



336 Pacific Avenue, Shafter, CA 93263
Meeting Held In-Person and Via Zoom and Livestream on YouTube.

**AGENDA
REGULAR MEETING
SHAFTER PLANNING COMMISSION
TUESDAY, JUNE 11, 2024**

NOTICE TO THE PUBLIC:

Any documents produced by the City and distributed to a majority of the Planning Commission regarding any item on this agenda will be made available in the City Clerk's Office during normal business hours at City Hall located at 336 Pacific Avenue, Shafter CA. In addition, such documents will be posted on the City's website at www.shafter.com.

CALL TO ORDER: 6:00 PM

PLEDGE OF ALLEGIANCE: Commissioner Piuser

INVOCATION: Commissioner Wiebe

ROLL CALL: Chairman Sanchez
Vice Chairman Frantz
Commissioner Joshan
Commissioner Piuser
Commissioner Wiebe

APPROVAL OF AGENDA:

MINUTES OF PREVIOUS MEETING:

1. Approval of Minutes: May 14, 2024.

PUBLIC COMMENT:

This portion of the meeting is reserved for persons wanting to address the Commission only on matters not listed on this agenda. Speakers are limited to five minutes unless additional time is needed for translation. Please state your name and address for the record before making your presentation.

PUBLIC HEARING:

Should anyone challenge any proposed action which is the subject of a public hearing listed on this agenda, that person challenging any action taken after the public hearing may be limited to raising only those issues addressed at the public hearing described

in this notice, or in written correspondence delivered to the Planning Commission at or prior to this public hearing.

1. **Temporary Land Use Permit No. 23-136 Extension of Time Request:** Planning Commission conduct a public hearing; and adopt Resolution No. 24-442, a Resolution of the Planning Commission of the City of Shafter, approving a One-Year Extension of Time for Temporary Land Use Permit No. 23-136 for Baked Potato and Roasted Corn Sales in the Apple Market parking lot at 111 N Central Valley Highway, City of Shafter. (Planning Director Esselman)

ROLL CALL

2. **General Plan Conformity Determination - 100 Carver Street:** Planning Commission conduct public hearing; and adopt Resolution No. 24-443, a Resolution of the Planning Commission of the City of Shafter, California finding that the sale of real property located at 100 Carver Street (APN 091-180-16-00-4) conforms with the City of Shafter General Plan in accordance with Government Code 65402 and finding the adoption of the Resolution in compliance with CEQA Requirements. (Planning Director Esselman)

ROLL CALL

3. **Zone Code Amendment No. 24-18:** Planning Commission conduct public hearing; and adopt Resolution No. 24-444, a Resolution of the Planning Commission of the City of Shafter, recommending the City Council approve Zone Code Amendment No. 24-18, a proposal to Amend Title 17 of the Shafter Municipal Code (Zoning Ordinance) to increase the maximum building height requirement from 45 feet to 150 feet for an approximately 541-acre portion of the Agricultural Zone District as shown in Exhibit "A". (Planning Director Esselman)

ROLL CALL

COMMISSIONER REPORTS:

ADJOURNMENT:

Pursuant to the Americans with Disabilities Act, if you need special assistance to participate in a City Council Meeting, please contact the City Clerk at (661) 746-5000 at least three (3) days prior to the meeting or time the special services are needed to allow City staff in making reasonable arrangements to provide you with access to the meeting. Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection in the City Clerk's Office at Shafter City Hall, 336 Pacific Ave., Shafter, CA 93263. This is to certify that this Agenda notice was posted at City Hall and Police Dept. by 5:00 p.m., June 6, 2024. Yazmina Pallares, S/S, City Clerk

REMOTE PUBLIC PARTICIPATION IS ALLOWED IN THE FOLLOWING WAYS, SEE BELOW FOR INSTRUCTIONS.

