



**REGULAR MEETING
ARVIN PLANNING COMMISSION**

**TUESDAY MAY 08, 2018 6:00p.m.
CITY HALL COUNCIL CHAMBERS
200 CAMPUS DRIVE, ARVIN**

CALL TO ORDER

Chair Olivia Trujillo

PLEDGE OF ALLEGIANCE

ROLL CALL:	Olivia Trujillo	Chairperson
	Janett Zavala	Vice Chairperson
	Yesenia Martinez	Planning Commissioner
	Miguel Rivera	Planning Commissioner
	Gerardo Tinoco	Planning Commissioner

STAFF:	Jake Raper	City Planner
	Shannon L. Chaffin	City Attorney – Aleshire & Wynder
	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.

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.

1. Approval of Agenda As To Form. Motion _____ Second _____ Vote _____

Roll Call: PC Tinoco _____ PC Rivera _____ PC Martinez _____ VC Zavala _____ Chair Trujillo _____

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 April 19, 2018.

Staff recommends approval of the Minutes of the Special Meeting of April 19, 2018.

Motion _____ Second _____ Vote _____

Roll Call: PC Tinoco _____ PC Rivera _____ PC Martinez _____ VC Zavala _____ Chair Trujillo _____

4. PUBLIC HEARING(S)

A. Consideration and Approval of A Resolution of the Planning Commission of the City of Arvin Recommending that the City Council Amend Title 16, "Subdivisions," and Title 17, "Zoning," of the Arvin Municipal Code such that the Setting of Certain Fees May Be Done By City Council Resolution and that the City Council Adopt Related CEQA Exemption Findings Pursuant to CEQA Guidelines .

Staff recommends opening the hearing, allowing for public testimony, closing the hearing and approving the Resolution.

Motion _____ Second _____ Vote _____

Roll Call: PC Tinoco _____ PC Rivera _____ PC Martinez _____ VC Zavala _____ Chair Trujillo _____

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 24 hours prior to the meeting. Dated: May 04, 2018.



Cecilia Vela, Secretary

**SPECIAL MEETING MINUTES
ARVIN PLANNING COMMISSION**

APRIL 19, 2018

CALL TO ORDER @ 6:00PM

PLEDGE OF ALLEGIANCE

ROLL CALL: Chair Trujillo absent; All others present.

1. Approval of Agenda As To Form.

Motion to approve the Agenda with the following change:

- **Public Hearing Item 4C to be considered after Item 4A and prior to Item 4B.**

Motion PC Rivera

Second VC Zavala

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 April 04, 2018.**

Staff recommends approval of the Minutes of the Special Meeting of April 04, 2018.

Motion to approve the Minutes of the Special Meeting of April 04, 2018.

Motion VC Zavala

Second PC Rivera

Vote 4-0

4. PUBLIC HEARING(S)

- A. Consideration and Approval of A Resolution of the Planning Commission of the City of Arvin Approving Conditional Use Permit 2017-1416LMCT - 1416 La Mesa Court, Jaclyn Prado Family Day Care (Large Day Care Facility).**

Staff recommends opening the hearing, allowing for public testimony, closing the hearing and approving the Resolution.

Hearing opened.

No public testimony.

Hearing closed.

Motion to approve the Resolution.

Motion PC Tinoco

Second VC Zavala

Vote 4-0

Resolution No. APC 2018-04

- B.** Consideration and Approval of A Resolution of the Planning Commission of the City of Arvin Approving Conditional Use Permit 2017-1017BMB – Off-Site Sales of Alcoholic Beverages – The Grand Liquor and Adoption of Exemption Per CEQA Guidelines Section 15061(B)(3) (1017 Bear Mountain Boulevard).

Staff recommends opening the hearing, allowing for public testimony, closing the hearing and approving the Resolution.

Hearing opened.

No public testimony.

Hearing closed.

Motion to approve the Resolution.

Motion VC Zavala

Second PC Tinoco

Vote 4-0

Resolution No. APC 2018-05

- C.** Consideration and Approval of A Resolution of the Planning Commission of the City of Arvin Approving Conditional Use Permit (CUP) and Site Development Plan (SDP) 2018-240LA – Ismaili Market - Expansion of A Non-Conforming Use Regarding Storage and Patio Use, and Denial of Expansion for A Take Out Kitchen, Located Within the R-1-Single Family Dwelling Zone at 240 Langford in Arvin, and Adopt the Notice of Exemption Per CEQA Guidelines Section 15061(B)(3).

