City of Kingsburg

Community Services Department

1401 Draper Street, Kingsburg, CA 93631 (559)897-5328 Fax (559)897-6558

COMMUNITY SERVICES COMMISSION
REGULAR MEETING
AUGUST 11, 2016
6:00pm

AGENDA

I. **Call to Order**

II. **Public Comments** - On any matter which does not appear on the agenda over which the Community Services Commission has jurisdiction. Comments on unscheduled items are limited to five minutes.

III. **Approve Minutes** – Approve minutes from the Community Services Commission meeting held May 12, 2016 as mailed or corrected. Minutes prepared by Planning Secretary Mary Colby.

IV. **Planning Commission Manual Overview** – Presentation by Planning Consultant Holly Owen

VIII. **Adjourn** - Adjourn to the next regular meeting in the Kingsburg City Council Chambers, 1401 Draper Street, at 6:00 P.M.

KINGSBURG PLANNING COMMISSION
REGULAR MEETING
MAY 12, 2016

Call to order – At 6:05 PM the Kingsburg Planning Commission meeting was called to order.

Commissioners Present – Kinney, Rountree, Poynor, Kruper, Cozeby, Johnson and Henslee.

Commissioners Absent – None

Staff Present – Planning Consultant Holly Owen, City Attorney Mike Noland and Planning Secretary Mary Colby

Others Present – Mayor Bruce Blayney

NEXT RESOLUTION 2016-08

APPROVAL of the April 14, 2016 minutes as mailed or corrected. Commissioner Cozeby made a motion, seconded by Commissioner Poynor to approve the minutes from the April 14, 2016 meeting as presented. The motion carried by unanimous voice vote.

PUBLIC COMMENTS – None.

PUBLIC HEARING – AWARDING OF COMPETITIVE ALLOCATIONS FOR RESIDENTIAL DEVELOPMENT FOR 2016

At 6:05pm the Public Hearing was opened.

Consulting Planning Director Holly Owen presented background on the history of the Growth Management Ordinance and the difference between submittals today and in 2013. The path to a full-fledged subdivision is sometimes very long. Lennar has had an approved map for some time but have not yet pulled any permits. Ms. Owen talked about the rating and ranking system. The maps are only being discussed tonight to award allocations, not for the design of the map. City Attorney Mike Noland stated that these are only discussed tonight for the number of units being awarded. Commissioner Kruper said he feels that the tentative map approval meeting is too late to bring up their concerns about design, traffic flow etc.

Commissioner Kinney suggested we have the plan for services that will be submitted to LAFCo brought to our committee for review. Mr. Noland stated the plan for services could be reviewed by the Planning Commission. LAFCo is looking for proof that the City can provide the City Services for the residents that move into the subdivision. Mr. Noland said all requirements must be satisfied and reviewed by the Planning Commission before it is approved.

Commission Discussion

Open for Public Comment – 6:28PM
Robert Anderson, 2611 19th, said he is not here to voice opposition against any of three maps but voice concerns regarding the Nelson subdivision, concerned with the circulation presented in the conceptual

plan. This plan presented shows all access from 60 lots travel down 19th Avenue to exit or enter the subdivision.

Dave Crinklaw, West Star Construction, gave background on his experience with NKSP and the allocation process.

Close Public Comment – 6:36PM

Continued Commission Discussion –
The Commissioners discussed the comments made by the public tonight and the valid points that have come up regarding increased traffic.

Close Public Hearing – 6:41PM

Decisions regarding Environmental Document
Commissioner Kruper made a motion, seconded by Commissioner Cozeby to recommend that the City Council approve the environmental determination that the award of housing units is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline to 15378 (b(5). The motion carried by unanimous vote.

Commissioner Johnson made a motion, seconded by Commissioner Cozeby to recommend that the City Council approve Resolution 2016-07 awarding 301 housing units as the 2016 housing unit allocation. The motion carried by unanimous vote.

FUTURE ITEMS
Will be a busy year, many projects coming through, and still familiarizing ourselves with the NKSP. Have multifamily projects in the pipeline, Chelsea is back in discussions again. It will be a secondary gateway to the City so would like to see a decent project. They are talking about a small transit hub and tie into bike master plan. Community Garden.

ADJOURN – At 6:51PM the Kingsburg Planning Commission meeting was adjourned.

Guidebook for the Kingsburg Planning Commission

City of Kingsburg
1401 Draper Street
Kingsburg, CA 93631

Guidebook for the
Kingsburg Planning Commission

City of Kingsburg
Table of Contents

INTRODUCTION **1**

What is the Authority of the Planning Commission? 2
Where Does the City's Authority to Regulate Development and Land Use Activities Come From? 2
What is the General Plan? 2
What Are Kingsburg's Planning Boundaries? 3
What is Zoning? 4
How is the Zoning Ordinance Used? 5
What Zones Does Kingsburg Have? 5
What Are Key Standards of the Zoning Ordinance? 6
What Other Planning Policies and Documents Does the City Have? 6

LAND USE AND DEVELOPMENT PERMITS **6**

What is Site Plan Review? 7
What Should Staff Look for in a Site Plan? 7
What is the Difference Between Site Plan Review and a Building Permit? 7
What is a Conditional Use Permit? 7
What is a Variance? 9
What is a Zone Change? What is a General Plan Amendment? 9
What Does Consistency between Zoning and General Plan mean? 9
What is a Public Hearing? 10
The "Balancing Act" of Public Hearing Notices 11

