

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Barry K. Hogan, Deputy City Manager *BKH*

DATE: October 25, 2007 (CC Meeting of 12/5/2007)

SUBJECT: Consider an Ordinance Amending Section 17.44.050.C, Pre-screening, of Chapter 17.44.050.C of Title 17, Zoning, and a Resolution Rescinding Resolution No. 99-1578, and Adopting New Procedures for Pre-Screening of General Plan Amendments, Specific Plan Amendments, Zoning Map Amendments, and Zoning Ordinance Amendments, and Suspending the Processing of Pre-Screening Applications for the Next Two Cycles

BACKGROUND

Presently, the Zoning Ordinance establishes the process for the application and review of amendments to the Zoning Ordinance, specific plans, and the General Plan. It allows for owners or their agents to apply for amendments to the General Plan, any specific plan, the Zoning Map or the Zoning Code. It also allows for the initiation of amendments by the City Council through the adoption of a resolution of intent or direction upon the recommendation of the Planning Commission or the Community Development Director. Of these, the only amendment application which requires a pre-screening review and approval prior to the City's acceptance of the application is for an amendment to the General Plan. No other amendments require a pre-screening process.

DISCUSSION

Section 17.44.050 sets forth the process for amending the General Plan, any specific plan, the Zoning Map and the Zoning Code. Each of these amendments require considerable time and effort to make sure that the amendments are consistent with other provisions of the City's General Plan and Zoning Ordinance, as well as City Council direction on various issues which are not covered by the General Plan and Zoning Ordinance. In order to save staff, applicants, and Council time and effort on review and analysis relative to Zoning Map changes, amendments to any specific plan,

and Zoning Code changes, it would be appropriate to "pre-screen" these applications similar to the process now used for general plan amendments.

The change to the existing language of 17.44.050 would be to subsection C (Pre-screening) by adding applications for "specific plan amendments, zoning map amendments and zoning code amendments." This pre-screening process would allow for a decision by the City Council on whether or not there is sufficient merit to consider (but not necessarily approve) a proposed amendment. This would save the applicant and staff time on applications that do not warrant further consideration. A resolution to amend the pre-screening process to incorporate these additional applications is also attached. It should be noted that staff is requesting, as part of the attached resolution, to suspend or have a moratorium for the first filing period in 2008 due to the fact that we are currently working on a comprehensive General Plan Update. Permit Streamlining Act time limits do not apply to General Plan Amendments, Zoning Ordinance Amendments, Zone Changes, and amendments to specific plans, all of which are legislative acts.

It should also be noted that the current process would allow for anyone, whether they live in the city or not, to apply for an amendment to the City's Zoning Ordinance or any specific plan so long as they pay the application deposit and submit the required application and materials. The proposed change would still allow for anyone to submit an application, but that application would be required to go through a successful pre-screening process first. If the Council did not vote to allow the application to be filed, then the applicant could not apply for such an amendment for at least one year. As of the date of this report there is one application for an amendment to the City's Zoning Ordinance Use Matrix for the M-2 zone filed by Moorpark Vineyard Church and one application for a zone change for vacant property on Beltramo Ranch Road filed by David Saterlee. These applications should be subject to the new pre-screening procedures, if adopted, and staff would recommend that the processing of these applications be held in abeyance until the comprehensive General Plan Update has been completed. If City Council decides not to suspend processing of these applications there is likely to be delays in the completion of the General Plan Update due to staff's efforts on these two applications.

ENVIRONMENTAL DETERMINATION

In accordance with the City's environmental review procedures adopted by resolution, the Planning Director determines the level of review necessary for a project to comply with the California Environmental Quality Act (CEQA). Some projects may be exempt from review based upon a specific category listed in CEQA. Other projects may be exempt under a general rule that environmental review is not necessary where it can be determined that there would be no possibility of significant effect upon the environment. A project which does not qualify for an exemption requires the preparation of an Initial Study to assess the level of potential environmental impacts.

The Director has reviewed this project and found it to qualify for a General Rule Exemption in accordance with Section 15061 of California Code of Regulations (CEQA Guidelines). No further environmental documentation is required.

STAFF RECOMMENDATION

1. Introduce Ordinance No. _____ for first reading, waive full reading, and schedule second reading and adoption for January 16, 2008.
2. Adopt Resolution No. 2007-_____.
3. Direct staff to suspend processing the two pre-applications until completion of the General Plan Update.

ATTACHMENTS:

1. Ordinance No. _____.
2. Resolution No. 2007-_____.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF MOORPARK,
CALIFORNIA, AMENDING SECTION 17.44.050.C, OF
CHAPTER 17.44, APPLICATION REVIEW PROCEDURES,
OF TITLE 17 ZONING, OF THE MOORPARK MUNICIPAL
CODE, TO REQUIRE PRE-SCREENING OF A GENERAL
PLAN AMENDMENT, ANY SPECIFIC PLAN AMENDMENT,
ZONING MAP AMENDMENT AND ZONING ORDINANCE
AMENDMENT

WHEREAS, at its meeting of December 5, 2007, the City Council considered amending Section 17.44.050.C of the Moorpark Municipal Code, to require prescreening of any specific plan amendment, zoning map amendment and zoning code amendment, and reached a decision; and

WHEREAS, the City Council concurs with the Planning Director's determination that the proposed ordinance amending section 17.44.050.C of the Moorpark Municipal Code, to require prescreening of any specific plan amendment, zoning map amendment and zoning code amendment, is exempt from the provisions of the California Environmental Quality Act by the general rule that CEQA only applies to projects that may have a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK,
DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 17.44.050.C of Chapter 17.44, Application Review Procedures, of Title 17 of the Moorpark Municipal Code is hereby amended in its entirety to read as follows:

"17.44.050 Amendments to the general plan, specific plans, zoning map and zoning code.

