



**REGULAR MEETING  
ARVIN PLANNING COMMISSION**

**TUESDAY MARCH 15, 2022 6:00p.m.  
CITY HALL COUNCIL CHAMBERS  
200 CAMPUS DRIVE, ARVIN**

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<b>PLANNING COMMISSIONERS:</b> Joshlyn Horton	Chairperson
Elio Benavides	Vice Chairperson
Abdu Nagi Algabyali	Planning Commissioner
Sergio Hernandez	Planning Commissioner
Anaiza Prado	Planning Commissioner
Elvira Martinez Moreno	Planning Commissioner (Alternate)
<b>STAFF:</b> Tendai Mtunga	City Planner
Nathan Hodges	City Attorney – Hodges Law Group
Cecilia Vela	Secretary

## **PUBLIC COMMENTS:**

The meetings of the City Council and all municipal entities, commissions, and boards (“the City”) are open to the public. At regularly scheduled meetings, members of the public may address the City on any item listed on the agenda, or on any non-listed matter over which the City has jurisdiction. At special or emergency meetings, members of the public may only address the City on items listed on the agenda. The City may request speakers to designate a spokesperson to provide public input on behalf of a group, based on the number of people requesting to speak and the business of the City.

In accordance with the Brown Act, all matters to be acted on by the City must be posted at least 72 hours prior to the City meeting. In cases of an emergency, or when a subject matter needs immediate action or comes to the attention of the City subsequent to the agenda being posted, upon making certain findings, the City may act on an item that was not on the posted agenda.

## **AGENDA STAFF REPORTS AND HANDOUTS:**

Staff reports and other disclosable public records related to open session agenda items are available at City Hall, 200 Campus Drive, Arvin, CA 93203 during regular business hours.

## **CONDUCT IN THE CITY COUNCIL CHAMBERS:**

### **Rules of Decorum for the Public**

Members of the audience shall not engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, clapping, whistling, stamping of feet or other acts which disturb, disrupt, impede or otherwise render the orderly conduct of the City meeting infeasible. A member of the audience engaging in any such conduct shall, at the discretion of the presiding officer or a majority of the City, be subject to ejection from the meeting per Gov. Code Sect. 54954.3(c).

### **Removal from the Council Chambers**

Any person who commits the following acts in respect to a meeting of the City shall be removed from the Council Chambers per Gov. Code Sect. 54954.3(c).

- (a) Disorderly, contemptuous or insolent behavior toward the City or any member thereof, tending to interrupt the due and orderly course of said meeting;
- (b) A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting;
- (c) Disobedience of any lawful order of the Mayor, which shall include an order to be seated or to refrain from addressing the City; and
- (d) Any other unlawful interference with the due and orderly course of said meeting.

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### **AMERICANS with DISABILITIES ACT:**

In compliance with the ADA, if you need special assistance to participate in a City meeting or other services offered by the City, please contact the City Clerk’s office, (661) 854-3134. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.



I pledge allegiance to the flag of the United States of America  
and to the Republic for which it stands, one nation, under  
God, indivisible, with liberty and justice for all.

## 1. Approval of Agenda As To Form.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

Roll Call: PC Algabyali \_\_\_\_\_ PC Hernandez \_\_\_\_\_ PC Prado \_\_\_\_\_ VC Benavides \_\_\_\_\_

Chair Horton \_\_\_\_\_ (Alt. PC Moreno \_\_\_\_\_)

## 2. PUBLIC COMMENTS

*This portion of the agenda is reserved for persons wishing to address the Planning Commission. At regularly scheduled meetings, members of the public may address the Planning Commission on any matter that is not listed for review on the agenda. At special or emergency meetings, members of the public may only address the Planning Commission on matters that are listed for review on the agenda. Individuals must give their name and limit their comments to two minutes. Issues raised during Public Comments are informational only and the Planning Commission cannot take action at this time. All comments shall be directed towards the Chairperson and not to individual Commissioners or staff.*

## 3. CONSENT AGENDA ITEM(S)

A. Approval of the Minutes of the Special Meeting of January 06, 2022.

Staff recommends approval of the Minutes of the Special Meeting of January 06, 2022.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

Roll Call: PC Algabyali \_\_\_\_\_ PC Hernandez \_\_\_\_\_ PC Prado \_\_\_\_\_ VC Benavides \_\_\_\_\_

Chair Horton \_\_\_\_\_ (Alt. PC Moreno \_\_\_\_\_)

## 4. PUBLIC HEARING ITEM(S)

A. A Public Hearing to Consider and Adopt A Resolution of the Planning Commission of the City of Arvin Recommending that the City Council Amend Various Chapters of the Arvin Municipal Code Amending and Deleting Various Sections of Title 16 Subdivisions and Title 17 Zoning Relating to Commercial Cannabis Procedures and Processes and Adding Title 18 California Environmental Quality Act Implementation – Environmental Clearance and that the City Council Adopt Related CEQA Exemption Findings and A Related Notice of Exemption Pursuant to CEQA Guidelines.

Staff recommends to open the hearing, allow for public testimony, close the hearing, and approve the Resolution.

Motion \_\_\_\_\_ Second \_\_\_\_\_ Vote \_\_\_\_\_

Roll Call: PC Algabyali \_\_\_\_\_ PC Hernandez \_\_\_\_\_ PC Prado \_\_\_\_\_ VC Benavides \_\_\_\_\_

Chair Horton \_\_\_\_\_ (Alt. PC Moreno \_\_\_\_\_)

**5. REPORTS FROM STAFF**

**6. PLANNING COMMISSIONER COMMENTS**

**7. ADJOURNMENT**

I hereby certify, under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted on the City Hall Bulletin Board, not less than 72 hours prior to the meeting. Dated: March 10, 2022.



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Cecilia Vela, Secretary

**SPECIAL MEETING MINUTES  
ARVIN PLANNING COMMISSION**

**JANUARY 06, 2022**

**CALL TO ORDER @ 6:10PM**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL: PC Hernandez and Alternate PC Moreno absent; All others present.**

**1. Approval of Agenda As To Form.**

**Motion to approve the Agenda.**

Motion PC Prado                      Second PC Benavides                      Vote 4-0

**2. PUBLIC COMMENTS**

*This portion of the agenda is reserved for persons wishing to address the Planning Commission. At regularly scheduled meetings, members of the public may address the Planning Commission on any matter that is not listed for review on the agenda. At special or emergency meetings, members of the public may only address the Planning Commission on matters that are listed for review on the agenda. Individuals must give their name and limit their comments to two minutes. Issues raised during Public Comments are informational only and the Planning Commission cannot take action at this time. All comments shall be directed towards the Chairperson and not to individual Commissioners or staff.*

**NONE**

**3. CONSENT AGENDA ITEM(S)**

A. Approval of the Minutes of the Special Meeting of July 07, 2021.

Staff recommends approval of the Minutes of the Special Meeting of July 07, 2021.

**Motion to approve Minutes of the Special Meeting of July 07, 2021.**

Motion PC Benavides                      Second PC Prado                      Vote 4-0

**4. PUBLIC HEARING ITEM(S)**

A. A Public Hearing to Consider and Adopt A Resolution of the Planning Commission of the City of Arvin Approving Conditional Use Permit No. 2021-201BMB Subject to the Conditions of Approval Contained Herein and Adopt the Notice of Exemption for the Proposed Project.