DIVISIONS OF LAND **12**

What is the Subdivision Ordinance and How Are Subdivisions Created? 12
What is the Difference between a Parcel Map and a Subdivision Map? 13
What is a Lot Merger?/What is a Lot Line Adjustment? 13
What Conditions May the Planning Commission Apply to a Project? 13
Do Some Projects Require More than One Planning Permit? 13
What is the California Environmental Quality Act (CEQA) and when is it required? 14
What Are The Different Types of Environmental Review? 14
What is an EIR? 15
What Types of Issues Are Examined in an Environmental Study? 15

OTHER PLANNING MATTERS **16**

What is Code Enforcement 16
What is a Non-Conforming Land Use and Why Does It Matter? 16
How Planning Commission Meetings Work? 16
Upon what does the Commission base its decision whether to approve or deny a project? 18

TOP TEN RECOMMENDATIONS FOR BEING AN EFFECTIVE PLANNING COMMISSIONER **19**

An Overview of Responsibilities of the Kingsburg Planning Commission

INTRODUCTION

This manual is an overview of what the Planning Commission does, its roles and responsibilities. The variety of issues that comes before the Commission can be confusing, especially for lay persons. In smaller communities like Kingsburg, Commissioners may come to the table with little experience in planning and zoning.

This guide is meant to be read along with the *"Planning Commissioner's Handbook"*, published by the California Institute for Local Government (available through the California League of Cities). Commissioners can request a copy of the Handbook through City Hall.

Topics covered in this guide include:

Planning in General
- What is the Authority of the Planning Commission?
- What is the General Plan?
- What are Kingsburg's Planning Boundaries?
- What is Zoning?
- How is the Zoning Ordinance Used?
- What Zones Does Kingsburg Have?
- What are Key Standards of the Zoning Ordinance?
- What Other Planning Policies and Documents does the City Have?

Planning Permits
- What is Site Plan Review?
- What is the Difference Between Site Plan Review and a Building Permit?
- What is a Conditional Use Permit?
- What is a Public Hearing?
- What is a Variance?
- What is a General Plan Amendment? What is a Zone Change?
- Do Some Projects Require More than One Planning Permit?

Subdivisions and Parcel Maps
- What is the Subdivision Ordinance and How are Subdivisions Created?
- What is the Difference between a Parcel Map and a Subdivision Map?
- What Conditions May the Planning Commission Apply to a Project?
- What is a Lot Merger? What is a Lot Line Adjustment?

Other Planning Matters
- What is the California Environmental Quality Act (CEQA) and when is it required?
- Code Enforcement?

What is the Authority of the Planning Commission?

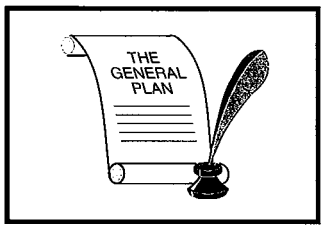
The Planning Commission is made up of residents who are appointed by the City Council and make decisions and recommendations on various land use and development issues, including:

- Conditional Use Permits;
- Variances;
- Subdivisions;
- Parcel Maps;
- Annexations to the city;
- Zone changes and general plan amendments;

Some types of projects also require a review of project site plans and other issues such as potential project impacts on the environment. Environmental review is governed by the California Environmental Quality Act (CEQA) which is discussed later.

Where Does the City's Authority to Regulate Development and Land Use Activities Come From?

Authority for cities and counties to regulate land use in California comes from the State's Planning and Zoning Law. This law is found in Section 65000 of the California Government Code and lays the foundation for cities to prepare and administer the General Plan and the Zoning Ordinance.



What is the General Plan?

The General Plan contains Kingsburg's policies to guide growth and development. The current General Plan was adopted by the City Council following Planning Commission review and recommendation in 1992 and was intended to guide growth through 2012. The General Plan can include lands outside the city's jurisdiction planned for future growth and is made up of the following elements required by state planning law:

Land Use Element. establishes policies and maps to guide the use and development of land in the planning area.

Circulation Element. establishes a map and policies to guide development of the circulation system which includes Highway 99, local roads, bike paths, and transit (bus service).
Conservation Element. establishes policies to protect resources, such as prime farm soils, air quality, water quality and endangered species.

Open Space Element. provides policies to ensure that open space - typically parks and parkways – are developed and maintained.

Housing Element. establishes policies to ensure the City is taking actions to ensure that housing can be provided for all income groups in the community.

Noise Element. establishes policies to avoid and minimize noise conflicts as growth and development occurs in the community.

Safety Element. establishes policies to ensure the public safety pertaining to earthquake hazards, flooding, crime, fire and similar hazards.

Each element generally contains a review of existing conditions, projections of future conditions, and a series of goals, objectives and action programs to guide future development.

The General Plan includes several maps that lay out a vision of future growth. The "Land Use Map" contains designations for land uses in the community, such as residential, commercial, industrial and public lands. This map is directly related to zoning, in that zoning of individual parcels must be consistent with the designation for that parcel as shown on the Land Use Map. The General Plan contains a matrix that shows consistency between Land Use and Zoning designations.

