

EXHIBIT 7

Before the Board of Supervisors County of Placer, State of California

**In the matter of: AN ORDINANCE APPROVING
A TENTATIVE IMMEDIATE REZONE OF
A PORTION OF THE PROPERTY WITHIN THE
MARTIS VALLEY WEST PARCEL SPECIFIC PLAN**

Ordinance No. _____

The following ordinance was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held on _____, 2016, by the following vote:

Ayes:

Noes:

Absent:

Signed by me after its passage.

**Robert Weygandt, Chair
Board of Supervisors**

Attest:

Clerk of said Board

WHEREAS, on June 9, 2016, and July 7, 2016, the Placer County Planning Commission (“Planning Commission”) held noticed public hearings pursuant to Placer County Code Chapter 17, Article 17.58, Section 17.58.200(E)(1) and Article 17.60, Section 17.60.090(C) to consider the Martis Valley West Parcel Specific Plan (“MVWSP”) and other land use approvals related to the Specific Plan, including the proposed immediate rezoning of 662± acres of the “West Parcel” of the MVWSP from TPZ (Timber Production Zone) to SPL-MVWSP (Specific Plan – Martis Valley West Parcel Specific Plan) (“Proposed Immediate Rezoning”), and the Planning Commission has made recommendations to the Board related thereto, and

WHEREAS, on September 13, 2016, the Board held a noticed public hearing to consider the recommendations of the Planning Commission and to receive public input regarding the proposed rezoning, among other issues pertaining to the Martis Valley West Parcel Specific Plan and the Board then closed the public hearing to further public testimony, and

WHEREAS, having considered the recommendations of the Planning Commission, having reviewed the Specific Plan, having received and considered the written and oral comments submitted by the public thereon, the Board elected to reject the Planning Commission’s recommendation for denial of

the Specific Plan and associated Proposed Immediate Rezoning having concluded that the approval of the Specific Plan would enable the conservation of over 6,300 acres of open space in perpetuity and reduce the number of overall residential units previously allocated to the site from 1360 to 760, and

WHEREAS, on September 13, 2016, the Board took tentative action to approve the Specific Plan and the Proposed Immediate Rezoning and directed staff to prepare findings in furtherance of the Board’s tentative action as herein set forth and continued the matter to a date and time certain, and

WHEREAS, on _____, 2016, the Board considered said findings and this ordinance and moved to take final action consistent with its tentative action by adoption of Resolution No. 2016-____ certifying the Final Environmental Impact Report for the Martis Valley West Parcel Specific Plan, and Resolution No. _____ to approve the Martis Valley West Parcel Specific Plan document, and

WHEREAS, the Board has determined that the Proposed Immediate Rezoning is consistent with the County General Plan, the Martis Valley Community Plan and Martis Valley West Parcel Specific Plan and the Martis Valley West Parcel Specific Plan Development Standards and Design Guidelines and Placer County Code Chapter 17, Article 17.51 (Specific Plan District) and in the best interests of the County by facilitating logical and efficient land use within the Martis Valley West Parcel Specific Plan. The Proposed Immediate Rezoning will permit residential and commercial development to be located on the “West Parcel” but in turn shift it away from the “East Parcel” as well as retiring 600 units, resulting in fewer overall units allocated to this area of the Martis Valley. This will also maintain development west of Hwy. 267, where existing development has already occurred and maintain open space on the east side. This will enable the “East Parcel” to be combined with existing conserved properties to enable over 50,000 acres in the Martis Valley to remain in permanent, continuous open space. The Proposed Immediate Rezoning is consistent with the land use designations, goals and policies of the Martis Valley West Parcel Specific Plan which also require the entire “East Parcel” to be conserved as open space, retire 600 units and permit 760 residential units to be developed on the “West Parcel”, and

WHEREAS, pursuant to Government Code section 51134(a), the Board finds that the Proposed Immediate Rezoning satisfies all of the following criteria:

1. The immediate rezoning would be in the public interest.
2. The immediate rezoning does not have a substantial and unmitigated adverse effect upon the continued timber-growing use or open-space use of other land zoned as timberland production and situated within one mile of the exterior boundary of the land upon which immediate rezoning is proposed.
3. The soils, slopes and watershed conditions will be suitable for the uses proposed by the applicant if the immediate rezoning is approved, and
4. The immediate rezoning is not inconsistent with the purposes of subdivision (j) of Section 3 of Article XIII of the Constitution.