Staff recommends to open the hearing, allow for public testimony, close the hearing, and approve the Resolution.

Hearing opened.  
No public testimony received  
Hearing closed.

**Motion to approve the Resolution of the Planning Commission of the City of Arvin Approving Conditional Use Permit No. 2021-201BMB Subject to the Conditions of Approval Contained Herein and Adopt the Notice of Exemption for the Proposed Project.**

Motion PC Benavides      Second PC Prado      Vote 4-0  
Resolution No. APC 2022-01

## 5. ELECTION OF VICE CHAIRPERSON

PC Abdo Algabyali nominated Elio Benavides.  
PC Anaiza Prado nominated Elio Benavides.  
No other nominations received. Vote 4-0  
New Vice Chairperson is Elio Benavides.

## 6. REPORTS FROM STAFF

## 7. PLANNING COMMISSIONER COMMENTS

## 8. ADJOURNED @ 6:17PM

Respectfully submitted,

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Cecilia Vela, Secretary



**CITY OF ARVIN  
Planning Commission**

**Meeting Date: March 15, 2022**

**TO:** Arvin City Planning Commission

**FROM:** Jeffery Jones, Interim City Manager / Finance Director  
Jake Raper, Planner

**SUBJECT:** Public Hearing – Recommendation to the City Council to adopt the proposed code amendments to Sections 16.04.04; .050; .070; .095 of Chapter 16.04 General Provisions; Sections 16.28.050 of Chapter 16.8 Final Maps; Section 16.32.020; 040; 050; .060 of Chapter 16.32 Divisions Other Than Subdivisions; Sections 16.36.010; .020; .030; .040 of Chapter 16.36 Lot Line Adjustments; Add Chapter 16.38 Merger of Parcels; Section 16.38.010; Amendments to Section 16.40.040 of Chapter 16.40 Development Agreements of Title 16 Subdivision; Section 17.28.020, Section 17.30.020; Section 17.32.020; Section 17.34.020; Section 17.36.020; Section 17.56.040; Section 17.64 of Title 17 Zoning; Add Title 18 California Environmental Quality Act Implementation – Environmental Clearance; and to adopt related CEQA Exemption findings, and to adopt a related Notice of Exemption pursuant to CEQA Guidelines, sections 15061(b)(1) and 15061(b)(3).

**RECOMMENDATION**

Motion to Approve Resolution of the City of Arvin Planning commission recommending to the City Council that it adopt the proposed code amendments to Sections 16.04.04; .050; .070; .095 of Chapter 16.04 General Provisions; Sections 16.28.050 of Chapter 16.28 Final Maps; Section 16.32.020; 040; 050; .060 of Chapter 16.32 Divisions Other Than Subdivisions; Sections 16.36.010; .020; .030; .040 of Chapter 16.36 Lot Line Adjustments; Add Chapter 16.38 Merger of Parcels; Section 16.38.010; Amendments to Section 16.40.040 of Chapter 16.40 Development Agreements of Title 16 Subdivision; Section 17.28.020, Section 17.30.020; Section 17.32.020; Section 17.34.020; Section 17.36.020; Section 17.56.040; and Section 17.64 of Title 17 Zoning; Add Title 18 California Environmental Quality Act Implementation – Environmental Clearance and to adopt related CEQA Exemption findings, and to adopt a related Notice of Exemption pursuant to CEQA Guidelines, sections 15061(b)(1) and 15061(b)(3).

**BACKGROUND**

On September 19, 2017, the City Council adopted Resolution No. 2017-92 authorized the City Manager request to bring forward various code amendments; whenever the public necessity, convenience, general welfare, or good practices justify such action. To achieve this effort, the City Manager is recommending that the Planning Commission and City Council to amend various chapters of the Arvin Municipal Code to amend those sections which regulate commercial cannabis businesses as well as streamlining the minor land divisions, lot line



adjustments and voluntary mergers by property owners.

**SUMMARY:**

The ordinance amendments will change various provisions of Title 16 Subdivisions relating to designation of City Planner as the advisory agency for minor land divisions (Parcel Maps) and lot voluntary mergers by property owners. The amendments will establish commercial cannabis activities by right subject to Section 8.29.05 Commercial Cannabis Activities, deleting the requirement for approval of Conditional Use Permit, and deleting Chapter 17.64 which is to be established under Title 8 Health and Safety. Adding Title 18 will set the framework for the adoption of a resolution that will establish procedures and processes for the implementation of the California Environmental Quality Act.

The amendments to Title 16 Subdivisions and Title 17 Zoning will establish the expeditious review of and processing of minor land divisions and voluntary mergers as well as Commercial Cannabis Permits. The City Council is, under separate reports, considering amending Title 2 by clarifying that City Planner would be the delegated authority for the processing of Lot Line Adjustments, Parcel Maps, Voluntary Mergers and placing the review, processing approval, and amendments of Commercial Cannabis Permits under Title 8 Health and Safety, Chapter 8.29 Marijuana, Section 8.29.05 Commercial Cannabis Permits.

The proposed code amendments will allow a more efficient administration and enforcement by the city and other public agencies as well as simplify the entitlement process for minor land divisions and commercial cannabis businesses similar to other commercial and industrial entitlements and developments. This action will support the goal of the City Council in the streamlining project review and administration of development process and for commercial cannabis activities in the City of Arvin.

The proposed code amendments are shown in Exhibit A and are summarized as follows:

1. Sections 16.04.04; .050; .070; .095 of Chapter 16.04 General Provisions establish the City Planner as the advisory agency for minor land divisions (Parcel Maps) Voluntary Mergers, Certificate of Compliance, and lot line adjustments.
2. Sections 16.28.050 of Chapter 16.28 Final Maps clarifies the Secretary of the Commission to act and sign a final map on behalf of the Commission.
3. Section 16.32.020; 040; 050; .060 of Chapter 16.32 Divisions Other Than Subdivisions establishes the City Planner as the person responsible for processing Parcel Maps.
4. Sections 16.36.010; .020; .030; .040 of Chapter 16.36 Lot Line Adjustments clarifies the limitations of Lot Line Adjustments to 4 or less parcels to be combined and the process for review and approval or disapproval.
5. Adds Chapter 16.38 Merger of Parcels; Section 16.38.010; establishing the authority and procedure for voluntary mergers of parcels by the property owner.
6. Sections 17.28.020, Section 17.30.020; Section 17.32.020; Section 17.34.020; Section 17.36.020 the M-1, M-2, M-3 (Industrial Zone Districts); A-1 and A-2 (Agriculture Zone Districts) of Title 17 Zoning will permit, by-right Commercial Cannabis Permits subject to Section 8.29.05 Commercial Cannabis Activity.
7. Section 17.56.040 (Uses Permitted Subject to Conditional Use Permits) of Title 17 Zoning

- will delete the requirement for Commercial Cannabis Permit to obtain a Conditional Use Permit prior to the City Manager reviewing and approving a Commercial Cannabis Permit;
8. Section 17.64 Commercial Cannabis Activity will be deleted and reserved for future use.
  9. Adding Title 18 California Environmental Quality Act Implementation – Environmental Clearance will set the framework for the adoption of a resolution that will establish procedures and processes for the implementation of the California Environmental Quality Act.

Public hearing notice was published on March 4, 2022 in accordance with Government Code Sections 36933, 65854, and 65090. In addition, the full and complete ordinance is available on the City of Arvin’s web site [www.arvin.org](http://www.arvin.org).

