DRAFT RESOLUTION

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO ADOPTING GENERAL PLAN AMENDMENT POLICY

WHEREAS, State law requires that all cities prepare and adopt general plans; and,

WHEREAS, the City of Atascadero adopted its General Plan in 2002; and,

WHEREAS, the General Plan is the blueprint of the City and over time, various sections of it may need to be updated or revised to respond to changing conditions; and,

WHEREAS, Government Code section 65350 et. seq. provides that a general plan may be amended from time to time; and,

WHEREAS, a general plan amendment is a legislative act and such changes “shall be initiated in the manner specified by the legislative body” (Government Code section 65358); and,

WHEREAS, the City Council of the City of Atascadero is the legislative body of the City; and,

WHEREAS, the City Council may amend all or any part of a proposed general plan amendment or zone change if the Council deems it to be in the public’s interest; and,

WHEREAS, the City has historically forwarded proposals to amend the general plan to the Council for consideration whether to process the application or not; and,

WHEREAS, an earlier determination on whether to process a general plan amendment application helps to minimize time, energy, and costs for both the City and potential applicants; and,

WHEREAS, the City has an interest in preserving resources and acting in an efficient manner; and,

WHEREAS, the General Plan provides guidelines in amending the General Plan and this Policy will help to implement that goal; and

WHEREAS, the Council desires to adopt written policies consistent with the Council’s practice regarding the processing of general plan amendments.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Atascadero as follows:

Section 1. Purpose. The purpose of this Resolution is to adopt a written policy for the processing of amendments to the City’s General Plan.
Section 2. **General Plan Amendment Policy.** The City Council hereby adopts the General Plan Amendment Policy as set forth in Exhibit A to this Resolution.

Section 3. **Effective Date.** This Resolution shall take effect immediately upon passage by the City Council.

On motion by _____________ and seconded by __________________, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES:

NOES:

ABSENT:

ADOPTED:

CITY OF ATASCADERO

__________________________________
Dr. George Luna, Mayor

Attest:

______________________________
Marcia McClure Torgerson, C.M.C.
City Clerk

APPROVED AS TO FORM:

______________________________
Patrick L. Enright
City Attorney
EXHIBIT A

GENERAL PLAN AMENDMENT POLICY

Section 1 — Amendments

The City Council may, from time to time, following review by the Planning Commission, amend, supplement, change, or repeal the text or maps in the City’s General Plan. All amendments shall be reviewed and processed in such a manner as to facilitate citizen participation. If a proposed amendment is inconsistent with other text/maps in the General Plan, changes to these other areas must also be proposed. State Law requires a General Plan to be internally consistent. State Law also limits the number of times that the General Plan can be amended.

Section 2 — Type of Amendments

Amendments will be reviewed and processed as major or minor amendments, or as corrections.

A. Major Land Use Map Amendments. An application to amend any land use designation in excess of one-half acre in the General Plan or any area requiring a master plan.

B. Minor Land Use Map Amendments. All other amendments that are not classified as major amendments.

C. Text Amendments. An application to amend the text of the General Plan. These will be major amendments.

Section 3 — Processing of General Plan Amendment Submittals

The decision to process an amendment to the General Plan may be accomplished by one of the following methods:

* For major amendments, a majority vote of the City Council.
* For minor amendments, the Director of Community Development shall process all completed applications.

A. Major Land Use Map Amendments. Applications for major amendments to the general plan will be accepted by the Director of Community Development. Upon the initial review of the application, and determination being made by the Director of Community Development that the General Plan amendment is a major amendment, the Director shall prepare a staff report to the Council within ninety (90) days of the submittal of the application. The Director of Community Development shall present the application for the amendment to the General Plan, along with any other submittal and any conceptual plans submitted therein, for the Council’s consideration. The Council shall give direction to the
Director of Community Development on whether the Council desires that the general plan amendment be processed. If the Council directs the processing of the general plan amendment, the Director of Community Development shall determine if the application is complete. Fully completed applications for major general plan amendments shall be processed in accordance with state law and this policy, after the applicant has entered into an advancement of funds and/or reimbursement agreement with the City to cover all costs associated with processing the application.

If the Council directs the Director of Community Development not to process the application, then the application shall be deemed denied, and no further action shall be taken by staff on the application.

B. Minor Land Use Map Amendments. Fully completed applications for minor amendments will be accepted and processed in accordance with this policy, at any time during the year.

C. Text and Map Amendments. Application for a text and/or map amendment to the General Plan shall be made to the Director of Community Development on a standard form provided for this purpose.

