

ORDINANCE NUMBER 811

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY APPROVING A PREZONING MAP AMENDMENT FOR THE SOUTHERN SPHERE OF INFLUENCE PLANNING AND ANNEXATION PROJECT AND AN AMENDMENT TO THE SOUTHEAST INDUSTRIAL DISTRICT COMBINING ZONE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GRASS VALLEY AS FOLLOWS:

SECTION 1. The Grass Valley Planning Commission conducted a duly noticed public hearing on November 16, 2021 and recommended the City Council approve the prezoning map amendments (Exhibit "A") on approximately 237 acres of the 400-acre Southern Sphere of Influence Planning and Annexation Project (Project), and to approve the amendments to the Southeast Industrial Combining Zone (Exhibit "B").

SECTION 2. The City of Grass Valley Zoning Map is hereby amended as shown in Exhibit "A" but will not become effective until the Project area is annexed into the City.

SECTION 3. Section 17.28.080 of Chapter 17.28 of Title 17 of the Grass Valley Municipal Code is hereby repealed and replaced as shown in Exhibit "B".

SECTION 4. In compliance with Section 17.94.060(B) of the Grass Valley Development Code, the City Council adopts the following findings in support of this amendment to the Zoning Map:

1. The proposed amendment is consistent with the General Plan. *Rationale: The proposed prezoning amendments include specific zoning designations that are specifically listed as being consistent with the proposed amendments to the General Plan. Since the City has approved the General Plan Land Use Map amendments by Resolution 2021-64, the proposed Zoning Map Amendment will result in consistency with the City General Plan. The amendment is otherwise internally consistent with the General Plan. The proposed amendments to the SEID reflect the objective of protecting and encouraging the heavy industrial activities occurring in the Project area. The amendments to the development standards are intended to encourage new industrial development on vacant lands that both the City and County note are of limited supply.*

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City. *Rationale: The proposed rezoning is the appropriate zoning to implement the City's General Plan. Some of the property is fully developed and much of the land is vacant or could be redeveloped with more intensive uses once public wastewater is provided. Future development will need to demonstrate compliance with City development and environmental standards to ensure it will not be detrimental to the public interest, health, safety, convenience, or welfare. As demonstrated in the public record, the proposal will not be detrimental to the public interest, health, safety, convenience, or welfare of the City. Future development in the SEID area will comply with the mitigation measures adopted in Exhibit "B", the Mitigation Monitoring and Reporting Program included in Resolution 2021-64, and other City policy documents.*

3. The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the proposed or anticipated uses and/or development would not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located. *Rationale: The Project area is located adjacent to the City limits, has access to full public services, and future development will be required to comply with all applicable public service standards. The proposed rezoning amendments reflect the existing uses or will accommodate urban development. Though no development is planned, any future development will need to demonstrate compliance with the City's development and environmental standards to ensure it will not create a hazard or impact the site and neighboring properties. Future development in the SEID area will comply with the mitigation measures adopted in Exhibit "B", the Mitigation Monitoring and Reporting Program included in Resolution 2021-64, and other City policy documents.*

SECTION 5. The City Council amends the Zoning Map as shown in Exhibit “A” and amends the SEID Combining Zone as shown in Exhibit “B” through the approval of this Ordinance.

SECTION 6. CEQA Findings. As noted in Resolution 2021-64, the City Council has certified a Subsequent Environmental Impact Report that addresses this Ordinance.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect 30 days after its adoption under Article VII, § 2 of the Grass Valley City Charter.

SECTION 7. Publication. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published once in *The Union*, a newspaper of general circulation printed, published, and circulated within the City.

INTRODUCED and first read on the 14th day of December 2021

PASSED AND ADOPTED this 11th day of January 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ben Aguilar, Mayor

ATTEST:

Taylor Day, Deputy City Clerk

APPROVED AS TO FORM:

Michael Colantuono, City Attorney

PUBLISH DATE: _____

Exhibit A

AUGUST 2020



Exhibit B

17.28.080 – Southeast Industrial District (SEID) Combining Zone

- A. **Purpose.** The Southeast Industrial District (SEID) Combining Zone applies to the area east of La Barr Meadows Road and west of Empire Mine State Park in the vicinity of Amsel Way as depicted in Figure 2-1. This Combining Zone is intended to permit the continuation, intensification and expansion of the uses of properties within the Combining Zone according to the Permitted Uses established for the Combining Zone.