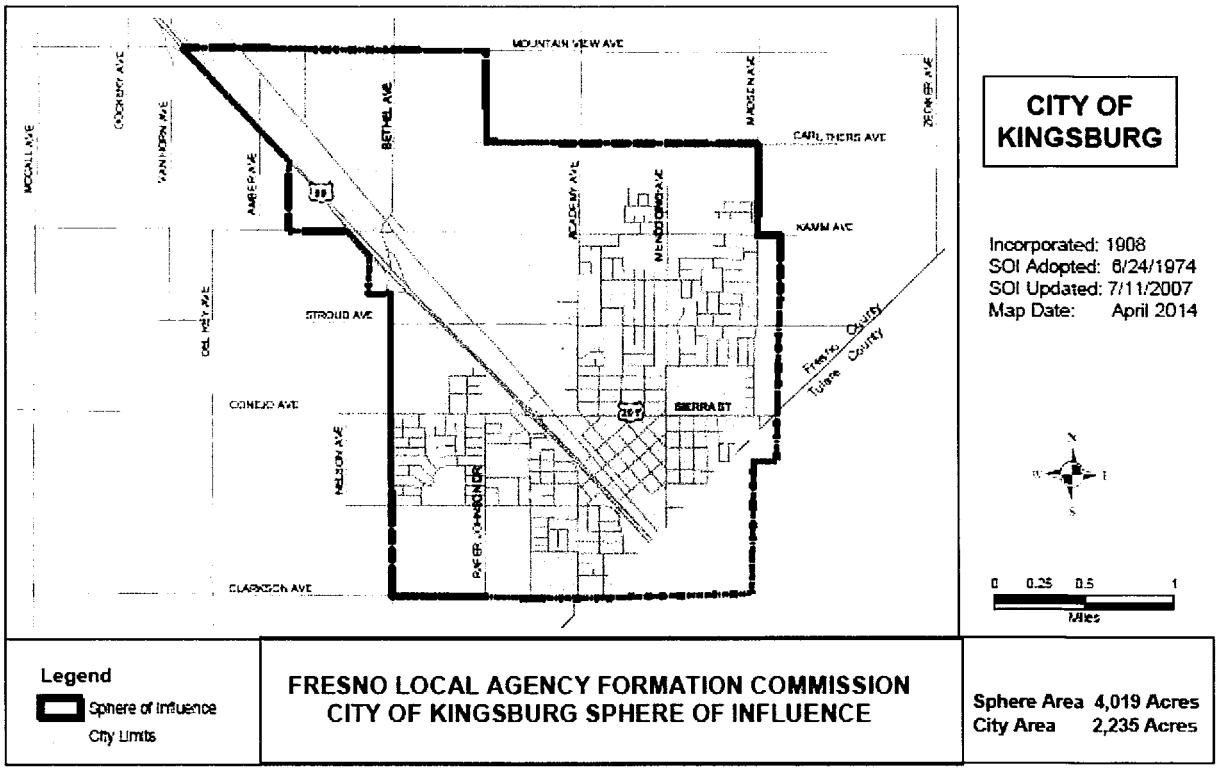
What Are Kingsburg's Planning Boundaries?

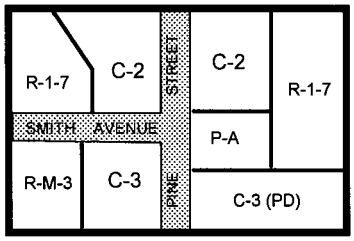
There are two primary legal boundaries that influence the planning and development of the city. These are shown on Figure 1 on the following page and include:

City Limits. This line defines areas controlled directly by the City of Kingsburg. All parcels within the city limits are zoned and regulated by the Kingsburg Zoning Ordinance. All public streets within the city limits are maintained by the City, as is the City's infrastructure system – sewer, water lines, water wells, parks, and storm drainage system, among others

Sphere of Influence (SOI). The SOI defines lands that form the urban boundary of the city (generally a 20-year growth horizon) and can potentially be annexed to the city. The Fresno Local Agency Formation Commission (LAFCo) is the jurisdictional body in Fresno County that approves all SOIs and annexations to cities. When the city seeks to annex land for development, that land must be located within the SOI and designated on the General Plan for urban development.

Figure 1: Kingsburg SOI and City Limits





What is Zoning?

Zoning is the City's legal mechanism for regulating use and development of property. The Zoning Ordinance (Title 17 of the Municipal Code) deals with development regulations and includes a map showing all parcels of land within the City designated with a specific zone district.

For each zoning district, the ordinance lists uses allowed "by right" in that zone. Each zone also has a list of uses permitted by Conditional Use Permit (CUP). These issues are discussed later in this report.

The Zoning Ordinance also contains standards to regulate the size and location of buildings, setbacks, parking, landscaping and fencing standards, among other issues.

How is the Zoning Ordinance Used?

The City uses the Zoning Ordinance on a daily basis – often when a property owner calls City Hall to ask what they can do with their property, and what development standards apply. For example, a homeowner may wish to construct an addition to their house and is concerned about setbacks. Staff first checks the address to confirm zoning of the property. For instance, if the property is zoned R-1 (Single Family Residential), staff then looks up the yard setback requirements and then informs the caller of those standards.

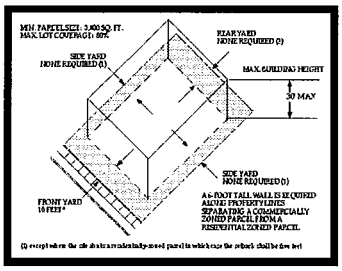
What Zones Does Kingsburg Have?