Staff recommends opening the hearing, allowing for public testimony, closing the hearing and approving the Resolution.

Above Public Hearing Item 4C considered after Item 4A and prior to Item 4B.

Hearing opened.

Public Testimony:

- 1) Arvin resident, Bob Rodriguez asked the Planning Commission to consider approving the expansion of the takeout kitchen so that residents who live in the area have a nearby place to walk to purchase food.**
- 2) Arvin resident, Elizabeth Martinez asked the Planning Commission to consider approving the expansion of the takeout kitchen to support small business growth and to think about the employment opportunities it would bring for Arvin.**
- 3) Applicant and Owner, Mahar Salah asked the Planning Commission to consider approving the expansion of the takeout kitchen as they are hoping**

to expand their business and he has already purchased the equipment and was under the impression that the kitchen was going to be approved. Mr. Salah requested options to fix the issues with denial of the expansion.

Hearing closed.

Motion to approve the Resolution.

Motion PC Rivera

Second VC Zavala

Vote 4-0

Resolution No. APC 2018-06

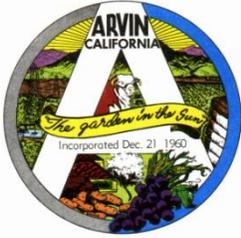
5. REPORTS FROM STAFF

6. PLANNING COMMISSIONER COMMENTS

7. ADJOURNED @ 6:48PM

Respectfully submitted,

Cecilia Vela, Secretary



**CITY OF ARVIN
Planning Commission**

Meeting Date: May 8, 2018

TO: Arvin City Planning Commission

FROM: Chief Jerry Breckinridge, Interim City Manager
Jeffery Jones, Finance Director
Jake Raper, City Planner – Contract JAS Consultant

SUBJECT: Public Hearing – Recommendation to the City Council to adopt the proposed code amendments to Section 16.40.040 of Chapter 16.40 of Title 16; Section 17.45.130 of Chapter 17.45 of Title 17; Section 17.45.210 of Chapter 17.45 of Title 17; Section 17.46.060 of Chapter 17.46 of Title 17; Section 17.54.080 of Chapter 17.54 of Title 17; and Section 17.60.080 of Chapter 17.60 of Title 17 so that the fees contemplated therein may be set by City Council resolution instead of by ordinance and to adopt related CEQA Exemption findings pursuant to CEQA Guidelines, sections 15061(b)(1), 15061(b)(3), 15273, and 15378(b)(4)..

;

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 Section 16.40.040 of Chapter 16.40 of Title 16; Section 17.45.130 of Chapter 17.45 of Title 17; Section 17.45.210 of Chapter 17.45 of Title 17; Section 17.46.060 of Chapter 17.46 of Title 17; Section 17.54.080 of Chapter 17.54 of Title 17; and Section 17.60.080 of Chapter 17.60 of Title 17 so that the fees contemplated therein may be set by City Council resolution instead of by ordinance and that it adopt related CEQA exemption findings pursuant to CEQA Guidelines, sections 15061(b)(1), 15061(b)(3), 15273, and 15378(b)(4).

BACKGROUND

The City Manager provided direction to staff to update the City’s fees in the middle of 2017. Staff has been working to assemble various resolutions, ordinances, that established fees over the past 20 or so years. The City Manager directed that a comprehensive fee schedule be developed, presented to the City Council for consideration and adoption. In this effort, the City Manager’s concept was to have all the fees under one resolution in order to manage, update, and share the fee schedule with all interested parties. Also, it is the intent of the City Manager up provide an annual review of fees to ensure that the City remains up dated and reviews fees on an annual basis.

On September 19, 2017, the City Council adopted Resolution No. 2017-92 authorized the City Manager request to bring forward various code amendments to Title 17 Zoning; whenever the public necessity, convenience, general welfare, or good zoning practices justify such action. The City Manager under the authority of Chapter 2.06 City Administrator/City Manager initiated the review of the City's fee schedule, amendments to Arvin Municipal Code of various chapters by deleting fees set by ordinance and to set fees by resolution by the City Council. 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 refer to the establishment of fees by ordinance to be amended to establish fees as set by resolution by the City Council.

Public hearing notice was published on April 28, 2018 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.