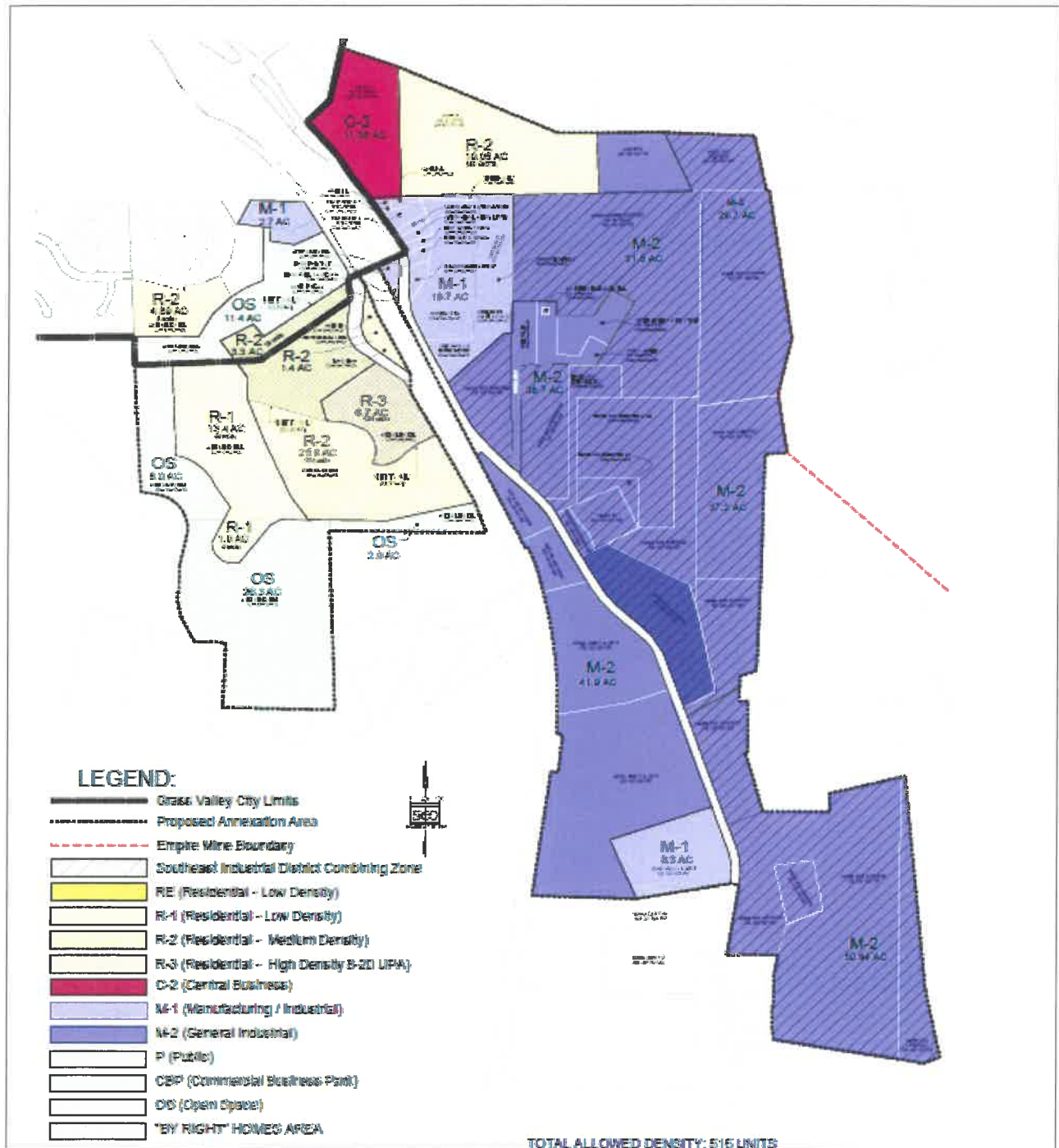


Figure 2-1. Southeast Industrial District

B. **Permitted Uses.** All uses in Table 2-10 are allowed by right as noted in the M-1 and M-2 Zone of the Development Code as designated by the Grass Valley Development Code Section 17.24.030, with the addition of the following permitted uses, which shall also be allowed by right:

1. Concrete, Gypsum and Plaster Product Manufacturing, including asphalt production.
2. Crushing, sorting and recycling of concrete, asphalt, aggregate, and construction materials.
3. Outdoor storage and sales of building, construction, and landscape materials including the import, export, and storage of aggregate products, rock, dirt, sand and or soil without a grading or stockpile permit.
4. Stump grinding, brush chipping, and the manufacturing, storage and sale of materials incidental to building and landscape materials sales.
5. Incidental burning of stumps, brush, and other dry woody materials.¹
6. Vehicle and equipment services.
7. Manufacturing and Processing- Heavy, including manufacturing of equipment incidental to permitted uses in the Combining Zone.
8. Fuel Dealership.
9. Construction, Farm and Heavy Equipment Sales and Rentals.
10. Bio-mass energy generation.
11. All other uses permitted in the City's C.B.P, M-1 and M-2 Zone without a permit.
12. Storage-Personal Storage Facility.
13. Storage-Outdoor.
14. Communication or Antenna towers.
15. All other existing nonconforming uses and activities in place at the time of adoption of this Combining Zone.

C. **Performance Standards Exemption for Existing Uses.**

1. Except as provided by State law, development within the SEID Combining Zone shall be subject to the Performance Standards specified in the Grass Valley Development Code Sections 17.30.070 and 17.30.090, except as those Sections are specifically modified by the Performance Standards contained in Section C.2 below ("SEID Combining Zone Performance Standards"). In the event of a conflict between Sections 17.030.070 and 17.030.090 and the SEID Combining Zone Performance Standards, the SEID Combining Zone Performance Standards shall apply.

2. SEID Combining Zone Performance Standards:

a. Setbacks.

i. Building Setbacks. Front and side building setbacks shall be a minimum of fifteen (15) feet from the back of curb.

ii. Parking setbacks. Front and side parking setbacks shall be a minimum of five (5) feet from the curb. Parking shall be allowed in the front setback if separated by a minimum five (5) foot wide landscape area or walkways.

¹ Note: May require a Burn Permit from the Northern Sierra Air Quality Management District.

iii. Creek and riparian setbacks. Buildings must have a minimum setback of thirty (30) feet from creek and riparian zones.

b. Fences, Walls and Screening.

- i. Eight (8) foot chain-link fencing shall be allowed
- ii. Walls over forty-eight (48) inches shall be allowed without benching for retaining walls so that retaining walls over six (6) feet may be allowed. Bunker walls on frontages shall have an eight (8) foot maximum.
- iii. Screening shall not be required for any Existing Uses or future uses.

c. Outdoor Lighting. Existing Uses shall not be required to conform to City standards related to lighting, except as they relate to cut-lighting and/or shielding directing light towards the ground and as necessary to maintain compliance with worker safety requirements under state law.

d. Dust. Developments in the SEID Combing Zone must, at a minimum, comply with NSAQMD requirements.

e. Vibrations. Shall be allowed to continue based on Existing Uses.

f. Odors. Shall be allowed to continue with similar or same as Existing Uses. Asphalt, manure, and other industrial uses and products may be allowed to have an odor that may be noticeable beyond the property line.

g. Solid Waste and Recycling. Solid waste and recycling facilities may be allowed to abut residentially designated properties or uses but must provide a one hundred (100) foot buffer/setback.

h. Signs and flagpoles. Second story and roof signs shall be allowed. Up to three hundred (300) square feet of signage shall be allowed per parcel. No irrigated landscaping shall be required around the base of signs. Existing non-conforming signs may remain and can be maintained or replaced. There shall be no height limit imposed on flagpoles.

i. Outdoor Displays and material storage. Outdoor (rental equipment) displays shall have no maximum height. All outdoor displays shall be allowed in setbacks and anywhere that does not disrupt traffic circulation, parking, or walkways. Cargo containers shall be allowed for rental or sale, but cannot be stacked more than two high. Material storage shall be allowed in non-frontage setbacks, and displayed with no height restrictions.

j. Processing facilities. Processing Facilities shall be allowed to abut residentially designated properties or uses but must provide a one hundred (100) foot buffer/setback. There shall be no maximum number or volume of inbound or outbound shipments, employee traffic, customer traffic or maximum size of the Processing Facilities.

k. Hillside and Ridgeline Development. No building shall be allowed on slopes greater than thirty (30) percent. There shall be no maximum retaining wall height or bench minimum. Grading may be allowed on slopes exceeding thirty (30) percent.

