

LEMOORE PLANNING COMMISSION
Regular Meeting
AGENDA
Lemoore Council Chamber
429 'C' Street

May 10, 2021
7:00 p.m.

Public in attendance are encouraged to wear a mask and maintain appropriate physical distancing.

1. CALL TO ORDER AND ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. PUBLIC COMMENT – This time is reserved for members of the audience to comment on subject matters that are not on the Agenda, but are within the jurisdiction of the Lemoore Planning Commission. Speakers are asked to limit their comments to three (3) minutes per person. The Commission is prohibited by law from taking any action on matters that are not on the Agenda. Any handouts for the Commission shall be provided to the Planning Commission Secretary for distribution to the Commission and appropriate staff.
4. APPROVAL OF MINUTES – Regular Meeting, April 12, 2021
5. PUBLIC HEARING – Zoning Text Amendment No. 2021-01: An ordinance amending portions of Article B of Chapter 4 of Title 9 (Allowed Uses and Required Entitlements) within the Lemoore Municipal Code.
6. DIRECTOR'S REPORT – Judy Holwell
7. COMMISSION REPORTS / REQUESTS
8. ADJOURNMENT

Upcoming Meetings

Special Meeting of the Planning Commission, May 17, 2021

Regular Meeting of the Planning Commission, June 14, 2021

Agendas for all regular Planning Commission meetings are posted at least 72 hours prior to the meeting at the Council Chamber, 429 C Street and the Cinnamon Municipal Complex, 711 W. Cinnamon Drive. The City of Lemoore complies with the Americans with Disabilities Act (ADA of 1990). The Council Chamber is accessible to the physically disabled. Should you need special assistance, please call (559) 924-6744 at least four (4) business days prior to the meeting.

CERTIFICATION OF POSTING

I, Kristie Baley, Planning Commission Secretary for the City of Lemoore, do hereby declare that I posted the above Planning Commission Agenda for the Regular Meeting of Monday, May 10, 2021 at or before 7:00 p.m. at Council Chamber, 429 C Street and Cinnamon Municipal Complex, 711 W. Cinnamon Drive, Lemoore CA on May 6, 2021.

//s//
Kristie Baley, Commission Secretary

**Minutes of the
LEMOORE PLANNING COMMISSION
Regular Meeting
April 12, 2021**

ITEM NO. 1 Pledge of Allegiance

ITEM NO. 2 Call to Order and Roll Call

The meeting was called to order at 7:00 PM.

Chair: Ron Meade

Vice-Chair: Michael Dey

Commissioners: Joey Brewer, Bob Clement, Ray Etchegoin, Greg Franklin,

Absent: Thomas Nix

City Staff and Contract Employees Present: City Manager Nathan Olson, Community Development Director Judy Holwell, City Planner Steve Brandt (QK), City Attorney Wesley Carlson (Lozano Smith), Commission Secretary Kristie Baley

ITEM NO. 3 Public Comment

There was no comment.

ITEM NO. 4 Approval – Minutes – Regular Meeting, March 8, 2021

Motion by Commissioner Etchegoin, seconded by Commissioner Clement, to approve the Minutes of the Planning Commission Regular Meeting of March 8, 2021.

Ayes: Etchegoin, Clement, Brewer, Franklin, Dey, Meade

Absent: Nix

ITEM NO. 5 Public Hearing – Major Site Plan Review No. 2020-06: a request by Helena Agri-Enterprises for the construction of a new facility to include the storage, blending, and sale of bulk and prepackaged dry and liquid fertilizer along with the storage of agricultural protection products. The project site is approximately 31 acres located south of Industry Way, east of Production Avenue, west of Belle Haven Drive and State Route (SR) 41 (APNs 023-520-008 and 023-510-044). An Initial Study/Mitigated Negative Declaration was prepared in conformance with California Environmental Quality Act (CEQA) Guidelines.

City Planner Brandt presented the staff report and answered questions.

The public hearing opened at 7:09 p.m.

City Manager Olson thanked Staff.

There was no other comment received from the public.

The public hearing closed at 7:10 p.m.

Helena Agri-Enterprises Representative Gareth Davis answered questions.