WHEREAS, the Board bases its affirmative findings on the evidence, testimony and facts presented to the Board during its September 13, 2016 hearing on this matter, including those findings articulated in the Planning Division’s July 7, 2016 staff report (Attachment M to the September 13, 2016 Board staff report), which are reiterated as follows:

- a. The proposed immediate rezone is not inconsistent with the purposes of subdivision (j) of Section 3 of Article XIII of the California Constitution, Government Code Section 51130 et seq., the Placer County General Plan and Martis Valley Community Plan in that the purposes of the California Timberland Productivity Act of 1982 are to (1) maintain

the optimum amount of the limited supply of timberland to ensure its current and continued availability for the growing and harvesting of timber and compatible uses, (2) discourage premature or unnecessary conversion of timberland to urban and other uses, (3) discourage expansion of urban services into timberland, and (4) encourage investment in timberlands based on reasonable expectation of harvest. The application for immediate rezone for the West Parcel is not inconsistent with these purposes, in that placing 670 acres of the East Parcel back into TPZ would create a contiguous 6,376 acre expanse of TPZ lands devoted entirely to forest management and related compatible uses. The extensive spatial arrangement of the East Parcel supports an increased economy of scale in regards to forest management on the subject timberlands. The balance of enhancing the TPZ lands within the East Parcel, while providing for residential demands of the area within the West Parcel, is the result of lengthy and deliberate consideration, design, and mitigation that is neither premature nor unnecessary in nature.

- b. The immediate rezone is in the public interest in that the withdrawal of the West Parcel from TPZ would provide both environmental and economic benefits for the public. The rezone of the West Parcel would allow for the East Parcel to be placed back into TPZ which would result in an eight (8) acre increase in lands zoned TPZ in the Martis Valley. This action would create 6,376 acres east of Highway 267 that would be preserved, which is nearly 25% of the total acreage in Martis Valley. Further, placement of the East Parcel back into TPZ will retire 600 residential units, thereby reducing the overall residential density of the area, and providing increased spatial continuity of the preserved lands within the East Parcel. The rezone of the West Parcel will also provide benefit to the local tax base through increased property and business tax revenue generated within the new development.
- c. The tentative immediate rezone approval shall be forwarded to the State Board of Forestry and Fire Protection, together with the application for immediate rezoning, a summary of the public hearing and any other information required by the State Board of Forestry and Fire Protection.

WHEREAS, pursuant to Government Code section 51134(b), the Board finds there is no proximate and suitable land which is not zoned as timberland production that can be utilized for the uses proposed in the MVWSP that are currently not permitted within a timberland production zone. In this instance, the 670± acres in the “East Parcel” that is currently zoned for residential and commercial uses would be rezoned to “TPZ” while the 662± acres of the “West Parcel” would be proposed for the immediate rezone pursuant to the Martis Valley West Parcel Specific Plan and associated Development Agreement. This would result in a near equal swap of timberland resources land that would lead to a larger environmental benefit by allowing the entire 6,376 acre “East Parcel” to be restricted to TPZ uses and conserved in perpetuity for open space, and

WHEREAS, pursuant to Government Code section 51134(c), the Board finds that the uneconomic character of the existing use can be considered in this case because there is no other reasonable or comparable timber-growing use to which the land may be put. Given the retirement of 600 residential units from development, the conservation of 6,376 acres on the “East Parcel” as open space and the almost even swap of TPZ lands from the “West Parcel” to the “East Parcel”, the Board finds that this proposal must be viewed in its entirety and in so doing, maintaining the TPZ zoning on the “West Parcel” would be uneconomic, and

WHEREAS, pursuant to Government Code section 51134(d), the Board finds that the Proposed Immediate Rezoning complies with all applicable provisions of state law and County Code, and

WHEREAS, notice of all hearings required by statute and ordinance has been given and all hearings have been held as required by statute and ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER:

Section 1: The Board hereby **tentatively** approves the immediate rezoning of 662± acres of the “West Parcel” of the MVWPSP from TPZ (Timber Production Zone) to SPL-MVWPSP (Specific Plan – Martis Valley West Parcel Specific Plan) as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