1. You are strongly encouraged to observe the Planning Commission meetings live via YouTube <https://www.youtube.com/user/CityofShafter/>

2. If you wish to make a comment on a specific agenda item or public comment, please submit your comment via email by **6:00 PM on June 11, 2024** to the City Clerk at CityClerk@shafter.com
3. If you wish to make a written comment to the City Clerk, 336 Pacific Avenue, Shafter, CA 93263.
4. If you wish to make a comment during the live meeting, callers must first register with the City Clerk at 661-746-5012 before the meeting begins to receive instructions and the call- in number and code. Please call by 5:00pm on the Monday prior to the Planning Commission meeting to allow ample time for sign up. You will need to provide your name, phone number and the item number you wish to address.
5. All public comments are provided to the Planning Commission and applicable Staff, for review and consideration by the Board prior to taking action on any matters listed on the agenda and are incorporated into the official record of the Planning Commission meeting.

**MINUTES OF THE REGULAR MEETING OF THE
SHAFTER PLANNING COMMISSION
COUNCIL CHAMBER, 336 PACIFIC AVENUE
MEETING HELD IN-PERSON AND VIA ZOOM AND LIVESTREAM TO YOUTUBE
TUESDAY, MAY 14, 2024**

CALL TO ORDER: 6:00 PM

PLEDGE OF ALLEGIANCE: Vice Chairman Frantz

INVOCATION: Chairman Sanchez

ROLL CALL:

PRESENT(In-Person): Chairman Sanchez, Vice Chairman Frantz, and Commissioners Piuser and Wiebe. Absent with an excused absence: Commissioner Joshan. Also present: Planning Director Esselman, Senior Planner Cazares, IT Specialist Rogers, and Deputy City Clerk Uribe.

APPROVAL OF AGENDA:

*MOVED (FRANTZ) AND SECONDED (WIEBE) COMMISSIONERS APPROVED THE AGENDA AS PRESENTED.
MOTION CARRIED BY THE FOLLOWING VOTE:*

AYES: FRANTZ, PIUSER, SANCHEZ, AND WIEBE.

NAYS: NONE.

ABSENT: JOSHAN.

ABSTENTIONS: NONE.

MINUTES OF PREVIOUS MEETING:

1. Approval of Minutes: March 12, 2024.

MOVED (PIUSER) AND SECONDED (FRANTZ) COMMISSIONERS APPROVED THE MINUTES OF THE REGULAR MEETING OF MARCH 12, 2024, AS PRESENTED. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: FRANTZ, PIUSER, SANCHEZ, AND WIEBE.

NAYS: NONE.

ABSENT: JOSHAN.

ABSTENTIONS: NONE.

PUBLIC COMMENT:

There were no members of the public wishing to speak.

PUBLIC HEARING:

Should anyone challenge any proposed action which is the subject of a public hearing listed on this agenda, that person challenging any action taken after the public hearing may be limited to raising only those issues addressed at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at or prior to this public hearing.

- 1. Conditional Use Permit No. 24-142:** Planning Director Esselman made introductory comments. A notice of public hearing was properly advertised.

Chairman Sanchez opened the public hearing.

Day Smith, with SOS Recycle LLC, answered questions the Commission had.

Being no other members of the public wishing to speak, the public hearing was closed.

MOVED (PIUSER) AND SECONDED (FRANTZ) COMMISSIONERS FIND THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; CONDUCTED A PUBLIC HEARING; AND ADOPTED RESOLUTION NO. 24-438, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SHAFTER, APPROVING CONDITIONAL USE PERMIT NO. 24-142 TO ALLOW A LARGE COLLECTION RECYCLING FACILITY WITHIN TWO EXISTING BUILDING TOTALING 31,000 SQUARE FEET LOCATED AT 701 AND 731 CANAL STREET (APN 091-040-21) AS SHOWN IN EXHIBIT "A". MOTION CARRIED BY THE FOLLOWING VOTE:

<i>AYES:</i>	<i>FRANTZ, PIUSER, SANCHEZ, AND WIEBE.</i>
<i>NAYS:</i>	<i>NONE.</i>
<i>ABSENT:</i>	<i>JOSHAN.</i>
<i>ABSTENTIONS:</i>	<i>NONE.</i>

- 2. Amendment No. 1 to Conditional Use Permit No. 98-5:** Planning Director Esselman made introductory comments. A notice of public hearing was properly advertised.

Chairman Sanchez opened the public hearing.

Being no members of the public wishing to speak, the public hearing was closed.

