

S.O.S STORAGE  
P.O. BOX 14  
ISLETON, CA 95641

RECEIVED

AUG 29 2022

8/29/22

DATE: AUGUST 22, 2022

TO: ISLETON PLANNING COMMISSION

FROM: DAVID SILVA, OWNER OF SOS STORAGE

SUBJECT: MICHELLE BURKE AND DON CAN

DEAR COMMISSION MEMBERS,

I HAVE BEEN THE OWNER OF SOS STORAGE FOR 23 YEARS. DURING THE LAST 10 YEARS, MY FACILITY HAS BEEN BROKEN INTO BY VANDELS ABOUT 6 TIMES. MOST BREAKINS OCCUR DURING THE NIGHT. FOR THE PAST 16 YEARS MY FACILITY WAS MANAGED BY JOE AND ROSEMARY MAGHONEY WHO OWN AT 25 GAS WELL ROAD WHICH IS ADJACENT TO MY FACILITY. SINCE FEBRUARY, I HAVE HIRED MICHELLE BURKE AND HER PARTNER DON CAN TO MANAGE SOS STORAGE AS THEY OWN THE LAND ACROSS THE STREET FROM MY FACILITY ON 6<sup>TH</sup> STREET.

MICHELLE AND DON HAVE A PROFESSIONAL BACKGROUND IN MANAGING RENTAL PROPERTIES. NOT ONLY THAT BUT THEY HAVE EXTERIOR CAMERAS ON THEIR PROPERTY WHICH ALSO POINT TOWARDS SOS STORAGE. I BELIEVE THE CAMERAS HAVE ADDED AN ADDITIONAL SECURITY MEASURE TO MY FACILITY, WHICH MAY DECREASE THE CRIME ELEMENT. I WOULD APPRECIATE YOUR WORKING WITH THEM AS VALUABLE MEMBERS OF THE COMMUNITY.

PLEASE FEEL FREE TO REACH OUT TO ME WITH ANY QUESTIONS AT EITHER MY EMAIL ADDRESS: [sosstorage@yahoo.com](mailto:sosstorage@yahoo.com) or by calling my cell phone: (925) 890-5389.

THANK YOU,



DAVID SILVA



## CITY OF ISLETON

### Special Planning Commission Meeting Minutes

Tuesday, February 15, 2022 at 6:30pm

208 Jackson Boulevard

Isleton, California 95641

TELECONFERENCE MEETING

<https://us02web.zoom.us/j/3379037904?pwd=MUM2cnZrdzJMVtBUQ0EyTUd4S2kzZz09>

Phone Dial In: 408-638-0968

Meeting ID: 337 903 7904

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#### 1. OPENING CEREMONIES

A. Welcome & Call to Order – Chair Jack Chima called to order 6:30pm.

B. Pledge of Allegiance

C. Roll Call

PRESENT: Planning Commissioner's Chris Jones, Michelle Burke, Robert Jankovitz, Chair Jack Chima, City Manager Charles Bergson, and Deputy City Clerk Yvonne Zepeda.

ABSENT: Planning Commissioner Mandy Elder.

#### 2. AGENDA CHANGES OR DELETIONS

ACTION: None.

#### 3. PUBLIC COMMENT

This is an opportunity for the public to speak to the Council on any item other than those listed for public hearing on this Agenda. Speakers are requested to use the podium in front of the Council and to begin by stating their name, whether they reside in Isleton and the name of the organization they represent if any. The Mayor may impose a time limit on any speaker depending on the number of people wanting to speak and the time available for the rest of the Agenda. In the event comments are related to an item scheduled on the Agenda, speakers will be asked to wait to make their comments until that item is being considered.

ACTION: None.

#### 4. COMMUNICATION

A. County of Sacramento, Order of Health Officer.

ACTION: Information only.

#### 5. CONSENT CALENDAR

A SUBJECT: None.

#### 6. NEW BUSINESS

**AMERICANS WITH DISABILITIES ACT NOTICE:** In compliance with the Americans with Disabilities Act, persons needing a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, may contact Deputy City Clerk Yvonne Zepeda, at (916) 777-7770, by fax at (916) 777-7775 or by email to [Yvonne.zepeda@cityofisleton.com](mailto:Yvonne.zepeda@cityofisleton.com) at least 48 hours prior to the meeting.

**GOV. CODE § 54957.5 NOTICE:** Public records related to an agenda item that are distributed less than 72 hours before this meeting are available for public inspection during normal business hours at Isleton City Hall located at 101 Second Street, Isleton, California 95641.

- A. **SUBJECT:** Conditional Use Permit Proposal, 301-501 Jackson Boulevard-Meadows at Isleton-Luxury RV Resort.

**RECOMMENDATION:** The Commission is requested to receive the presentation on the Meadows at Isleton Luxury Recreational Vehicle Resort.

**ACTION:** Tabled to bring formal application next month.

**7. COMMISSION REPORTS AND COMMITTEE UPDATES**

- A. Commission Chair Jack Chima – None.
- B. Commissioner Robert Jankovitz – None.
- C. Commissioner Chris Jones – None.
- D. Commissioner Michelle Burke – None.
- E. Commissioner Mandy Elder – None.