ENVIRONMENTAL REVIEW:

The amendments and additions to Title 16 Subdivisions and Title 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), 15061(b)(3), 15273, and 15378(b)(4), the adoption of the Proposed Ordinances is exempt from CEQA for the following reasons:

- The Proposed Ordinances relate to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by the City for the purpose of meeting the City's operating expenses in that it seeks to modify the manner in which the City Council establishes and modifies the fees contemplated by the Proposed Ordinances. The fees relating to the Proposed Ordinances are for the purpose of defraying the costs borne by the City in providing certain services and conducting regulatory activities under Titles 16 and 17 of the Arvin Municipal Code.
- The Proposed Ordinances will not have a significant effect or physical change to the environment, because it relates to the creation of government funding mechanisms or other government fiscal activities, which do not involve any commitment to a specific project which may result in a potentially significant physical impact upon the environment.

Based on this criteria and determination the proposed code amendment (activity) is not subject to CEQA.

SUMMARY:

The ordinance amendments will change various provisions of Titles 16 and 17 so that the related fees may be set by resolution of the City Council instead of by ordinance. This action will support the goal of the City Manager which is to establish a comprehensive fee schedule for the City of

Arvin.

EXHIBITS:

1. Resolution of the City of Arvin Planning Commission recommending that the City Council adopt the proposed ordinance which amends Section 16.40.040 of Chapter 16.40 of Title 16; Section 17.45.130 of Chapter 17.45 of Title 17; Section 17.45.210 of Chapter 17.45 of Title 17; Section 17.46.060 of Chapter 17.46 of Title 17; Section 17.54.080 of Chapter 17.54 of Title 17; and Section 17.60.080 of Chapter 17.60 of Title 17 so that the fees contemplated therein may be set by City Council resolution instead of by ordinance and that the City Council adopt related CEQA exemption findings pursuant to CEQA Guidelines Section 15061(b)(1), 15061(b)(3), 15273, and 15378(b)(4).
2. Draft Ordinance No. XX, Code Amendments to various chapters of the Arvin Municipal Code deleting fees set by ordinance and to set fees by resolution by the City Council within Title 16 and 17 and amending various chapters to update, correct, and amend sections relation to fees, administration of procedures and processes.
3. Public Hearing Notice

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARVIN RECOMMENDING THAT THE CITY COUNCIL AMEND TITLE 16, "SUBDIVISIONS," AND TITLE 17, "ZONING," OF THE ARVIN MUNICIPAL CODE SUCH THAT THE SETTING OF CERTAIN FEES MAY BE DONE BY CITY COUNCIL RESOLUTION AND THAT THE CITY COUNCIL ADOPT RELATED CEQA EXEMPTION FINDINGS PURSUANT TO CEQA GUIDELINES

WHEREAS, the City of Arvin is in the process of reviewing its expenditures and revenue streams;

WHEREAS, the City Council is in the process of updating and adopting its comprehensive fee schedule for the purpose of ensuring that the City of Arvin recovers and defrays its costs, including without limitation those costs relating to the provision of services and exercise of its regulatory authority, because the City's comprehensive fee schedule has not been updated in the past ten years;

WHEREAS, Titles 16, "Subdivisions," and Title 17, "Zoning," of the Arvin Municipal Codes provide for certain fees to be updated and/or adopted by ordinance (hereafter, "Title 16" and "Title 17," respectively);

WHEREAS, in particular, the following Arvin Municipal Code sections currently requiring the adoption of an ordinance for the purpose of updating/adopting fees are as follows:

- Section 16.40.040 of Chapter 16.40 of Title 16 (generally providing that fees shall be set by ordinance).
- Section 17.45.130 of Chapter 17.45 of Title 17 (fee was last updated in 1982).
- Section 17.45.210 of Chapter 17.45 of Title 17 (fee was last updated in 1982).
- Section 17.46.060 of Chapter 17.46 of Title 17 (fee was last updated in 1965).
- Section 17.54.080 of Chapter 17.54 of Title 17 (fee was last updated 1971).
- Section 17.60.080 of Chapter 17.60 of Title 17 (fee was last updated 1982).

