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**Planning
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STAFF REPORT

Item # 4

To: Lemoore Planning Commission
From: Gloria Hobbs, Assistant Planner and Holly Smyth, Planning Director
Review Date: November 28, 2011
Subject: Zone Amendment #2011-02 for pre-zone/ Environmental Impact Assessment
#2011-24 Application by Dirk Poeschel for Pat Newton et al

A. General Information:

1. Owner: Pat Newton et al
P. O. Box 117
Stratford, California 93266
Telephone: (559) 947-3358
pdnewton@lemoorenet.com
2. Applicant: Dirk Poeschel Land Development Services, Inc.
Dirk Poeschel, AICP
923 Van Ness Avenue, #200
Fresno, California 93721
Telephone: (559) 445-0374
Fax: (559) 445-0551
Email: dpoeschel@dplds.com
3. Site Location: Northwest corner of Jackson Avenue and 19th
Avenue outside the City of Lemoore Sphere of Influence
4. Property Description: Assessor Parcel #024-080-027
5. Site Area: Approximately 194.60 +/- Acres
6. General Plan Designation: Light Industrial
7. Current Zone Classification: AG-20 (General Agriculture minimum 20 acres) per
Kings County Zoning
8. Existing Use: Vacant land
9. Proposed Use: No development planned at this time
"In God We Trust"

PLANNING COMMISSIONERS
Chairperson – Ron E. Meade, *Vice-Chair* Jeffrey Garcia
Dave Brown, Bob Clement, Sharon Kendall, Jim Marvin, Marshall Norgaard,

B. Project Location & Description:

The applicant, Pat Newton has applied for a pre-zone to change the zone designation of his property located north of Jackson Avenue, south of the City of Lemoore city limits, east of Highway 41 west of 19th Avenue in Kings County from AG-20 (General Agriculture) to Light Industrial to conform to the City of Lemoore 2030 General Plan. The site contains approximately 194.60 +/- acres of vacant land and is located outside the City of Lemoore city limits and falls in the Local Area Formation Commission's (LAFCO) Primary and Secondary Spheres of Influence (SOI) as shown on the attached SOI Map. The applicant is requesting to pre-zone the property and thereafter is anticipated to request annexation into the City of Lemoore. This site is not restricted by a Williamson Act or Farmland Security zone contract. In order to annex the property into the City of Lemoore, the Primary and Secondary Sphere of Influence would first need to be enlarged to add this site.

Section 9-4-4 of the Lemoore Municipal Code states that the City may pre-zone unincorporated territory adjoining the city for the purposes of determining the zoning that will apply to such property in the event of subsequent annexation to the City.

C. Compliance with General Plan and Zoning:

The subject property is zoned AG-20 (General Agriculture minimum 20 acres) under Kings County Zone and the pre-zone to change to ML (Light industrial) will conform to the 2030 General Plan. Light Industrial is intended for manufacturing, warehousing, storage, distribution, sales and services with ancillary commercial and office space. Freestanding retail stores are not permitted. Light Industrial zone district is intended primarily for application to those urban areas of the city which are designated for light industrial use in the General Plan. This zone district allows for all uses permitted in the Light Industrial as well as the CS (Commercial Service) districts. According to the applicant, there is no development planned for this vacant site at this time.

The purposes and objectives are adopted to preserve, protect and promote the public health, safety, peace, comfort, convenience, prosperity and general welfare and to achieve the objectives outlined in Section 9-1-2 of the Zoning Ordinance which are: A) to provide a specific plan to guide the physical development of the City in such a manner as to achieve progressively the general arrangement of land uses depicted in the General Plan., B) to foster a wholesome, serviceable and attractive living environment, the beneficial development of areas which exhibit conflicting patterns of use and the stability of existing land uses which conform with objectives, policies, principles and standards of the General Plan., C) to prevent excessive population densities and overcrowding of land with structures., D) to promote a safe, effective traffic circulation system, the provisions of adequate off-street parking and truck loading facilities and the appropriate location of community facilities., E) to protect and promote appropriately located commercial and industrial activities in order to preserve and strengthen the City's economic base., F) to protect and enhance real property values and the City's natural assets., G) to ensure unimpeded development of such new urban expansion that is logical, desirable and in conformance with objectives and policies of the General Plan., and H) to provide and protect open space in accordance with policies of the open space element of the General Plan.