**8. STAFF GENERAL REPORTS AND DISCUSSION**

**ACTION:** None.

**9. ADJOURNMENT**

**7:22pm.**

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

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**CHAIR, Jack Chime**

**ATTEST:**

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**DEPUTY CITY CLERK, Yvonne Zepeda**

## CITY OF ISLETON

### Special Planning Commission Meeting Minutes

Wednesday, April 13, 2022 at 6:30pm

208 Jackson Boulevard

Isleton, California 95641

### TELECONFERENCE MEETING OR IN PERSON

This meeting will be held via teleconference or in person, pursuant to Executive Order N-29-20 issued by the State of California Executive Order by Governor Gavin Newsom on March 17, 2020. All members of the public interested in participating in this ZOOM meeting are invited to join by phone or online teleconference. To attend meeting by phone, dial 408-638-0968 (do not put a 1 before the number), Personal Meeting ID 337-903-7904# and Personal ID just hit # and then Passcode 123456#. For computer log in follow the link below.

<https://us02web.zoom.us/j/3379037904?pwd=MUM2cnZrdzJlMVBURU0EYUd4S2kzZz09>

Phone Dial In: 408-638-0968

Meeting ID: 337 903 7904

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#### 1. OPENING CEREMONIES

A. Welcome & Call to Order – Commissioner Chris Jones called to order at 6:48p.m.

B. Pledge of Allegiance

C. Roll Call

PRESENT: Planning Commissioner's Michelle Burke, Chris Jones, Chair Jack Chima, Mandy Elder arrived at 6:58pm.

#### 2. AGENDA CHANGES OR DELETIONS

ACTION: None.

#### 3. PUBLIC COMMENT

This is an opportunity for the public to speak to the Council on any item other than those listed for public hearing on this Agenda. Speakers are requested to use the podium in front of the Council and to begin by stating their name, whether they reside in Isleton and the name of the organization they represent if any. The Mayor may impose a time limit on any speaker depending on the number of people wanting to speak and the time available for the rest of the Agenda. In the event comments are related to an item scheduled on the Agenda, speakers will be asked to wait to make their comments until that item is being considered.

ACTION: None.

#### 4. COMMUNICATION

A. None.

#### 5. CONSENT CALENDAR

A SUBJECT: None.

#### 6. PUBLIC HEARING

**AMERICANS WITH DISABILITIES ACT NOTICE:** In compliance with the Americans with Disabilities Act, persons needing a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, may contact Deputy City Clerk Yvonne Zepeda, at (916) 777-7770, by fax at (916) 777-7775 or by email to [Yvonne.zepeda@cityofisleton.com](mailto:Yvonne.zepeda@cityofisleton.com) at least 48 hours prior to the meeting.

**GOV. CODE § 54957.5 NOTICE:** Public records related to an agenda item that are distributed less than 72 hours before this meeting are available for public inspection during normal business hours at Isleton City Hall located at 101 Second Street, Isleton, California 95641.

- A. **SUBJECT:** Conditional Use Permit UP 01-22 and Development Agreement DA 2022-01 for WTO Essentials, Inc. for a cannabis manufacturing and distribution facility located at 402 Jackson Blvd, Isleton, CA 95641, Assessor's Parcel No. 757-007-303-10-0000.

**RECOMMENDATION:** Conditional Use Permit CUP 01-22 and Development Agreement DA 2022-01 for WTO Essentials, Inc. for a cannabis manufacturing and distribution facility located at 402 Jackson Blvd, Isleton, CA 95641, Assessor's Parcel No. 157-0073-031-0000.

**ACTION:** Chair Jack Chima motion to accept Condition Use Permit CUP 01-22 and Development Agreement DA 202-01 for WTO Essentials, Inc. for a cannabis manufacturing and distribution facility located at 402 Jackson Blvd., Isleton, CA. 95641, Assessor's Parcel No. 157-0073-031-0000. Commissioner Michelle Burke second the motion. **AYES:** Planning Commissioner's Mandy Elder, Michelle Burke, Chris Jones and Chair Jack Chima. **NOES:** None. **ABSTAIN:** None. **ABSENT:** None. **PASSED** 4-0.

## 7. NEW BUSINESS

- A. **SUBJECT:** None.

## 7. COMMISSION REPORTS AND COMMITTEE UPDATES

- A. Commission Chair Jack Chima – 502 6<sup>th</sup> street look into it & give Michelle Burke clarification.
- B. Commissioner Robert Jankovitz – Resigned.
- C. Commissioner Chris Jones – Memorialize last pc meeting.
- D. Commissioner Michelle Burke – Agendize reviewing signage ordinance in town.
- E. Commissioner Mandy Elder – Chamber new sign for docks.

