

RESOLUTION NO. 2012-05

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMOORE
AMENDING THE CITY'S GENERAL PLAN
(GENERAL PLAN AMENDMENT #2012-02)**

At a Regular Meeting of the City Council of the City of Lemoore duly called and held on March 20, 2012 at 7:30 p.m., it was moved by Council Member Murray, seconded by Council Member Plourde and carried that the following Resolution be adopted:

WHEREAS, on May 6, 2008, the City Council adopted Resolution #2008-27, A Resolution of the City Council of the City of Lemoore Adopting the City of Lemoore 2030 General Plan; and

WHEREAS, the City is in the process of updating various sections of its Municipal Code, known as the Zoning and Development Codes, for consistency with the General Plan; and

WHEREAS, during that process, the City Council and Planning Commission met in joint workshop sessions to review the draft documents; and

WHEREAS, during those meetings, the City Council and Planning Commission identified concerns with several policies and programs contained in the 2030 General Plan and directed staff to prepare specific amendments for review by the Council and Commission; and

WHEREAS, Government Code §65358 provides a process for amendment of the General Plan and §65354 requires that the Planning Commission review and provide a recommendation to the City Council on proposed amendments to the General Plan; and

WHEREAS, a public notice of the Planning Commission hearing was provided and published consistent with the requirements of Government Code §65090 on January 7, 2012; and

WHEREAS, on January 23, 2012, the Planning Commission held a public hearing to review and consider the draft General Plan amendments and consider all of the information presented by staff and public testimony presented in writing and at the meeting and voted 7-0 to adopt Resolution #2012-03, making recommendation to the City Council to adopt the proposed General Plan amendments; and

WHEREAS, on February 21, 2012, the City Council held a public hearing to review and consider the draft General Plan amendments and consider all of the information present by staff and public testimony presented in writing and at the meeting;

WHEREAS, on March 20, 2012, the City Council continued the public hearing to review and consider the draft General Plan amendments and consider all of the information presented by staff and public testimony presented in writing and at the meeting;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lemoore adopts an Addendum to the General Plan EIR (Exhibit 1) (Environmental #2010-06) and adopts the proposed General Plan amendments (General Plan Amendment #2012-02) as provided in Exhibit 2;

AND, BE IT FURTHER RESOLVED, that the City Council takes this action based upon the following findings:

California Environmental Quality Act

Finding: Adoption of the proposed Addendum to the General Plan EIR satisfies the City's requirements under the California Environmental Quality Act for analysis of the potential impacts of the proposed amendment; that there are no substantial changes to the General Plan that require the preparation of a new or subsequent EIR; and that there have been no changes in the environmental conditions in the project vicinity or the circumstances under which the General Plan will be undertaken not previously contemplated and analyzed in the EIR that would result in new or substantially more severe environmental impacts.

Evidence: The General Plan amendments would not affect potential impacts analyzed under the EIR because they would not change land use designations or the extent of anticipated urban development. Thus, no new or increased severity of significant impacts would occur beyond what was addressed in the General Plan EIR. There are no changed circumstances or new information that meets the standard for requiring further environmental review under CEQA Guidelines Section 15162. The City has received development applications for new projects or amendments to existing projects in the City since the adoption of the General Plan, and the Kings County Association of Governments (KCAG) has prepared a Joint Land Use Study for Naval Air Station Lemoore. However, the environmental effects and impacts of urban development of these projects, as well as the development areas identified in the Joint Land Use Study, were evaluated in the General Plan EIR. Thus, these circumstances and information would not result in new or more severe impacts beyond what was addressed in the General Plan Final EIR.

The proposed changes to General Plan policy CD-I-11 addressing tree preservation and protection would clarify the intent such that these trees would not be uniformly protected, but rather be addressed through focused protection in the event the tree(s) were providing habitat for sensitive species. Additional site-specific measures will be identified during CEQA review of specific development proposals made to the City. Given that the intent of this provision (to protect trees as part of the development review process) would not be substantially modified and the potential impacts would remain the same as analyzed under the General Plan EIR.

The changes to General Plan Figure 8-4 (Future Noise Contours) would reduce the areas of the General Plan Planning Area impacted by aircraft operations from NAS Lemoore. While this change would reduce the impacts, the analysis in the Draft EIR would not change because some new development would remain exposed to aircraft noise. Therefore this impact would remain significant and unavoidable.

Therefore, an Addendum is the appropriate CEQA review and no further environmental analysis is required.

Finding of Internal General Plan Consistency

Finding: That the proposed amendment is in the public interest and that the general plan, as amended, will remain internally consistent.

Evidence: The proposed amendments focus on clean-up items and consistency with the proposed Zoning Code. Specifically, the changes would (1) remove a figure illustrating the Downtown Mixed Use zones, allowing those zones to be established as part of the Zoning Code; (2) remove two species of trees from the list of protected trees and provide more flexibility in the implementation of a tree preservation ordinance; (3) update a reference to the design guidelines for the Downtown to point towards the Zoning Code; (4) update the Circulation Element to remove the requirement for parkway trees along local streets and place one tree per residential property or one for every 30' of other uses; (5) update the future noise contours map (Figure 8-4) for consistency with the recently-completed Joint Land Use Study; and (6) update the consistency table between the General Plan land use categories and the Zoning districts for consistency with the proposed Zoning Code.

These changes are focused and specific and do not create any internal conflicts within the General Plan. Rather, they clarify the policies and allow for implementation through the Zoning Code. These updates are in the public interest because they provide consistency between the General Plan and the Zoning Code and ensure efficient, streamlined implementation of the City's vision. Further, the removal of the two tree species from the list of protected trees and the parkway requirement for local and collector streets reduces maintenance impacts for residents and property owners but does not limit the City's ability to achieve its long-term objectives.

PASSED AND ADOPTED at a Regular Meeting of the City Council of the City of Lemoore held on the 20th day of March, 2012 by the following vote:

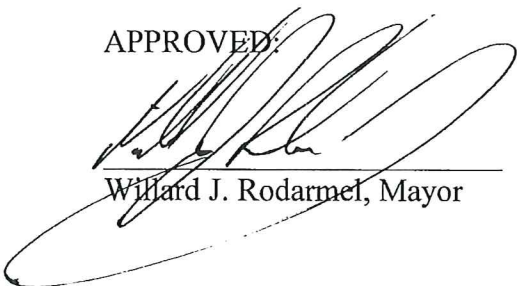
AYES: Murray, Plourde, Gordon, Siegel, Rodarmel

NAYS: None

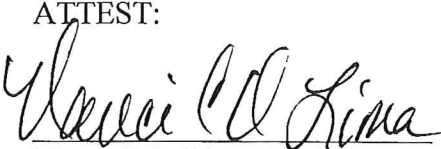
ABSENT: None

ABSTAINING: None

APPROVED:


Willard J. Rodarmel, Mayor

ATTEST:


Nanci C.O. Lima, MMC
City Clerk

CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF KINGS) ss.
CITY OF LEMOORE)

I, Nanci C. O. Lima, City Clerk of the City of Lemoore do hereby certify the foregoing Resolution of the City Council of the City of Lemoore was duly passed and adopted at a Regular meeting of the City Council of the City of Lemoore called and held on 20th day of March, 2012.

Dated: March 21, 2012


Nanci C. O. Lima, MMC
City Clerk