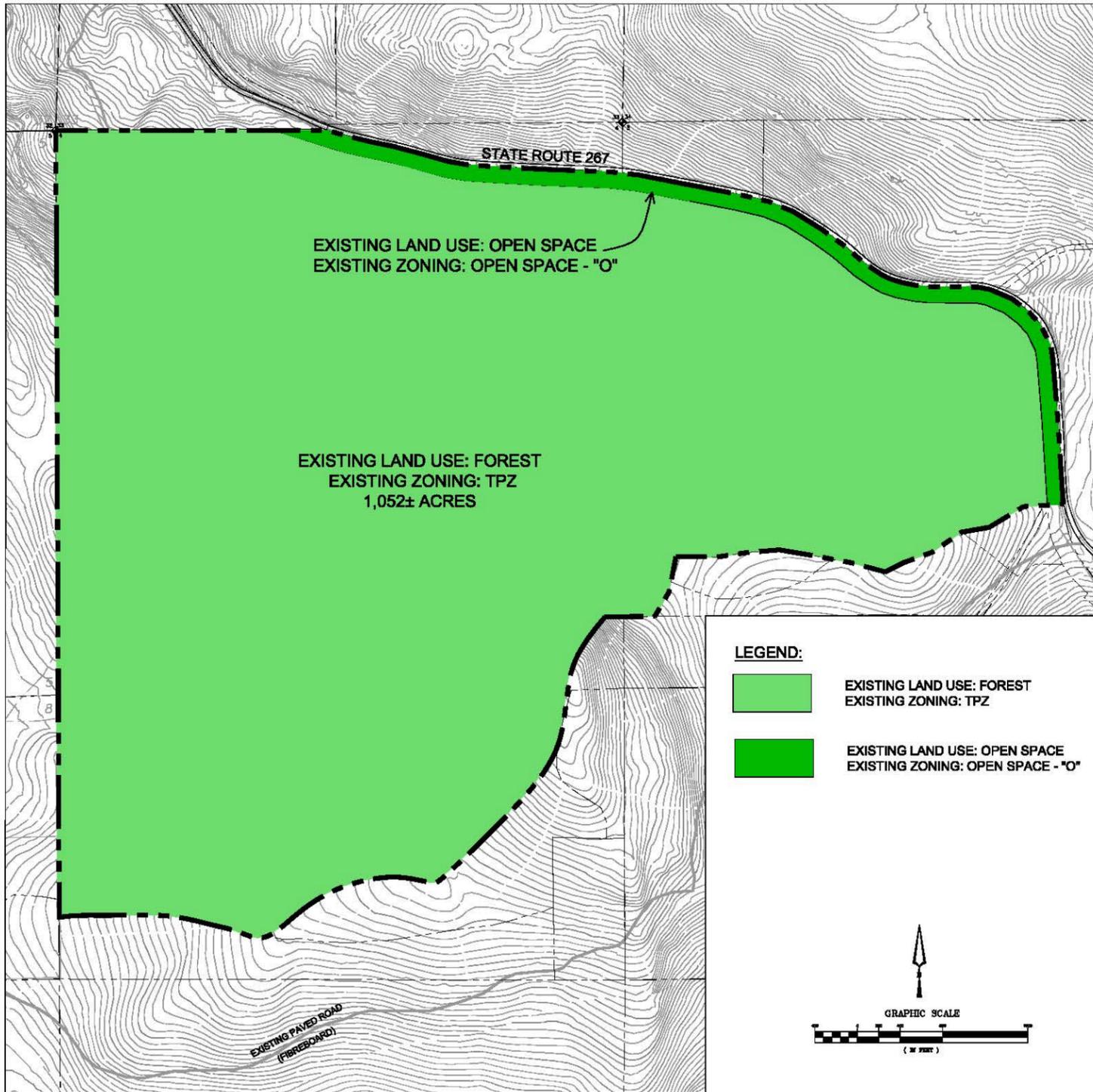
Section 2: The Board directs the Planning Director to forward this ordinance to the State Board of Forestry and Fire Protection, together with the application for the immediate rezoning, a summary of the public hearing and any other information required by the State Board of Forestry.

Section 3: The Board expressly states that their action taken pursuant to this ordinance remains tentative and this ordinance does not become effective until such time as the State Board of Forestry and Fire Protection formally notifies the Board of its approval of the removal of the real property depicted in Exhibit A from the timberland production zone.