## 8. STAFF GENERAL REPORTS AND DISCUSSION

**ACTION:** Planning Commissioner Robert Jankovitz resigned immediately.

## 9. ADJOURNMENT

AYES:

NOES:

ABSTAIN:

ABSENT:

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CHAIR, Jack Chima

ATTEST:

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DEPUTY CITY CLERK, Yvonne Zepeda

## CITY OF ISLETON

### Amended Planning Commission Meeting Minutes

Tuesday, April 5, 2022 at 6:30pm

208 Jackson Boulevard

Isleton, California 95641

TELECONFERENCE MEETING OR IN PERSON

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This meeting will be held via teleconference or in person, pursuant to Executive Order N-29-20 issued by the State of California Executive Order by Governor Gavin Newsom on March 17, 2020. All members of the public interested in participating in this ZOOM meeting are invited to join by phone or online teleconference. To attend meeting by phone, dial 408-638-0968 (do not put a 1 before the number), Personal Meeting ID 337-903-7904# and Personal ID just hit # and then Passcode 123456#. For computer log in follow the link below.

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Phone Dial In: 408-638-0968

Meeting ID: 337 903 7904

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#### 1. OPENING CEREMONIES

A. Welcome & Call to Order – Chair Jack Chima called to order 6:30p.m.

B. Pledge of Allegiance

C. Roll Call

PRESENT: Planning Commissioner's Mandy Elder, Chris Jones, Robert Jankovitz, Michelle Burke, Jack Chima.

#### 2. AGENDA CHANGES OR DELETIONS

ACTION: None.

#### 3. PUBLIC COMMENT

This is an opportunity for the public to speak to the Council on any item other than those listed for public hearing on this Agenda. Speakers are requested to use the podium in front of the Council and to begin by stating their name, whether they reside in Isleton and the name of the organization they represent if any. The Mayor may impose a time limit on any speaker depending on the number of people wanting to speak and the time available for the rest of the Agenda. In the event comments are related to an item scheduled on the Agenda, speakers will be asked to wait to make their comments until that item is being considered.

ACTION: Casey Cummunsky-a lot of traffic, transient by 5<sup>th</sup> and Jackson and A St. people stealing catalytic convertor. 106 4<sup>th</sup> St. no lights. A street light would be nice.

#### 4. COMMUNICATION

A. County of Sacramento, Order of Health Officer.

**AMERICANS WITH DISABILITIES ACT NOTICE:** In compliance with the Americans with Disabilities Act, persons needing a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, may contact Deputy City Clerk Yvonne Zepeda, at (916) 777-7770, by fax at (916) 777-7775 or by email to [Yvonne.zepeda@cityofisleton.com](mailto:Yvonne.zepeda@cityofisleton.com) at least 48 hours prior to the meeting.

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**ACTION:** Information only.

## 5. CONSENT CALENDAR

- A **SUBJECT:** Approval of Minutes of the Regular Planning Commission Meeting of December 7, 2021 and Special Planning Commission Meeting of February 15, 2022.

**RECOMMENDATION:** Planning Commission review and approve draft minutes of the Regular Planning Commission Meeting of December 7, 2021 and Special Planning Commission Meeting of February 15, 2022.

**ACTION:** Planning Commissioner Mandy Elder motion to approve draft minutes of the Regular Planning Commission meeting of December 7, 2021. Planning Commissioner Chris Jones second the motion. **AYES:** Planning Commissioner's Mandy Elder, Chris Jones, Michelle Burke, Robert Jankovitz, Chair Jack Chima. **NOES:** None. **ABSTAIN:** None. **ABSENT:** None. **PASSED 5-0.** Planning Commissioner Michelle Burke motion to approve draft minutes of the Special Planning Commission meeting of February 15, 2022. Planning Commissioner Chris Jones second the motion. **AYES:** Planning Commissioner's Chris Jones, Michelle Burke, Robert Jankovitz, Chair Jack Chima. **NOES:** None. **ABSTAIN:** Planning Commissioner Mandy Elder. **ABSENT:** None. **PASSED 5-0.**

## 6. PUBLIC HEARING

- A. **SUBJECT:** Conditional Use Permit UP 01-22 and Development Agreement DA 2022-01 for WTO Essentials, Inc. for a cannabis manufacturing and distribution facility located at 402 Jackson Blvd, Isleton, CA 95641, Assessor's Parcel No. 757-007-303-10-0000.

**RECOMMENDATION:** Conditional Use Permit UP 01-22 and Development Agreement DA 2022-01 for WTO Essentials, Inc. for a cannabis manufacturing and distribution facility located at 402 Jackson Blvd, Isleton, CA 95641, Assessor's Parcel No. 757-007-303-10-0000.

**ACTION:** Continued to April 13, 2022.

## 7. NEW BUSINESS

- A. **SUBJECT:** 502 Sixth Street, Find Property out of Compliance.

**RECOMMENDATION:** That the Commission recommend that City Council Find 502 Sixth Street out of Compliance with City Zoning Code (Ordinance 2015-01).

**ACTION:** Consensus to work with and meet with property owner Michelle Burke and Partner Don Cain and tour the property and site what is a violation and what isn't within three months, providing property owner's work with the City and Code Enforcement Officer. Then bring back.