**ENVIRONMENTAL REVIEW:**

The amendments and additions to Title 16 and 17 Zoning of the Arvin municipal Code constitute a potential project under the California Environmental Quality Act (CEQA). Staff has performed a preliminary environmental assessment of this project and, pursuant to CEQA Guidelines, sections 15061(b)(1) and 15061(b)(3), the adoption of the Proposed Ordinances is exempt from CEQA for the following reasons:

- This Ordinance establishes the opportunity for commercial cannabis businesses in the agricultural and industrial zone districts; and
- This Ordinance will not have a significant effect or physical change to the environment, because it establishes standards and criteria, and no physical projects are contemplated and are anticipated to be within the built environment.

Based on these criteria and determination the proposed code amendment (activity) is not subject to CEQA therefore a Notice of Exemption was prepared in accordance with the CEQA Guidelines. The Notice of Exemption is on file at the Community Development Department located at 141 Plumtree Drive.

**EXHIBITS:**

1. Draft Ordinance, Code Amendments to various chapters of the Arvin Municipal Code amending and deleting various sections of Title 16 relating to Development Agreements and Title 17 Zoning relating to commercial cannabis procedures and processes.
2. Public Hearing Notice

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARVIN RECOMMENDING THAT THE CITY COUNCIL AMEND VARIOUS CHAPTERS OF THE ARVIN MUNICIPAL CODE AMENDING AND DELETING VARIOUS SECTIONS OF TITLE 16 SUBDIVISIONS AND TILE 17 ZONING RELATING TO COMMERCIAL CANNABIS PROCEDURES AND PROCESSES AND ADDING TITLE 18 CALIFORNIA ENVIRONMENTAL QUALITY ACT IMPLEMENTATION - ENVIRONMENTAL CLEARANCE AND THAT THE CITY COUNCIL ADOPT RELATED CEQA EXEMPTION FINDINGS AND A RELATED NOTICE OF EXEMPTION PURSUANT TO CEQA GUIDELINES**

**WHEREAS**, at its regular meeting on March 15, 2022, the Planning Commission conducted a duly noticed public hearing in which it considered all written and oral testimony, including but not limited to written and oral testimony from the public and staff presentations and reports;

**WHEREAS**, the Planning Commission therefore recommends the City Council that it adopt the proposed ordinance, attached hereto as Exhibit A (“Proposed Ordinance”).

**NOW, THEREFORE**, the Planning Commission of the City of Arvin (the "Planning Commission") hereby finds, determines, resolves and orders as follows:

Section 1: The recitals set forth above are true and correct and incorporated herein by this reference.

Section 2: Based upon its own independent judgment and substantial evidence in the record of proceedings related to the Proposed Ordinance amendments, the Planning Commission finds that the Proposed Ordinance is exempt from compliance with the California Environmental Quality Act pursuant to CEQA Guidelines, sections 15061(b)(1) and 15061(b)(3) for the following reasons:

- This Ordinance establishes the opportunity for commercial cannabis businesses in the agricultural and industrial zone districts; and
- This Ordinance will not have a significant effect or physical change to the environment, because it establishes standards and criteria, and no physical projects are contemplated and are anticipated to be within the built environment.

Based on these criteria and determination the proposed code amendment (activity) is not subject to CEQA therefore a Notice of Exemption was prepared in accordance with the CEQA Guidelines. The Notice of Exemption is on file at the Community Development Department located at 141 Plumtree Drive.

Section 3: Based upon the foregoing and its independent judgment, the Planning Commission recommends the City Council of the City of Arvin adopt the above-mentioned CEQA

exemption finding, adopt the related Notice of Exemption, and adopt the Proposed Ordinance, attached hereto as Exhibit A.

**I HEREBY CERTIFY** that the foregoing resolution was passed and adopted by the Planning Commission of the City of Arvin at a regular meeting thereof held on the 15<sup>th</sup> day of March, 2022 by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ATTEST

\_\_\_\_\_  
**CECILIA VELA**, City Clerk

CITY OF ARVIN

By: \_\_\_\_\_  
**JOSHLYN HORTON**, Chair

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
**NATHAN HODGES**, City Attorney  
Hodges Law Group

I, \_\_\_\_\_, Secretary of the Planning Commission of the City of Arvin, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Resolution passed and adopted by the Planning Commission of the City of Arvin on the date and by the vote indicated herein.

**ORDINANCE NO. XXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARVIN, TO ADOPT CODE AMENDMENTS TO SECTIONS 16.04.04; .050; .070; .095 OF CHAPTER 16.04 GENERAL PROVISIONS; SECTIONS 16.28.050 OF CHAPTER 16.8 FINAL MAPS; SECTION 16.32.020; 040; 050; .060 OF CHAPTER 16.32 DIVISIONS OTHER THAN SUBDIVISIONS; SECTIONS 16.36.010; .020; .030; .040 OF CHAPTER 16.36 LOT LINE ADJUSTMENTS; ADD CHAPTER 16.38 MERGER OF PARCELS; SECTION 16.38.010; SECTION 17.28.020, SECTION 17.30.020; SECTION 17.32.020; SECTION 17.34.020; SECTION 17.36.020; SECTION 17.56.040; SECTION 17.64 OF TITLE 17 ZONING; ADD TITLE 18 – CALIFORNIA ENVIRONMENTAL QUALITY ACT IMPLEMENTATION - ENVIRONMENTAL CLEARANCE AND TO ADOPT RELATED CEQA EXEMPTION FINDINGS, AND TO ADOPT A RELATED NOTICE OF EXEMPTION PURSUANT TO CEQA GUIDELINES, SECTIONS 15061(B)(1) AND 15061(B)(3)**

**WHEREAS**, the City Council desires to amend the following:

1. Sections 16.04.04; .050; .070; .095 of Chapter 16.04 General Provisions establish the City Planner as the advisory agency for minor land divisions (Parcel Maps) Voluntary Mergers, Certificate of Compliance, and lot line adjustments.
2. Sections 16.28.050 of Chapter 16.28 Final Maps clarifies the Secretary of the Commission to act and sign a final map on behalf of the Commission.
3. Section 16.32.020; 040; 050; .060 of Chapter 16.32 Divisions Other Than Subdivisions establishes the City Planner as the person responsible for processing Parcel Maps;
4. Sections 16.36.010; .020; .030; .040 of Chapter 16.36 Lot Line Adjustments clarifies the limitations of Lot Line Adjustments to 4 or less parcels to be combined and the process for review and approval or disapproval.
5. Adds Chapter 16.38 Merger of Parcels; Section 16.38.010; establishing the authority and procedure for voluntary mergers of parcels by the property owner.
6. Sections 17.28.020, Section 17.30.020; Section 17.32.020; Section 17.34.020; Section 17.36.020 the M-1, M-2, M-3 (Industrial Zone Districts); A-1 and A-2 (Agriculture Zone Districts) of Title 17 Zoning will permit, by-right Commercial Cannabis Permits subject to Section 8.29.05 Commercial Cannabis Activity.
7. Section 17.56.040 (Uses Permitted Subject to Conditional Use Permits) of Title 17 Zoning will delete the requirement for Commercial Cannabis Permit to obtain a Conditional Use Permit prior to the City Manager reviewing and approving a Commercial Cannabis Permit;
8. Section 17.64 Commercial Cannabis Activity will be deleted and reserved for future use.
9. Add Title 18– California Environmental Quality Act Implementation - Environmental Clearance

