

The County of Yuba



TO: Board of Supervisors

FROM: Community Development and Services Agency, Ciara Fisher

SUBJECT: Community Development and Services Agency: Ordinance - Hold public hearing, waive reading, and adopt ordinance to repeal and re-enact Title XI Development Code and County Zoning Map and determine project is exempt from California Environmental Quality Act, Section 15183.
Link to view Attachment B and C: <https://yubacounty.egnyte.com/fl/vANvFalPTg>

DATE: February 27, 2024

NUMBER: 83/2024

Recommendation

Adopt Ordinance repealing and re-enacting Title XI Development Code, amend the Zoning Map, and determine the project is exempt from California Environmental Quality Act (CEQA) review in accordance with Section 15183.

Background

In June of 2011 the Yuba County Board of Supervisors (the Board) adopted the Yuba County 2030 General Plan and EIR. Zoning and land use ordinances are used to implement the goals and policies of the General Plan. On July 21, 2015 the Board adopted the Yuba County Development Code (DC) and Zoning Map. This was a wholesale update (last major update was 1983) to the zoning code and map to better reflect the goals of the County's General Plan.

At the time of the 2015 DC adoption, the Board asked that staff pay close attention during the first years of the DC and Zoning Map implementation to determine if any needed amendments were necessary. In the spring of 2016 staff brought back a number of minor amendments, clarifications, and zoning map changes to the Planning Commission for recommendations that the Board ultimately adopted. Given the success of the 2016 DC update, it was determined that reviewing the DC annually would be a thoughtful endeavor for all parties involved in the implementation of the DC and it would ensure that the DC was a more active and living document rather than a document bound by the time and date of its initial adoption.

The 2022 Development Code amendment was reviewed and recommended for approval by the Planning Commission on December 21, 2022 and was approved by the Board on February 14, 2023.

Discussion

Below is a summary of Staff-Led Changes the Planning Department is seeking to make to the Development Code:

- **Freight/Truck Terminals & Warehouses Outside the VGB:** Staff is excluding Freight/Truck Terminals & Warehouses (truck stops) as an allowed use in the Valley Growth Boundary (VGB), restricting them to being permitted only with a Major Conditional Use Permit in the AI zones. Numerous proposals for this business type have been received, and the aim is to prevent the creation of visual blight in the VGB by confining such activities to the Agricultural Industrial Districts.
- **Outdoor Storage:** Removed Outdoor Storage as an allowed use in all of the Commercial and Mixed Use zoning districts (GC, CMX, NMX, DC, & EC) within the VGB. Added applicability standards and restrictions on hazardous materials and storage of junk, garbage, and rubbish.
- **Personal Storage:** Removed Outdoor Storage as an allowed use in all of the Commercial and Mixed Use zoning districts (GC, CMX, NMX, DC, & EC) within the VGB. Added language to clarify that the storage of boats, trailers, and/or other vehicles is prohibited within the VGB unless screened and within an enclosed area. Surfacing shall meet the paving requirements listed in design standards for parking lots.
- **Solar and Wind Generation Facilities:** Prohibit both small and large commercial solar/wind energy facilities within the VGB, confining them solely to properties exceeding 10 acres in size outside the VGB. Similar to freight/truck terminals and warehouses, staff has received numerous proposals for this business type, and the objective is to avoid visual blight within the VGB by restricting such activities to areas outside its boundaries.
- **Fences:** Language has been added to provide clarity on standards, including placement, indicating when a Building Permit is required, and explicitly prohibiting fences in the Right of Way. Furthermore, there is a staff request to prohibit the use of new chain link fencing in the VGB, except in Industrial zone districts. Within Industrial zone districts, chain link fences must not be visible from public view unless adequately screened by existing terrain or vegetation. Additional language has been incorporated for the enforcement of nonconforming fences.
- **Property Access:** Staff added language requiring property owners to demonstrate legal access to their subject parcel when they apply for any type of building permit in the County.
- **Driveway Standards in Residential Districts:** Residents have been installing driveways on residential properties that do not adhere to County Public Work Standards, such as installing two driveways when only one is permitted. To address this, staff has incorporated language clarifying the minimum

and maximum width of a driveway, as well as specifying the maximum number of driveways allowed per lot frontage.