- A. **SUBJECT:** Tree Inventory Report

**RECOMMENDATION:** For information.

**ACTION:** Direction given to City Manager on Tree Ordinance.



**7. COMMISSION REPORTS AND COMMITTEE UPDATES**

- A. Commission Chair Jack Chima – None.
- B. Commissioner Robert Jankovitz – Left meeting early. None.
- C. Commissioner Chris Jones – Del Rio in Escrow?
- D. Commissioner Michelle Burke – None.
- E. Commissioner Mandy Elder – Code Enforcement. 4<sup>th</sup> Ave. tree cut down.

**8. STAFF GENERAL REPORTS AND DISCUSSION**

General plan moving along. Special Planning Commission meeting April 13, 2022 for WTO.

**9. ADJOURNMENT**

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
CHAIR, Jack Chima

ATTEST: \_\_\_\_\_  
DEPUTY CITY CLERK, Yvonne Zepeda

DRAFT



Planning Commission  
Staff Report

ITEM#: 6-A  
CATEGORY: Information

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**PLANNING COMMISSION ORIENTATION WORKSHOP**

**BACKGROUND**

City staff periodically provides training programs to help City decision makers, such as yourselves, provide a better understanding of assigned responsibilities. This workshop presents the nuts and bolts of local government planning and some orientation to the responsibilities of a Planning Commissioner. This workshop will also provide some training in the California Environmental Quality Act, as it pertains to the Planning Commissioner's responsibilities. Some Commissioners attended a similar workshop with the City Council a few years back, but having the opportunity to brush up on this and to discuss among fellow commissioners in an open meeting can be very useful. This will also help prepare newly appointed commissioners the opportunity to learn more about what their expectations are in being effective decision makers.

Gary Price, Contract Planner for the City, in collaboration with staff, will be providing a presentation via Zoom at the meeting. We look forward to presenting this information to you all and the opportunity to discuss these topics with you.

**RECOMMENDATION**

This is for information only. No action is requested of the Planning Commission

A handwritten signature in black ink, appearing to be the initials 'GP' or similar, written over a faint, light-colored background.





ISLETON

[www.isleton.com](http://www.isleton.com)

# NUTS AND BOLTS OF PLANNING

Planning Commission Workshop

September 6, 2022



**Session I**  
**NUTS AND BOLTS OF PLANNING**  
**Planning Commission Workshop**



# Source of Power to Regulate Land Use

- Arose from “good government” movements as a response to unsanitary urban conditions
- Embodied desire to rein in private market excesses through government regulation
- Based on government’s Police Power: health, safety and welfare



## Key Milestones -- Nationwide

- 1909 Los Angeles imposes first zoning ordinance limiting industrial uses (not comprehensive)
- 1916 New York imposes first comprehensive zoning ordinance
- 1922 Standard State Zoning Enabling Act (SZEA)
- 1926 Euclid v. Ambler –upholds constitutionality of zoning

# Key Planning Milestones -- California

- 1927 California passes law requiring that cities and counties have a Master Plan
- 1928 Standard City Planning Enabling Act (SPEA)
- Zoning and planning laws have changed faster in California than the rest of the country due to rapid growth



# Land Use Regulation Today

- General Plans lay out a jurisdiction's future development plans through a series of policy statements in text and map form
- Specific Plans are a special set of development standards that apply to a particular geographical area
- Zoning provides detailed land use and design regulation
- Other planning documents include Master Plans, Area Plans, Vision Plans, etc., but these are not defined in the law.

**COMPREHENSIVE GENERAL PLAN  
&  
ENVIRONMENTAL IMPACT REPORT  
for the  
CITY OF ISLETON**

Adopted by the Isleton Planning Commission, April 5, 2000  
Adopted by the Isleton City Council, September 13, 2000

**ADOPTED BY THE ISLETON CITY COUNCIL  
SEPTEMBER 13, 2000**

Prepared by  
Grunwald & Associates  
City & Environmental Planning Consultants  
Sacramento, California

October 2000

SCH # 99092091



# The General Plan

- The “constitution” for planning and development
- Provides long-range vision for conservation and development (20-30 year horizon)
- Basis for local land use decisions
- Identifies important community issues
- Promotes community participation
- Sets the ground rules

# The General Plan

- The “constitution” for planning and development
- Provides long-range vision for conservation and development (20-30 year horizon)
- Basis for local land use decisions
- Identifies important community issues
- Promotes community participation
- Sets the ground rules



# The General Plan

- General Plan Undergoing Update:

See draft at: <https://planisleton.com/>



# General Plan Elements

- Mandated by State Law: Land Use, Circulation, Housing, Conservation, Open Space, Noise and Safety
- Optional: Economic Development, Public Facilities, Community Design and Health

# General Plan Vision

- Aspirational statements describing the desired, positive future of a community, city or county
- An image of the future the community wishes to create; a picture of how growth should occur over time
- Succinct description of community values Mandated by State Law: Land Use, Circulation, Housing, Conservation, Open Space, Noise and Safety
- Optional: Economic Development, Public Facilities, Community Design and Health