MOVED (WIEBE) AND SECONDED (PIUSER) COMMISSIONERS FIND THAT THE ACTION IS NOT DEFINED AS A "PROJECT" PER SECTION 15378(B)(5) OF THE CEQA GUIDELINES; CONDUCTED A PUBLIC HEARING; AND ADOPTED RESOLUTION NO. 24-439, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SHAFTER, APPROVING AMENDMENT NO. 1 TO CONDITIONAL USE PERMIT NO. 98-5 TO REMOVE CONDITION NO. 2 FROM THE PREVIOUSLY APPROVED CONDITIONS OF APPROVAL. MOTION CARRIED BY THE FOLLOWING VOTE:

<i>AYES:</i>	<i>FRANTZ, PIUSER, SANCHEZ, AND WIEBE.</i>
<i>NAYS:</i>	<i>NONE.</i>
<i>ABSENT:</i>	<i>JOSHAN.</i>
<i>ABSTENTIONS:</i>	<i>NONE.</i>

- 3. Specific Plan Amendment No. 23-09:** Planning Director Esselman made introductory comments. A notice of public hearing was properly advertised.

Chairman Sanchez opened the public hearing.

Being no members of the public wishing to speak, the public hearing was closed.

MOVED (PIUSER) AND SECONDED (WIEBE) COMMISSIONERS FIND THAT THE ENVIRONMENTAL IMPACTS OF THE PROJECT HAVE BEEN PREVIOUSLY ANALYZED; CONDUCTED A PUBLIC HEARING; AND ADOPTED RESOLUTION NO. 24-440, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SHAFTER

MAKING FINDINGS AND RECOMMENDING THE CITY COUNCIL OF THE CITY OF SHAFTER ADOPT THE AMENDMENT (SPECIFIC PLAN AMENDMENT NO. 23-09) TO THE MISSION LAKES SPECIFIC PLAN AS PROVIDED IN EXHIBIT "A"; AND REQUESTED CLARIFICATION BE MADE TO THE CITY COUNCIL OF THE CITY OF SHAFTER REGARDING LAKES IN EXHIBIT "A" OF RESOLUTION NO. 24-440. MOTION CARRIED BY THE FOLLOWING VOTE:

*AYES: FRANTZ, PIUSER, SANCHEZ, AND WIEBE.
NAYS: NONE.
ABSENT: JOSHAN.
ABSTENTIONS: NONE.*

4. Conditional Use Permit No. 24-144: Senior Planner Cazares made introductory comments. A notice of public hearing was properly advertised.

Chairman Sanchez opened the public hearing.

Being no members of the public wishing to speak, the public hearing was closed.

MOVED (WIEBE) AND SECONDED (PIUSER) COMMISSIONERS CONDUCTED A PUBLIC HEARING; ADOPTED RESOLUTION NO. 24-441, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SHAFTER APPROVING CONDITIONAL USE PERMIT NO. 24-144 FOR ON-SALE BEER (TYPE 40 LICENSE) AT EL RINCON MEXICAN RESTAURANT LOCATED AT 6620 E. LERDO HIGHWAY; ADOPT ABOVE FINDINGS; AND APPROVE THE PROPOSED CONDITIONS OF APPROVAL. MOTION CARRIED BY THE FOLLOWING VOTE:

*AYES: FRANTZ, PIUSER, SANCHEZ, AND WIEBE.
NAYS: NONE.
ABSENT: JOSHAN.
ABSTENTIONS: NONE.*

COMMISSIONER REPORTS: There were no Commissioner Reports.

ADJOURNMENT:

MOVED (WIEBE) AND SECONDED (PIUSER) COMMISSIONERS ADJOURNED THE MEETING AT 6:48 P.M. MOTION CARRIED WITH NO OPPOSITION WITH COMMISSIONER JOSHAN ABSENT.

John Sanchez, Chairman

ATTEST:

Vanessa Uribe, Deputy City Clerk

DATE: June 11, 2024
TO: Planning Commission
FROM: Planning Department
SUBJECT: Temporary Land Use Permit No. 23-136 Extension of Time Request

RECOMMENDATION:

Planning Commission conduct a public hearing; and adopt Resolution No. 24-442, a Resolution of the Planning Commission of the City of Shafter, approving a One-Year Extension of Time for Temporary Land Use Permit No. 23-136 for Baked Potato and Roasted Corn Sales in the Apple Market parking lot at 111 N Central Valley Highway, City of Shafter.