l. Grading. Grading shall be allowed to occur between October 15 and April 15 when weather conditions permit, and adequate Best Management Practices are utilized. Grading must meet requirements of the California Construction General Permit for Stormwater Discharges. All environmentally sensitive areas must be avoided, or mitigation measures must be implemented and therefore grading may occur within thirty (30) feet of environmentally sensitive areas when appropriately mitigated.

m. Subdivision Standards. No traffic calming measure shall be required for subdivisions. No pedestrian walkways or bike paths, or funding for either, shall be required for subdivisions. Parcels shall not be required to have gas, electric or sewer connections if already adequately served by existing utilities or can be served by existing or future private water wells and septic systems. City street names will be selected by the developer and approved by the City Council.

n. Parking.

i. Building and Landscape Material Display and Outdoor Storage shall require: one parking space per every 5,000 square feet of bulk material (bunkers or stockpiles).

ii. On Street Parking (local road/driveway) shall be permitted without director approval and included in the parking space count so long as the road design allows for on street parking.

iii. Rental Equipment Parking: Parking spaces may be gravel.

iv. Vehicle Service Repair: No minimum number of spaces shall be required for existing or proposed truck or equipment maintenance shops.

v. Loading Areas: Loading areas shall be allowed anywhere except where they encroach into stalls or driveways.

o. Noise. Existing Uses or future uses shall not be required to conform to City standards related to noise, except that noise levels may not exceed CalOSHA standards related to worker and public safety.

p. Hours of Operation. There shall be no restriction on hours or days of operations for Existing Uses or future uses.

q. Open Space and Natural Areas. Areas left open or in natural condition shall be planned and included as a buffer between land uses and/or biological mitigation areas and therefore performance standards relating to adequate traffic and circulation, fire protection devices, utility and drainage mapping, trails, benches, lighting, trash receptacles, shall not be required. To reduce fire risks to the region, all open space areas can be maintained by mechanical thinning, clearing, grazing, or hand removal without a permit. All open space and natural areas must comply with any requirements under state law. All open space areas may include onsite waste water disposal and water wells. All wastewater disposal or wells must comply with any requirements under state law.

r. Driveways. There shall be no required modification or alteration of any existing driveway. New driveways shall not be required to conform to City standards regarding driveways, and may be created, altered or modified without City approval.

- D. **Project Review.** Equipment or structures related to manufacturing concrete products or processing landscaping and building materials, including rock crushers, asphalt plants, batch plant structures, repair and fabrication shops, office spaces, or similar equipment or buildings that is customary and incidental to such use, may be installed subject only to the issuance of a building permit. Notwithstanding Subsection C, the addition of all other buildings or structures shall be subject to the standards in Chapter 17.30 and discretionary review by the following individual or body:

1. **Community Development Director.** New buildings or additions to existing buildings of 10,000 square feet or less.
2. **Development Review Committee.** New buildings or additions to existing buildings of between 10,001 and 20,000 square feet.
3. **Planning Commission.** New buildings or additions to existing buildings of more than 20,001 square feet.

- E. **Taxes and Assessments.** The City shall not to impose, levy, or collect any fee, charge, tax or assessment (including, but not limited to, a standby charge) within the SEID Combining Zone related to a City service or utility except in exchange for service requested by and provided to Existing or New Uses within the SEID Combining Zone. In the event that the City provides such a service for an Existing Use, the City charge shall not exceed the standard utility connection fees.

- F. **Financing Public Improvements or Facilities.** The City shall not impose, levy, or collect any fee, charge, tax or assessment (including, but not limited to, a standby charge) from properties within the SEID Combining Zone related to the financing of a public improvement or facility, or the operation or maintenance of a public improvement or facility.

- G. **Dedications of Rights of Way.** The City shall not require the dedication of, or take rights-of-way or other property within the SEID Combining Zone for public use. Notwithstanding the foregoing, the City may request, but shall not require, the dedication of right-of-way as part of the City's Development Review process for any discretionary project, including a new building or an addition to an existing building, of more than 5,000 square feet.

- H. **Existing Legally Non-Conforming Uses.** The City shall not impose any restriction or limitation on the hours of operation, number of employees, the number of vehicle or truck trips, number of customers, noise, dust, lights, odor, vibrations, or the amount or volume of material hauled in or out of existing legal non-conforming uses in place at the time of adoption of this Combining Zone.