# General Plan Goals

- Ideal future end that is an expression of community values and may be abstract in nature
- Not quantifiable or time-dependent

## General Plan Standard

- Rule or measure establishing a level of quality or quantity that must be complied with or satisfied

# General Plan Program

- Action, procedure, program, or technique that carries out a general plan



# General Plan Policies

- Specific statement that guides decision-making
- Commitment to a particular course of action

# Housing Element

- Updated based on schedule in State law (4 or 8 years)
- Certified by the State Department of Housing and Community Development
- Regional Housing Needs Assessment (RHNA)
- Housing need by income category
- Specific sites zoned for housing
- Policies to facilitate housing development
- Actions to remove barriers to housing production



# Zoning

- Ordinance that implements and is consistent with General Plan policies
- Regulations for how private property may be used
- Allowed uses, standards for basic design, such as building coverage, building height and setbacks.
- Procedures for review and approval for development projects and administration

## **Environmental Review To Be Expanded on in Session II**

- Inform decision-makers about environmental effects
- Identify ways to avoid environmental damage
- Prevent avoidable environmental damage
- Disclose to the public why a project is needed, even if it results in environmental damage
- Enhance public participation in decision-making



# Role of the Planning Commissioner

## Process

- Participate in the development of the General Plan, Housing Element, and/or Zoning Code
- Facilitate community engagement
- Conduct study sessions and other forums
- Review General Plan, Housing Element, and Zoning Code
- Conduct a public hearings
- Make a recommendations to the City Council Adoption
- (Legislative Action)

# Role of the Planning Commissioner

## Approval/Amendments

- Review General Plan, Housing Element, and Zoning Code
- Conduct a public hearings
- Make a recommendations to the City Council Adoption
- (Legislative Actions)



# Role of the Planning Commissioner

## Implementation

- Individual development project review
- Site and Architectural Permits
- Conditional Use Permits and Variances
- Tentative Subdivision Maps
- Determinations of consistency with the General Plan and Zoning Code
- Project approval (Quasi-Judicial Action) Review General Plan, Housing Element, and Zoning Code

# Role of the Planning Commissioner Implementation

- Individual development project review
- Site and Architectural Permits
- Conditional Use Permits and Variances
- Tentative Subdivision Maps
- Determinations of consistency with the General Plan and Zoning Code
- Project approval (Quasi-Judicial Action) Review General Plan, Housing Element, and Zoning Code



# Planning Commission Regulations Municipal Code Powers/Duties

- To hold hearings and issue recommendations on all zoning matters;
- To conduct such other hearings as are provided by law and in accordance with its own rules and regulations;
- To recommend the adoption or amendment of the general plan governing land use and development by the city;
- To recommend the adoption or amendment of any specific plan governing land use and development in certain areas within the city limits or within the city's sphere of influence;



# Planning Commission Regulations Municipal Code Powers/Duties

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- To conduct such other hearings as are provided by law and in accordance with its own rules and regulations;
- To recommend the adoption or amendment of the general plan governing land use and development by the city;
- To recommend the adoption or amendment of any specific plan governing land use and development in certain areas within the city limits or within the city's sphere of influence;

# Planning Commission Regulations Municipal Code Powers/Duties

- To recommend to the council the adoption of any ordinances, resolutions, agreements, or programs concerning planning matters;
- To exercise any other powers and to fulfill any other duties assigned to the commission by the laws of the state and the ordinances of the city.



# Role of the Planning Commissioner

## Qualities

- Know a lot about the community and bring special expertise to the Commission
- Maintain an open mind to listen to new ideas
- Have an ability to see strengths and weaknesses of projects
- Creativity to towards finding solutions when working with others



# Role of the Planning Commissioner

## Qualities

- Have a willingness to spend time required to study materials and attend meetings regularly
- Have a commitment to making the process fair to all
- Have faith in the future and the ability of the community to shape that future

# Role of the Planning Commission

## Mistakes

**Knowing the difference between a public hearing and a public meeting.** These are two different kinds of gatherings for very different purposes.

- A public meeting is generally defined as a meeting in which business is conducted by the commission. This may or may not include participation by the public.
- A public hearing is a special type of public meeting for the purpose of the commission accepting public comment and testimony.



# Role of the Planning Commissioner

## Mistakes

**Actual or apparent conflict of interest.** If you or a member of your family stands to gain from a case before the planning commission, you should disclose this to the planning commission in the public meeting when the case is introduced. What happens after that depends on the conflict of interest standards specified in your by-laws. You should abstain from voting, and you should remove yourself from the room during discussion of the case. If there is a conflict of interest, do not discuss the case with other members of the planning commission.



# Role of the Planning Commissioner

## Mistakes

**Showing up unprepared.** You should be thoroughly familiar with the written site plan review and/or staff report for each case you are to hear, and you should always visit each subject property to visually verify the information in the report and to observe conditions at the site and surrounding properties. You may also need to review engineering reports, traffic data, and other information to be fully prepared to make an informed.

Don't be afraid to ask staff questions before the meeting. Asking a complicated question at the meeting without first discussing with staff can create delays in the process, particularly when the question requires research and response by staff.



