



# **ORDINANCE No.**

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

**AN ORDINANCE AMENDING ZONING DISTRICT MAP NOS. 064a AND 077, TO REZONE TWO PARCELS (SIX ASSESSOR PARCEL NUMBERS) FROM TIMBER PRODUCTION ZONE-40 (TPZ-40) TO RESIDENTIAL AGRICULTURE-10 (RA-10) (APNS 38-330-01, 02, 03, 04, & 87) AND GENERAL AGRICULTURE-30 (AG-30) (APN 38-330-86). (FILE NOS. PLN17-0051, RZN17-0002 AND EIS17-0030) (MARK H. PAYE, PROPERTY OWNER)**

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

### SECTION I:

That Assessor's Parcel Numbers 38-330-01, 02, 03, 04, 87 and 86, which are located within Section 14, Township 16N, Range 9E, to Township 16N, Range 10E, Red Dog, Quaker Hill, Banner Quaker Hill area of unincorporated Nevada County, California, approximately 4 miles southeast of downtown Nevada City, California, to be rezoned from Timber Production Zone with 40-acre minimum density (TPZ-40) to Residential Agriculture with 10-acre minimum density (RA-10) and General Agriculture with 30-acre minimum density (AG-30) 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 2.3 C.6.a, to allow for the TPZ zone ten-year roll-out to RA-10 and AG-30 on 306 acres currently bordered by RA and AG zoning; and
- B. That the project site is physically suitable for the requested RA-10 and AG-30 zoning; 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; 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 majority 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 Nos. 064a and 077 are hereby amended as follows:

Zoning District Map Nos. 064a and 077 are hereby amended as shown on Exhibit "A" attached hereto and made a part of this Ordinance. Said property comprises approximately 306-acres combined and is located in unincorporated Nevada County, California; and

All that certain property described on Exhibit "A", is hereby rezoned as follows: From Timber Production Zone 40-acre minimum density (TPZ-40) to Residential Agriculture with 10-acre minimum density (RA-10) and General Agriculture with 30-acre minimum density (AG-30) 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.

A note will be included on the Zoning District Maps 064a and 077 and shall include a description of the zone change, the date the change will be in full effect and when the note is no longer warranted. Said note shall be in reference to the aforementioned parcels only and written as follows: "NOTE #1: The Rezone from 40-acre minimum density (TPZ-40) to Residential Agriculture with 10-acre minimum density (RA-10) for APNs 38-330-01, 02, 03, 04 & 87 and to General Agriculture with 30-acre minimum density (AG-30) for APN 38-33-86 shall become effective ten (10) years after the date of approval by the Board of Supervisors in accordance with the California Government Code section 51100 et seq., and Nevada County Land Use and Development Code section L-II 2.3.C 6.a. This rezone will be effective and operative on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. As such, on the effective date with the Rezone fully operative, this note will be removed and Ordinance will be automatically terminated."

### 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:

The Board of Supervisors' approval shall initiate the ten-year roll-out process to Rezone approximately 306 acres of Timber Production Zone with 40-acre minimum density (TPZ-40) to Residential Agriculture with 10-acre minimum density (RA-10) and General Agriculture with 30-acre minimum density (AG-30) effecting 152 and 154 acres respectively, pursuant to Government Code section 51120. Upon the operative date of the ten-year roll-out rezone of the 306 acres, this Ordinance shall no longer be in effect and will automatically terminate.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2018, 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.

