



ORDINANCE NO. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

AN ORDINANCE AMENDING ZONING DISTRICT MAP 97 TO REZONE 54.38 ACRES (APN 065-280-001) LOCATED IN THE UNINCORPORATED AREA OF NEVADA COUNTY, FROM FOREST WITH THE SUBDIVISION LIMITATION COMBINING DISTRICT (FR-X) TO TIMBERLAND PRODUCTION ZONE WITH THE SUBDIVISION LIMITATION COMBINING DISTRICT (TPZ-X) (RZN18-0001) (MENA) (DISTRICT V)

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

SECTION I:

Pursuant to Land Use and Development Code Section L-II 5.9.G, the Board of Supervisors hereby finds and determines that Assessor's Parcel Number 065-280-001, which is located in the unincorporated area of Nevada County, east of the City of Nevada City, and more specifically described as Parcel 15 of the map recorded in Nevada County Official Records as Book 11 of Parcel Maps at Page 210, be rezoned from Forest with the Subdivision Limitation Combining District (FR-X) to Timberland Production Zone with the Subdivision Limitation Combining District (TPZ-X) based on the following findings 1-4.

1. That the proposed amendment to Zoning District Map (ZDM) No. 97 provides for the adoption of a timberland preserve zone and Nevada County is statutorily exempt from the requirement to prepare an EIR or Negative Declaration pursuant to Section 15264 of the State CEQA Guidelines; and
2. That the proposed land use amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, and supports the protection of forests as one of the important resources of Nevada County to supply raw material for industry, add aesthetic enjoyment for the public, provide food and cover for many forms of wildlife, and protect watersheds; and
3. That the project site is physically suitable for the proposed TPZ-X Zone District due to the topography and access and that the most appropriate use of the property is to establish a working tree farm and reduce the fuel loading and tree mortality resulting from recent drought and tree diseases, and is consistent with the Zoning Districts of many surrounding parcels.
4. That the rezoning to TPZ-X is consistent with the FOR-160 land use designations of the Nevada County General Plan.

SECTION II:

Pursuant to Section L-II 1.3.D of Article 1, Chapter II of the Land Use and Development Code of the County of Nevada, Zoning District Map No. 97 is hereby amended as follows:

Zoning District Map No. 97 is hereby amended as shown on Exhibit "A" attached hereto and made a part of this Ordinance. Said property comprises approximately 54.38 acres and is located in the unincorporated area of Nevada County, east of the City of Nevada City, California; and

All that certain property described in Exhibit "A" is hereby rezoned as follows: From Forest with the Subdivision Limitation Combining District (FR-X) to Timberland Production Zone with the Subdivision Limitation Combining District (TPZ-X), 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:

This Ordinance Amendment is subject to Conditions of Approval outlined in Exhibit B.

SECTION IV:

Now therefore within ten (10) days of final action to include APN 065-280-001 within TPZ, the Clerk of the Board of Supervisors shall cause to be recorded an instrument which will serve as constructive notice to prospective buyers of such zoning action.

SECTION V:

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 VI:

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.