The Zoning Ordinance and Zoning Map apply the following zones to parcels in Kingsburg:

RCO	RESOURCE, CONSERVATION AND OPEN SPACE DISTRICT	
UR	URBAN RESERVE DISTRICT	
RA	RESIDENTIAL ACREAGE DISTRICT	
R	ONE-FAMILY RESIDENTIAL DISTRICTS	
	R-1-7	7,000 square feet minimum site area
RM	MULTI-FAMILY RESIDENTIAL DISTRICTS	
	RM-MH-5.4	5,400 square feet minimum site area per mobile home (8 mobile homes/net acre)
	RM-5.5	5,500 square feet minimum site area per dwelling unit
	RM-3	3,000 square feet minimum site area per dwelling unit
	RM-2.5	2,500 square feet minimum site area per dwelling unit
	RM-2	2,000 square feet minimum site area per dwelling unit
PO	PROFESSIONAL OFFICE DISTRICT	
C	COMMERCIAL DISTRICTS	
	CN	Neighborhood Commercial District
	CC	Central Commercial District
	CS	Service Commercial District
	CH	Highway Commercial District
	FBC	Downtown Kingsburg Form Based Code
I	INDUSTRIAL DISTRICTS	
	IL	Light Industrial District
	IH	Heavy Industrial District
	IP	Planned Industrial District

Combining Districts.

PUD	PLANNED UNIT DEVELOPMENT DISTRICT
MXU	MIXED USE DISTRICT



What Are Primary Standards of the Zoning Ordinance?

Most zones have the following development standards:

Setback (Yard) Requirements. Each zone has specific setback requirements to ensure that a certain amount of space remain open on a lot – typically front yard, side yards and rear yards. Some zones (e.g. commercial) require no setbacks. In the Downtown Form Based Code, this is intended to foster a pedestrian-oriented shopping environment.

Minimum Lot Size and Dimensions. Each zone district has minimum standards for lot size and dimensions for newly-established lots. For example, the R-1 zone requires newly-created lots to contain at least 6,000 square feet. Each lot must be at least 60 feet wide and 100 feet deep.

Parking and Loading. This section establishes requirements for how much parking is required for each development type and how parking lots are to be designed and improved.

Signs. This section establishes standards for the establishment of signs, including number, size, height, appearance, etc.

Landscaping. This section establishes requirements that each project must meet regarding landscaping.

Fencing. This section regulates the height, location, and sometimes material of fencing that can be placed on a specific parcel.

What Other Planning Policies and Documents Does the City Have?

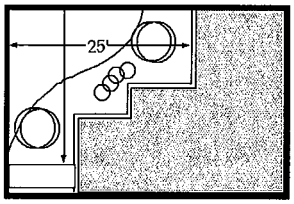
In addition to the General Plan, Kingsburg has adopted the **North Kingsburg Specific Plan** that guides growth in the area in the northern portion of the community and the **Highway 99 Beautification Overlay** that addresses setback and landscaping along the highway.

LAND USE PERMITS

There are several different types of zoning development permits in Kingsburg, including:

- Site Plan Review
- Conditional Use Permit
- Variance
- Zone Change
- General Plan Amendment
- Parcel Map
- Subdivision Map

These are reviewed in more detail below:



What is Site Plan Review?

Site Plan Review is a process established in the Zoning Ordinance that requires the staff to review approve or deny applications on development projects. Many uses listed as "permitted" in the Zoning Ordinance typically require Site Plan Review when new construction is proposed. The process normally works as follows:

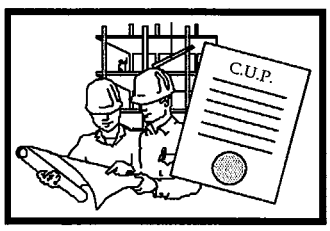
1. The applicant submits a Site Plan Review application with copies of the project plans and pays application fees at City Hall.
2. Staff reviews the application to determine if it is complete or whether additional information is necessary. If necessary, staff will contact the applicant to request additional information.
3. Once the application is complete, staff will review the project and approve or deny the Site Plan, including adding conditions of approval. If staff denies the Site Plan, or if conditions of approval are not agreed to, the applicant may file an appeal with the Planning Commission to request site plan approval or that conditions be changed. After the site plan review is completed, including any appeal period, building permits may be issued. The applicant normally has one year to establish the use or the site plan approval expires.

What Should the Site Plan Include?

The site plan must be consistent with City requirements and standards – especially with respect to zoning requirements such as setbacks, parking, landscaping, fencing, signage and the like. The project must also comply with City requirements pertaining to utilities (water, sewer storm drainage) as well as circulation (streets, sidewalks, etc.).

What is the Difference Between Site Plan Review and a Building Permit?

Site Plan Review deals with issues like the position of buildings, parking and landscaping. A building permit is required to satisfy requirements of the Uniform Building Code, including structural details of buildings, parking lots, light fixtures and other improvements. Minute details like the type of fasteners that hold together beams, air conditioning systems, window frames, plumbing and wiring and insulation are among many details reviewed that ensure that a building will be safe and sound.