According to State Law, the City can establish a Planning Area that consists of land within the city and, "any land outside its boundaries which, in the planning agency's judgment, bears relation to its planning." The inclusion of land outside City Limits does not necessarily mean that Lemoore is considering annexation, but they are included because land uses in these areas have a direct impact on the City. (See attachment A)

The General Plan Land Use Diagram (see attachment B) depicts an Urban Growth Boundary (UGB) representing land that is appropriate for and likely to be needed for urban purposes up to the year 2030. The primary purpose of the UGB is to limit the extent to which urban

development occurs within a specific time period. According to the General Plan, prior to urbanization, rural uses, including farming, are acceptable on unincorporated land inside the UGB. **However, the current Zoning Ordinance does not identify farming as an allowed use in the Light Industrial (ML) zone district. Should the property be farmed, it can continue as a legal nonconforming use, so long as the farming use does not stop for more than one year.**

Under State Law, the Sphere of Influence (SOI) is defined as the ultimate physical boundary and service area of the City, beyond which urban development will not be allowed except for public parks and recreational facilities. General Plan policy LU-I-2 states that the City should “seek LAFCO approval of a Sphere of Influence that is co-terminus with the General Plan Urban Growth Boundary”. The Kings County Local Formation Commission (LAFCO) has an established “primary” SOI which is intended to encompass a City’s ultimate service boundary, and a “secondary” SOI which is intended for adjacent jurisdictions to receive notification of proposed development within the area, so they may respond. Lemoore’s SOI reflects a commitment to focus future growth within a compact urban area in order to prevent sprawl into the countryside and environmentally sensitive areas. The entire project site lies within the City’s UGB but only a small portion of it is located within LAFCO’s primary sphere of influence. A pre-zone does not require modification to the SOI, however if the applicant files for annexation the LAFCO will have to approve a SOI modification. (Attachment C)

The Cortese-Knox-Hertzbert (CKH) Act is the governing law over the LAFCO. CKH does not allow a city to annex land outside it’s Primary Sphere of Influence (SOI). In order for the primary SOI to be altered a Municipal Service Review (MSR) must be prepared in order to provide LAFCO with adequate background information so they can determine if the SOI should be altered. Also, an annexation can not be recorded until the SOI is updated.

E. Other Comments:

In the absence of any detail regarding potential development, the City Engineer noted that the city water and sewer service are located at some distance from the subject site and the extension thereto would be at developer’s expense. The roads bordering the parcel would be required to be improved to City Standards. Storm drainage would be required to be contained onsite, if development sub-parcels are of sufficient size, or installation of a public storm drain system would be required. Lastly, pertinent impact fees would also be required.

According to David Madden of Caltrans, there is a minor realignment project already in the design phase on Jackson Avenue and there is a construction project on nearby SR 41.

F. Public Input:

A notice of intent to adopt a negative declaration and notice of public hearing was published in the Hanford Sentinel. Additionally, letters were sent to property owners within a 300 foot radius of the site to notify them of the proposed Pre-Zone. No comments have been received to date.

G. Comments from Other Agencies/Departments:

Referrals were made to City Departments and other agencies and comments have been incorporated in this report.

H. Environmental Impact Assessment:

A preliminary environmental impact assessment was conducted by staff in accordance with the California Environmental Quality Act per the attached environmental checklist. Although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in the 2030

General Plan EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures. Because the Pre- Zone, is consistent with the General Plan designation at this location, the attached checklist should be accepted and a notice of determination filed.

I. Recommendation:

Staff recommends that the staff report be given, public hearing be opened, testimony taken, and the Planning Commission take action on the attached Resolution # 2011-12 recommending the City Council approve a Mitigated Negative Declaration and Pre-Zone to change to ML - Light Industrial which will become effective upon future annexation.