WHEREAS, amending the above-mentioned ordinances so that the related fees may be adopted by City Council resolution will aid the City in recovering its costs and ensuring its fiscal stability;

WHEREAS, at its regular meeting on May 8, 2018, 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 desires to recommend to 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, 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), 15061(b)(3), 15273, and 15378(b)(4), for the following reasons:

- The Proposed Ordinance relates to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by the City for the purpose of meeting the City's operating expenses in that it seeks to modify the manner in which the City Council establishes and modifies the fees contemplated by the Proposed Ordinance. The fees relating to the Proposed Ordinance are for the purpose of defraying the costs borne by the City in providing certain services and conducting regulatory activities under Title 16 and Title 17 of the Arvin Municipal Code.
- The Proposed Ordinance will not have a significant effect or physical change to the environment, because it relates to the creation of government funding mechanisms or other government fiscal activities, which do not involve any commitment to a specific project which may result in a potentially significant physical impact upon the environment.

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 findings 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 08th day of May, 2018 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST

CECILIA VELA, City Clerk

CITY OF ARVIN

By: _____
OLIVIA TRUJILLO, Chair

APPROVED AS TO FORM:

By: _____
SHANNON CHAFFIN, City Attorney

I, _____, City Clerk 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 City Council of the City of Arvin on the date and by the vote indicated herein.

EXHIBIT A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARVIN, MODIFYING THE ARVIN MUNICIPAL CODE SUCH THAT CERTAIN FEES WHICH MUST BE SET BY ORDINANCE MAY NOW BE SET BY RESOLUTION, BY AMENDING THE FOLLOWING SECTIONS OF THE ARVIN MUNICIPAL CODE: SECTION 16.40.040 OF CHAPTER 16.40 OF TITLE 16; SECTION 17.45.130 OF CHAPTER 17.45 OF TITLE 17; SECTION 17.45.210 OF CHAPTER 17.45 OF TITLE 17; SECTION 17.46.060 OF CHAPTER 17.46 OF TITLE 17; SECTION 17.54.080 OF CHAPTER 17.54 OF TITLE 17; AND SECTION 17.60.080 OF CHAPTER 17.60 OF TITLE 17.

WHEREAS, the Arvin Municipal Code imposes certain fees for the purposes of defraying the costs of a City provided service or regulatory function; and

WHEREAS, Titles 16, “Subdivisions,” and 17, “Zoning,” of the Arvin Municipal Code contain certain fees that are set by ordinance, thus, requiring any change in the fees to be adopted by ordinance; and

WHEREAS, the City Council desires to amend Titles 16 and 17 of the Arvin Municipal Code such that it may adopt a resolution to modify the fees, instead of an ordinance, for the following sections of the Arvin Municipal Code: Section 16.40.040 Of Chapter 16.40 Of Title 16; Section 17.45.130 Of Chapter 17.45 Of Title 17; Section 17.45.210 Of Chapter 17.45 Of Title 17; Section 17.46.060 Of Chapter 17.46 Of Title 17; Section 17.54.080 Of Chapter 17.54 Of Title 17; And Section 17.60.080 Of Chapter 17.60 Of Title 17 (“Proposed Amendments”); and

WHEREAS, on _____, 2018, 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. 2018-XX, which recommended that the City Council adopt this Ordinance; and

WHEREAS, on _____, 2018, 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 its code such that the above-mentioned fees can be set by resolution of the City Council instead of by ordinance; and

WHEREAS, all pre-requisites to adoption of this Ordinance have occurred.

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 amendments and additions to Titles 16 and 17 of the Arvin Municipal Code, 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, Sections 15061(b)(1), 15061(b)(3), 15273, and 15378(b)(4), finds that there is no possibility that the activity in question may have a significant effect on the environment and is, therefore, exempt from CEQA, for the following reasons:

- This Ordinance relates to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by the City for the purpose of meeting the City’s operating expenses in that it seeks to modify the manner in which the City Council establishes and modifies the fees contemplated by the Ordinance. The fees relating to the Ordinance are for the purpose of defraying the costs borne by the City in providing certain services and conducting regulatory activities under Title 16 and Title 17 of the Arvin Municipal Code.
- This Ordinance will not have a significant effect or physical change to the environment, because it relates to the creation of government funding mechanisms or other government fiscal activities, which do not involve any commitment to a specific project which may result in a potentially significant physical impact upon the environment.

SECTION 3. Section 16.40.040, “Fees,” of Chapter 16.04, “Regulations on Procedures and Requirements for Development Agreements,” of Title 16, “Subdivisions,” of the Arvin Municipal Code is hereby amended to read as follows (~~striketrough~~ is deleted language while ***bold and italics*** is added language):

“The city council shall, by separate ~~*resolution-ordinance*~~, fix the schedule of fees and charges imposed for the filing and processing of each application and document provided for or required under these regulations.”