APPLICANT

Arturo Arredondo
495 Emily Way
Shafter, CA 93263

OWNER

Fisel Obaid
111 N. Central Valley Highway
Shafter, CA 93263

LOCATION: The project site is in the Apple Market parking lot located at the southwest corner of N. Central Valley Highway and N. Shafter Avenue (111 N. Central Valley Highway) as shown in **Exhibit 1**.

PROJECT DATA:

1. General Plan Designation: The current land use designation for the site is Commercial/Professional Office (CPO). The surrounding land use designations consist of CPO and Business Park (BP) to the north, CPO and BP to the east, Medium Density Residential (MDR) to the south, and Low Density Residential (LDR) and MDR to the west.
2. Zoning: The project site is zoned General Commercial (GC). The surrounding zone classifications consist of GC and Industrial (I) to the north, Business Park (BP) and GC to the east, Medium-High Density Residential (R-3) to the south, and Low Density Residential (R-1) and R-3 to the west.
3. Acreage: The project site is located within an existing parking lot for Apple Market.

PROJECT ANALYSIS:

On July 11, 2023, the City of Shafter Planning Commission approved TLUP No. 23-136 allowing the sale of baked potatoes and roasted corn in the Apple Market parking lot at 111 N Central Valley Highway (Exhibit 1) under Resolution No. 23-428. The applicant, Arturo Arredondo, operates his potato and corn business under the name, "Vamos al Papalote." Temporary land use permits are valid for one year and can receive up to four one-year extensions of time before the applicant must provide a plan for the use to be made permanent or the permit expires. The Commission has not yet considered or approved any of the one-year extensions of time available for TLUP No. 23-136. There

PUBLIC HEARING

are currently four (4) one-year extensions of time available to the applicant. On May 06, 2024, the applicant submitted a request and processing fees for the first extension of time.

The site is located at the southwest corner of the intersection of W Tulare Avenue and N Central Valley Highway (Exhibit 2). The temporary land use consists of a mobile cooker (Exhibit 2). The cooking and retail activity occurs from 1:00 p.m. to 9:00 p.m., Wednesday through Sunday. The property owner of Apple Market, Fisel Obaid, has given written consent for the use on the property. No issues or complaints have been submitted to the City during the active period of Temporary Land Use Permit No. 23-136.

The Kern County Environmental Health Department requires a permit for the proposed food preparation and sales. TLUP No. 23-136 has a condition that requires the applicant to obtain the necessary permits from the Kern County Environmental Health Department. The applicant is also required to obtain a business license from the City of Shafter. The applicant currently possesses an active business license and environmental health permit.

The City of Shafter Zoning Ordinance allows such temporary land uses and extensions of time, with prior approval from the Planning Commission. Temporary land use permits are valid for one year. Extensions may be approved each year for a total of four (4) years. Staff believes that with the conditions of approval, the project will remain compatible with the surrounding community and recommends approval of the one-year time extension. If approved, it would be the first one-year extension for the use at the current location. Thereafter, three (3) more extensions of time are available for “Vamos al Papalote.”

This applicant has previously received a temporary land use permit (TLUP No. 18-104) and four one-year extensions to sell potatoes and corn in the La Hacienda Market parking lot (315 James Street). The City did not receive any complaints regarding the applicant’s operation for the five total years that the operation occurred in the La Hacienda Market parking lot. With the past year at Apple Market included, this marks a total of six years that Vamos al Papalote has operated within Shafter and remained in good standing with the community.

Staff believes the project is compatible with the surrounding area and is operated in a manner consistent with the provisions of the Shafter Zoning Ordinance, the conditions of approval of Resolution No. 23-428, and all applicable City codes and ordinances. Staff believes that the conditions of approval listed in Exhibit B of **Exhibit 4** (Resolution No. 24-442) are sufficient to continue to allow the sale of baked potatoes and roasted corn at the Apple Market parking lots.

CEQA:

Staff has determined that this project is categorically exempt from CEQA under Section 15301 of the CEQA Guidelines in that the project will utilize an existing facility with no expansion. A notice of exemption has been prepared for the project.

