

ORDINANCE NO. 426

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHEATLAND APPROVING THE PREZONING TO AGRICULTURAL EXCLUSIVE PLANNED DEVELOPMENT (AE-PD) AND ADOPTING THE PLANNED DEVELOPMENT STANDARDS

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

Section 1. Purpose and Authority. The purpose of this ordinance is to approve the prezoning of the Bishop's Pumpkin Farm property as Agricultural Exclusive-Planned Development, which zoning designation shall apply to that property if the Yuba County Local Agency Formation Commission approves the annexation of the property to the City. This ordinance is adopted pursuant to Government Code sections 65853-65859, and other applicable law.

Section 2. Findings. The City Council finds and determines as follows:

- A. On November 16, 2010, the Planning Commission held a duly noticed public hearing concerning the proposed prezoning of the Bishop's Pumpkin Farm Property, which is depicted in Exhibit A attached hereto and incorporated herein by reference, as Agricultural Exclusive-Planned Development (AE-PD). After the hearing, the Planning Commission recommended City Council approve the proposed prezoning of the property.
- B. 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.
- C. 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.
- D. The proposed prezoning to AE-PD is consistent with and would implement the policies of the City of Wheatland General Plan.
- E. The area is physically suited to the uses authorized in the proposed zone.
- F. The proposed prezoning is compatible with the land uses existing and permitted on the properties in the vicinity.
- G. 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.
- H. 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.

- I. The City Council finds that the proposed Bishop's Pumpkin Farm Planned Development as shown in Exhibit B, attached hereto and incorporated by reference herein, is consistent with the Zoning Ordinance Chapter 18.51, Planned Development Zone.

Section 3. Approval of Prezoning. The City Council hereby approves the prezoning of the Bishop's Pumpkin Farm property, which is shown in Exhibit A, as Agricultural Exclusive-Planned Development (AE-PD). The City Council further approves the Bishop's Farm Planned Development Zone, which is attached hereto as Exhibit B and incorporated by reference herein. The prezoning and the Bishop's Farm Planned Development Zone shall become effective when the Bishop's Pumpkin Farm Property is annexed to the City, which requires approval of the proposed annexation by the Yuba County LAFCO.

Section 4. Severability. 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. Effective Date. This ordinance shall take effect no sooner than 30 days after its final passage. The ordinance shall not become effective unless and until the Bishop's Pumpkin Farm Property is annexed to the City pursuant to the approval of the Yuba County LAFCO.

Section 6. Publication. 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.

INTRODUCED by the City Council on the 14th day of December 2010.

PASSED AND ADOPTED by the City Council of the City of Wheatland this 11th day of January, 2011 by the following vote:

AYES: Pendergraph, McIntosh, Coe, Elphick, West

NOES:


ABSENT:

ABSTAIN:



Enita Elphick, Mayor

Attest:



Lisa J. Thomason, City Clerk

EXHIBIT A

PROPOSED PREZONING MAP

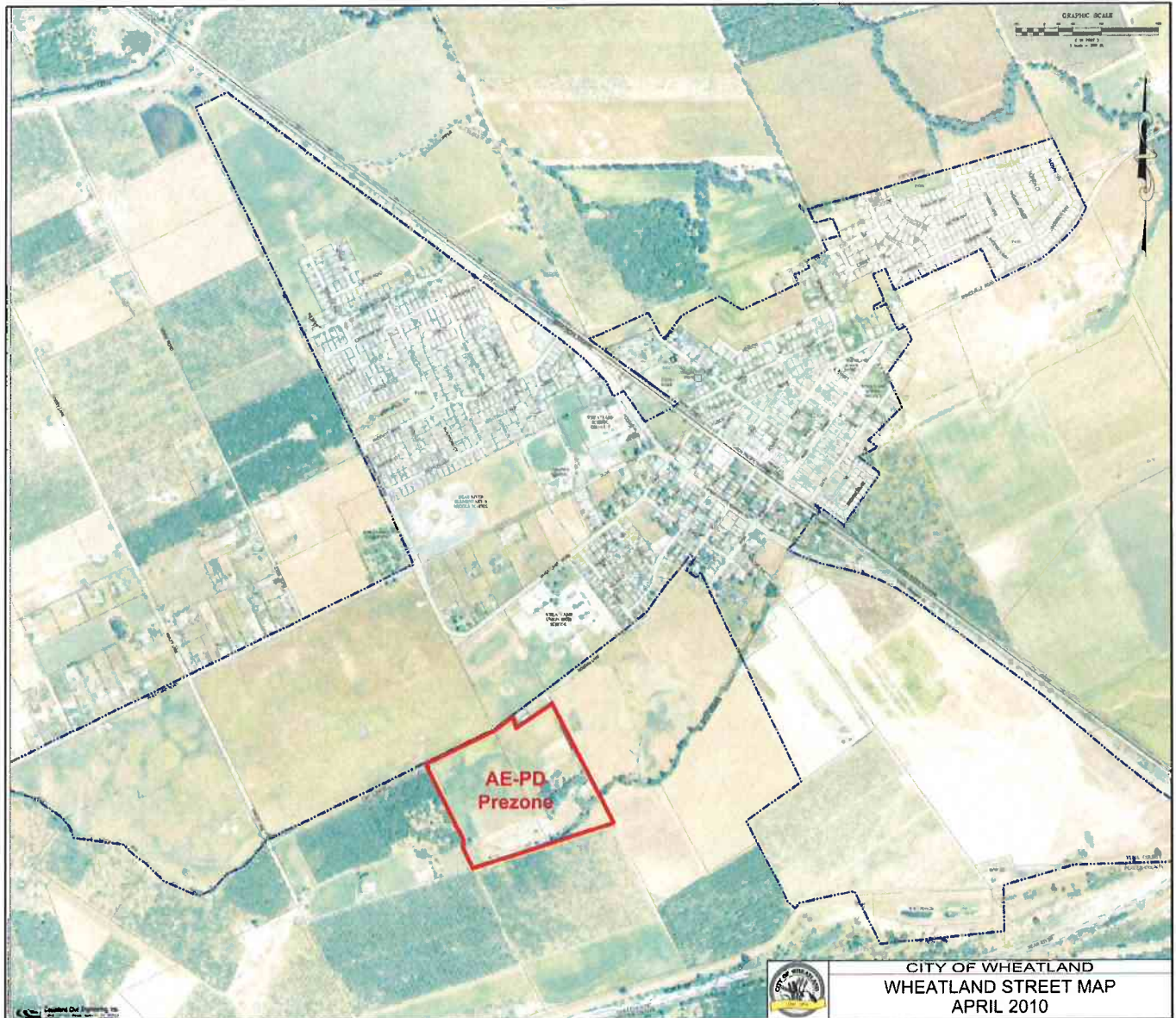


EXHIBIT B

BISHOP'S PUMPKIN FARM PLANNED DEVELOPMENT ZONE

I. PURPOSE

The purpose of the Bishop's Pumpkin Farm Planned Development Zone (Planned Development) is to create a zone which reflects the goal of maintaining an Agricultural Entertainment/Tourism area that reflects the agricultural heritage of the City of Wheatland. The Planned Development applies to the site as shown on the attached Exhibit A. The Planned Development is consistent with the City of Wheatland General Plan designation of Park for the site. The Economic Development Chapter of the Wheatland General Plan notes that tourism needs to be expanded to strengthen Wheatland's economy. The General Plan also notes Wheatland's historical character and attractions such as Bishop's Pumpkin Farm are an important part of this effort. General Plan Policy 3.C.5 states "[...] the City shall cooperate with efforts to expand activities and facilities of the Bishop Pumpkin Farm." The proposed annexation and maintaining of the existing uses at the Bishop's Pumpkin Farm are consistent with the existing Park General Plan designation.

II. LAND USE

A. Zoning

The zoning for the Planned Development site is Agriculture-Exclusive (A-E). The A-E zone is intended to be applied in areas where agriculture is and should be the desirable predominant use. This Planned Development defines the specific development standards for the site.

B. Permitted and Accessory Uses

The principal permitted and accessory uses in the Bishop's Pumpkin Farm Planned Development shall be:

1. One single family dwelling;
2. Pumpkin sales;
3. Sales of ancillary items related to the agricultural entertainment/tourism such as food and minor specialized retail; and
4. Limited events promoting agricultural entertainment/tourism.

The determination of the types of retail and events that are permitted shall be at the discretion of the Community Development Director. The Community Development Director has the discretion to ask the Planning Commission to make a determination.

C. Conditional Uses

The uses below are permitted only with the approval of a Conditional Use Permit by the Planning Commission:

1. Large scale special events promoting agricultural entertainment/tourism;
2. Building or group of buildings exceeding 4,000 square feet for the purpose of retail sales related to agricultural tourism;

D. Land Use Intensity

The intent of the Planned Development zone for Bishop's Pumpkin Farm is to promote agricultural entertainment/tourism. The primary use of the land, shall therefore be, the growing of agricultural products. Ancillary buildings consistent with the uses above are allowed provided the primary use of the site is the production of crops.

III. ARCHITECTURAL STANDARDS

A. Structures

All buildings and structures constructed on the site shall have an agricultural theme consistent with the existing theme of Bishop's Pumpkin Farm. All structures requiring a building permit shall be reviewed and approved by the Community Development Director. Small storage/maintenance buildings that are not part of the main activities are exempt from the agricultural theme.

B. Landscaping

Because the primary site use is agricultural production, landscaping is limited. However, in the more retail-oriented portions of the site, landscaping shall be provided as required in Wheatland Municipal Code Section 18.60.130.

C. Signage

All proposed signs shall comply with the City's Sign Ordinance.

D. Other Development Features

Within the Planned Development, Bishop's Pumpkin Farm shall also have the ability to construct buildings/features related to agricultural tourism (i.e., small unusual buildings, train stations, petting zoo, and coyote mountain). These unique features shall be reviewed and approved by the Community Development Director.

IV. DEVELOPMENT REGULATIONS

A. Lot Area

The minimum lot area in this Planned Development is 40 acres.

B. Setbacks

Structures shall be set back a minimum of 20 feet from property lines. Distance between structures shall be consistent with Building Code requirements.

C. Height Limits

Buildings shall not exceed 35 feet in height.

D. Parking

Parking shall be as it is for existing operations at the time of annexation. Parking required for any new structures or uses proposed shall be determined by the Community Development Director in conjunction with the approval of each building permit or by the Planning Commission in conjunction with a Conditional Use Permit, if required.

V. IMPLEMENTATION AND ADMINISTRATION

The existing uses at Bishop's Pumpkin Farm are permitted. Any additional uses will be reviewed and approved by the Community Development Director. The Director will determine whether the use is a permitted use or one that requires a Conditional Use Permit as defined above. The intent is to facilitate on-going operations of Bishop's Pumpkin Farm while ensuring that future uses are consistent with the City's vision for the site as an agricultural entertainment/tourism facility.