



ORDINANCE No. 2436

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

**AN ORDINANCE AMENDING ZONING DISTRICT MAP 078,
TO ADD THE MINERAL EXTRACTION (ME) COMBINING
DISTRICT TO ASSESSOR'S PARCEL NUMBERS 38-370-17,
38-380-15, 38-380-16 AND 38-430-02 RESULTING IN A FOREST
(FR)-40-ME DESIGNATION (FILE NOs. Z15-004 AND EIS15-014)
(HANSEN BROS. ENTERPRISES, PROPERTY OWNER)**

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

SECTION I:

That Assessor's Parcel Numbers 38-370-17, 38-380-15, 38-380-16 AND 38-430-02, which are located within Greenhorn Creek from the northeast corner of Section 25, Township 16N, Range 9E, to Missouri Canyon at the south within Section 36, Township 16N, Range 9E. Red Dog-You Bet area of Grass Valley, CA, approximately 7 miles east of Grass Valley, 2.4 miles north of You Bet Road, and 3.3 miles north of Rollins Reservoir, unincorporated Nevada County, California be rezoned from Forest with 40-acre minimum densities (FR-40) to FR-40 with the Mineral Extraction District (FR-40-ME) based on the following findings A-E:

- A. That the proposed amendment 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, including Land Use and Development Code section L-II 2.7.3 and 3.22, to allow for the expansion of Hansen Brothers Greenhorn Creek aggregate mine harvest areas; and
- B. That the project site is physically suitable for the requested "ME" zoning combining district for the use of the site aggregate mining activities; and
- C. That the proposed amendment for the project site will not conflict with uses and zoning that surround the subject parcels as the proposed zoning is consistent with those established uses which are also used for aggregate mining by the applicant; and
- D. That the proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the County; and
- E. 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 4-0 (1 absent) vote as required by Nevada County Land Use and Development Code section L-II 5.9.E.

SECTION II:

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. 078 is hereby amended as follows:

Zoning District Map No. 078 is hereby amended as shown on Exhibit "A" attached hereto and made a part of this Ordinance. Said property comprises approximately 138-acres combined and is located at Greenhorn Creek in unincorporated Nevada County, California; and

All that certain property described on Exhibit "A", is hereby rezoned as follows: From Forest 40-acre minimum Density (FR-40) to FR-40 with the Mineral Extraction Combining District (FR-40-ME), 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 13th day of July, 2017, 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.

PASSED AND ADOPTED by a majority vote of the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 13th day of June, 2017, by the following vote of said Board:

- Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Hank Weston, and Richard Anderson.
- Noes: None.
- Absent: None.
- Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Hank Weston, Chair

6/14/2017 cc: GIS*
Union*
COB*
CoCo*
QC*
Planning*
BT Consulting
HBE

Exhibit A: Z15-004