**WHEREAS**, on March 15, 2022, at after a duly noticed public hearing, the Planning Commission considered the Proposed Amendments, including presentations from City staff, oral testimony, and written testimony; and

**WHEREAS**, after the above-mentioned public hearing, the Planning Commission adopted Resolution No. **APC 2022-XX**, which recommended that the City Council adopt this Ordinance; and

**WHEREAS**, on **MONTH DAY, 2022**, the City Council conducted a duly noticed public hearing regarding this Ordinance, where it received presentations from City staff, oral and written testimony from members of the public; and

**WHEREAS**, after the above-mentioned City Council public hearing, the City Council now desires to amend Title 16 “Subdivisions” and Title 17, “Zoning,” of the Arvin Municipal Code various sections (Section 17.28.020, Section 17.30.020; Section 17.32.020; Section 17.34.020; Section 17.36.020; Section 17.56.040; and Section 17.64); and

**NOW, THEREFORE**, the City Council of the City of Arvin does hereby ordain as follows:

**Section 1.** The Recitals set forth above are true and correct and incorporated herein.

**Section 2.** The City Council finds and determines that the amendment and addition to Title 16 and Title 17, as contemplated by this Ordinance, constitute a project under the California Environmental Quality Act (“CEQA”). The City Council, based upon its own independent judgment and substantial evidence in the record of proceedings related to this project has determined, pursuant to CEQA Guidelines, is exempt from compliance with the California Environmental Quality Act pursuant to CEQA Guidelines, sections 15061(b)(1) and 15061(b)(3) for the following reasons:

- This Ordinance establishes the opportunity for commercial cannabis businesses in the agricultural and industrial zone districts; and
- This Ordinance will not have a significant effect or physical change to the environment, because it establishes standards and criteria, and no physical projects are contemplated and are anticipated to be within the built environment.

**Code Amendments are as follows:**

## **Title 2 Administration and Personnel**

**2.24.030 Duties.** The planning commission shall exercise all duties established by the laws of the state relating to city planning commissions, excepting therefrom those duties which have been expressly granted to the City Planner as promulgated in the City of Arvin’s Municipal Code, and such additional duties as may be prescribed by the city council.

## **Title 16 Subdivisions;**

### **Chapter 16.04 GENERAL PROVISIONS**

#### **16.04.040 Definitions.**

For the purposes of this title, certain words and terms used in this title are defined as follows:

- B. "Advisory agency" means as follows: the City Planner in consultation with the City Engineer shall be the official body charged with the review, investigation, reports and action for Certificate of Compliance, lot line adjustments, parcel mergers, and parcel maps; the planning commission shall be the official body charged with the duty of making investigations and reports on the design and improvements of proposed divisions of real property, tract maps, development agreements, and the imposing of requirements or conditions thereon. The city council shall have the final authority to approve, conditionally approve, or disapprove maps, tract maps, and development agreements.
- I. "Vesting Tentative Map" shall mean a tentative map for any subdivision that shall have printed conspicuously on its face the words Vesting Tentative Map at the time it is filed in accordance with this chapter.

**16.04.050 Planning commission /City Planner and staff responsibility.**

The City Planner in consultation with the City Engineer shall review, make investigations and reports for Certificate of Compliance, lot line adjustments, parcel mergers, and parcel maps and shall have the authority to act on same.

The Planning Commission shall make investigations and reports on the design and improvement of any proposed division of real property for which tentative maps are to be filed, and shall have the authority to impose requirements and conditions upon such division of land, excepting therefrom those duties which have been expressly granted to City Planner.

- 1. The City Planner and city engineer shall advise and assist in making investigations and reports on all tentative maps.

**16.04.070 Parcel map waiver procedure.**

Except where required by the Map Act, the City Planner in consultation with the City Engineer may waive the requirements of submission of a parcel map for approval if the City Planner makes a determination as promulgated in (b)(1), (2), or (3) of this Chapter.

- A. An application for waiver of the requirement of a Parcel map shall be filed with the City upon such forms as prescribed by the City Planner in consultation with the City Engineer. The filing of such application shall be accompanied with payment of a filing fee as established by resolution of the City Council.
- B. An application for waiver of the requirement of a Parcel Map shall be acted upon by the City Planner in consultation with the City Engineer within twenty (20) days after its filing, unless such time is extended by agreement with the applicant. The City shall by written instrument approve or conditionally approve the application for waiver if it is determined that:
  - 1. The requirement of a Final Parcel Map would serve no substantial public purpose, and if it also finds that such division complies with requirements as to improvements

and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability and environmental protection;

2. The requirement of a Parcel Map will create an undue hardship and the absence of survey data will not be detrimental to future owners of the lots created, of an abundance of survey data exists of record such that the survey and preparation of the Parcel Map is an unnecessary expense, and the parcels can be reconveyed by metes and bounds descriptions; and
3. The City Planner has made a finding that the proposed subdivision complies with the requirements of the Subdivision Map Act and this division as to area, improvement and design, flood water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act and this division.

Any requirements for the construction of reasonable off-site and on-site improvements for a lot being created by the proposed division of land shall be set forth in the instrument approving the application of waiver.

- C. In the case of waiver, the City Planner shall issue a certificate of compliance under Section 66499.35 of the Map Act. The instrument of Waiver shall be duly acknowledged, and the City shall arrange for recordation pursuant to Government Code §66411.1.
- D. Within ten (10) days after denial of any application for waiver by the City Planner in consultation with the City Engineer, a subdivider may appeal to the City Council.

#### **16.04.080 Tentative parcel map – Required – Waiver**

A tentative parcel map shall be required for all subdivisions unless waived pursuant to the procedures of 16.04.070.

#### **16.04.095 Tentative parcel map—Extension.**

A person filing a tentative parcel map may request an extension of the tentative parcel map approval or conditional approval by written application to the City Planner; such application to be filed at least thirty (30) days before the approval or conditional approval is due to expire. The application shall state the reasons for requesting the extension. In granting an extension, new conditions may be imposed, and existing conditions may be revised.

### **Chapter 16.08 TENTATIVE MAPS**

#### **16.08.010 Filing procedure.**

- G. Every person submitting a tentative map shall also submit two sets of postage prepaid, unsealed envelopes addressed to all mineral owners and lessees of record appearing on the title report as shown in the State of California Department of Conservation, Geologic Energy Management Division (herein this title referred to as CalGEM) records as operators



who have not waived their right of surface entry underlying the subdivision. The applicant shall submit a copy of the letter from CalGEM identifying the operator of record, if any, with the subdivision application. The letter from CalGEM shall be dated no more than thirty days prior to the subdivision application submitted and shall list the name of operator of record and their addresses as shown in CalGEM records or a written statement from CalGEM that there is no party of record with CalGEM relative to the site.

**16.08.020. Public hearing—Notice.**

- A. An authorized representative of the planning department shall notify the subdivider or his/her representative of the date on which the Planning Agency shall consider the tentative map. At the time fixed for the consideration of the tentative map, the Planning Agency shall consider the reports and recommendations, if any, of the city engineer, companies, officers, departments, jurisdictions, agencies or bodies to which the copies of the tentative map were sent.
- B. A public hearing shall be held whenever the approval of the tentative map by the Planning Agency would constitute a substantial or significant deprivation of property rights of other land owners. In addition, thereto, the Planning Agency, at his, her, or its discretion, may hold public hearings on the consideration of any tentative map. Notice of such hearings shall be given in the time and manner provided in Section 66451.3 and Section 66451.4 of the Subdivision Map Act.
- C. The Planning Agency shall approve, conditionally approve, or disapprove the tentative map and shall report such action to the subdivider in accordance with Section 66452.1 of the Subdivision Map Act.

