



CITY OF WHEATLAND

CITY COUNCIL MEETING STAFF REPORT

November 28, 2023

SUBJECT: Second Reading and Adoption of the Draft City of Wheatland Ordinance No. 493 to Prezone the 1973 State Route (SR) 65 annexation area.

PREPARED BY: Tim Raney, Community Development Director

Recommendation

Waive the second reading of and adopt Ordinance No. 493 to Prezone the 1973 SR 65 annexation area to Heavy Commercial (C-3).

Background

The proposed 1973 SR 65 Annexation Project includes a request for Prezoning 1.8 acres to C-3 consistent with the site's existing General Plan Land Use Designations of Commercial (C). The purpose of the C-3 district is to provide for retail, wholesale, highway, and heavy commercial uses, along with amusement, transient residential, warehousing and distribution, maintenance, repair, and servicing activities. The C-3 districts are to be established in zones of two acres or larger and shall be located only in the immediate vicinity of arterial streets, freeways, or the service/frontage drives thereof.

It should be noted that this property is currently identified by two Assessor Parcel Numbers (APNs) 015-260-004-000 and 015-273-001-000. The 2.04-acre portion of the property (APN 015-273-001-000) is currently located within the Wheatland City limits and has an existing C-3 zoning District. The 1.8-acre portion of the property (APN 015-260-004-000) is currently located outside the Wheatland City limits in the unincorporated area of Yuba County.

On November 14, 2023, the Wheatland City Council held a public hearing, and upon close of the public hearing, adopted the following resolutions:

- Resolution approving the 1973 SR 65 Project IS/MND and the 1973 SR 65 Project MMRP;
- Resolution approving the annexation of 1.8 acres into the City of Wheatland;
- Resolution approving the General Plan Map Amendment for the 1.8-acre project site from Medium Density Residential (MDR) to C; and

At that same meeting, the City Council also introduced and waived the first reading of the proposed Ordinance Rezoning the 1.8-acre project site to C-3.

Discussion

Pursuant to State law, the adoption of an ordinance requires a first reading and second reading for City Council approval. On November 14, 2023, the Wheatland City Council voted to introduce and waive the first reading of the proposed ordinance. The City Council is now considering the second reading and adoption of the proposed ordinance to Prezone the 1973 SR 65 Annexation area.

California Environmental Quality Act Review

An Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the proposed project has determined the potential environmental impacts resulting from the requested Rezoning would be less than significant with the incorporation of mitigation. The City Council has agreed to adopt the Mitigation Measures as presented in the IS/MND and adopted the IS/MND and its Mitigation Monitoring and Reporting Program prior to taking action on this item on November 14, 2023.

Fiscal Impact

None. All project costs have been paid by the applicant. The LAFCo application process will also be fully funded by the applicant and the City will not incur any costs.

Conclusion

Staff recommends that the City Council waive the second reading of and adopt Ordinance No. 493 to Prezone the 1.8-acre project site identified as the 1973 SR 65 Annexation Project (APN) 015-260-004-000 to C-3. If the City Council takes this action, the Ordinance will take effect 30 days after its adoption.

Attachment

1. Draft City of Wheatland Ordinance No. 493 Rezoning the 1.8-acre project site (APN) 015-260-004-000 to Heavy Commercial (C-3)

Exhibit A

ORDINANCE NO. 493

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHEATLAND TO
PREZONE THE 1.8-ACRE PROJECT SITE (APN 015-260-004-000) TO HEAVY
COMMERCIAL (C-3).**

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 1973 State Route 65 Annexation Project as Heavy Commercial (C-3), 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 November 14, 2023, that, after full consideration of the 1973 State Route 65 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 and Reporting Plan (MMRP) 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 C-3 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 use, density, and intensity allowed in the proposed zone is 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 Heavy Commercial (C-3). 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



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 14th of November 2023, and passed and adopted at a regular meeting thereof, held on the ____ of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor of the City of Wheatland

ATTEST:

City Clerk of the City of Wheatland