ATTACHMENTS

EXHIBIT

Vicinity Map

1

Site Plan

2

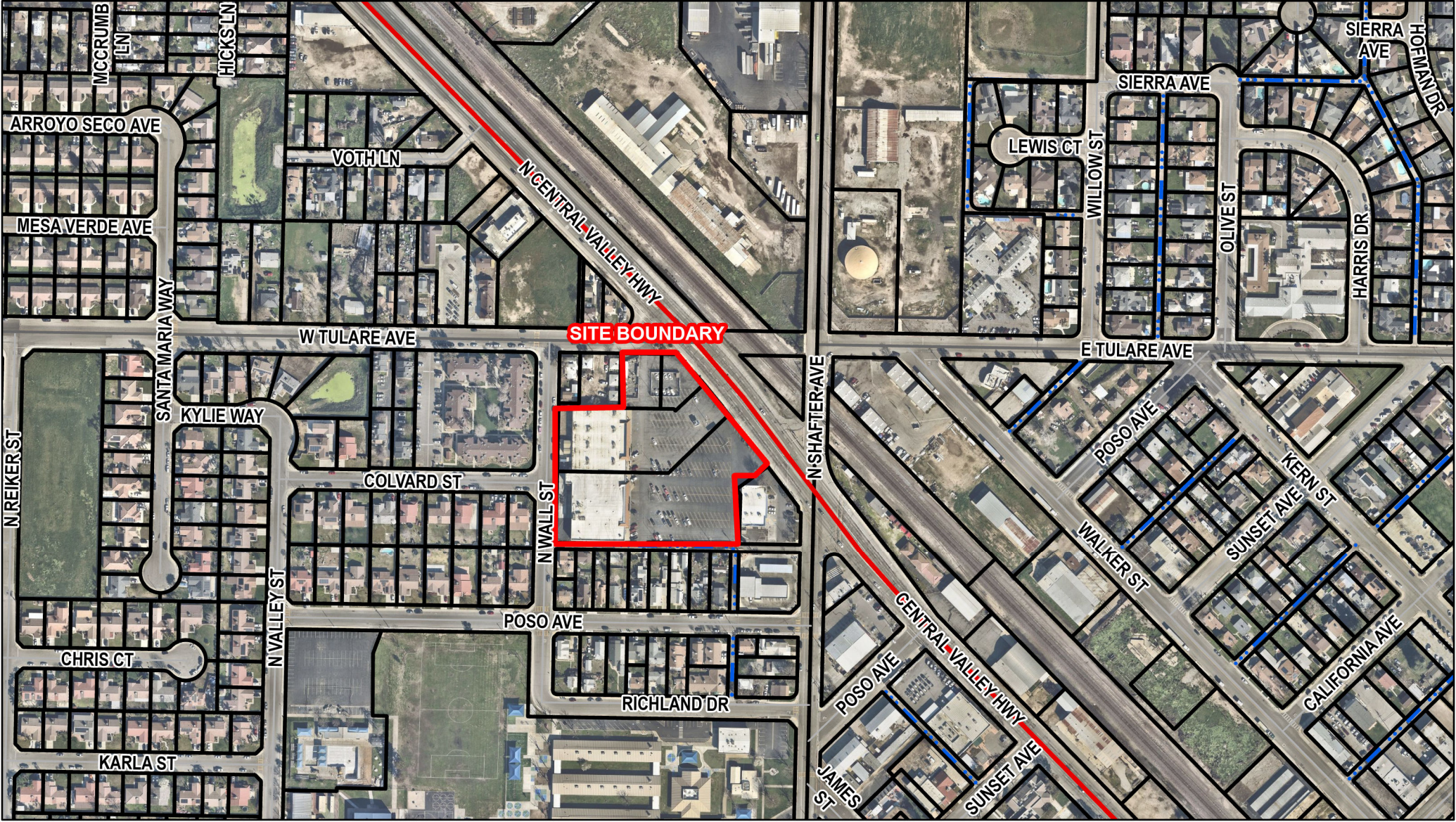
Mobile Cooker

3

Resolution No. 24-442

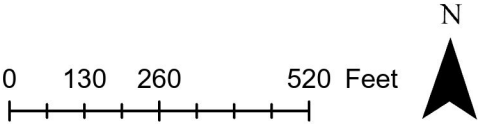
4

TLUP No. 23-136 Extension of Time - Exhibit 1



- Parcel Boundary
- Site Location

City street names are labeled in black/white.



