



CITY OF WHEATLAND

CITY COUNCIL MEETING STAFF REPORT

May 9, 2023

SUBJECT: Second reading and adoption of the Draft City of Wheatland ordinance to prezone the Pottery World/Avoca Orchards annexation area.

PREPARED BY: Tim Raney, Community Development Director

Recommendation

Waive the second reading of, and adopt the ordinance to prezone the Pottery World/Avoca Orchards annexation area to Light Industrial (M-1), Residential Single Family (R-1), and , Two Family Residential (R-2).

Background

The proposed Pottery World/Avoca Orchards Annexation Project includes a request for pre zoning the Pottery World site to M-1 and the Avoca Orchards site to R-1 R-2 consistent with the site's existing General Plan Land Use Designations of LDR, LMDR, and MDR. The purpose of the M-1 district is to provide for the establishment of areas for light manufacturing, wholesaling, and storage and the purpose of the R-1 and R-2 zoning districts is to provide single-family housing.

Discussion

Pursuant to State law, the adoption of an ordinance requires a first reading and second reading for City Council approval. On April 25, 2023, the Wheatland City Council voted to introduce and waive the first reading of the proposed ordinance. Tonight, is the second reading and adoption of the proposed ordinance to prezone the Pottery World/Avoca Orchards Annexation area.

California Environmental Quality Act Review

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the proposed project and determined the potential environmental impacts resulting from the requested pre zoning would be less than significant with the incorporation of mitigation.

Fiscal Impact

None. The Pottery World/Avoca Orchards Project is applicant funded.

Conclusion

Waive the second reading of, and adopt the ordinance to prezone the Pottery World/Avoca Orchards property (APN) 015-100-053 to Light Industrial (M-1), the properties (APNs) 015-100-084 and 015-100-089 to Residential Single Family (R-1) and the property (APN) 015-100-061 to Residential Single Family (R-1) and Two Family (R-2).

Attachment

1. Draft City of Wheatland Ordinance Prezoning the 140-acre project area to M-1, R-1, and R-2

ORDINANCE NO. 491

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHEATLAND
TO PREZONE THE PROPERTY (APN) 015-100-053 TO LIGHT INDUSTRIAL (M-1),
THE PROPERTIES (APNs) 015-100-084 AND 015-100-089 TO
RESIDENTIAL SINGLE FAMILY (R-1), AND THE PROPERTY (APN) 015-100-061 TO
RESIDENTIAL SINGLE FAMILY (R-1) AND TWO FAMILY RESIDENTIAL (R-2)**

The City Council of the City of Wheatland does ordain as follows:

SECTION 1:

The purpose of this ordinance is to approve the rezoning of the Pottery World/Avoca Orchards Annexation Project as Light Industrial (M-1), Residential Single Family (R-1) and Two Family Residential (R-2), once the Yuba County Local Agency Formation Commission (LAFCo) approves the annexation of the properties into the City of Wheatland. This ordinance is adopted pursuant to Government Code sections 65853-65859, and other applicable law

SECTION 2:

The City Council determined on April 25, 2023 , that, after full consideration of the Pottery World/Avoca Orchards Annexation Project:

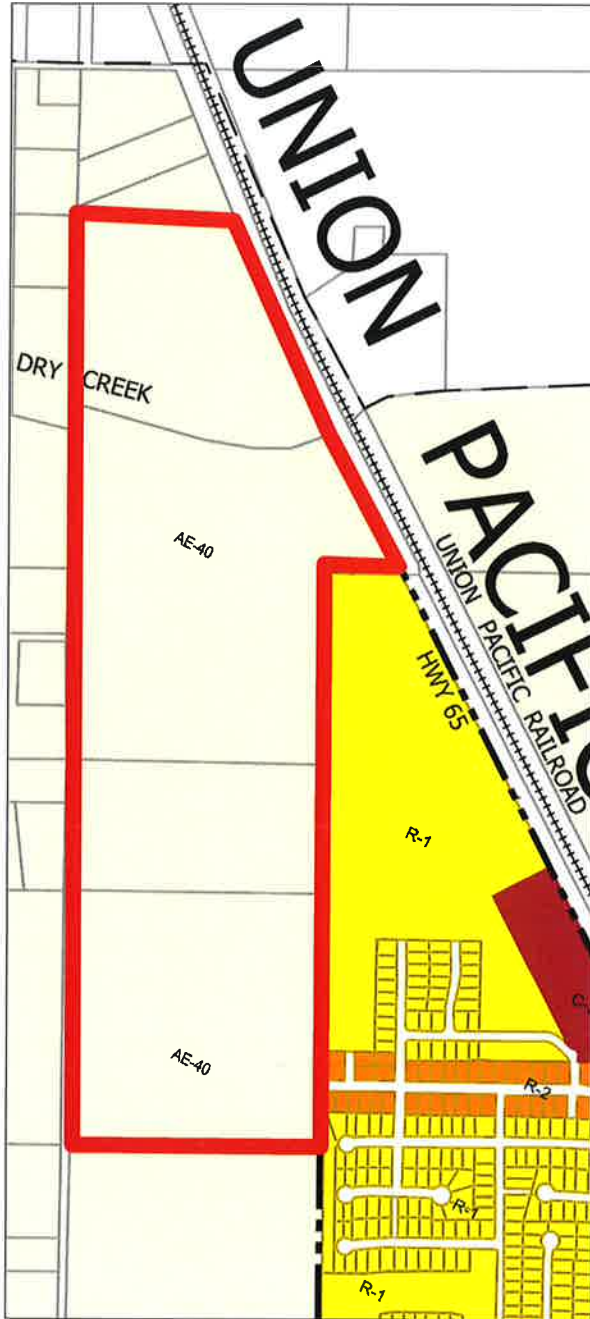
- A. An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the proposed project. The IS/MND addressed all the subjects required pursuant to the California Environmental Quality Act (CEQA).
- B. A Mitigation Monitoring Plan (MMP) has been prepared in compliance with CEQA in order to ensure implementation of the mitigation measures outlined in the IS/MND.
- C. The proposed rezoning to M-1, R-1, and R-2 is consistent with and would implement the policies of the City of Wheatland General Plan.
- D. The area is physically suited to the uses authorized in the proposed zone.
- E. The proposed rezoning is compatible with the land uses existing and permitted on the properties in the vicinity.
- F. The land uses and their density and intensity, allowed in the proposed zones are not likely to create serious health problems or create nuisances on properties in the vicinity.
- G. Government Code Section 65859 authorizes the City to prezone unincorporated territory to determine the City zoning that will apply to that territory upon annexation to the City.

