

**CITY OF MCFARLAND
PLANNING COMMISSION AGENDA**

**REGULAR MEETING
CITY COUNCIL CHAMBERS
103 W. SHERWOOD AVE, MCFARLAND, CA**

**April 18, 2023
6:00 PM**

In Person Meeting

How to submit public comments:

The meetings of the Planning Commission and all municipal entities, commissions, and boards (“the City”) are open to the public. At regularly scheduled meetings, members of the public may address the city on any item listed on the agenda, or on any non-listed matter over which the city has jurisdiction. At special or emergency meetings, members of the public may only address the city on items listed on the agenda.

There is a time limitation of two minutes per person. For any item that is not on the agenda and within the jurisdiction or interest of the city, please come to the podium at this time. The Brown Act does not permit any action or discussion on items not listed on the agenda. If you wish to speak regarding a scheduled agenda item, please come to the podium when the item number and subject matter are announced, and the Chairman opens Public Comment on the item. When recognized, please begin by providing your name and address for the record (optional). Anyone wishing to submit written information at the meeting needs to furnish ten (10) copies to the City Clerk in advance to allow for distribution to Planning Commission, staff, and the media. Willful disruption of the meeting shall not be permitted. If the Chairman finds that there is in fact willful disruption of any Planning Commission Meeting, he/she may order the disrupting parties out of the room and subsequently conduct the Commission’s business without them present.

Americans with Disabilities Act:

In compliance with the ADA, if you need special assistance to participate in a city meeting or other services offered by the City, please contact the City Clerk’s office, at (661) 792-3091 ext. 2135. Notification of at least 48 hours prior to the meeting, or time when services are needed, will assist the city staff in assuring those reasonable arrangements can be made to provide accessibility to the meeting or services.

CALL TO ORDER: Chairman Marco Martinez

ROLL CALL:

Chairman, Marco Martinez
Vice Chairman, Jose Hernandez Jr.
Commissioner, Jose “Jay” Hernandez
Commissioner, Luis Sarabia
Commissioner, Jim White

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENTATIONS

None

PUBLIC COMMENT: This Portion of The Meeting Is Reserved for Persons Desiring to Address the Commission on Any Matter NOT on This Agenda and Over Which the Commission Has Jurisdiction.

Speakers Are Limited to Two (2) Minutes. Please State Your Name and Address for The Record Before Making Presentation.

No Action or Discussion Shall Be Taken on Any Item Not Appearing on The Agenda, Except That Any Planning Commissioner May Briefly Respond to Statements Made, Or Questions Posed, By Members of The Public. Concerns Or Complaints Will Be Referred to The Community Development Director's Office.

DEPARTMENTAL REPORTS

None

PUBLIC HEARINGS:

1. Staff Recommends the Planning Commission Conduct a Public Hearing for Consideration and Adoption of Resolution No. 2023-0002PC, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MCFARLAND RECOMMENDING CITY COUNCIL APPROVE THE AMENDMENT OF MCFARLAND MUNICIPAL CODE CHAPTERS 17.04, 17.72, 17.76, 17.80, AND 17.152 OF TITLE 17 ZONING.

- Staff Report

A. Open Public Hearing and Receive Public Testimony;

B. Close Public Hearing;

C. Motion to adopt Resolution No. 2023-0002PC, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MCFARLAND RECOMMENDING CITY COUNCIL APPROVE THE AMENDMENT OF MCFARLAND MUNICIPAL CODE CHAPTERS 17.04, 17.72, 17.76, 17.80, AND 17.152 OF TITLE 17 ZONING.

CONSENT AGENDA: The Consent Agenda consists of items that in staff's opinion are routine and non-controversial. These items are approved in one motion unless the Planning Commission removes a particular item.

2. Approval of February 07, 2023 Special Planning Commission Meeting Minutes.

PLANNING DISCUSSION ITEMS:

None

COMMISSIONER COMMENTS:

On Their Own Initiative, Commission Members May Make an Announcement or A Report on Their Own Activities. They May Ask a Question for Clarification, Make Referral to Staff, Or Take Action to Have Staff Place a Matter of Business on A Future Agenda (Government Code Section 54954.2(A)).