**16.08.030 Form – Tentative Tract Map and Tentative Parcel Map (Tentative Map).**

The tentative map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor and shall be in the following form:

- A. The tentative map and all information thereon shall be clearly and legibly drawn and written and may be rejected by the secretary of the commission if not so done.
- B. The size of each sheet shall be eighteen (18) inches by twenty-six (26) inches.
- C. The scale of the map shall be large enough (not smaller than one (1) inch equals one hundred (100) feet) to show clearly all details thereof and enough sheets shall be used to accomplish this end. The exterior boundary of the parcels or lots being created shall be indicated by colored border.

**16.08.060 Review – Approval – Report of necessary changes.**

When the tentative map is received and filed under the provisions of this title, an authorized representative of the planning department shall, forthwith transmit a copy of such map to the city engineer and such city, county and state officers or departments, public utility companies serving

the areas embraced by the map and such other jurisdictions, agencies or bodies as may be designated by the Planning Agency or as required by the Subdivision Map Act, together with a request for a report and recommendation thereon to be returned to the Planning Agency by filing with the planning department not later than fifteen days from the date said tentative map is received by such city engineer or company, officer, department, jurisdiction, agency or body. Failure of the city engineer or any company, officer, department, jurisdiction, agency or body to which such map was transmitted to submit such a report or recommendation within such fifteen-day period shall mean that the city engineer or such company, officer, department, jurisdiction, agency or body has no report or recommendation to submit concerning such tentative map. Any reports or recommendations on a tentative map by the staff of the City of Arvin to the Planning Agency or to the city council on appeal, shall be in writing, and a copy thereof shall be served personally or by mail on the subdivider and his/her engineer and on each tenant of the subject property in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, at least three days prior to any hearing or action on the tentative map by the director.

**16.08.070 Report and recommendation of planning staff—Service.**

The planning staff shall make a written report with recommendation on the tentative map, and a copy thereof served on the subdivider at least three (3) days prior to any action on such map by the Planning Agency. Service may be in person or by mail. Service shall be deemed complete on personal delivery to the subdivider or two (2) days after depositing such report and recommendations in the United States mail.

**16.08.080 Statutory Authority**

The responsibilities of the council under the provisions of Sections 66473.5, 66474, 66474.1 and 66474.6 are assigned to the Planning Agency, as applicable, under authority of Section 66474.7 of the Map Act.

**16.08.090 Approval, conditional approval or disapproval – tentative tract map.**

- A. The commission shall review the report and recommendations of the planning staff and shall review the tentative map as to the proposed design and improvements of the subdivision and as to all applicable requirements of the Map Act and this title.
- B. The commission shall make its written report on the tentative map, including recommended requirements and conditions of approval, to the council within fifty (50) days after the filing date of the map, unless such time is extended by agreement with the subdivider.
- C. At the next regular meeting of the council following the filing of the commission report, the council shall fix a meeting date at which the tentative map will be considered, which date shall be thirty (30) days thereafter and the council shall approve, conditionally approve or disapprove the tentative map.
- D. Any interested person may appeal any decision of the commission relative to the matters stated in subsection A of this section to the council; such appellant shall be entitled to the

same notice and rights regarding testimony as are accorded a subdivider under Section 66452.5 of the Map Act.

- E. At the same time, the council shall designate the improvements which will be required under the provisions of this title and shall designate any other requirements lawfully authorized to be made.
- F. Nothing contained in this title shall be construed to prohibit the filing of different tentative maps for the same property regardless of whether the first one (1) has been approved; provided when such subsequent map is filed, the first one (1) filed is deemed completely rescinded and of no further force or effect. Optional tentative maps may be filed at the same time, but action of the commission shall relate only to one (1) such map.

**16.08.095 Approval, conditional approval or disapproval – tentative parcel map.**

- A. The City Planner shall prepare a report and recommended actions, upon consultations with appropriate city staff and outside agencies, and shall review the tentative parcel map as to the proposed design and improvements of the land division and as to all applicable requirements of the Map Act and this title.
- B. The City Planner shall make its written report on the tentative parcel map, including recommended requirements and conditions of approval, within fifty (50) days after the filing date of a completed application of the map, unless such time is extended by agreement with the subdivider.
- C. The City Planner, in coordination with the City Clerk, shall fix a meeting date at which the tentative parcel map will be considered, which date shall be thirty (30) days thereafter and the City Planner shall approve, conditionally approve, or disapprove the tentative parcel map. The Planner shall report his/her action directly to the subdivider, and in the event of disapproval, the reasons therefor.
- D. Any interested person may appeal any decision of the City Planner relative to the matters stated in subsection A of this section to the council; such appellant shall be entitled to the same notice and rights regarding testimony as are accorded a subdivider under Section 66452.5 of the Map Act.
- E. At the same time, the council shall designate the improvements which will be required under the provisions of this title and shall designate any other requirements lawfully authorized to be made.
- F. Nothing contained in this title shall be construed to prohibit the filing of different tentative parcel maps for the same property regardless of whether the first one (1) has been approved; provided when such subsequent map is filed, the first one (1) filed is deemed completely rescinded and of no further force or effect. Optional tentative maps may be filed at the same time, but action of the City Planner shall relate only to one (1) such map.
- G. The Planner shall not approve any tentative map for any subdivision (except for the conversion of an existing building into a condominium project or stock cooperative, unless

new units are being added) unless the Planner has found that the proposed subdivision, together with the provisions for its design and improvement, as shown on the tentative map approved by the Planner, subject to the conditions imposed thereon by the Planner, is consistent with the applicable general and specific plans of the city. The Planner shall not approve the tentative map of any subdivision (except for the conversion of an existing building into a condominium project or stock cooperative, unless new units are being added) if the Planner makes any of the findings described in Section 66474 of the Subdivision Map Act. The Planner shall not approve any tentative map which covers a category or project not exempt from the EIR requirements of Title 18 of the City of Arvin Municipal Code, or not previously found by the director to have no significant effect on the environment, unless there has been filed with the director:

1. Compliance with California Environmental Quality Act of 1970 as amended and filing of appropriate environmental documents.

**16.16.050 Improvement security—Release.**

- A. Security given for faithful performance of any act or agreement shall be released upon the final completion and acceptance of the act or work by the council subject to the provisions of subsection B of this section.
- B. The city council may release a portion of the security in conjunction with the acceptance of the performance of the act or work as it progresses upon application thereof by the subdivider; provided, however, that no such release shall be for an amount more than ninety percent (90%) of the total improvement security given for faithful performance of the act or work, and the security shall not be reduced to an amount less than ten percent (10%) of the total improvement security given for faithful performance until final completion and acceptance of the act or work by the council, In no event shall the city council authorize a release of improvement security which would reduce such security to an amount below that required to guarantee the completion of the act or work and any other obligation imposed by this title, the Map Act, or the improvement agreement.
- C. Security given to secure payment to the contractor, his subcontractors and to persons furnishing labor, materials or equipment, shall, six (6) months after the completion of and acceptance of the act or work by the council, be reduced to an amount equal to the amount of all claims therefor filed and of which notice has been given to the council, plus an amount reasonably determined by the city council to be required to assure the performance of any other obligations secured thereby. The balance of the security shall be released upon the settlement of all such claims and obligations for which the security was given,
- D. No security given for the guarantee or warranty of work shall be released until the expiration of the period thereof.

