

ORDINANCE NO. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

AN ORDINANCE AMENDING ZONING DISTRICT MAP 129 TO REZONE 70.35 ACRES (APN 17-020-17) LOCATED IN THE UNINCORPORATED AREA OF EASTERN NEVADA COUNTY, FROM GENERAL AGRICULTURAL-10 ACRE MINIMUM-PLANNED DEVELOPMENT COMBINING DISTRICT (AG-10-PD) TO TIMBERLAND PRODUCTION ZONE-40 ACRE MINIMUM (TPZ-40) (RZN17-0001) (JOHN AND CLAUDIA MCDONAGH) (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 17-020-17, which is located in the eastern unincorporated area of Nevada County, west of the Town of Truckee, and more specifically described as a portion of the S ½, of the SW ¼, Section 12, T17N, R15E, MDB&M, be rezoned from General Agricultural-10 acre minimum-Planned Development Combining District (AG-10-PD) to Timberland Production Zone-40 acre minimum (TPZ-40) based on the following findings 1-4.

1. That the proposed amendment to Zoning District Map (ZDM) No.129 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 amendment to the General Plan is consistent with and furthers the goals, objectives, policies, and implementation measures of the General Plan and provisions of the Nevada County Land Use and Development Code Chapter II Zoning Regulations, specifically Goal 15.1, and Policies 15.4, 15.5 and 15.6, that recognize the need and importance of the Timberland Production Zone (TPZ) District for managing forest products and natural resources to protect timber resources from conversion to other more intensive uses; and
3. 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
4. That the project site is physically suitable for the proposed Forest-40 acre minimum (FR-40) Zone District due to the steep topography, limited access, and lack of infrastructure, 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 surrounding parcels.

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. 129 is hereby amended as follows:

Zoning District Map No. 129 is hereby amended as shown on Exhibit "A" attached hereto and made a part of this Ordinance. Said property comprises approximately 70.35 acres and is located in the eastern unincorporated area of Nevada County, west of the Town of Truckee, California; and

All that certain property described in Exhibit "A" is hereby rezoned as follows: From General Agricultural-10 acre minimum-Planned Development Combining District (AG-10-PD) to Timberland Production Zone-40 acre minimum (TPZ-40), 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 17-020-17 within TPZ, the Clerk of the Board of Supervisors shall cause to be recorded an instrument that 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 22nd day of June, 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 Sierra Sun, a newspaper of general circulation printed and published in the County of Nevada.