Motion by Commissioner Franklin, seconded by Commissioner Etchegoin, to adopt Resolution No. 2021-04, approving Major Site Plan Review No. 2021-06 in accordance with the findings and conditions in the resolution.

Ayes: Franklin, Etchegoin, Brewer, Clement, Dey, Meade

Absent: Nix

ITEM NO. 6 Public Hearing – Tentative Parcel Map No. 2021-01: a request by Semas Farming, LLC / Mardell B. Pedersen to divide 144 acres into two parcels. The project site is located north of the San Joaquin Valley Railroad, at Production Avenue (APNs 023-510-033, 023-510-044, 023-520-007, and 023-520-008).

City Planner Brandt presented the staff report and answered questions.

The public hearing opened at 7:17 p.m.

There was no comment received from the public.

The public hearing closed at 7:22 p.m.

Motion by Commissioner Etchegoin, seconded by Commissioner Franklin, to adopt Resolution No. 2021-05, approving Tentative Parcel Map No. 2021-01 in accordance with the findings and conditions in the resolution.

Ayes: Etchegoin, Franklin, Brewer, Clement, Dey, Meade

Absent: Nix

ITEM NO. 7 Major Site Plan Review No. 2021-03 – Conditional Use Permit No. 2021-01 – Administrative Use Permit No. 2021-01: a request by LJQ Partners (Johnny Quik) to construct a 4,280 sq. ft. convenience store with food service and retail inside, to include drive through outside, and a 6 pump fuel station with underground tanks, to include a car wash. The 1.5-acre portion of the vacant parcel is located on the northeast corner of W. Bush Street and N. Belle Haven Drive (APNs 023-470-012 and 023-480-028).

City Planner Brandt presented the staff report and answered questions.

Brandt noted that the request for administrative use permit to allow the drive through has been elevated to be included in the approval of the conditional use permit.

The public hearing opened at 7:31 p.m.

Director of Development for Legacy Realty and Development Eric Tienken notified the public that the carwash will be eliminated from the site plan.

There was no other comment received from the public.

The public hearing closed at 7:33 p.m.

Motion by Commissioner Dey, seconded by Commissioner Franklin, to adopt Resolution No. 2021-06, approving Major Site Plan Review No. 2021-03 and Conditional Use Permit No. 2021-01 in accordance with the findings and conditions in the resolution.

*Ayes: Dey, Franklin, Brewer, Clement, Etchegoin, Meade
Absent: Nix*

ITEM NO. 8 PUBLIC HEARING – Tentative Parcel Map No. 2021-02: a request by Legacy Realty & Development / Ricchiuti Family Trust to divide approximately 3.29 acres into two parcels. The project site is located on the northeast corner of W. Bush Street and N. Belle Haven Drive, west of Hwy 41 (APNs 023-470-012 and 023-480-028).

City Planner Brandt presented the staff report and answered questions.

The public hearing opened at 7:45 p.m.

There was no comment received from the public.

The public hearing closed at 7:46 p.m.

Motion by Commissioner Etchegoin, seconded by Commissioner Brewer, to adopt Resolution No. 2021-07, approving Tentative Parcel Map No. 2021-02 in accordance with the findings and conditions in the resolution.

*Ayes: Etchegoin, Brewer, Clement, Franklin, Dey, Meade
Absent: Nix*

ITEM NO. 9 Director's Report

Director Holwell provided the following information:

Olam Foods submitted a request for lot line adjustment. This is reviewed at staff level.

The City Council approved the first reading of the Tract 839, GJ Gardner/Energy Homes project and a second reading has been scheduled.

The City Council is considering changing the Planned Unit Development process and creating a zone for larger lots.

ITEM NO. 10 Commissioner's Reports and Requests for Information

Commissioner Dey thanked staff and stated that he is excited to see development.

There were no reports or requests for information.

ITEM NO. 11 Adjournment

The meeting adjourned at 7:58 P.M.

Full Audio is accessible from the City website at:

<https://lemoore.com/communitydevelopment/planning-commission/>

Approved the ___th day of _____ 2021.