**16.16.060 Improvement security—Forfeiture.**

Upon the failure of the subdivider to complete any improvement, acts or obligations within the time specified, the council may, upon notice in writing of not less than ten (10) days served upon the person responsible for the performance thereof or upon notice in writing of not less than

twenty (20) days, served by certified mail addressed to the last known address of such person, determine that the subdivider is in default and may cause the improvements security or such portion thereof as is necessary to complete the work or act or any other obligations of the subdivider secured thereby to be forfeited to the city.

**16.16.70 Decision Maker consideration—Required improvements.**

- A. In determining whether to require or not require improvements, the City Planner, in consultation with the City Engineer, as related to Parcel Maps, or the council, as related to Tract Maps, shall consider the following factors:
1. Whether the installation of any such improvements would be premature in relation to the public needs of the present and the immediate future;
  2. Whether the omission of all or any part of such improvements would be materially detrimental to the public welfare, safety, health or convenience;
  3. Whether the omission of all or any part of such improvements would be injurious to property or improvements in the area;
  4. The extent to which the improvements are desirable to fulfill public needs emanating from the subdivider's proposed use or possible use;
  5. The extent to which the community may need protection against potentially bad effects of the proposed use or possible use.
- B. Improvements required in a subdivision for which a final or parcel map is required shall be installed to permanent line and grade to the satisfaction of the city engineer in accordance with the requirements of the council, in accordance with the city improvement standards and in accordance with all applicable provisions of Chapter 16.12, entitled Standards and Design.
- C. The following improvements or any of them may be required by the City Planner or City council and if so required, shall be furnished at the subdivider's expense:
1. Grading, curbs and gutters, drainage and drainage structures necessary to the proper use and drainage of streets, highways, alleys and ways and to the public safety;
  2. Installation and surfacing of streets, highways, alleys and ways;
  3. Sidewalks;
  4. Sanitary sewer facilities and connections for each parcel or lot created;

5. Water system with mains of sufficient number of outlets to furnish adequate domestic water supply for each parcel or lot created and to provide adequate fire protection to meet local neighborhood needs;
6. Street trees of a type, size, spacing and planting at the time specified by the City Engineer;
7. Street name signs;
8. A chain-link fence six (6) feet in height between any subdivision and the right-of-way line of any irrigation canal;
9. Street lighting where and as required by the City Engineer.

**16.20.020 Letter of justification.**

At a time no later than the time of filing of the tentative map with the City Planner or commission, the subdivider, in order to qualify for the optional design provisions of this chapter, shall, by a memorandum in writing supported and accompanied by tentative plans, justify the exercise of such option by a showing that:

- A. The plan of development has been devised to make a better use of undeveloped property than that which would result from proceeding on a lot-to-lot basis and thereby produce a more desirable and livable community than would be effected by compliance with all standards and requirements;
- B. The reservation of green or open spaces in a manner differing from the conventional front or back yard will result in more efficient and aesthetic use of the property than would be possible if inflexible rules were applied to individual lots;
- C. The buildings, structures and landscaping will be in harmony with other structures and improvements in the area;
- D. The control of density in the development will substantially comply with the general plan.

**16.20.030 - Variances allowed when—Density increase prohibited.**

As incentive to creating better overall communities and to producing an environment of stable, desirable character, the standards and requirements set out in Chapters 16.12 and 16.16 may be varied, but only when the gross density of an area is not increased and where such design has been approved by two-thirds ( $\frac{2}{3}$ ) vote of the commission or by the City Planner, as applicable, and where such commission or Planner finds that the four (4) items of justification set forth in Section 16.20.020 are true.

**16.20.040 Lot size—Requirements for exceptions.**

The City Planner and/or commission, as applicable, may authorize exceptions in lot size but with no increase in density in the overall development. Where such sizes are proposed to be reduced by use of common areas, dedication of open space, or by agreement to give up development rights as

a method of maintaining the density required for an area, the credit for such common areas, open spaces, or development rights offered shall be based on the density permitted under the zoning district in which the offer is made or on the basis of the lot sizes required as set out in Section 16.12.150, whichever is more restrictive.

#### **16.20.050 - Review and decision.**

The commission or City Planner, as applicable, shall review the memorandum of justification as it relates to the proposed subdivision at the same time it reviews the tentative map and the recommendations of the staff. The Commission and/or Planner's ~~Its~~ decision and findings shall be transmitted to the subdivider no later than the time when the tentative map is transmitted to the council.

### **Chapter 16.28 FINAL MAP**

#### **16.28.050 Review by Secretary of the Commission ~~commission~~.**

A. If the map conforms to the tentative map as approved by the City Planner or commission, as applicable, and no changes have been made which have not been approved by the Planner or commission, the secretary of the commission or the Planner shall certify the original tracing of the map on behalf of the commission or the Planner, respectively. If the map does not so conform, the secretary of the commission or the Planner shall report such fact and the nature of the nonconforming features to the city engineer, and the map shall not be certified until the commission or the Planner, as applicable, specifically authorizes the certification of the map.

#### **16.28.090 Approval—Disapproval.**

A. At its first regular meeting following the filing of the final map with the city clerk, the council shall consider such map, the plan of subdivision and the offers of dedication in accordance with the requirements of this title. The council may reject any or all offers of dedication. If the council determines that the map is in conformity with the requirements of this title, it shall approve the map. When the subdivider shall have filed with the city clerk the completion agreement and improvement security described in Section 16.16.020, and when such completion agreement and improvement security shall have been approved by the city attorney as to form, and by the city engineer and council as to sufficiency, the city clerk shall transmit the map to the clerk of the county board of supervisors for ultimate transmittal to the county recorder.

### **Chapter 16.32 DIVISIONS OTHER THAN SUBDIVISIONS**

#### **16.32.020 Definitions.**

Unless it is plainly evident from the context that a different meaning is intended, certain terms used in this chapter are defined as follows:

- A. "City engineer" means the engineer employed by the city to advise on engineering matters and to check plans for subdivisions or other improvements within the city limits and to inspect such construction.

- B. "City Planner" or "advisory agency" means the City Planner of the city which is charged with the duty of making investigations and reports on the design and improvements of proposed divisions of land within the city that are not governed by the provisions of the Subdivision Map Act.

**16.32.030 Plan approval required.**

For any division or replot of land or buildings lots which is not a subdivision, a plan shall be filed with the City Planner and the approval shall be a condition precedent to acceptance of offers of dedication or issuance of building permits.

**16.32.040 Map—Filing.**

Six (6) copies of the map of a proposed division of land shall be filed with the City Planner.

**16.32.050 Map—Form.**

The map shall show the dimensions of the proposed lots and shall contain any other information deemed necessary by the City Planner, provided, however, the City Planner, may not require any information which is not required in connection with a subdivision.