This map and the data contained within it was generated by the City of Shafter. Please consult the City of Shafter Planning Department with any questions, concerns, or potential inaccuracies that may be associated with this document.

TLUP No. 23-136 Extension of Time - Exhibit 2 Site Plan



 Site Location

0 20 40 80 Feet



This map and the data contained within it was generated by the City of Shafter. Please consult the City of Shafter Planning Department with any questions, concerns, or potential inaccuracies that may be associated with this document.



RESOLUTION NO. 24-442

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SHAFTER APPROVING A ONE-YEAR EXTENSION OF TIME FOR TEMPORARY LAND USE PERMIT NO. 23-136 FOR BAKED POTATO AND ROASTED CORN SALES IN THE APPLE MARKET PARKING LOT AT 111 N CENTRAL VALLEY HIGHWAY, CITY OF SHAFTER

WHEREAS, on July 11, 2024, the City of Shafter Planning Commission approved Temporary Land Use Permit No. 23-136 allowing the sale of baked potatoes and roasting corn in the Apple Market parking lot at 111 N. Central Valley Highway under Resolution No. 23-428; and

WHEREAS, the applicant, Arturo Arredondo, is requesting the first one-year time extension for Temporary Land Use Permit No. 23-136 to sell baked potatoes and roasted corn in the Apple Market parking lot at 111 N. Central Valley Highway; and

WHEREAS, the subject property is zoned General Commercial; and

WHEREAS, the Planning Commission has, at its regularly scheduled meeting on June 11, 2024 studied and considered the proposed temporary land use permit time extension to sell baked potatoes and roasted corn in the Apple Market parking lot at 111 N. Central Valley Highway, as shown in Exhibit “A”; and

WHEREAS, the Planning Commission has determined that the temporary land use permit time extension is categorically exempt from CEQA under Section 15301 of the CEQA Guidelines in that the project will utilize an existing facility with no expansion; and

WHEREAS, a timely and properly noticed public hearing for the Temporary Land Use Permit No. 23-136 Time Extension was held by the Planning Commission of the City of Shafter at a regular meeting on June 11, 2024, at which hearing evidence, oral and documentary, was admitted on behalf of said project; and

WHEREAS, the Planning Commission determined certain conditions of approval are necessary for the first temporary land use permit time extension; and

WHEREAS, the Extension of Time for Temporary Land Use Permit No. 23-136 would be valid until July 11, 2025, by which date the applicant would need to re-apply for another Extension of Time Request.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Shafter, in a regular session assembled on the 11th day of June, 2024, approves a One Year Time Extension for Temporary Land Use Permit No. 23-136 for the sale of baked potatoes and roasted corn in the Apple Market parking lot at 111 N. Central Valley Highway, as shown in Exhibit “A” and subject to conditions of approval as provided in Exhibit “B”.