APPROVED:

Ron Meade, Chairperson

ATTEST:

Kristie Baley, Commission Secretary



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Staff Report

To: Lemoore Planning Commission **Item No. 5**
From: Steve Brandt, City Planner
Date: April 26, 2021 **Meeting Date:** May 10, 2021
Subject: **Zoning Text Amendment No. 2021-01:** An ordinance amending portions of Article B of Chapter 4 of Title 9 (Allowed Uses and Required Entitlements) within the Lemoore Municipal Code.

Proposed Motion:

I move to adopt Resolution No. 2021-08 recommending approval of Zoning Text Amendment No. 2021-01, in accordance with the findings in the resolution.

Project Proposal:

This proposal makes changes to the Lemoore Zoning Ordinance (Title 9). The proposal would allow the City to issue permits for certain commercial cannabis operations within the identified zones. Permits would be issued after the City Council and the operator agree to a Project Development Agreement. The Zoning Ordinance describes where the different types of commercial cannabis uses can be located. This proposed ordinance change would additionally allow commercial cultivation in the Agriculture (AG) zone and the Heavy Industrial (MH) zone, and would allow commercial dispensaries, manufacturing, distribution, and/or testing in the MH zone.

Discussion

The City of Lemoore has a Commercial Cannabis Ordinance, which allows commercial cannabis businesses that cultivate, deliver, distribute, test, or dispense cannabis products. Each type of business is specifically categorized and licensed by the State, similar to how the State categorizes the different types of alcohol sales through ABC licenses. The City Council has the authority to approve project development agreements that would allow these uses. These project development agreements can only be approved in zones where the

specific type of commercial operation is permitted. Currently, as shown in Table 9-4-B2, commercial cultivation is allowed in the ML zone and in the NC zone with a conditional use permit, commercial dispensaries are allowed in the DMX-1, DMX-2, MU, NC, RC, and ML zones. Commercial manufacturing, distribution, and/or testing is allowed in the ML zone.

This proposed ordinance change would additionally allow commercial cultivation in the Agriculture (AG) zone and the Heavy Industrial (MH) zone, and would allow commercial dispensaries, manufacturing, distribution, and/or testing in the MH zone. The changes are shown in the table with red underlined and strikeout text.

TABLE 9-4B-2 (portion)
ALLOWED USES AND REQUIRED ENTITLEMENTS FOR BASE ZONING DISTRICTS

Land Use/ Zoning District	Residential Zoning Districts							Special Purpose Zoning Districts				Mixed Use Zoning Districts			Office, Commercial, And Industrial Zoning Districts					
	AR	RVLD	RLD	RN	RL MD	RMD	RHD	W	AG	PR	CF	DMX- 1	DMX -2	DMX -3	MU	NC	RC	PO	ML	MH
Cannabis commercial cultivation ²⁸	N	N	N	N	N	N	N	N	N <u>P²⁸</u>	N	N	N	N	N	N	C ²⁸	N	N	P ²⁸	N <u>P²⁸</u>
Cannabis commercial dispensary ²⁸	N	N	N	N	N	N	N	N	N	N	N	P ²⁸	P ²⁸	N	P ²⁸	P ²⁸	P ²⁸	N	P ²⁸	N <u>P²⁸</u>
Cannabis commercial manufacturing, distribution, and/or testing ²⁸	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P ²⁸	N <u>P²⁸</u>

28. Use is permitted as allowed by State law and as authorized in title 4, chapter 8 of the Municipal Code.

Environmental Assessment:

An EIR was prepared and certified for the Lemoore General Plan. Pursuant to Section 15183 of the CEQA Guidelines (14 Cal. Code Regs. §15183), environmental review for this project shall be limited to examination of any significant project-specific environmental effects not analyzed in the General Plan EIR. After reviewing the proposed action, staff has determined that there are no project-specific environmental effects peculiar to this project. There are no environmental effects that were not analyzed in the General Plan EIR. Also, there are no potentially significant off-site impacts and cumulative impacts which were not discussed in the General Plan EIR. Based on the above findings, CEQA requires no additional environmental review for the proposed Zoning Text Amendment, and as such the project is exempt from further CEQA review.

