



## **RESOLUTION NO. 17-240**

### **OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA**

**A RESOLUTION AMENDING THE GENERAL PLAN LAND USE MAP DESIGNATION FOR ASSESSOR'S PARCEL NUMBER (APN 17-020-17), LOCATED IN THE UNINCORPORATED AREA OF EASTERN NEVADA COUNTY, FROM RURAL-10 ACRE MINIMUM (RUR-10) to FOREST-40 ACRE MINIMUM (FOR-40) (GPA17-0001) (DISTRICT V)**

WHEREAS, on November 14, 1995, the County of Nevada adopted a General Plan for the County of Nevada, through Resolution 95-530; and

WHEREAS, John and Claudia McDonagh are the owners of Assessor's Parcel Number 17-020-17 and have requested that the General Plan Land Use Map Designation be amended; and

WHEREAS, the land use re-designation from Rural-10 acre minimum (RUR-10) to Forest-40 acre minimum (FOR-40) will allow for production of marketable crops of forest products and to enhance the other natural resource values of the area; and

WHEREAS, the General Plan Land Use Map amendment is necessary to align the land use designation of the property with the corresponding rezone (RZN17-0001) to Timberland Production Zone-40 acre minimum (TPZ-40); and

WHEREAS, notices of the proposed action to amend the General Plan Land Use Designation of the property were submitted to the Nevada County Public Works Dept., Nevada County Administrator, Nevada County Treasurer-Tax Collector, Truckee Fire Protection Dist., Tahoe-Truckee School Dist., Truckee-Donner PUD, N. Sierra Air Quality Mgt. Dist., Truckee Tahoe Airport Land Use Comm., Caltrans-Highways, Cal Fire Timber, CA Dept. of Fish & Wildlife, Lahontan Water Quality Control Board, Truckee Donner Land Trust, Truckee Community Development Dept., U.S. Forest Service, Sierra Pacific Power, Washoe Tribe of NV and CA, Sierra Lakes County Water District, Tahoe Donner Association, Mountain Area Preservation Foundation, Sierra Watch, Assessor, Nevada County Auditor-Controller, Nevada County Dist. V Planning Commissioner, Nevada County Dist. V Supervisor, Nevada County Principal Planner, and adjacent property owners; and

WHEREAS, as required by Senate Bill 12 (Burton) and Assembly Bill 52 (Gatto), the County of Nevada sent requests for consultation to the Washoe Tribe of Nevada and California and the United Auburn Indian Community who in return did not request specific consultation for this project; and

WHEREAS, the County is statutorily exempt from the requirement to prepare an EIR or Negative Declaration for adoption of timberland preserve zones pursuant to Section 15264 of the State CEQA Guidelines; and

WHEREAS, on April 27, 2017, the Planning Commission held a duly noticed public hearing on the proposed property specific General Plan Land Use Map Designation amendment (GPA17-0001) and rezone (RZN17-0001) (collectively "Project") in which the Commission reviewed the

project's record together with all comments received during the public review period before making a recommendation to the Board of Supervisors on the proposed Project; and

WHEREAS, the Planning Commission after reviewing and considering the proposed Project on April 27, 2017, and after taking public testimony and deliberating on the project voted 5-0 to recommend that the Board of Supervisors approved the proposed Resolution to amend the General Plan Land Use Designation as shown and described in Exhibit "A" attached hereto and made a part of this Resolution; and

WHEREAS, the Nevada County Board of Supervisors held a duly noticed public hearing on the proposed amendment to the General Plan Land Use to re-designate the subject property as described herein; and

WHEREAS, by separate Ordinance the Board of Supervisors adopted the rezone associated with the Project (RZN17-0001); and

WHEREAS, the Board of Supervisors, after reviewing and considering the recommendations of the Nevada County Planning Commission regarding the proposed amendment to the Nevada County General Plan Land Use Designation, all information and evidence submitted in favor and against the proposed amendments, and the complete record before it, has determined that an amendment to the County's General Plan is now warranted.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors for the County of Nevada hereby finds and determines:

1. That the proposed amendment to the General Plan 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 Forest Land Use Designation 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 (FOR-40) General Plan Land Use Designation 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 Land Use Designations of surrounding parcels.

BE IT FURTHER RESOLVED that based on the foregoing findings, and the entire record before it, the Nevada County Board of Supervisors does hereby approve and adopt an amendment to the Nevada County General Plan Land Use Map, re-designating the subject property Rural-10 acre minimum (RUR-10) to Forest-40 acre minimum (FOR-40) as set forth in Exhibit "A", consistent with boundaries of said property, and authorizes the Director of Planning to file a Notice of Exemption with the Nevada County Clerk's Office for the amended designation of timberland preserve zone of the General Plan.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 23rd day of May, 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

5/23/2017 cc: Planning\*  
Assessor\*  
J. McDonagh