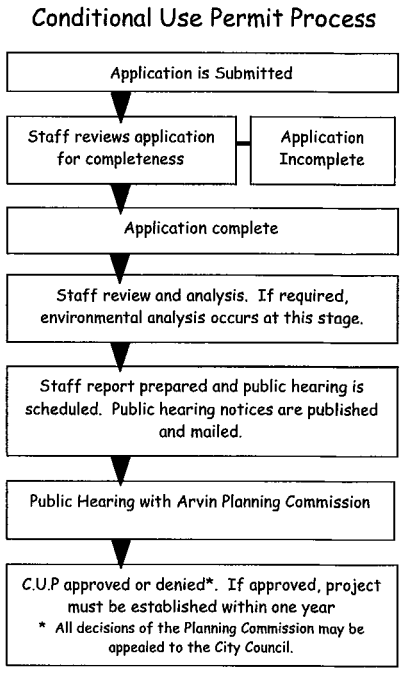
What is a Conditional Use Permit?

A Conditional Use Permit (CUP) is a type of planning permit that requires the Planning Commission to conduct a public hearing (see "What is A Public Hearing" below). Each zone lists uses "permitted subject to a CUP". These uses are typically more

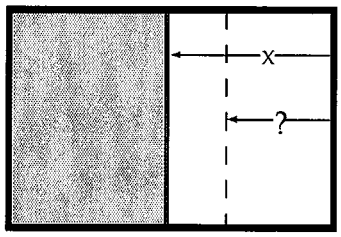
"intense" or have the potential to affect the surrounding neighborhood to a greater degree than other uses permitted in the same zone.

A CUP is distinguished from a Site Plan Review in that a CUP also allows wider latitude of conditions (requirements) that are placed on a project – to ensure that it does not unduly affect the surrounding neighborhood, or city services.

Here is how a Conditional Use Permit normally is processed:



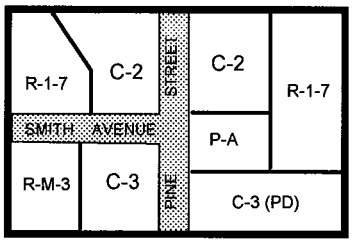
1. The applicant fills out a Conditional Use Permit application, submits the form with copies of project plans, and pays required fees at City Hall.
2. Staff reviews the application to determine whether it is complete or whether additional information is necessary.
3. Once the application is complete, staff will schedule the CUP for a public hearing before the Planning Commission. The exception is for projects that require more detailed environmental review. In this case, staff will prepare and circulate the environmental review for public comment prior to the Commission's public hearing.
4. The City must mail notices of the hearing to owners of all properties within 300 feet of the project site and also publish a legal notice of the meeting in the newspaper. These notifications must occur no less than ten days before the Planning Commission hearing.
5. Staff will prepare a report on the project and also a resolution that lists conditions of approval.
6. The Planning Commission conducts its hearing on the project. The Commission receives a report from the City Planner and then opens the meeting to public comments and questions. When all comments have been taken, the Commission closes the public hearing and votes to approve or deny the CUP. The decision of the Commission may be appealed to the City Council to uphold, deny or modify the Commission's decision.
7. If new construction is involved, the applicant may file an application for a building permit. The applicant normally has one year to satisfy the conditions of approval and establish the use.



What is a Variance?

A Variance is a type of planning permit that allows an applicant to deviate from standards of the zoning ordinance. For example, a person with a small existing lot may apply for a Variance to have a front yard setback reduced from the required 20-foot front yard setback to 17-foot to be able to "fit" a dwelling on the lot. It is up to the Planning Commission to review the request and make several "findings" that indicate the Commission has found that there are special circumstances about the site that makes it difficult to develop the property as required by the Zoning Ordinance.

The use of variances is usually limited to such zoning standards as setbacks, lot coverage, and building height. The process for a variance, including the Planning Commission public hearing and appeal rights, is the same as described earlier for a Conditional Use Permit.



What is a General Plan Amendment? What is a Zone Change?

All parcels in Kingsburg have two designations that control land use and development: 1. General Plan land use designation; and 2. Zoning. It is important to remember that the general plan is the overall guiding policy for the City and that, by state law, zoning must be consistent with the general plan land use designation.

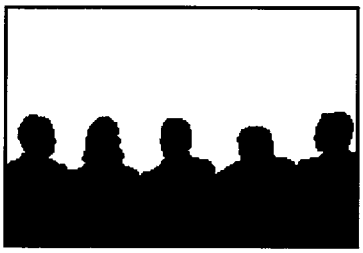
The General Plan land use designation controls what zone(s) can be applied to a particular property, and for residential zones what range of densities are allowed (number of dwellings per acre).

Zoning directly controls what kinds of land uses are allowed and how the property can be developed (e.g. how large buildings can be, yard setbacks, building height, parking, etc.).

Having two designations (General Plan and zoning) builds in a level of control that prevents zone changes from happening frequently and haphazardly. Due to the consistency requirement, someone requesting a zone change may often need a General Plan amendment at the same time. For example, the owner of a vacant parcel zoned for residential use (e.g. "R-1") may instead want to develop a shopping center. In this case, the owner would need to apply to the City to change the zoning to a zone district that allows for shopping centers (e.g. the "CG" (General Commercial) zone). In such a case the owner would also be required to apply to change the General Plan land use designation of the property and the two applications can be processed concurrently by the City.

In the case of General Plan amendments and zone changes, the Planning Commission acts as an advisory body to the City Council which is charged with the final decision. A public hearing is held before the Planning Commission is the same manner as described earlier for a

Conditional Use Permit. At the conclusion of the hearing, the Planning Commission passes a resolution making a recommendation to the City Council.



What is a Public Hearing?

