

RESOLUTION

A Resolution adopting the Negative Declaration; the Yuba County Development Code and Zoning Map; and, rescinding the East Linda Specific Plan, Olivehurst Avenue Specific Plan and River Highlands Community Plan.

**BEFORE THE COUNTY OF YUBA
BOARD OF SUPERVISORS**

**RESOLUTION ADOPTING THE)
NEGATIVE DECLARATION AND)
ADOPTING THE YUBA COUNTY) RESOLUTION NO. _____
DEVELOPMENT CODE & ZONING)
MAP UPDATE AND RESCINDING THE)
EAST LINDA SPECIFIC PLAN,)
OLIVEHURST AVENUE SPECIFIC PLAN)
& RIVER HIGHLANDS COMMUNITY PLAN)**

WHEREAS, Section 65300 of the State of California Government Code states that each planning agency shall prepare and the legislative body of each county shall adopt a comprehensive, long-term general plan for the physical development of the county and any land outside its boundaries which, in the planning agency's judgment, bears relation to its planning; and,

WHEREAS, The Board of Supervisors adopted the Yuba County 2030 General Plan on June 7, 2011; and,

WHEREAS, Section 65860 of the State of California Government Code states that a County zoning ordinance shall be consistent with the general plan of the County. A zoning ordinance shall be deemed consistent with a county general plan if the county has officially adopted a zoning ordinance and the various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses, and programs specified in the general plan; and

WHEREAS, Section 65850 of the State of California Government Code states the legislative body of any county may adopt ordinances that do any of the following:

- Regulate the use of buildings, structures, and land as between industry, business, residences, open space, including agriculture, recreation, enjoyment of scenic beauty, use of natural resources, and other purposes.
- Regulate signs and billboards.
- Regulate all of the following: The location, height, bulk, number of stories, and size of buildings and structures.
- The size and use of lots, yards, courts, and other open spaces.
- The percentage of a lot which may be occupied by a building or structure.
- The intensity of land use.
- Establish requirements for off-street parking and loading.
- Establish and maintain building setback lines.
- Create civic districts around civic centers, public parks, public buildings, or public grounds, and establish regulations for those civic districts; and,

WHEREAS, the County has prepared the Development Code update which includes zoning regulations and Zoning Map update to implement the 2030 General Plan pursuant to Government Code Sections 65850 and 65860; and

WHEREAS, the Board of Supervisors adopted the East Linda Specific Plan (ELSP) in 1990 (OA 90-01 and SP89-01). Since 1990, ELSP has been amended numerous times and in many instances no longer reflects the land use assumptions made in 1990 such as different noise contours for Beale AFB, changes in school and park locations, or the Highway 70 Bypass running through the area. In addition, the ELSP included 13 different residential zone districts to provide a range of housing types and densities. The Development Code update provides for a similar range of densities within three residential zoning districts. Further the ELSP was incorporated into the County's Zoning Ordinance (Ordinance 1044) and is not a stand-alone planning document. Therefore, adoption of the Development Code and Zoning Map update will replace the zoning designations and development standards of all property within the ELSP. As such the East Linda Specific Plan should be rescinded. The community of East Linda should be retained as a geographical reference to the unincorporated community.

WHEREAS, The Board adopted the Olivehurst Sustainable Community and Economic Revitalization Plan (OSCER) as a visioning document to be included in the Development Code update in January 2013. The OSCER Plan reviewed the Olivehurst Avenue Specific Plan (OASP) and identified areas that should be rezoned both within the OASP area as well as surrounding areas of the Olivehurst Community as part of the Development Code update. In addition, the OASP was adopted on March 19, 1996 as part of the establishment of the Redevelopment Agency (Resolution 96-43). With the State of California eliminating redevelopment agencies along with the changes identified in the OSCER Plan, the OASP is no longer consistent with the General Plan and Development Code and should be rescinded.

WHEREAS, the 2030 General Plan evaluated community boundary designations and within the area of the River Highlands Community Plan adopted a smaller community boundary and renamed the area as the Smartsville Rural Community. As such, the Development Code and Zoning Map update reflect the community boundaries adopted by the 2030 General Plan and therefore the area known as the River Highlands Community Plan no longer exists. Therefore, as part of the Development Code update, the River Highlands Community Plan should be rescinded.

WHEREAS, the County of Yuba initiated an update to the Zoning and Development Codes (Development Code) in 2011, which consisted of numerous public meetings, stakeholder meetings, Development Code Update Advisory Committee meetings, and meetings with the Planning Commission and the Board of Supervisors; and,

WHEREAS, the County determined that the Zoning Ordinance, Development Code and Zoning Map Update (referred to herein as the "Development Code and Zoning Map Update" and the "Project") was a project requiring review pursuant to the California Environmental Quality Act (CEQA), Public Resources Code 21000 et seq., and that an Initial Study and Negative Declaration have been prepared to evaluate the potential environmental effects of the project; and,

WHEREAS, a Notice of Availability was released for public and agency review and comment, with public review period starting April 29, 2015, and ending on May 19, 2015; and,

WHEREAS, Section 65354 of the State of California Government Code states that the local agency's planning commission shall make a written recommendation on the adoption or amendment of a zoning ordinance (Development Code) and Zoning Map; and,

WHEREAS, At their regularly scheduled meeting on May 20, 2015, The Planning Commission after receiving public testimony recommended that the Board of Supervisors adopt the Negative Declaration, Development Code, and Proposed Zoning map and that the Board rescind the East Linda Specific Plan, Olivehurst Avenue Specific Plan, and River Highlands Community Plan.

WHEREAS, the Community Development and Services Agency of the County of Yuba has provided due notice of a public hearing on the project before the Board of Supervisors of the County of Yuba and the intent to adopt the Negative Declaration for the Project in accordance with the California Environmental Quality Act; and

WHEREAS, all documents and materials which constitute the record of proceedings for the Project and the Negative Declaration for the Project and are in custody of and located at the Planning Department, 915 8th Street, Suite 123, Marysville, CA 95901.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct;
2. The Board of Supervisors bases its recommendation upon the testimony and information presented at the hearing, including consideration of the Initial Study and Negative Declaration and all evidence in the whole record pertaining to the Project;
3. The Board of Supervisors finds that the Development Code and Zoning Map implement the 2030 General Plan for future development of the County;
4. The Board of Supervisors based on the findings stated in the staff report that the Olivehurst Avenue Specific Plan, East Linda Specific Plan, and River Highlands Community Plan no longer implement the County's vision as established in the 2030 General Plan and Development Code and therefore rescinds Ordinance 1044, Resolution 1993-191, and Ordinance 1144: East Linda Specific Plan; Resolution 96-43: Olivehurst Avenue Specific Plan; and, Ordinance 1145: River Highlands Community Plan;
5. The Project will not cause substantial environmental damage to fish and/or wildlife and their habitats, nor have the potential for adverse effect(s) on wildlife resources or the habitat upon which wildlife depends;
6. The Board of Supervisors finds on the basis of the whole record no substantial evidence that the Project will have a significant effect on the environment and that the negative declaration reflects the lead agency's independent judgment and analysis; and,

7. A Notice of Determination will be recorded with the County Recorder and Department of Fish and Wildlife Filing Fees will be paid to the County Recorder.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Yuba, State of California, on the _____ day of _____ 2015, by the following vote.


AYES:
NOES:
ABSENT:
ABSTAIN:

CHAIR
Yuba County Board of Supervisors

ATTEST:
Donna Stottlemeyer
Clerk of the Board of Supervisors

APPROVED AS TO FORM:
Angil P. Morris-Jones
County Counsel

BY: _____

BY:  _____