



ORDINANCE NO.

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

AN ORDINANCE AMENDING ZONING DISTRICT MAP NO. 151 TO REZONE 47.12 ACRES (APN 013-410-001) and 59.38 ACRES (APN 013-410-002) LOCATED IN THE UNINCORPORATED AREA OF NEVADA COUNTY, FROM FOREST-160 (FR-160) TO TIMBERLAND PRODUCTION ZONE-160 (TPZ-160) (RZN23-0001) (MCDERMOTT) (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 Numbers 013-410-002 and 013-410-002, which are located in the unincorporated area of Nevada County, east of the City of Nevada City, and more specifically described as Parcels 6 and 7 of the map recorded in Nevada County Official Records as Book 12 of Parcel Maps at Page 37, modified by LA98-030, be rezoned from Forest-160 (FR-160) to Timberland Production Zone-160 (TPZ-160) based on the following findings 1-4.

1. That the proposed amendment to Zoning District Map (ZDM) No. 151 provides for the adoption of a Timberland Preserve Zone which 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 Zoning District Map 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-160 Zone District due to the topography and access and that the most appropriate use of the property is to increase forest health, reduce the fuel loading and tree mortality, and conduct timber harvests resulting, and is consistent with the Zoning Districts of the surrounding parcels.
4. That the rezoning to TPZ-160 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. 151 is hereby amended as follows:

Zoning District Map No. 151 is hereby amended as shown on Exhibit "A" attached hereto and made a part of this Ordinance. Said properties comprise approximately 106.5 acres and are 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-160 (FR-160) to Timberland Production Zone-160 (TPZ-160), 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. There is no guarantee that water is available or that sewage can be disposed of on either parcel and there is no guarantee that that the parcels have legal access.

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 013-410-001 and APN 013-410-002 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 10th day of August, 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.