A public hearing is a review that the Planning Commission conducts for certain types of planning permits. Public hearings require that the City notify the public of the Planning Commission's meeting by sending a notice to all property owners within 300 feet of the project site and by publishing a notice in the newspaper. These notifications must occur at least ten days before the meeting itself.

The following types of project always require a public hearing:

- Conditional Use Permits
- Variances
- Zone Changes
- General Plan Amendments
- Parcel Maps
- Subdivisions Maps
- Adoption of plans, such as General Plans, Specific Plans and Master Plans
- Appeal of staff decisions (i.e. site plan review)

The following table summarizes the level of review for various planning permits. Some projects also require review and action by the City Council. For clarity, the table also shows which types of project require environmental review. This can add significant time to the processing of a project.

Table 1: Project Review List

Permit Type	Planning Commission Review	City Council Review	Environmental Review (CEQA) required
Planned Unit Development (PUD)	Public Hearing	Public Hearing	Usually required
Conditional Use Permit	Public hearing	None(1)	For certain projects
Variance	Public hearing	None(1)	Usually not
Tentative Parcel Map	Public hearing	None(1) (2)	Usually not
Tentative Subdivision Map	Public hearing	Public hearing (2)	Usually required
Lot Line Adjustment	Reviewed by staff(3)	None(3)	Not required
Lot Merger	Reviewed by staff(3)	None(3)	Not required
General Plan Amendment	Public hearing	Public hearing	Usually required
Site Plan Review	Reviewed by staff(3)	None(3)	For certain projects
Zone Change	Public hearing	Public hearing	Usually required

Development Agreement	Public hearing	Public hearing	Usually required

Notes:
1. The City Council reviews only if someone files an appeal of the Planning Commission's action.

2. The City Council does review Final Parcel Maps and Final Subdivision Maps.

3. Site Plans, Lot Mergers and Lot Line Adjustments are reviewed and approved by staff. If an appeal of staff's decision is filed, it goes before the Planning Commission. If the Planning Commission's decision is appealed, it goes before the City Council. The City Council's decision is final.

The "Balancing Act" of Public Hearing Notices

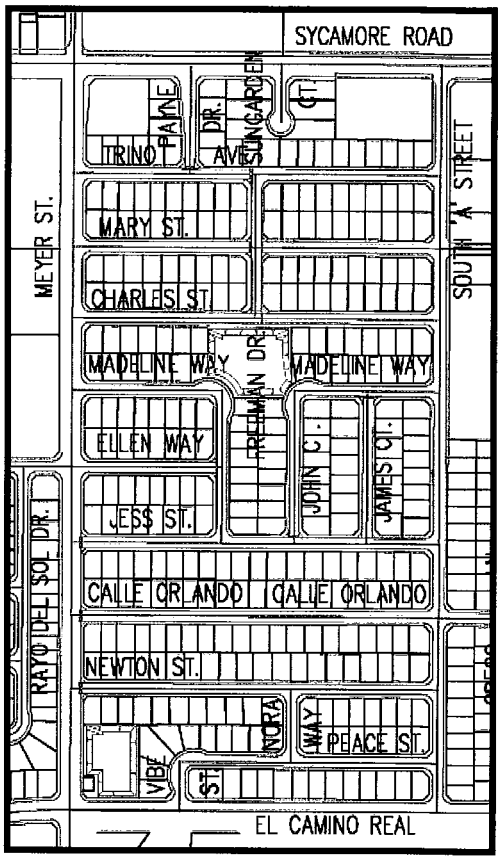
Projects that require a public hearing often place a time constraint on the applicant (and the City). This is because the applicant must be sure to have a complete application submitted to the City in time for the City to publish a notice (for the newspaper and mailing to neighbors). If the application is incomplete, the City cannot publish the legal notice – and the hearing is delayed to the following month.

Often staff is waiting for the applicant to submit required items and is sometimes waiting until the last possible minute to publish a legal notice. In addition, the newspaper usually has a "lead-time" by which they must receive the legal notice for publication. Coupled with the fact that the Commission only meets once per month, all of these factors can combine to create a delicate "balancing act" for the staff – who must balance the need to move a project along (and prevent delay) while ensuring that all the legal requirements are met and a project is well–designed and the application is complete. For permits that require a public hearing, applicants are advised to submit a complete application no later than the end of the month that precedes a Commission meeting. Even sooner is better!

DIVISIONS OF LAND

What is the Subdivision Ordinance and How Are Subdivisions Created?

The subdivision ordinance is part of the Kingsburg Municipal Code and establishes procedures and standards for the creation of new lots in Kingsburg. This is the procedure the City must follow when new subdivisions are created, or when someone wants to file a Parcel Map. Other actions that involve the Subdivision Ordinance include Lot Line Adjustments and Lot Mergers (discussed further below).



The Subdivision Ordinance gives the City the authority to require improvements and fees from developers as a condition of approving the subdivision or parcel map. Improvements that can be required include, but are not limited to:

- New streets, curbs, gutters, sidewalks and street trees
- Street lamps
- Drainage lines and stormwater ponding basins
- Water wells and lines
- Sewer lines and lift stations
- Parks and parkways

Fees that the City currently collects from developers include:

- Water system fees
- Sewer system fees
- Storm drainage system fees
- Park fees
- Public safety fees

Impact fees that the City collects must be used by the City to make upgrades to various systems to offset impacts caused by such development. For example, water impact fees are typically banked until such time the City has sufficient funds to upgrade or expand the water distribution system. Development impact fees are calculated on the estimated cost that it takes to provide services (e.g. water, sewer, storm drainage, police protection, etc.) for each dwelling unit.

