Adoption of General Plan Amendment Policy

(General Plan Amendment Policy would reflect current City process in written form.)

RECOMMENDATION:

Council adopt Draft Resolution establishing a policy for amending the General Plan.

DISCUSSION:

In the last several years, the City has received applications for several major developments, including Colony Square, West Front, Eagle Ranch and Del Rio/El Camino Real. In each case, the projects required significant legislative determinations from the Council, either in the form of a general plan or zoning code amendment, and sometimes changes to both. The Council held a public hearing/workshop prior to processing the applications in order to receive input from the community and to comment on the project. The intent of the Draft Resolution is not to make any substantial changes to the practice the City has followed for the last several years, but rather, reflect this practice in written form.

General Plan Amendments

The Council may amend all or part of the adopted General Plan if the Council deems it to be in the public interest. Government Code section 65358 provides:

If it deems it to be in the public interest, the legislative body may amend all or part of an adopted General Plan. An amendment to the General Plan shall be initiated in the manner specified by the legislative body. Notwithstanding Section 66016, a legislative body that permits persons to request an amendment of the General Plan may require that an amount equal to the estimated costs of preparing the amendment be deposited with the planning agency prior to the preparation of the amendment. (Emphasis added).
The Council is not required to direct Staff to process applications to amend the General Plan, but if it does, then the City may recover all of the costs of preparing the amendment from the applicant. A General Plan amendment may be initiated by the Council, Planning Commission and staff; however, it is in the discretion of the Council as to whether it permits private property owners to request a General Plan amendment. Some cities have policies that specify that the application may be from a private property owner (or the majority of the property owners). Those cities often impose conditions prior to filing the application, for example, the requirement to meet with staff, hold public meetings with neighbors, and complete certain studies and reports. Since a General Plan amendment is a legislative act, there is no statutory right conferred on individuals or property owners allowing them to file for a General Plan amendment and have the City process it. However, if the City does give the right to the property owner, then the City must follow its policies on receiving and accepting applications from private owners. This policy clearly permits private owners to apply for a General Plan amendment, and entails the process the City will follow in processing the application.

**Atascadero’s General Plan Amendment Process**

The City’s General Plan is the only document that mentions amending the General Plan, and it is unclear as to whether or not the City will process applications from private owners. However, there is the implication that such applications would be processed since historically the City has processed them from private owners. The recommendation here is that the City adopt a written policy as authorized, pursuant to Government Code section 65358.

**General Plan Amendment Policy**

The attached policy incorporates the City Council’s practice in recent years to review major development projects prior to being processed by staff and reviewed by the Planning Commission. The policy defines a major land use map amendment as any parcel(s) in excess of one-half acre, and any text amendment changes to the General Plan.

Upon receiving an application to amend the General Plan, the Council would hold a public hearing, often in the form of a workshop. The purpose of the hearing would be to provide the Council and public an opportunity to comment on the project and make any recommended suggestions/concerns to the property owner. At the conclusion of the hearing, the Council would either direct staff to process the application or direct staff not to process the application (i.e., the Council has no interest in amending the General Plan).

The attached policy also provides that if the Council directs the General Plan amendment to be processed, then the applicant must enter into an advancement of funds and/or reimbursement agreement with the City to cover all costs associated with processing the application. This includes, but is not limited to, legal, engineering, planning, and environmental fees.
Conclusion: The Council may adopt the General Plan and may amend as the Council deems appropriate.

FISCAL IMPACT: None.

ALTERNATIVES:

1. The Council may decide to not adopt the Policy.
2. The Council may decide to adopt the Policy with modifications.

ATTACHMENTS:

1. Draft Resolution
2. Pages II-51-54 from the General Plan on General Plan Amendment Process