# Role of the Planning Commissioner

## Mistakes

**Being afraid to disagree.** A planning commission is a collaborative body, relying on multiple perspectives and shared information from many sources to provide a balanced decision that emphasizes what's best for the community. Healthy discussion, differing perspectives, and sharing of information can help to ensure a planning commission decision that's in the community's best interests.

# Role of the Planning Commissioner

## Mistakes

**Accepting and/or acting on an incomplete application.** Even if the proposed project is a great one that the whole community supports, an incomplete application does not provide the planning commission with the basic information needed to protect the community. One minor detail like where the storm water goes could, if not adequately considered, result in substantial damage to a neighboring property.



# Role of the Planning Commissioner

## Mistakes

**Accepting and/or acting on an incomplete application.** It is important for the planning commission to not accept or act upon an incomplete application; in fact, it is a critical part of due process. Additionally, if the planning commission needs additional data to make an informed decision on a case, do not hesitate to table the case until the applicant or the appropriate government department provides you with the information you need.

Staff reviews applications for completeness, but staff is not perfect. If the Commission finds an incomplete part of the application, then further information may be needed before the Commission should act on the application.



# Role of the Planning Commissioner

## Mistakes

**Making up your mind beforehand.** The purpose of the planning commission is to provide objective decisions in the community's best interests based upon the facts in evidence and the community's plan. As a planning commissioner, your responsibility is to not prejudge the case, but to make your best decision based on the information available to you at the meeting, including the staff report, the site visit, relevant information presented at the meeting, and public comment.



# Role of the Planning Commissioner

## Mistakes

**Getting political.** Planning commissioners serve their communities by providing reasoned, objective recommendations on land use and other community development policy that support the community's best interests. Your job is to make decisions and recommendations that are consistent with the City's planning and zoning laws, the standards for decisions.

Commissioner should not typically consult the City Council, the applicant, or property owner, on land use matters that come before them.



# Role of the Planning Commissioner

## Mistakes

**Overstep authority.** Commissioners are assigned to review land use and planning matters. They may want to venture out of their assignment, such as reviewing pot holes in streets, or evaluating the performance of a particular staff member or department. These are outside the purview of the Planning Commission and should not be discussed as a matter of business. A Planning Commissioner is also a citizen of the City, and may consult staff on matters outside their assigned purview.

# *Conclusions*

# *Questions*



# **ENVIRONMENTAL REVIEW**

**Planning Commission Workshop**

**Session II**

# California Environmental Quality Act (CEQA)

- Establishes a (mostly) procedural framework by which local agencies are required to examine the impact(s) of their decisions on the environment.





## CEQA Requirements

- Requires public agencies to identify and consider environmental consequences of their discretionary actions.
- Private development applications.
- Public works projects and improvements.
- Not intended to deny projects; it's a process.

# Environmental Guidelines

- Provides specific City procedures for carrying out CEQA.
- Provides higher level of specificity that address local resource and organizational needs.
- Provides all forms necessary to carry out environmental review.



## “Project” Only Discretionary Action

- CEQA applies only to discretionary actions, that is, actions that require judgment by the decision maker and/or are governed by subjective findings rather than objective standards. (*CEQA Guidelines § 21080(a)*)
- CEQA does not apply to ministerial actions; ministerial actions require little if any judgment from the decision maker and most often consist of checking an application or project against established objective standards, often by means of a checklist.