In addition, other agencies such as the school district, air district, and Caltrans collect impact fees on new development projects.

What is the Difference between a Parcel Map and a Subdivision Map?

A parcel map is required when 2 to 4 parcels are being created on a site. A Subdivision Map is required when five or more lots are being created. Improvements required of a developer of land in a parcel map are usually allowed to be deferred until such time that the person develops each parcel. With a Subdivision Map, improvements (roads, utilities, etc.) typically must be installed prior to the development of units on the site. These improvements are often installed in phases.

What is a Lot Merger?/What is a Lot Line Adjustment?

A Lot Merger is a process for combining (merging) two or more lots. This action does not occur often but may be desirable for a developer who wants to combine several vacant lots into one larger parcel in order to accommodate a development project.

A Lot Line Adjustment is required when an applicant wishes to move a property line but where no new parcels are being created. Lot Line Adjustments are most often requested when a property owner wishes to create a larger lot – usually to fit a project on the site, or re-orient a line that runs north/south to one that would run east/west.

Both Lot Mergers and Lot Line Adjustments are reviewed and approved (or denied) by the staff. They do not come before the Planning Commission unless the Planner's decision is appealed.

What Conditions May the Planning Commission Apply to a Project?

The Planning Commission typically approves resolutions that apply conditions to a project – based on recommendations from the staff. State law limits the Commission to apply conditions that are reasonably related to the nature of the project. In general, conditions must protect the health, safety and welfare of the public and community at large. The conditions applied to a project will depend on the nature of the project itself. For example, the conditions applied to a subdivision will greatly differ from conditions applied to a CUP for a auto repair shop. Staff will always recommend conditions for each project. The Commission has the ability to add (or delete) conditions during a hearing, but they should always ask for staff's recommendation before doing so.

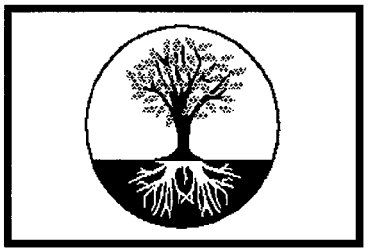
Do Some Projects Require More than One Planning Permit?

Often a single project combines several permit types. For example, an apartment project may include:

- A zone change

- A Conditional Use Permit (for construction of the apartments)
- A Parcel map (to create new parcels on the site); and
- Adoption of an environmental study

These permits/actions can all be reviewed at the same time by the Planning Commission. Two of the items also require public hearings with the City Council – the zone change and the environmental study.



What is the California Environmental Quality Act (CEQA) and when is it required?

The California Environmental Quality Act (CEQA) is a state law that requires cities to prepare environmental studies for certain types of development projects. These studies must be prepared before the city takes action on certain types of projects. Not all projects are required to undergo environmental review as CEQA contains a list of project types that are normally exempt from further review. The following common types of projects are usually exempt from environmental review:

- Single family homes on approved lots
- Accessory buildings and improvements
- Additions to existing small structures and sites
- Small scale commercial, industrial and public projects – generally smaller than 10,000 square feet of building area
- Parcel Maps, lot mergers and lot line adjustments
- Variances
- Infill development on parcels of less than 5 acres consistent with the General Plan and Zoning

Projects that usually always require environmental review include:

- General Plan Amendments and Updates
- Zone Changes
- Tentative Subdivision Maps
- Annexations
- Projects that require a Conditional Use Permit where development is proposed, involving 10,000 square feet or more
- Specific Plans
- Municipal projects such as expansion of the Wastewater Treatment Plant, new water wells, expansion of utility systems, roadway improvements, etc.

What Are Different Types of Environmental Review?

There are generally three levels of environmental review under CEQA, including:

1. **Exemption**: this means that the project is exempt from any further environmental review
2. **Initial Study** is prepared when staff determines that a project is not exempt from review. The study is prepared which usually makes one of three determinations:

   a. The project will not have any significant effects on the environment. In this case a form called a "**Negative Declaration**" is prepared, circulated for public review, and considered prior to taking action on the project.
   b. The project could have a significant effect but measures can be taken to eliminate or reduce the impacts to a level considered less than significant. In this case a form called a "**Mitigated Negative Declaration**" is prepared, circulated for public review, and considered prior to taking action on the project. and recorded.
   c. The project will have a significant effect that likely cannot be reduced or eliminated (mitigated). In this case, the City must prepare a more detailed study called an **Environmental Impact Report** (EIR). The EIR is circulated for public review and a Final EIR is considered prior to taking action on the project.

3. **Environmental Impact Report**. As noted above, an EIR is prepared when a project will have a significant impact on the environment. Impacts most commonly found to be significant for development projects in Valley communities include:

   - Loss of prime farmland
   - Impacts to air quality
   - Loss of endangered plant and animal species or habitat
   - Exceeding capacity of infrastructure systems - local water or sewer systems
   - Impacts/overdraft of groundwater
   - Traffic/circulation
   - Public services
   - Growth-inducing impacts (an action which might result in additional urban growth – thereby resulting in even more impacts).
   - Cumulative impacts (impacts that individually may not be significant but when combined with other projects may be significant)

OTHER PLANNING MATTERS

What is Code Enforcement?