- C. Pre-Screening. Applications for general plan amendments, specific plan amendments, zoning map amendments and zoning code amendments proposed pursuant to subsection (B)(1) of this section shall only be accepted following successful completion of a pre-screening application review as established by resolution of the city council."

SECTION 2. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or

portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 3. This Ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 4. The City Clerk shall certify to the passage and adoption of this ordinance; shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published once in the Moorpark Star a newspaper of general circulation, as defined in Section 6008 of the Government Code, for the City of Moorpark, and which is hereby designated for that purpose.

PASSED AND ADOPTED this ____ day of _____, 2007.

Patrick Hunter, Mayor

Deborah S. Traffenstedt, City Clerk

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, RESCINDING RESOLUTION NO. 99-1578, ADOPTING A NEW PROCEDURE FOR THE PRE-SCREENING OF GENERAL PLAN AMENDMENTS, SPECIFIC PLAN AMENDMENTS, ZONING MAP AMENDMENTS, AND ZONING ORDINANCE AMENDMENTS, AND SUSPENDING THE PROCESSING OF PRE-SCREENING APPLICATIONS FOR THE NEXT TWO APPLICATION CYCLES

WHEREAS, on March 17, 1999, the City Council adopted Resolution No. 99-1578 establishing the procedures for pre-screening of general plan amendments; and

WHEREAS, at its meeting of December 5, 2007, the City Council considered an amendment of Section 17.44.050.C to add pre-screening as a requirement prior to the amendment of any specific plan, the zoning map, and the zoning ordinance, and reached a decision on the matter; and

WHEREAS, it desirable to establish a procedure for pre-screening all applications for General Plan, specific plan, zoning map and zoning ordinance amendments and to provide public notice to the adjacent properties and a public hearing in accordance with Section 17.44.070; and

WHEREAS, the City Council has directed that the Moorpark General Plan be updated and City staff is in the process of preparing that update and expects to begin the public review process in late 2008; and

WHEREAS, to focus City staff work effort on the General Plan Update, the May 2008 cycle of pre-screening applications must be suspended.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Resolution 99-1578 is rescinded upon the effective date of Ordinance No. _____.

SECTION 2. PRE-SCREENING PROCEDURE: Upon the effective date of Ordinance No. _____, The City Council hereby establishes a pre-screening procedure for the processing of general plan, specific plan, zoning map and zoning ordinance amendments as shown in Exhibit A, attached.

SECTION 3. SUSPENSION OF PRE-SCREENING CYCLES: The City Council hereby suspends the processing of pre-screening applications under the May 2008 cycle due to the updating of the current General Plan.

SECTION 4. CERTIFICATION OF ADOPTION: The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED THIS 5th day of December, 2007.

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt
City Clerk

Attachment Exhibit A: Pre-Screening Procedures

EXHIBIT A

PRE-SCREENING APPLICATION PROCEDURE

PURPOSE:

To provide a pre-screening procedure for property owners or their agents to present information to the City Council related to proposals for changes in land use, amendments to any specific plan, amendments to the zoning map and amendments to the zoning ordinance.

APPLICATION:

An application for pre-screening must be submitted to the Community Development Department on the Universal Application form along with appropriate accompanying maps and material required by the Community Development Department and a deposit to process the application consistent with the adopted Council resolution. Requirements for the submittal of an amendment shall comply with the submittal requirements for a general plan amendment, amendment to a specific plan, a zone change and zoning ordinance amendment. Application materials may be obtained from the Community Development Department, Moorpark City Hall, 799 Moorpark Avenue, Moorpark, California, 93021 or on the City's website at www.ci.moorpark.ca.us.

SUBMITTAL CYCLES:

Two application submittal cycles are established in November and May for each calendar year.

ACTION	CYCLE 1	CYCLE 2
Application Cycle Deadline (Application must be deemed complete by this date)	November 30 th	May 31 st
Community and Economic Development Committee (CEDC) Recommendation	Not later than the following March regular meeting	Not later than the following September regular meeting
City Council Public Hearing and Decision	Not later than the second regular meeting in May	Not later than the second regular meeting in November

All complete pre-screening applications are reviewed by the standing City Council Community and Economic Development Committee. The Committee recommendation regarding the requested amendment shall be forwarded to the full Council for a decision on whether or not to accept an application for amendment. A duly advertised and noticed public hearing shall be held by the City Council on the pre-screening application to determine whether the Council decides to approve or deny the filing of a formal application for amendment.