The application for any Text and Map Amendment shall include:

1. The applicant’s name, address, and interest in the amendment;
2. The language of the proposed amendment to the General Plan; and
3. Statements in support of the application, including a list of the present conditions justifying the proposed amendment.

Section 4—Additional Information

Additional information may be requested from the applicant, which will be considered in evaluating proposed amendment requests. The following additional information should be provided:

A. A description of any special features shown on the required map.

B. Any special General Plan policies being proposed by the applicant to perhaps mitigate impacts on special site features or address concerns of adjacent property owners.

C. Any information regarding the proposed amendment, such as its effect on special site features or surrounding areas or other information, the applicant feels is important when considering the request.

D. Statements reflecting the present conditions justifying the proposed amendment; statements showing that the parcel fulfills the criteria for establishment of the proposed district or, in the absence of the ability to comply, statements as to why the
presumption against the amendment should be overcome; and any other factors or reasons in support of the proposed amendments.

Section 5—General Plan Amendment Review Process

A. Pre-application Review Process—All Proposed Amendments

Prior to filing an application for a general plan amendment, the applicant will meet with the Director of Community Development, or his or her designee, to informally discuss the proposed amendment. This stage allows the applicant the opportunity to receive informal guidance, address possible conflicts when they can be easily resolved, establish tentative meeting schedules and simplify the process to reduce delays.

B. Neighborhood Meetings—Major Amendments

To help facilitate open citizen participation in the review process of general plan amendments, the applicant should be required to hold a neighborhood meeting. The purpose of the meeting for the neighborhood potentially impacted by the proposed amendment is for the general plan amendment to be presented to citizens of the area neighborhoods and for the citizens to identify, list, and discuss issues related to the amendment. Working with the applicant, the citizens can seek solutions for the issues they identify. Neighborhood meetings are to be held subsequent to the pre-application meeting and prior to submittal of the application so the citizens can express their views before time and effort have been expended by the applicant on the formal submittal. At the neighborhood meeting stage, the applicant should attempt to resolve as many issues as possible before submitting the formal application.

The applicant is responsible for organizing, scheduling, and supplying all materials for the neighborhood meeting. The applicant will provide to the City information on the meeting date, time, location, and purpose of the meeting at least 15 days prior to the meeting. The applicant shall notify all property owners and residents within 500 feet of the exterior boundaries of the project and all homeowner associations within 1,000 feet of the project. A written summary of the meeting shall be prepared by the applicant and submitted with the application.

C. Study Session. The study session is an informative meeting where staff presents the basic facts of the amendment request to the commission. At this time, staff does not make approval or denial recommendations but may recommend expansion of notification areas. Staff may also introduce other relevant information to the commission such as: consistency with General Plan policy objectives and existing General Plan policies; potential impacts on floodplain, steep slopes, and wildlife habitat; transportation and wastewater treatment facilities; existing neighborhoods and development; build-out potential and urban form; accessibility to activity centers and emergency services; and cumulative impacts of proposed amendments.
Section 6—Staff Review

A. Staff will review amendment requests in two phases: (1) an initial review prior to the City Council and/or Planning Commission study session and (2) a supplemental analysis prior to the City Council and/or Planning Commission public hearings.

B. Supplemental Analysis. Following the City Council and/or Planning Commission study session, staff will perform a supplemental analysis to address issues not covered in the initial review, to evaluate potential impacts due to any expansion of the amendment area, to address issues raised at the study session and, where appropriate, to perform more complex analyses such as computer modeling to assess impacts on transportation and wastewater facilities.

C. Timing. The time necessary to perform the supplemental analysis depends on the nature and complexity of each request. The schedule presented to the City Council and/or Planning Commission during the study session will reflect the relative complexity of the various amendment requests as well as the need to expeditiously process amendment requests.

D. Staff Recommendation. Following completion of the supplemental analysis and the public review process, staff will recommend approval, approval with changes, or denial, based on the criteria provided for City Council and/or Planning Commission consideration.

Section 7—Severability

This policy is consistent with and supplements the amendment process set forth in General Plan p. II-51 et. seq. In the event that any terms in this Policy are not consistent with the City’s General Plan, the policies and goals of the General Plan control. In the event that any section or term of this Policy is held invalid or unconstitutional by a California or Federal Court of competent jurisdiction, such portions shall be deemed separate, distinct and independent provisions, and the invalidity of such provisions shall not affect the validity of the remaining portions thereof.