SECTION 4. Section 17.45.130, “Master plan modifications,” of Chapter 17.45, “Planned Unit Development District,” of Title 17, “Zoning,” of the Arvin Municipal Code is hereby amended to read as follows (~~striketrough~~ is deleted language while ***bold and italics*** is added language):

“Minor changes of a technical nature to an approved master development plan may be approved by the city planner, provided changes are consistent with the purposes and character of the master development plan. Such changes shall not change the densities heretofore established, nor the boundaries of the subject property, nor any use as shown on the approved master development plan, nor

the location or amounts of land devoted to specific land uses. All modifications or amendments to an approved plan other than the minor changes shall be processed as an original application and shall be subject to applicable, substantive and procedural requirements of the planned unit development district procedure, provided that the filing fee therefor shall be *as set by resolution of the city council* ~~one half (1/2) the fee charged for filing an original application.~~”

SECTION 5. Section 17.45.210, “Application fees,” of Chapter 17.45, “Planned Unit Development District,” of Title 17, “Zoning,” of the Arvin Municipal Code is hereby amended to read as follows (~~strike through~~ is deleted language while *bold and italics* is added language):

“A. Upon the filing of a preliminary development plan, *the applicant shall pay the city an application fee as set by resolution of the city council* ~~two hundred fifty dollars (\$250.00) shall be paid by the applicant to the city.~~

B. Upon the filing of a master development plan, *the applicant shall pay the city an application fee as set by resolution of the city council* ~~two hundred fifty dollars (\$250.00) shall be paid by the applicant to the city.~~

C. Upon filing of each precise development plan, *the applicant shall pay the city an application fee as set by resolution of the city council* ~~one hundred dollars (\$100.00) shall be paid by the applicant to the city~~ plus three and one-half (3 ½) percent of the engineer's estimate of cost of the proposed improvements, as approved by the city engineer.”

SECTION 6. Section 17.46.060, “Fees designated,” of Chapter 17.46, “Oil and Gas Production,” of Title 17, “Zoning,” of the Arvin Municipal Code is hereby amended to read as follows (~~strike through~~ is deleted language while *bold and italics* is added language):

“A. No fee shall be collected for unrestricted drilling under the provisions of Section 17.44.030.

B. The city shall charge and collect the following fees for the purpose of defraying the expenditures incidental to the proceedings described in this chapter:

1. A fee *as set by resolution of the city council* ~~of thirty-five dollars (\$35.00)~~ shall be collected for each conditional use permit granted under the provisions of Section 17.44.040. An additional fee *as set by resolution of the city council* ~~of thirty-five dollars (\$35.00)~~ shall be paid by the permittee for each well (after the first well) drilled upon lands covered by a conditional use permit;

2. A fee *as set by resolution of the city council* ~~of five dollars (\$5.00)~~ shall be collected for each counter permit issued under the

provisions of Section 17.44.050. An additional fee *as set by resolution of the city council* of five dollars (\$5.00) shall be paid by the permittee for each additional well (after the first well) drilled upon lands covered by a counter permit.

SECTION 7. Section 17.54.080, “Fees--Designated,” of Chapter 17.54, “Variances, Modifications and Zone Changes,” of Title 17, “Zoning,” of the Arvin Municipal Code is hereby amended to read as follows (~~strikethrough~~ is deleted language while *bold and italics* is added language):

“ Before accepting any application for filing, the city shall charge and collect the following fees for the purposes of defraying the expenditures incidental to the proceedings prescribed in this chapter:

A. Change of Zone. *The applicant shall pay such fees as adopted by resolution of the city council for* ~~For each~~ *change of zone* application *submitted to the city* for a change of a zone, a fee of seventy five dollars (\$75.00) for the first lot or portion thereof, plus ten dollars (\$10.00) for each additional lot or portion thereof;

B. Variance. *The applicant shall pay such fees as adopted by resolution of the city council for* ~~For each~~ application for a variance *submitted to the city*, a fee of fifty dollars (\$50.00) for the first lot or portion thereof, plus ten dollars (\$10.00) for each additional lot or portion thereof;

C. Modification. *The applicant shall pay such fees as adopted by resolution of the city council for* ~~For each~~ application *submitted to the city* for a modification where no public hearing is required, a fee of five dollars (\$5.00) for the first lot, or portion thereof, plus one dollar (\$1.00) for each additional lot or portion thereof, except as provided elsewhere in this chapter. Where a public hearing is required, the fees shall be the same as for a variance;

D. Appeal. For each appeal to the city council from any ordinance, requirement, decision or determination of the planning commission in the administration or enforcement of the provisions of this title, *the appellant shall pay a fee as adopted by resolution of the city council* a fee of fifteen dollars (\$15.00) for the first lot or portion thereof, plus one dollar (\$1.00) for each additional lot or portion thereof.”