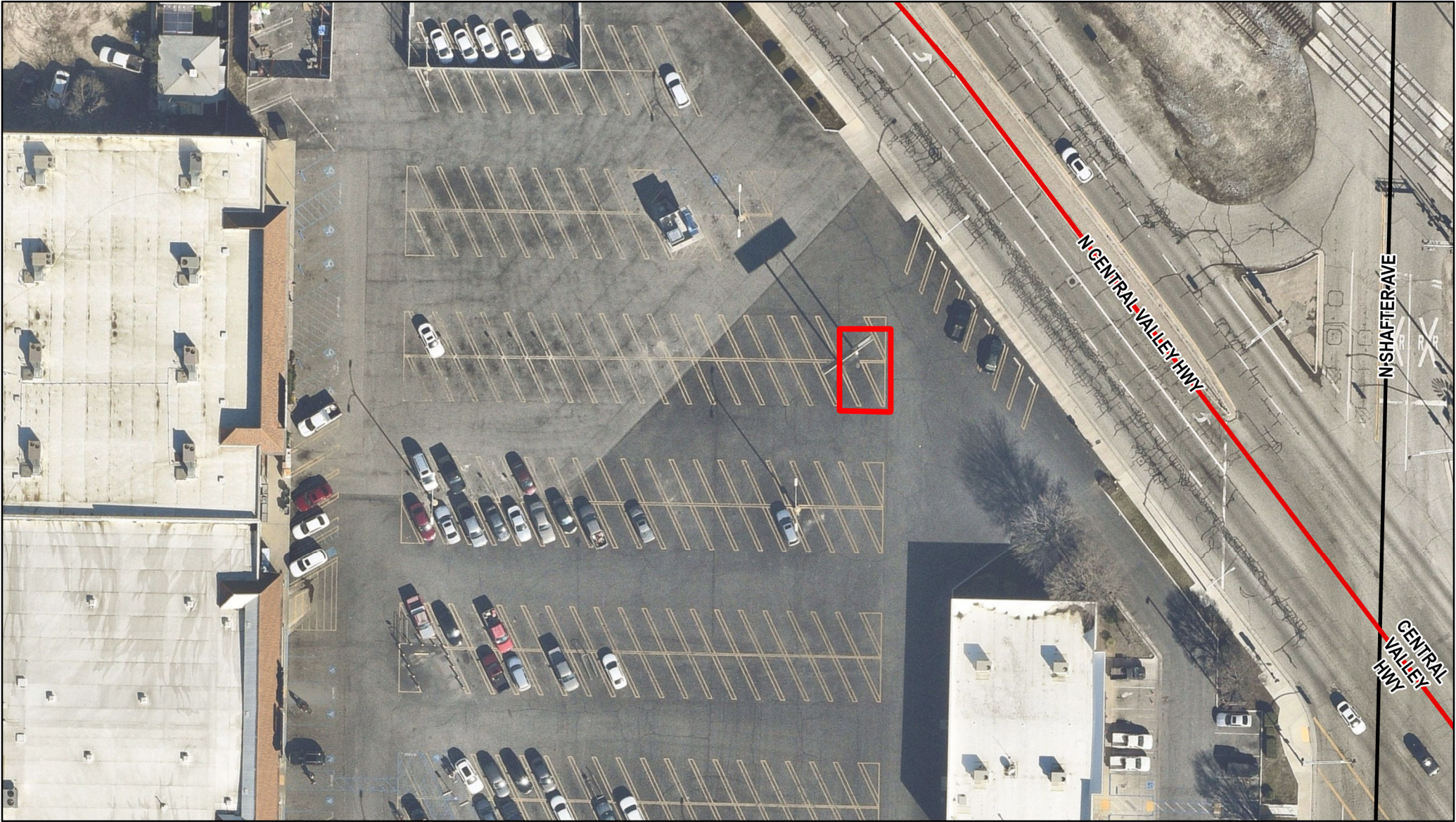
PASSED AND ADOPTED THIS 11th DAY OF JUNE, 2024.

John Sanchez, Chairman

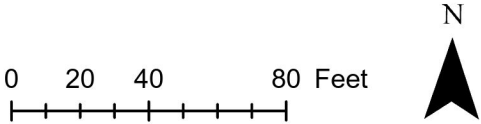
ATTEST

Vanessa Uribe, Deputy City Clerk

TLUP No. 23-136 Extension of Time - Exhibit A



 Site Location



This map and the data contained within it was generated by the City of Shafter. Please consult the City of Shafter Planning Department with any questions, concerns, or potential inaccuracies that may be associated with this document.

City street names are labeled in black/white.