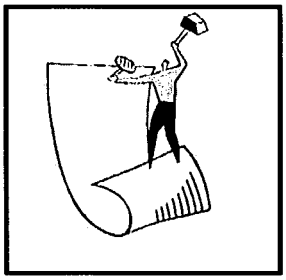
Code enforcement is the City's process to ensure that properties are properly maintained, consistent with City laws. The City has an established process where residents may file a complaint with the City if they feel that a city code is being violated. This may include a variety of things, like farm animals being kept in a residential zone, a business being operated out of a house or junk being stored on a property where it is not permitted.

Normally the Code Enforcement Officer tries to work with property owners to clean up violations before it gets to the point of fines and liens. However sometimes a property owner is stubborn and simply does not want to clean up their property.

What is a Non-Conforming Land Use and Why Does It Matter?

A non-conforming land use is a property where the use was legally established (at some point in the past) but where the current zoning of the property does not allow that use. A common example is where there are houses on commercially zoned property. However, such homes were built many years ago (probably before the City was incorporated). The City's zoning ordinance generally provides that as long as the residential use continues and does not cease, then the residential use may continue indefinitely.

A key provision of the non-conforming rules is that non-conforming uses may not expand or increase in size. This is not permitted, because it will further entrench the non-conforming use. It is important to note, however that certain improvements related to health and safety can be made to non-conforming buildings. Items such as new roofing, new wiring, plumbing, new windows, etc. can be made – as long as the building or use is not expanded in size.



How Do Planning Commission Meetings Work?

Following is a summary of how a typical Planning Commission meeting runs:

1. Call to Order. The Chairperson strikes the gavel and calls the meeting to order.

2. Roll Call. The secretary will call the names of each Commissioner to verify their attendance

3. Pledge of Allegiance. The Chairperson will lead the Commission in the pledge of allegiance.

4. Approval of Minutes. The Chairperson will ask Commissioners if they have read the minutes of the previous month's meeting and if so, if one of the Commissioners will make a motion to adopt the minutes. Once a motion is made, the Commission is asked for a second. When a second is received the Chairperson will ask the Secretary to take roll. Commissions will then vote to approve or deny the minutes.

5. Public comments. At this time members of the public can come to the podium and comment on any items of interest to them. However, comments on items that are listed on the agenda should be held until that item is addressed.

6. Public Hearings. This is the portion of the agenda where items requiring a public hearing are addressed. In this example, a Conditional Use Permit is being considered.

    a. Chairperson asks staff to present a report on the project;

    b. Staff presents a report on the proposed project and makes a recommendation for the Planning Commission to either approve or deny the project;

    c. Planning Commission members ask questions of staff;

    d. Chairperson opens the public hearing – the applicant is allowed to explain their project and respond to any Commission questions. Other members of the public may also speak at this time;

    e. Chairperson closes the public hearing;

    f. Commissioners discuss the project further and ask additional questions of staff, if any;

    g. Commission votes on the project. The Commission may also vote to "continue" the hearing to a future date, if they feel that more information is needed to adequately evaluate the project.

7. Staff and Commissioner Comments. Staff and the Commission may discuss other issues that were not on the calendar, as long as they do not pertain to a public hearing matter that was already discussed, or to upcoming public hearings.

8. Adjournment. The Chairperson asks for a motion to end the meeting.

Upon what does the Commission base its decision whether to approve or deny a project?

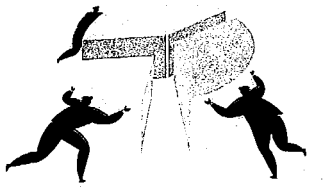
There are a number of factors that are used to evaluate a project – whether it is a new store, a new subdivision, or an auto repair business. The staff report will analyze each project and give the staff's recommendation as to whether the project or request should be approved or denied. Usually the staff has worked with the applicant to ensure that the project meets city standards.

For each type of project, the Commission must make "findings" to be able to approve the project. For a Conditional Use Permit, the following findings are normally required:

1. The project is consistent with the Kingsburg General Plan.
2. The project is consistent with applicable zoning standards and the Official Zoning Map of the City of Kingsburg.
3. The project has been reviewed consistent with CEQA.
4. The project will not have an adverse impact on the health, safety and welfare of residents in the neighborhood or community.

The Planning Commission takes its action by adopting a resolution that either approves or denies the project. For projects that are being approved, the resolution normally includes a list of conditions of approval. Usually various city departments have helped to review the project and will contribute to these conditions. For example, the City Engineer will require conditions about grading and drainage, street improvements and utility connections. The Fire Department may include conditions about fire hydrants and public safety. The Police Department may include conditions about proper outdoor lighting and security. The Commission has latitude to add conditions during the public hearing but it is important that any such conditions be reasonably related to the nature of the project and the impacts that it is creating.

TOP TEN RECOMMENDATIONS FOR BEING A GOOD COMMISSIONER



1. Be on time. Stay for the entire meeting.
2. Listen closely and pay attention to what is being said.
3. Give your full attention and respect to each person who is speaking
4. Read your staff reports before coming to the meeting. Visit project locations if possible.
5. Speak clearly so everyone can hear.
6. Explain why you are voting the way you are voting.
7. Treat everyone with respect – the public, applicants, staff and other commissioners.
8. Stay informed and keep on top of what is happening in your community.
9. Do what is best for the community, not necessarily yourself or certain individuals.
10. Avoid conflicts of interest.

Add your own:

11. _____
12. _____
13. _____
14. _____
15. _____