- **Parkland Dedications:** Staff expanded the range of recreational facilities that may be considered for parkland dedication, in addition to and/or in lieu of fees. For example, the only recreational facility listed was recreational community garden. The list was expanded to also include, green space, outdoor sports activities, outdoor fitness stations, dog friendly amenities, trails, etc.
- **Kennels in NMX:** Permitted when conducted entirely within a building, whereas, outdoor kennels and dog runs require approval through a Minor Conditional Use Permit. Furthermore, such activities are only allowed within mixed-use corridors as identified in the General Plan or on properties that front an urban arterial or collector road.
- **Instructional Services in IG:** Permitted with a Major Conditional Use Permit, this classification encompasses businesses that typically involve health clubs, music instruction, martial arts, or similar services, with the provision that no overnight lodging is offered. There have been multiple inquiries regarding Instructional Services in proximity to the airport.
- **Landscape Care and Maintenance:** Added language for the appropriate long-term care and maintenance of all landscaping provided for commercial, multifamily, industrial, and institutional developments. Also, set provisions for the removal and replacement of unhealthy trees and or hazardous conditions, and provide adequate clearance and visibility of merchant signage, when the aesthetics of the tree and shading requirements will not be reduced.
- **Signs:** Added language that signage shall not be placed or project over the County Right of Way. Also added language that the county reserves the right to remove any weathered or damaged Special Event and/or Temporary Signs.
- **Rural Lot Design Guidelines for Maps within the SRA:** Incorporated language specifying that tentative maps within the CAL FIRE SRA (State Responsibility Area) are subject to additional Submittal Requirements outlined in the Fire Risk Chapter of the General Plan Health and Safety Element (adopted September 2021).
- **Discretionary and Ministerial Decisions:** Inserted language into the Definitions chapter to refine the definitions of a discretionary project and a ministerial project and how they both relate to CEQA.

Proposed DC Amendments:

- 11.07.040 Add Public Works Standard Driveway (D/W) standards in the Residential Districts Section.
- Table 11.08.020 Require Kennels in NMX to be indoors or along major roadways, remove outdoor/personal storage as a permitted use, and remove solar generation facilities as a permitted use.

- Table 11.09.020 Add Instructional services as a permitted use in the IG zone and remove Fright/Truck Terminals and Warehouses as a permitted use.
- 11.19.040 Add clarification language to the fencing section, removal of fences in the ROW, and prohibit chain link fencing in the VGB.
- 11.19.070 Add clarification language for Outdoor Storage.
- 11.19.140 Require legal access for Building Permits.
- 11.24.110 Add language for Landscape Care and Maintenance.
- 11.27.070 Add new signage standards for signs in the ROW and ability for Staff to remove weathered signs.
- 11.32.200 Add clarification language and parking lot standards for Personal Storage.
- 11.32.270 Remove Alternative Energy Systems solar and wind energy in the VGB.
- 11.44.080 Add Rural Lot Design Guidelines for properties in the SRA.
- 11.45.060. Expand the allowed types of recreation facilities for parkland dedications.
- 11.73.020 Add additional definitions for Discretionary and Ministerial Projects as they pertain to CEQA.
- TABLE 11.74 Revise the Land Use Regulation Table to reflect proposed changes in land use classifications.

The link to view Attachment B Clean Version and Attachment C Strikethrough Version of Complete Development Code: <https://yubacounty.egnyte.com/fl/SDC3xOWBkn>.

Proposed Zoning Map Changes: In addition to minor amendments, modifications, and corrections to the DC text, there are a number of changes proposed to the Official Zoning Map. These changes include:

- Rezone 5140 Lindhurst Ave to GC to allow more commercial uses. This property was approved for a large digital Billboard, however, Cal Trans will not allow the Billboard unless the property is zoned commercial.
- Rezone all IL properties south of Forty Mile Road along Rancho Road to General Industrial, promoting this area as an industrial corridor in the community.

Environmental Review: The Development Code and Zoning Map Update implement several action items of the 2030 General Plan. An Environmental Impact Report (EIR) was prepared and certified for the 2030 General Plan on June 7, 2011 (SCH#20100625). Staff determined that the Development Code and Zoning Map edits are exempt from further environmental review in accordance with the California Environmental Quality Act, Section 15183. Projects consistent with the development density established by existing zoning, community plan, or general plan policies for which the 2030 Yuba County General Plan EIR was certified shall not require additional environmental review.

Committee Action:

At its January 17, 2024 meeting, the Planning Commission received input on the proposed amendments to the DC and voted 5 yes-0 no to recommend the Board adopt the proposed amendments and exempt the project from further environmental review in accordance with the California Environmental Quality Act, Section 15183.

Fiscal Impact: No funding commitment, administrative only, staff time only

Attachments

ATT A Ordinance

ATT B Clean Version of Ordinance Changes

ATT C Strikethrough Version of Ordinance Changes

ATT D Proposed Zone Change Exhibit

ATT E Proposed Zoning Map Changes