

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

**RESOLUTION AMENDING ZONING MAP )  
 FROM "RM" TO "RM-PD", APPROVING )  
 PUD 2022-0001 AND TSTM 2021-0012, AND ) RESOLUTION NO.: 2023-4  
 ADOPTING MITIGATED NEGATIVE )  
 DECLARATION AND MITIGATION )  
 MONITORING PLAN, SUBJECT TO THE )  
 ATTACHED CONDITIONS OF APPROVAL )**

**WHEREAS**, Linda Commons LLC, filed an application for a Planned Unit Development and a Tentative Subdivision Tract Map on Assessor’s Parcel Number 020-080-012, total acreage approximately 20 acres; for a property located at 1687 Hammonton Smartsville Road, approximately 0.16 miles north of the North Beale Road and Hammonton Smartsville intersection in the Linda Community; and

**WHEREAS**, the Planned Unit Development 2022-0001 is a request to change the Zoning District of the parcel from the Medium Density Residential (RM) zone to Medium Density Residential (RM) zone – Planned Unit Development (PD); and

**WHEREAS**, Tentative Subdivision Tract Map 2021-0012 is a request to create 134 residential lots on 14 acres, a park on 1 acre, an open space area on 2 acres, and roadway improvements on 3 acres for a total area of 20 acres; and

**WHEREAS**, at their regularly scheduled meeting on November 16, 2022, the Yuba County Planning Commission held a public hearing and took public testimony on the project, to make a recommendation to the Board of Supervisors to amend zoning map from “RM” to “RM-PD”, and to approve Planned Unit Development (PUD 2022-0001) and Tentative Subdivision Tract Map (TSTM 2021-0012), and to adopt Mitigated Negative Declaration and Mitigation Monitoring Plan to the Board of Supervisors by a vote of 3 yes – 0 no, 2 absent; and

**WHEREAS**, the Community Development and Services Agency of the County of Yuba has conducted an Initial Study for the proposed project and concluded that the project would not result in any significant adverse environmental impacts provided the mitigation measures that are incorporated into the Mitigation Monitoring Plan and Conditions of Approval are implemented; and

**WHEREAS**, the Community Development and Services Agency (“CDSA”) of the County of Yuba has provided due notice of a public hearing before the Board of Supervisors of the County of Yuba and it is the intent of CDSA to recommend adoption of the Mitigated Negative Declaration and Mitigation Monitoring Plan for the proposed project in accordance with the California Environmental Quality Act; and

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The foregoing recitals are true and correct.
2. The Board of Supervisors hereby adopts the Planned Unit Development PUD 2022-0001 to amend the Official Zoning Map, Development Code Section 11.04.030, from “RM” TO “RM-PD”.
3. The Board of Supervisors finds that the proposed change of zone makes the project consistent with the Yuba County Zoning Map and Development Code as amended.
4. The Board of Supervisors finds that the proposed project is consistent with the Land Use Element and other applicable elements of the Yuba County 2030 General Plan.
5. The Board of Supervisors finds that the project site as revised is physically suitable for the proposed type of development and the proposed density of development.
6. The Board of Supervisors adopts the following seven (7) findings of fact as stated in the staff report for the Planned Unit Development (File # PUD 2022-0001):
  - The proposed development is consistent with the General Plan and any applicable specific plan, including the density and intensity limitations that apply;
  - The project is in compliance with any applicable Overlay Districts;
  - The subject site is physically suitable for the type and intensity of the land use being proposed;
  - Adequate transportation facilities and public services exist or will be provided in accord with the conditions of PUD plan approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare;
  - The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area;
  - The development generally complies with applicable adopted design guidelines; and

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- The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation and/or substantial public benefit. In making this determination, the following factors have been considered:
  - Appropriateness of the use(s) at the proposed location.
  - The mix of uses and housing types.
  - Provision of units affordable to persons and families of low and moderate income or to lower income households.
  - Provision of infrastructure improvements.
  - Provision of open space.
  - Compatibility of uses within the development area.
  - Creativity in design and use of land.
  - Quality of design, and adequacy of light and air to the interior spaces of the buildings.
  - Overall contribution to the enhancement of neighborhood character and the environment of Yuba County in the long term.

7. The Board of Supervisors adopts the following three (3) findings of fact as stated in the staff report for the Tentative Subdivision Tract Map (TSTM2007-0008):

- The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable specific plan, the Development Code, and other applicable provisions of the County Code. A proposed subdivision shall be considered consistent with the General Plan or a specific plan only when the proposed subdivision or land use is compatible with the objectives, policies, general land uses, and programs specified in such a plan.
- The design of the subdivision shall provide, to the extent feasible, for future passive and natural heating and cooling features in accordance with Section 66473.1 of the Subdivision Map Act.
- Water will be available and sufficient to serve a proposed subdivision with more than 500 dwelling units in accordance with Section 66473.7 of the Subdivision Map Act.

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8. The Board of Supervisors finds that the project, as conditioned, meets the County design and improvement standards set forth in the Yuba County Development Code.
9. The Board of Supervisors finds that the project, as conditioned, is in compliance with the Yuba County Development Code.
10. The Board of Supervisors finds the proposed location of the Planned Unit Development and Tentative Subdivision Tract Map is in accordance with the Goals and objectives of the General Plan and the general purpose of the zone in which the project is located.
11. The Board of Supervisors finds the proposed Planned Unit Development and Tentative Subdivision Tract Map and the conditions under which it would be developed or maintained will promote, protect, and secure the public health, safety and general welfare and will result in an orderly and beneficial development of the County in the areas therein.
12. The Board of Supervisors finds that the project, as conditioned, is in compliance with the Planned Unit Development Findings listed in the Yuba County Development Code Section 11.12.070 and the Tentative Subdivision Tract Map Findings listed in the Yuba County Development Code Section 11.40.040.E.
13. 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 Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis.
14. 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. A Notice of Determination will be recorded with the County Recorder and Fish and Game Filing Fees will be paid to the County Recorder.

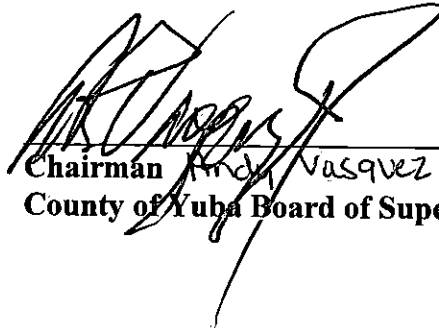
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The Board of Supervisors hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring Plan, incorporated herein by reference, and approves Planned Unit Development PUD2022-0001 to amend the Official Zoning Map, Development Code Section 11.04.030, from "RM" TO "RM-PD," and approves Tentative Subdivision Tract Map TSTM2021-0005, subject to the Mitigation Measures contained within the Mitigation Monitoring Plan and Conditions of Approval.

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Yuba, State of California, January 10, 2023, by the following vote.

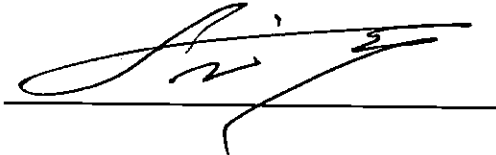
**AYES:** Supervisors Vasquez, Blaser, Fuhrer, Bradford, Messick  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

  
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Chairman Andy Vasquez  
County of Yuba Board of Supervisors

**ATTEST: Mary Pasillas**  
Clerk of the Board of Supervisors

**APPROVED AS TO FORM:**  
County Counsel

**BY:**   
\_\_\_\_\_  
Angela Dayberry, Board Clerk

**BY:**   
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