SECTION 3:

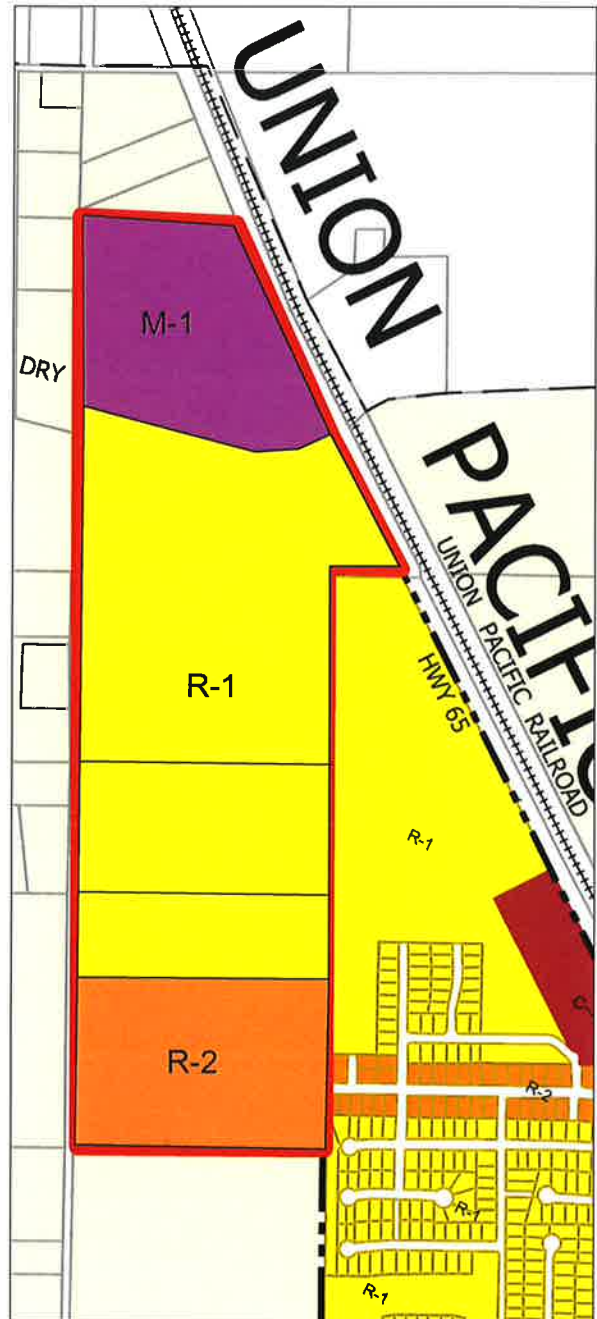
The Wheatland City Council hereby approves the proposed rezoning shown below, as Light Industrial (M-1), Single Family Residential (R-1), and Two Family Residential (R-2). The rezoning shall become effective and be made a part of the City's Zoning Ordinance when the property is annexed to the City, which requires approval of the proposed annexation by the Yuba County LAFCo.

Proposed Zoning Map Amendment

Existing Zoning Map



Proposed Zoning Map



Attachment 5

SECTION 4:

The City Council finds that if any part of this ordinance is held by a court of competent jurisdiction to be invalid or unenforceable, then such decision shall not affect the validity of the remaining parts, which shall remain in full force and effect.

SECTION 5:

This ordinance shall take effect and be enforced 30 days from and after the date of its adoption.

SECTION 6:

Within 15 days from the date of passage of this ordinance, the City Clerk shall post a copy of it in at least three public places in the City.

* * * * *

I HEREBY CERTIFY that the forgoing ordinance was introduced and adopted at a regular meeting of the City Council of the City of Wheatland, held on the 25th of April 2023, and passed and adopted at a regular meeting thereof, held on the 9th day of May 2023, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

Mayor of the City of Wheatland

ATTEST:

City Clerk of the City of Wheatland