Recommended Findings:

Staff recommends the following finding be made:

1. Pursuant to California Environmental Quality Act (CEQA), it has been determined that this project is exempt from additional CEQA review pursuant to Section 15183 of the

CEQA Guidelines because there are no potentially significant impacts that were not analyzed in the General Plan EIR.

2. The zoning text amendment is consistent with the general plan goals, policies, and implementation programs.

Attachments:

Draft Resolution No. 2021-08

RESOLUTION NO. 2021-08

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE
RECOMMENDING APPROVAL OF ZONING TEXT AMENDMENT NO. 2021-01:
AN ORDINANCE AMENDING TABLE 9-4B-2 IN ARTICLE B OF CHAPTER 4 OF TITLE 9
OF THE LEMOORE MUNICIPAL CODE TO ADD CERTAIN COMMERCIAL CANNABIS ACTIVITIES
IN THE HEAVY INDUSTRIAL (MH) AND AGRICULTURE (AG) ZONES**

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on May 10, 2021, at 7:00 p.m. on said day, it was moved by Commissioner _____, seconded by Commissioner _____ and carried that the following Resolution be adopted:

WHEREAS, on November 9, 2016, California citizens approved Proposition 64 allowing for recreational and personal use of cannabis in addition to compassionate medical use; and

WHEREAS, on January 1, 2018, the State of California began licensing commercial cannabis businesses for both medicinal and adult Cannabis use throughout the State, including cultivation, distribution, manufacturing, testing and dispensaries, among others; and

WHEREAS, on May 15, 2018, the City Council of the City of Lemoore adopted Ordinance No. 2018-03, amending the Municipal Code to permit and regulate the personal use of recreational and medical Cannabis in residential areas as required under State law; and

WHEREAS, this newly licensed commercial cannabis industry and related need to regulate the industry as a land use in the Zoning Ordinance is still evolving; and

WHEREAS, the proposed zoning text amendment is consistent with the Lemoore General Plan and there are no potentially significant impacts which were not discussed in the prior environmental impact report (EIR) prepared for the Lemoore General Plan; and

WHEREAS, the Lemoore Planning Commission held a duly noticed public hearing at a May 10, 2021, regular meeting.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lemoore, based on facts detailed in the May 10, 2021, staff report, which is hereby incorporated by reference, as well as the evidence and comments presented during the Public Hearing, recommends that the Lemoore City Council make the following findings regarding the proposed zoning text amendment and the California Environmental Quality Act (CEQA) compliance:

1. Pursuant to California Environmental Quality Act (CEQA), it has been determined that this project is exempt from additional CEQA review pursuant to Section 15183 of the CEQA Guidelines because there are no potentially significant impacts that were not analyzed in the General Plan EIR.
2. The zoning text amendment is consistent with the general plan goals, policies, and implementation programs.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Lemoore recommends that the Lemoore City Council approve Zoning Text Amendment No. 2021-01, adopting amendments to Table 9-4B-2 in the City of Lemoore Municipal Code, as shown:

TABLE 9-4B-2 (portion)
 ALLOWED USES AND REQUIRED ENTITLEMENTS FOR BASE ZONING DISTRICTS

Land Use/ Zoning District	Residential Zoning Districts							Special Purpose Zoning Districts				Mixed Use Zoning Districts			Office, Commercial, And Industrial Zoning Districts						
	AR	RVLD	RLD	RN	RL MD	RMD	RHD	W	AG	PR	CF	DMX- 1	DMX- 2	DMX- 3	MU	NC	RC	PO	ML	MH	
Cannabis commercial cultivation ²⁸	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C ²⁸	N	N	p ²⁸	N	p ²⁸
Cannabis commercial dispensary ²⁸	N	N	N	N	N	N	N	N	N	N	N	p ²⁸	p ²⁸	N	p ²⁸	p ²⁸	p ²⁸	N	p ²⁸	N	p ²⁸
Cannabis commercial manufacturing, distribution, and/or testing ²⁸	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	p ²⁸	N	p ²⁸

28. Use is permitted as allowed by State law and as authorized in title 4, chapter 8 of the Municipal Code.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on May 10, 2021, by the following votes:

AYES:
NOES:
ABSTAINING:
ABSENT:

APPROVED:

 Ron Meade, Chairperson

ATTEST:

 Planning Commission Secretary