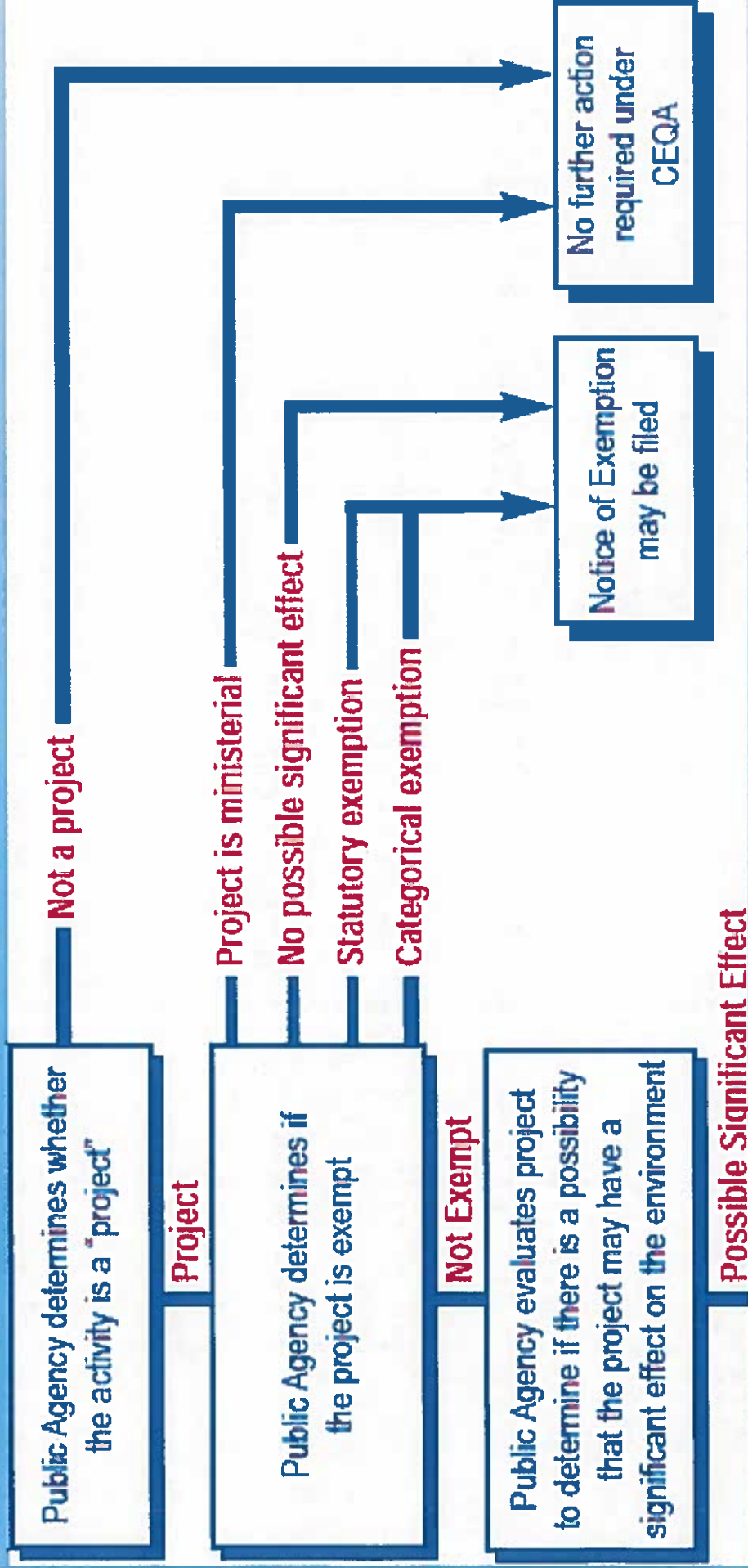
# Three Levels of CEQA Review

Once it has been determined that the action is a project under CEQA:

- Exemption
- Negative Declaration
- Environmental Impact Report



# Determining Exemption from CEQA Review



# Types of Exemptions

- Minor alteration to or replacement of an existing structure.
- Small construction or development projects.
- Agency actions to protect the environment.



## **Notice of Exemption**

- When an exemption applies, and after the final decision making body (staff, Planning Commission, or City Council) concurs with environmental determination, staff files a Notice of Exemption with the County and sometimes the California State Clearinghouse.

## Not exempt?

- If the project is not exempt, the City must determine what type of environmental document to prepare.
- The City prepares an Initial Study to assist in determining if physical change in the environment is potentially significant.



# Determining Level of Significance

## Result of Initial Study:

- Finds the project will not result in a significant adverse impact on the environment-Conclusion-Negative Declaration.
- Finds the project could result in a significant adverse impact on the environment-Conclusion-Prepare an Environmental Impact Report (EIR).

# **Environmental Checklist in CEQA Guidelines**

- CEQA Guidelines § 15063(d) identifies the required content for Initial Studies.

The Guidelines includes required content:

- Information about applicant, project, regulatory setting.
- Determination as to whether an EIR, ND or MND should be prepared.
- Environmental checklist by topic.
- Explanation of checklist answers.



## Environmental Checklist

This checklist identifies physical, biological, social and economic factors that might be affected by the proposed project. In many cases, background studies performed in connection with the projects indicate no impacts. A NO IMPACT answer in the last column reflects this determination. Where there is a need for clarifying discussion, the discussion is included either following the applicable section of the checklist or is within the body of the environmental document itself. The words "significant" and "significance" used throughout the following checklist are related to CEQA, not NEPA, impacts. The questions in this form are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<b>I. AESTHETICS: Would the project:</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a) Have a substantial adverse effect on a scenic vista	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of</b>				