SECTION 8. Section 17.60.080, “Fees,” of Chapter 17.60, “Site Development Permits,” of Title 17, “Zoning,” of the Arvin Municipal Code is hereby amended to read as follows (~~strikethrough~~ is deleted language while *bold and italics* is added language):

“*The applicant shall pay a* ~~A~~ nonrefundable fee, *as set by resolution*

of the city council, of one-tenth (1/10) of one (1) percent of the building price with a minimum of twenty-five dollars (\$25.00), but in no event more than the actual cost of the plan review shall be paid at the time of application for a site development permit.”

SECTION 9. 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 10. 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 ____ day of _____ 2018, and adopted the Ordinance after the second reading at a regular meeting held on the ____ day of _____ 2018, by the following roll call vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST

CECILIA VELA, City Clerk

CITY OF ARVIN

By: _____
JOSE GURROLA, Mayor

APPROVED AS TO FORM:

By: _____
SHANNON CHAFFIN, City Attorney
Aleshire & Wynder, LLP

I, _____, City Clerk of the City of Arvin, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and adopted by the City Council of the City of Arvin on the date and by the vote indicated herein.

NOTICE OF PUBLIC HEARING
Planning Commission
Arvin Municipal Code Amendment
Chapters, 16.40, 17.45,17.46, 17.54, and 17.60

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:

- A recommendation to the City Council that it adopt an Ordinance amending Chapters 16.40, 17.45, 17.46, 17.54, and 17.60 of the Arvin Municipal Code such that certain fees which must be set by ordinance may henceforth be set by resolution; and
- A recommendation to the City Council that it adopt CEQA exemption findings pursuant to the California Environmental Quality Act (CEQA) for the forgoing proposed Ordinance amending Chapters 16.40, 17.45, 17.46, 17.54, and 17.60 of the Arvin Municipal Code.

Arvin Planning Commission Hearing Information

Date: **May 8, 2018**
Time: 6:00 PM or as the Agenda permits
Place: City of Arvin Council Chambers
200 Campus Drive, Arvin, CA 93203

The purpose of the hearing is to consider a recommendation to the City Council that it adopt proposed ordinances modifying certain provisions of Chapters 16.40, 17.45, 17.46, 17.54, and 17.60 of the Arvin Municipal Code such that all fees which currently must be set by ordinance may henceforth be set by resolution (“Proposed Ordinances”) and the CEQA findings required thereof. 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 for the following reasons:

- The Proposed Ordinances relate to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by the City for the purpose of meeting the City’s operating expenses in that it seeks to modify the manner in which the City Council establishes and modifies the fees contemplated by the Proposed Ordinances. The fees relating to the Proposed Ordinances are for the purpose of defraying the costs borne by the City in providing certain services and conducting regulatory activities under Titles 16 and 17 of the Arvin Municipal Code.
- The Proposed Ordinances will not have a significant effect or physical change to the environment, because it relates to the creation of government funding mechanisms or other government fiscal activities, which do not involve any commitment to a specific project which may result in a potentially significant physical impact upon the environment.

Additional information on the Proposed Ordinances, including copies in hard copy or electronic format, may be obtained from the City of Arvin, City Hall, 200 Campus Drive, Arvin, California, 93203, or the City's web site at www.arvin.org. All persons interested in this topic who have questions, would like to provide feedback, or ask questions are invited to attend. Written comments may be submitted to the City Clerk's office until 4:00 p.m. on the hearing date. If you challenge the approval or denial of these matters in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk, at or prior to the public hearing. Address any communications or comments regarding the project to Cecilia Vela, City Clerk, at 200 Campus Drive, Arvin, CA 93203, (661) 854-3134, cvela@arvin.org.

Cecilia Vela, City Clerk
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