**16.32.060 Approval—Requirements.**

- A. The City Planner shall determine whether the proposed division of land is in conformity with the law, whether the size of the proposed lots is satisfactory and whether all of the proposed lots will have proper and sufficient access to public streets, sanitary sewer lines, water mains, fire hydrants, drainage structures and utilities. The City Planner shall approve such map by noting approval thereof by endorsement on the map. One (1) copy of the map shall be retained in the files of the City Planner and one (1) copy of the map shall be retained in the files of the city engineer.
- B. Approval of the map shall be final approval, and no final map need be submitted; provided, that the City Planner may require that all of the provisions of the subdivision ordinance, as codified in Chapters 16.04 through 16.28, shall be complied with where, in its opinion, the intent of the subdivider ultimately is to subdivide into five (5) or more lots or where, in its opinion, the division of land is such that it will ultimately become an integral part of a subdivided area. Should City Planner, in its opinion determine that the intent of the subdivider is to subdivide the property such that it will ultimately become an integral part of a subdivided area, those portions of Arvin's Municipal code related to such a division shall apply and the City's planning commission shall become the advisory agency for such proposed divisions.

**Chapter 16.36 LOT LINE ADJUSTMENT**

**16.36.010 Application—Review procedure.**

- A. An application for a lot line adjustment shall be submitted to the City Planner on a form prescribed by the Planner.



- B. The City Planner shall review the proposed lot line adjustment to ascertain all the facts pertinent thereto and, in writing, shall state either approval or disapproval of the proposed lot line adjustment, together with his findings and reasons for such a decision, within fifteen (15) days, excluding Saturday, Sundays, and legal holidays, of the filing of a complete application. The City Planner shall consult with the City Engineer to assist in the determination for approval or disapproval of the lot line adjustment. The City Planner and/or the City Engineer may find it necessary to engage licensed land surveyor or engineer to review and verify closures prior to approval or disapproval.
  
- C. Upon determination by the City Planner that the proposed lot line adjustment is in compliance with the Subdivision Map Act and ordinances enacted by the City of Arvin, a certificate of compliance shall be prepared and filed with the county recorder of the county of Kern.

**16.36.020 Application—Information required.**

The applicant shall submit three (3) prints of a map with sufficient clarity and detail to precisely show the proposed adjustment, and shall indicate clearly and with full dimensions the following information:

- H. Such other data or information as may be required by the City Planner or city.

**16.36.030 Conditions for granting.**

Before a lot line adjustment shall be granted, the following conditions must be found to exist by the City Planner.

- A. The land is a part of a recorded subdivision map, parcel map, Record of Survey, or shown on the latest adopted tax assessor's map as an individual parcel of land;
- B. The number of lots or parcels are not increased or decreased;
- C. The lots or parcels created have the minimum square footage required by the zoning district in which they are located;
- D. That all other applicable provisions of the subdivision and zoning chapters shall be complied with;
- E. That the lot line adjustment as proposed is not an attempt to circumvent the California Subdivision Map Act.

**16.36.040 Decision on application—Notice required.**

One (1) copy of the written decision of the City Planner approving or disapproving the application for a lot line adjustment shall be signed and dated by the City Planner and mailed to the applicant.

## **Chapter 16.38 MERGER OF PARCELS**

### **16.38.010 Property owner initiated merger of contiguous parcels.**

Pursuant to Government Code Section 66499.20 3/4, a property owner owning contiguous parcels is authorized to merge those contiguous legal parcels without requiring the property to be reverted to acreage. Such merger shall be accomplished in accordance with the following procedures:

1. The property owner shall file an application for merger with the city, submit evidence of title to all parcels to be affected, submit a proposed certificate of merger, and pay the processing fee established by resolution of the city council.
2. The city planner in consultation with the city engineer, or an authorized designee, shall consider and approve the application if it is found that the parcel created by the merger will conform to the requirements of this code and applicable state law.
3. The merger shall be evidenced by recording a certificate of merger which lists the parcel numbers affected and is signed by the city planner and city engineer. The certificate of merger shall be recorded concurrently with any deed of easement regarding the relocation or elimination of applicable easements. The certificate of merger shall be recorded against each parcel that is merged.

## **Chapter 16.40 REGULATIONS ON PROCEDURES AND REQUIREMENTS FOR DEVELOPMENT AGREEMENTS**

### **Section 16.40.060 Qualification of project.**

4. The project is a Commercial Cannabis Activity as established in the Municipal Code, Title 8 Health and Safety.

### **16.40.090 Flow of concurrent applications.**

Where a development agreement requires a general plan amendment, specific plan, rezoning, use permit, preliminary subdivision, or standard subdivision application, these applications shall be made concurrently with, or precede the development agreement; their consideration shall be concurrent with or precede the consideration of the development agreement. Where a development agreement is proposed for a Commercial Cannabis Permit as established by Chapter 8.29.05 Commercial Cannabis, the development agreement may precede the submittal of a Commercial Cannabis permit. In such a situation, a condition of the Development Agreement shall require the developer to obtain a State Commercial Cannabis Permit/License and a City Commercial Cannabis Permit pursuant to Title 8 of Arvin Municipal Code.

### **Section 16.40.100 Environmental review.**

- A. After preparation of the initial study, the director of planning shall schedule an environmental determination of the development agreement and a concurrent general plan amendment, specific plan, rezoning, use permit, or preliminary map before the planning commission, as the same may be required.

- B. The planning commission shall determine whether the development agreement project shall require an environmental impact report (EIR) or a negative declaration. If an EIR is required, the planning commission shall define its focus and scope in compliance with Title 18 of Arvin Municipal Code.
- C. Appeal may be taken to the city council from the environmental determination of the planning commission in the same manner as an appeal from the decision on a use permit.
- D. Upon a determination that the planning commission has failed to meet at a scheduled date for the review of a proposed development agreement, or that the planning commission has failed to act on a submitted development agreement, the city council may take any and all necessary actions to conduct the review evaluation and disposition of the pending development agreement. Nothing contained herein shall preclude the city council from initiating its review process independent of planning commission action.

**Section 16.40.180 Determination by Planning Commission.**

After hearing by the planning commission, the commission shall make its recommendation in writing to the city council. The recommendation shall include the planning commission's determination whether or not the development agreement proposed:

- A. Is consistent with the objectives, policies, general land uses, and programs specified in the general plan and any applicable specific plan;
- B. Is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located;
- C. Is in conformity with public convenience, general welfare, and good land use practice;
- D. Will be detrimental to the health, safety, and general welfare; and
- E. Will adversely affect the orderly development of property or the preservation of property values. The recommendation shall include the reason for the recommendation.

In the event that the city council conducts the planning commission review pursuant to the provision of Section 16.40.100, the Council shall be required to make the determinations set forth in subsections A through E of this section.

(Ord. 325 §1(part), 2002).

**Section 16.40.190 Decision by City Council.**

- A. After the city council completes the public hearing, it may accept, modify, or disapprove the recommendation of the planning commission. It may, but need not, refer matters not previously considered by the planning commission during its hearing back to the planning commission for report and recommendation. The planning commission may, but need not, hold a public hearing on matters referred back to it by the city council.

- B. After the City Council completes the public hearing, the city council may not approve the development agreement unless it finds that the provisions of the agreement are consistent with the general plan and any applicable specific plan.

**TITLE 17 ZONING:**

**Chapter 17.28 M-1 LIMITED MANUFACTURING ZONE**

**17.28.020 Permitted uses.**

- 10. Commercial Cannabis Activity as established by Chapter 8.29.05 Commercial Cannabis Activity within Title 8 Health and Safety.
- 11. Additional uses may be permitted by the planning commission according to the provisions of Chapter 17.56, Conditional Use Permits.