ADJOURNMENT:

This Is to Certify This Agenda Was Posted at McFarland City Hall on **April 14, 2023.**

Francisca Alvarado
Francisca Alvarado, City Clerk

Kenneth Williams, City Manager

The Next Regular Planning Commission Meeting: May 16, 2023.

The City of McFarland does not discriminate based on disability and complies with the provisions of the Americans with Disabilities Act (ADA). If you need special assistance to participate in this meeting, please contact the City Clerk's office at (661) 792-3091 ext. 2135 at least 48 hours prior to the meeting to make reasonable arrangements to ensure accessibility to this meeting.



PLANNING COMMISSION STAFF REPORT
April 18, 2023

TO: Chair and Planning Commissioners
FROM: Brianahi De Leon
 City Planner
 Larry Ronk
 Community Development Director

DATE: April 18, 2023

Agenda Item	
Presentation	
Consent	
Unfinished Business	
New Business	
Public Hearing	x
Other	
Action Requested	
Ordinance	
Resolution	x
Motion	
Other	

PROJECT DESCRIPTION: Zoning Ordinance Amendment – Commercial Zoning C-O, C-1, & C-2

ENVIRONMENTAL DOCUMENT: None

APPLICANT: City of McFarland

SECTION: Sections 17.04, 17.72, 17.76, 17.80, and 17.152 of Title 17 Zoning

STAFF RECOMMENDATION

The staff recommends the Planning Commission to consider and adopt the resolution for the presentation to City Council of the proposed adoption and amendment to Sections 17.04, 17.72, 17.76, 17.80, and 17.152 of Title 17 Zoning that will permit, by-right an extended list of additional Commercial uses in the McFarland Municipal Code to the City Council.

PROJECT DESCRIPTION

The City of McFarland staff conducted an analysis of commercial uses within the McFarland Municipal Code and is recommending an amendment to reconstruct the types of uses each zone contains. This analysis was completed by the City Planner and Community Development Director. Staff met with the City Manager, Interim Chief of Police, and Public Policy Standing Committee to gain guidance and address any possible deficiencies that may become of possible uses in each zone. Staff took into consideration possible future annexation locations. The provided draft amendment was created with the best intentions for the City of McFarland and to help provide the city with a foundation for Commercial growth within the city. The additions made to the C-O, C-1, and C-2 commercial zones was ultimately the Community Development Department’s route in extending the opportunities

for commercial uses, develop verbiage that is less open to interpretation, and exercise long-range planning that encourages growth for the City.

ENVIRONMENTAL REVIEW

None

FINDINGS

None

Attachment 1 – Resolution No. 2023-0002PC

RESOLUTION NO. 2023-0002-PC
A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF MCFARLAND RECOMMENDING CITY
COUNCIL APPROVE THE AMENDMENT OF
MCFARLAND MUNICIPAL CODE CHAPTERS 17.04,
17.72, 17.76, 17.80, AND 17.152 OF TITLE 17 ZONING

WHEREAS, The City of McFarland (“City”) desires to codify it’s Municipal Code Chapter related to Commercial and;

WHEREAS, The Ordinance updates the Municipal Code to amend Sections 17.04, 17.72, 17.76, 17.80, and 17.152 of Title 17. Title 17 Zoning will permit, by-right an extended list of additional Commercial uses; and

WHEREAS, Adoption of this resolution will assist in providing uniformity and consistency to the regulations and standards related to Commercial Activity found throughout the McFarland Municipal Code.

WHEREAS, Adoption of this resolution is in furtherance of the City’s goals and objectives while reducing the potentially negative impacts arising from potentially deficient and/or incomplete/incompatible Municipal Code Chapters and extending the opportunities for commercial growth within the City; and

WHEREAS, on April 18, 2023, following notice duly and regularly given as required by law, the Planning Commission of the City of McFarland held a public hearing to consider the approval of the recommendation for the City Council to adopt the amendment to the Municipal Code. The Planning Commission received a report from City Staff, oral and written testimony from the public, and deliberated on the project.

