Adversely affect the orderly development of property or the preservation of property values.

SECTION II:

Pursuant to Government Code section 65856.2 and Nevada County Land Use Development Code section L-II 5.18, the Development Agreement is approved, and the Chair of the Board of Supervisors is hereby authorized upon the effective date of this Ordinance to execute, on behalf of the County of Nevada, the Development Agreement by and between the County of Nevada and Teichert Aggregate, Inc, in the form attached, with authorized changes, if any, approved by the Board prior to adoption of this Ordinance and subject to such minor and clarifying changes consistent with the terms thereof as may be necessary and approved by County Counsel prior to execution thereof. Within ten (10) days after execution of the Development Agreement on behalf of the County, the Clerk of the Board of Supervisors shall record the Development Agreement and this Ordinance with the Recorder of the County of Nevada.

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 _____, 2019, 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.