# Negative Declaration

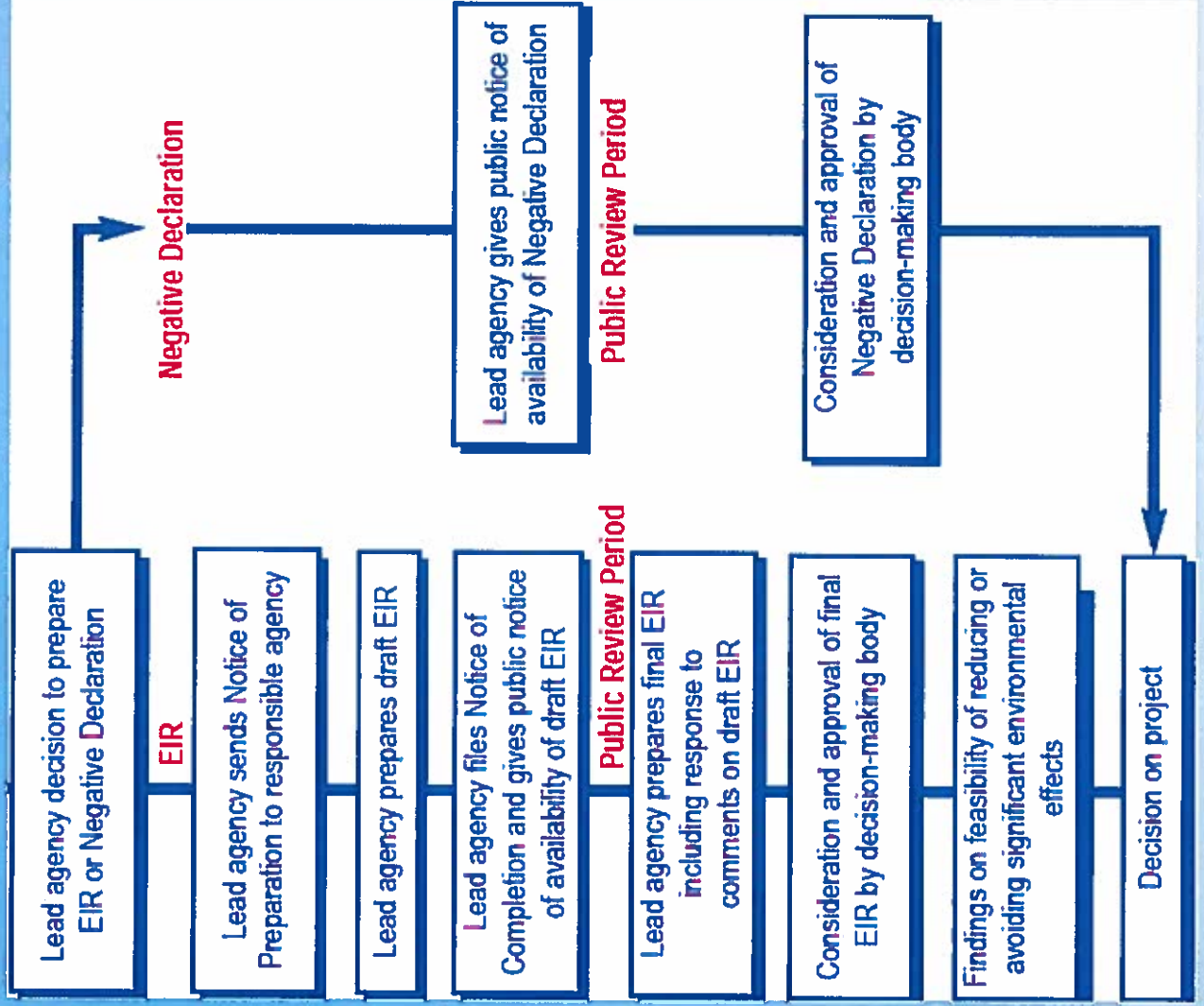
- A “Negative Declaration” (ND) is a written statement by the Lead Agency briefly describing the reasons that a proposed project ... will not have a significant effect on the environment and, therefore, does not require the preparation of an EIR. (*CEQA Guidelines § 15371*).



## Environmental Impact Report

- Environmental Impact Report (EIR) is a study of the project's environmental impacts with more detailed review of significant impacts found to be adverse in the initial study. It discloses to the City and public what the environmental effects will result from project implementation.

# Determining EIR or ND





# **What is a “Mitigated Negative Declaration”?**

- A Mitigated Negative Declaration (MND) is an ND prepared for a project when the Initial Study has identified potentially significant effects on the environment, but:
  - Revisions are made to the project before the proposed ND and Initial Study are released for public review that would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur.
  - There is no substantial evidence that the project, as revised, may have a significant effect on the environment.

# **Mitigation Monitoring and Reporting Program**

- For an MND, the Lead Agency must also adopt a Mitigation Monitoring and Reporting Program.
- The Program must be designed in a way that the Lead Agency can ensure that the required MMI's are implemented



## Purpose of an EIR

- Identify, analyze and mitigate significant impacts.
- Provide information to decision makers and the public.
- Provide an opportunity for public involvement.
- Ensure environmental protection.

## Final EIR

- Prepare “responses to comments” received during public review period.
- Provide reasoned, good faith analysis of comments that raise significant environmental issues.



## Prepare and Certify Final EIR

- Final EIR = Draft EIR + comments, responses and other.
- EIR Certification:
  - EIR completed in compliance with CEQA (and Guidelines).
  - EIR presented to decision maker, which reviewed and considered information before approving project.
  - EIR reflects Lead Agency's independent judgment and analysis.
- Identify and prepare findings to support project approval.

# Updated CEQA Guidelines

- New CEQA Guidelines were Adopted by the State on December 38, 2018.
- Changes Made include:
  - Revised CEQA Checklist
  - New Methodology for Evaluating Project Impacts, such as Traffic (Miles Traveled instead of Level of Service).
  - Additional Categories Added, including Tribal and Energy Resources.
  - Clarifications added throughout.



# *Conclusions*

# *Questions*

