

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

<b>RESOLUTION TO ADOPT THE MITIGATED          NEGATIVE DECLARATION AND          MITIGATION MONITORING PLAN AND          APPROVE LDIV-22-0014, SUBJECT TO THE          ATTACHED CONDITIONS OF APPROVAL</b>	) ) ) ) )	<b>RESOLUTION NO.:</b> <u>2024-016</u>
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**WHEREAS**, The County of Yuba and Habitat for Humanity Yuba, filed an application for a Tentative Subdivision Tract Map to create 75 residential lots on a 10.24 acre property zoned Medium Density Residential "RM" on several properties located at 5871 Grove Ave & 1708 Ash Way, to the east side of Grove Avenue and the west side of Fernwood Drive, in the Linda Community at Assessor's Parcel Numbers 021-210-043, 047, & 021-207-010; and

**WHEREAS**, at their regularly scheduled meeting on August 16, 2023 the Planning Commission held a public hearing and took public testimony on the project, to make a recommendation to the Board of Supervisors and failed to make a recommendation and, therefore, the Board of Supervisors shall hear the matter de novo, make the required findings, and make the final determination for the approval, denial, or otherwise, of LDIV-22-0014 and the proposed Mitigated Negative Declaration and Mitigation Monitoring Plan; 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 of the County of Yuba has provided due notice of a public hearing before the Board of Supervisors of the County of Yuba and the intent is 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 finds that the proposed change of zone makes the project consistent with the Yuba County Zoning Map and Development Code.
3. 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.

4. 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.
5. The Board of Supervisors adopts the following 3 findings of fact as stated in the staff report for the Tentative Subdivision Tract Map (LDIV-22-0014):
  - 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.
6. 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.
7. The Board of Supervisors finds that the project, as conditioned, is in compliance with the Yuba County Development Code.
8. The Board of Supervisors finds the proposed location of the 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.
9. The Board of Supervisors finds the proposed 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.
10. The Board of Supervisors finds that the project, as conditioned, is in compliance with the Tentative Subdivision Tract Map Findings listed in the Yuba County Development Code Section 11.40.040.E.
11. 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.

12. 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.

The Board of Supervisors hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring Plan, incorporated herein by reference, and approves Tentative Subdivision Tract Map LDIV-22-0014, subject to the Mitigation Measures contained within the Mitigation Monitoring Plan and Conditions of Approval.

**PASSED AND ADOPTED** this 27 day of February 2024, by the Board of Supervisors of the County of Yuba, by the following vote:

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

  
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**Chairman**, Don Blaser  
**County of Yuba Board of Supervisors**

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

**APPROVED AS TO FORM:**  
**County Counsel**

BY: Mary Pasillas

BY: Ar. Stub