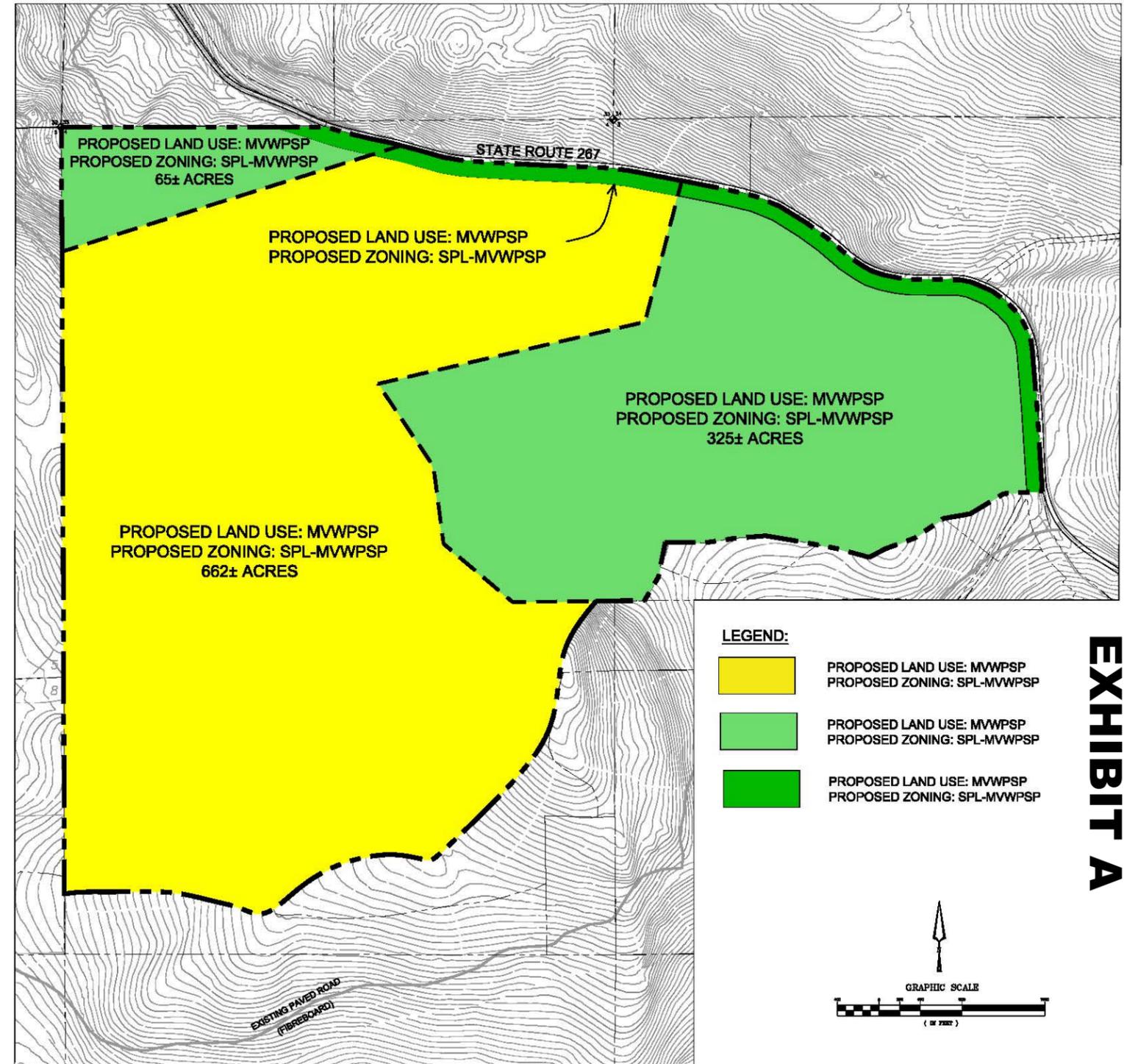
Section 4: This ordinance shall become effective on the date the State Board of Forestry and Fire Protection formally notifies the Board of its approval of the removal of the real property depicted in Exhibit A from the timberland production zone. At such time, the Board directs the Clerk to notify the County Assessor and County Planning that the property depicted in Exhibit A is removed from the timberland production zone and zoned SPL-MVWPSP (Specific Plan-Martis Valley West Parcel Specific Plan).

Section 5: At such time as this ordinance is effective, the Board directs that the following Assessor Parcel Numbers be designated SPL-MVWPSP (Specific Plan-Martis Valley West Parcel Specific Plan):

110-051-024, 110-051-043, 110-051-045, and 110-060-069



EXISTING LAND USE & ZONING



PROPOSED LAND USE & ZONING

EXHIBIT A

WEST PARCEL - RE-ZONE EXHIBIT

MARTIS VALLEY WEST PARCEL
SPRING 2016