**Section 17.28.055 Site Development Permit.**

No development shall be constructed on any lot or site in this zone until a site plan has been submitted and approved consistent with Chapter 17.60 Site development permit.

**Chapter 17.30 M-2 LIGHT MANUFACTURING ZONE**

**17.30.020 Permitted uses.**

- E. Commercial Cannabis Activity as established by Chapter 8.29.05 Commercial Cannabis Activity within Title 8 Health and Safety.
- F. Additional uses may be permitted by the planning commission according to the provisions of Chapter 17.56, Conditional Use Permits.

**Section 17.30.055 Site Development Permit.**

No development shall be constructed on any lot or site in this zone until a site plan has been submitted and approved consistent with Chapter 17.60 Site development permit.

**Chapter 17.32 M-3 GENERAL MANUFACTURING ZONE**

**17.32.020 Permitted uses.**

- F. Commercial Cannabis Activity as established by Chapter 8.29.05 Commercial Cannabis Activity within Title 8 Health and Safety.
- G. Additional uses may be permitted by the planning commission according to the provisions of Chapter 17.56. Conditional Use Permits.

**Section 17.32.055 Site Development Permit.**

No development shall be constructed on any lot or site in this zone until a site plan has been submitted and approved consistent with Chapter 17.60 Site development permit.

**Chapter 17.34 A-1 LIGHT AGRICULTURAL ZONE,**

**17.34.020 Permitted uses.**

- D. Commercial Cannabis Activity as established by Chapter 8.29.05 Commercial Cannabis Activity within Title 8 Health and Safety.
- E. Additional uses may be permitted by the planning commission according to the provisions of Chapter 17.56 "Conditional Use Permit".

**Section 17.34.055 Site Development Permit.**

No development shall be constructed on any lot or site in this zone until a site plan has been submitted and approved consistent with Chapter 17.60 Site development permit.

**Chapter 17.36 A-2 GENERAL AGRICULTURE ZONE**

**17.36.020 Permitted uses.**

D. Commercial Cannabis Activity as established by Chapter 8.29.05 Commercial Cannabis Activity within Title 8 Health and Safety.

E. Additional uses may be permitted by the planning commission according to the provisions of Chapter 17.56 "Conditional Use Permit".

**Section 17.36.055 Site Development Permit.**

No development shall be constructed on any lot or site in this district until a site plan has been submitted and approved consistent with Chapter 17.60 Site development permit.

**Chapter 17.56 CONDITIONAL USE PERMITS**

**17.56.040 Permitted Uses—Specific zone.**

F. RESERVED

Chapter 17.64 RESERVED.

**Chapter deleted in its entirety and reserved for future use.**

**TITLE 18 – CALIFORNIA ENVIRONMENTAL QUALITY ACT IMPLEMENTATION - ENVIRONMENTAL CLEARANCE**

**Chapter 18.04 - GENERAL PROVISIONS AND PROCEDURES**

**18.04.010 - Adoption by reference.**

A. This title incorporates by reference and adopts the objectives, criteria and procedures for environmental review contained in the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. and the CEQA Guidelines.

B. The City Council in the implementation of CEQA, has adopted implementing procedures by resolution which may be amended from time to time.

**Section 3.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**Section 4.** This Ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption. Within fifteen (15) calendar days after its adoption, the Ordinance, or a summary of the Ordinance, shall be published once in a

newspaper of general circulation.

**I HEREBY CERTIFY** that the foregoing Ordinance was introduced by the City Council after waiving reading, except by Title, at a regular meeting thereof held on the **XX day of XXX** 2022, and adopted the Ordinance after the second reading at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_ **2022**, by the following roll call vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**ATTEST**

\_\_\_\_\_  
**CECILIA VELA**, City Clerk

**CITY OF ARVIN**

By: \_\_\_\_\_  
**OLIVIA TRUJILLO**, Mayor

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
**NATHAN HODGES**, City Attorney

**NOTICE OF PUBLIC HEARING**  
**Arvin Planning Commission**

Notice is hereby given that the Planning Commission of the City of Arvin, California, will conduct a public hearing, at which time the public may be present and be heard, to consider the following:

**ARVIN MUNICIPAL CODE AMENDMENTS TO SECTIONS 16.04.04; .050; .070; .095 OF CHAPTER 16.04 GENERAL PROVISIONS; SECTIONS 16.28.050 OF CHAPTER 16.8 FINAL MAPS; SECTION 16.32.020; 040; 050; .060 OF CHAPTER 16.32 DIVISIONS OTHER THAN SUBDIVISIONS; SECTIONS 16.36.010; .020; .030; .040 OF CHAPTER 16.36 LOT LINE ADJUSTMENTS; ADD CHAPTER 16.38 MERGER OF PARCELS; SECTION 16.38.010; SECTION 17.28.020, SECTION 17.30.020; SECTION 17.32.020; SECTION 17.34.020; SECTION 17.36.020; SECTION 17.56.040; AND SECTION 17.64 OF TITLE 17 ZONING; AND TO ADOPT RELATED CEQA EXEMPTION FINDINGS, AND TO ADOPT A RELATED NOTICE OF EXEMPTION PURSUANT TO CEQA GUIDELINES, SECTIONS 15061(B)(1) AND 15061(B)(3)**

**Arvin Planning Commission Hearing Information**

**Date:** March 15, 2022

**Time:** 6:00 PM

**Place:** City of Arvin Council Chambers  
200 Campus Drive, Arvin, CA 93203

**Project Description:** A recommendation to the City Council that it adopt an Ordinance amending various sections of Title 16 Subdivision and Title 17 Zoning to simplify and streamline the review and approval processes for minor land divisions and voluntary mergers; and

**CEQA Determination:** A recommendation to the City Council that it adopt CEQA exemption findings and a related Notice of Exemption under the California Environmental Quality Act (CEQA) for the forgoing proposed Ordinance amendments.

**Applicant:** City of Arvin

**Location:** The ordinance amendments are within the City of Arvin Municipal Code, Titles 16, 17, and 18.

The purpose of the hearing is to consider a recommendation to the City Council that it adopt proposed ordinances modifying certain provisions of Title 16 Subdivisions and Title 17 Zoning (“Proposed Ordinances”), and the CEQA findings required thereof, and a related

## Notice of Exemption.

Staff has performed a preliminary environmental assessment of this project and, pursuant to CEQA Guidelines, sections 15061(b)(1), 15061(b)(3), 15273, and 15378(b)(4), the adoption of the Proposed Ordinances is exempt from CEQA. The Notice of Exemption is on file at the Community Development Department located at 141 Plumtree Drive.

Additional information on the proposed ordinance, including copies in hard copy or electronic format, may be obtained from the City Clerk's office at Arvin City Hall, 200 Campus Drive, Arvin, California, 93203, or the City's web site at [www.arvin.org](http://www.arvin.org). All persons interested in this topic who would like to provide feedback or ask questions are invited to attend. Written comments on this matter may be submitted to the City Clerk's office until 4:00 p.m. on the date of this hearing. Address any communications or comments regarding the project to Cecilia Vela, City Clerk, 200 Campus Drive, Arvin, CA 93203, (661) 854-3134, [cvela@arvin.org](mailto:cvela@arvin.org).

***Note: If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing(s) described in this notice, or in written correspondence delivered to the City, at or prior to, the Public Hearing (Govt. Code Sec. 65009).***

Cecilia Vela, City Clerk  
Published: February 23, 2022, Bakersfield Californian