



ORDINANCE No.
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

**AN ORDINANCE REPEALING ORDINANCE 1101 AND
AMENDING ZONING DISTRICT MAP 052b TO REZONE
2.98 ACRES LOCATED AT 11773 SLOW POKE LANE (APN
09-320-25), FROM LIGHT INDUSTRIAL WITH THE SITE
PERFORMANCE COMBINING DISTRICT (M1-SP) TO
LIGHT INDUSTRIAL (M1) (Z16-001) (RAYMOND W. BYERS,
TRUSTEE)**

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

SECTION I:

That Assessor's Parcel Number 09-320-25, which is located at 11773 Slow Poke Lane, Grass Valley, California, be rezoned from Light Industrial with a Site Performance combining district (M1-SP) to Light Industrial (M1) and Ordinance 1101 be repealed ("Project"), based on the following findings A-H:

- A. That the Project 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, in that it would be consistent with the General Plan designation of Industrial applicable to the site; it would continue to allow the existing established and permitted light industrial uses provided under Land Use and Development Code Section L-II 2.5; Land Use and Development Code Section L-II 4.3.10 includes provisions for floodplain protections; the domestic water use of the proposed project is not greater than that of the original approved plan for the site (SP82-004); and the Project will be required to comply with existing state and federal fire protection standards including water storage requirements; and
- B. That the Project site is physically suitable for the requested M1 zoning for the continued use of the site for industrial use including with regard to legal access, provision of public facilities and utilities, provision of private infrastructure such as water and sewage disposal, and compatibility with nearby land uses; and
- C. That the Project will not conflict with uses and zoning that surround the subject parcel as the proposed zoning is consistent with the established use of the site and would serve only to update the procedural mechanisms by which development of the site can occur consistent with current practices and regulations; and

- E. That the Project will not be detrimental to the public interest, health, safety, convenience, or welfare of the County; and
- F. That the Nevada County Planning Commission, after a 30-day public review period and in compliance with all California Environmental Quality Act regulations and guidelines, and after taking public testimony and deliberating on the Project, adopted a Mitigated Negative Declaration (EIS15-019) for the Project on July 28, 2016; and
- G. Since the Planning Commission's adoption of the Mitigated Negative Declaration on July 28, 2016, there have been no new significant environmental effects that would require a subsequent Mitigated Negative Declaration under CEQA Guidelines Section 15162; and
- H. 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 5-0 vote as required by Nevada County Land Use and Development Code section L-II 5.9.E.

SECTION II:

Ordinance 1101 adopted by the Board of Supervisors on August 16, 1982, is hereby repealed. 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. 052b is hereby amended as follows:

Zoning District Map No. 052b is hereby amended as shown on Exhibit "A" attached hereto and made a part of this Ordinance. Said property comprises approximately 2.98 acres and is located at 11773 Slow Poke Lane, Grass Valley, California; and

All that certain property described on Exhibit "A," is hereby rezoned as follows: From Light Industrial with the Site Performance Combining District (M1-SP) to Light Industrial (M1), 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 10th day of November, 2016, 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.

EXHIBIT A