Exhibit A

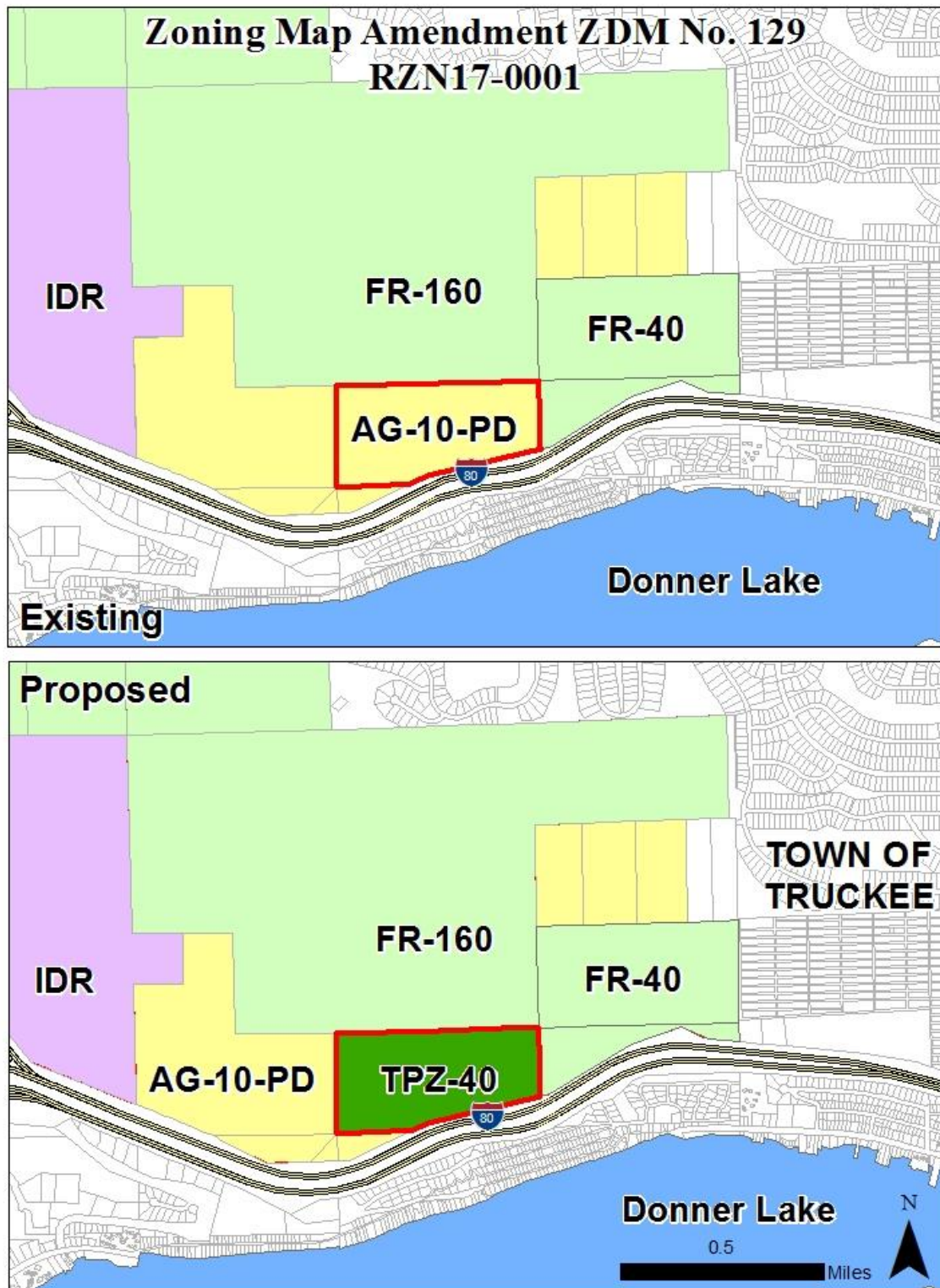


Exhibit B

ZONING MAP AMENDMENT (RZN17-0001)

Conditions of Approval

A. PLANNING DEPARTMENT

1. This project includes a Zoning Map Amendment of Map 129 and re-designates a 70.35-acre parcel, APN: 17-020-17, currently designated with a zoning designation of AG-10-PD to a zoning designation of TPZ-40.
2. The owner shall continuously comply with all standards of the County Land Use and Development Code, Section L-II 2.3.C, in order to continue to be eligible for the “TPZ” zoning designation. Timber operations shall occur as described in the California Cooperative Forest Management Plan approved by the CA Department of Forestry and Fire Protection on November 15, 2016, and prepared by Registered Professional Forester Kevin Whitlock, RPF# 2436.
3. The parcel shall meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the forest practice rules adopted by the State Board of Forestry for the district in which the parcel is located. If the parcel is subsequently included in the “TPZ” District, and the landowner fails to meet such stocking standards and forest practice rules, the Board of Supervisors has grounds for rezoning of the parcel pursuant to the provisions of Section 51121 of the State Government Code.
4. In no case shall the Board of Supervisors approve a division of land zoned TPZ that creates a parcel or parcels which individually contain less than 40 acres.
5. Rezoning from a TPZ to a different classification may be initiated by the County Board of Supervisors after a public hearing, or may be requested by the property owner at least 90 days prior to the anniversary date of the initial zoning to TPZ. Noticing and hearings shall be pursuant to LUDC, Section L-II 5.13. Upon completion of public hearings before the Planning Commission and Board of Supervisors, and within 120 days from the filing of the notice to rezone, the Board of Supervisors, by majority vote, may remove the parcel from the TPZ and specify the new zoning classification for the parcel. The new zone shall become effective 10 years after the date of approval by the Board of Supervisors and shall be so noted on the zoning district map.

An immediate rezoning from TPZ to a new zone may be requested by the landowner subject to the standards and conditions of Section L-II 2.3.C.6.

6. Within 15 days after project approval the applicant shall sign and file with the Nevada County Planning Department an indemnity agreement provided with the approval letter. No further permits or approvals shall be issued for the project, including without limitation a grading permit, building permit or final map approval, unless and until the applicant has fully complied with this condition.