WHEREAS, all legal prerequisites to adoption of this resolution have occurred.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF MCFARLAND DOES ORDAIN AS FOLLOWS:

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of McFarland as follows:

Section 1. That the foregoing Recitals are true and correct and constitute a substantive part of this Resolution.

Section 2. Recommendation to City Council to approve the amendments pertaining to Commercial zoning.

- a. The Planning Commission finds that the C-O, C-1, and C-2 commercial ordinance amendments were presented to the Planning Commission, that the Planning Commission

has reviewed the Zoning Ordinance prepared for the Project, all staff reports pertaining to the Project, and all other pertinent documents relating to the preparation of the commercial zoning amendments.

- b. The Planning Commission finds that on the basis of the Commercial Zoning Ordinance comments received, and the whole record that there is no substantial evidence that the Project will have a significant adverse impact on the environment;
- c. The Planning Commission finds that the amendments to the ordinances pertaining to Commercial Zoning reflects the City's independent judgment and analysis.
- d. The Planning Commission hereby recommends that the City Council adopt amendments attached hereto as "Exhibit A" and "Exhibit B" and incorporated herein by reference.

Section 3. Recommendation to City Council to approve the amendment to Sections 17.04, 17.72, 17.76, 17.80, and 17.152 of Title 17 to add a definition section to 17.04.095, 17.04.105, and 17.04.475 of the McFarland Municipal Code, to read as follows:

17.04.095 – Bar

"Bar" means a structure, or part of a structure, used primarily for the sale of dispensing of liquor by the drink.

17.04.105 – Bed and Breakfast Inn

"Bed and Breakfast Inn" means a structure or structures which contain a maximum of five (5) individual sleeping or living units which are rented out to the transient public and in which meals are served to guest.

17.04.475 – Massage therapy

"Massage therapy" means a type of integrative medicine in which a licensed massage therapist rubs and kneads skin, muscles, tendons, and ligaments.

Section 4. Recommendation to City Council to approve the amendment and adoption to Chapters 17.72, 17.76, and 17.80 of the McFarland Municipal Code, to read as follows in "Exhibit A".

Section 5. Recommendation to City Council to approve the amendment and adoption to Chapter 17.152 Conditional Use Permits of the McFarland Municipal Code is hereby amended and adopted to read as follows in "Exhibit B".

Section 6. The City clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be posted within 15 days after its passage, in accordance with Section 36933 of the Government Code.

Section 7. Recommendation to City Council to approve the amendment to Chapter 17.04, 17.72, 17.76, 17.80, and 17.152 of Title 17 Zoning.

Section 8. If any section, subsection, sentence, clause, phrase, or word of this Ordinance is, for any reason, deemed or held to be invalid or unconstitutional by the decision of any court of

competent jurisdiction, or preempted by legislative enactment, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of McFarland hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or word thereof, regardless of the fact that any one or more sections, subsections, clauses, phrases, or word might subsequently be declared invalid or unconstitutional or preempted by subsequent legislation.

Section 9. The custodian of records for the resolution and all other materials which constitute the record of proceedings upon which the Planning Commission’s recommendation is based is the City Clerk of the City of McFarland. Those documents are available for public review in the Office of the City Clerk, which can be reached at 661-792-3091, and is located at 401 W. Kern Avenue, McFarland, CA 93250

Section 10. This Resolution shall take effect immediately upon its adoption pursuant to California Government Code section 36937.

Section 11. The City Clerk shall certify to the passage and adoption of this Resolution.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of McFarland on the 18th day of April 2023 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST:

Francisca Alvarado, City Clerk

CITY OF MCFARLAND
PLANNING COMMISSION:

Marco Martinez, Chairman

I, _____, City Clerk of the City of McFarland, California, DO HEREBY CERTIFY that the foregoing resolution is a true and accurate copy of the Resolution passed and adopted by the Planning Commission of the City of McFarland on the date and by the vote indicated herein.

Francisca Alvarado, City Clerk