EXHIBIT B

TEMPORARY LAND USE PERMIT NO. 23-136 EXTENSION OF TIME CONDITIONS OF APPROVAL

1. The owner(s) or project proponents (hereinafter referred to as “Developer”), solely at their cost and expense, shall defend, indemnify and hold harmless the City of Shafter (hereinafter referred to as “City”), its agents, legislative bodies, officers and employees regarding any legal or administrative action, claim or proceeding concerning approval of Temporary Land Use Permit No. 23-136 (hereinafter referred to as “TLUP 23-136”) and/or related actions including, without limitation, actions taken or not taken with respect to the California Environmental Quality Act (hereinafter referred to as “CEQA”); or, at its election and in the alternative, shall relinquish such approval. Developer shall assume the defense of the City in any such legal or administrative action, claim or proceeding with legal counsel paid for in the entirety by Developer, but subject to the City’s reasonable approvals. Developer shall also reimburse the City, its agents, legislative bodies, officers, and employees for any judgments, amounts paid in settlements, court costs and attorneys’ fees which the City, its agents, legislative bodies, officers and employees may be required to pay or otherwise pay as a result of such action, claim, or proceeding. The City may, at its sole discretion, participate at its own expense in defense of any such action, claim or proceeding, but such participation shall not relieve Developer’s obligations under these conditions of approval (hereinafter referred to as “Conditions”).
2. The applicant shall obtain and maintain all required permits from the Kern County Environmental Health Department for the temporary food operation. A copy of the issued permits shall be submitted to the City of Shafter prior to cooking and selling any food on the project site.
3. The applicant shall obtain and maintain a business license from the City of Shafter.
4. The cooking and retail activity are restricted to baked potatoes and roasted corn and shall only be allowed from 1:00 p.m. and 9:00 p.m., Wednesday through Sunday.
5. Tables and chairs for customer use shall not be permitted on the project site.
6. Temporary Land Use Permit No. 23-136 Extension of Time #1 is valid for one year and expires on July 11, 2025.
7. Temporary Land Use Permit No. 23-136 Extension of Time #1 shall not become effective for any purpose unless an “Acceptance of Conditions” form has been signed by the applicant and returned to the City of Shafter Planning Department.

DATE: June 11, 2024
TO: Planning Commission
FROM: Planning Department
SUBJECT: General Plan Conformity Determination - 100 Carver Street

RECOMMENDATION:

Planning Commission conduct public hearing; and adopt Resolution No. 24-443, a Resolution of the Planning Commission of the City of Shafter, California finding that the sale of real property located at 100 Carver Street (APN 091-180-16-00-4) conforms with the City of Shafter General Plan in accordance with Government Code 65402 and finding the adoption of the Resolution in compliance with CEQA Requirements.

APPLICANT

City of Shafter
336 Pacific Avenue
Shafter, CA 93263

OWNER

City of Shafter
336 Pacific Avenue
Shafter, CA 93263

LOCATION: The property to be sold is located at 100 Carver Street (APN 091-180-16-00-4).

PROJECT DATA:

1. General Plan Designation: The current land use designation for the subject property is I (Industrial).
2. Zoning: The current zoning classification for the subject property is I (Industrial).
3. Existing Use: The existing use at the property is a ready-mix concrete products company operated by Alliance Ready Mix Inc. The sale of the property would not change this existing use.

PROJECT ANALYSIS:

Government Code Section 65402 requires a finding that the sale of property by a city conforms to the city's general plan. The existing use of the property located at 100 Carver Street is a ready-mix concrete products company operated by Alliance Ready Mix Inc., and this use would not change because of the sale of the property to Alliance Ready Mix Inc by the City. This use was approved by the Planning Commission in 2018 with the approval of Conditional Use Permit (CUP) No. 18-98. Therefore, the use at the site is currently in conformance with the Shafter General Plan. Since the use of the property would remain the same after the sale and the conditions imposed on the use due to CUP No. 18-98 would remain in effect, the sale of the property is in conformance with the City of Shafter General Plan.

CEQA:

PUBLIC HEARING

The action is not defined as a “project” per Section 15378(b)(5) of the CEQA Guidelines because the action is a determination of general plan conformity regarding the sale of City-owned property located at 100 Carver Street with a use that has already been environmentally cleared and therefore, it is organizational and administrative activity that will not result in direct or indirect physical changes to the environment and not subject to CEQA.

ATTACHMENTS

Resolution No. 24-443

EXHIBIT

1

RESOLUTION NO. 24-443

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SHAFTER, CALIFORNIA, FINDING THAT THE SALE OF REAL PROPERTY LOCATED AT 100 CARVER STREET (APN 091-180-16-00-4) CONFORMS WITH THE CITY OF SHAFTER GENERAL PLAN IN ACCORDANCE WITH GOVERNMENT CODE 65402 AND FINDING THE ADOPTION OF THE RESOLUTION IN COMPLIANCE WITH CEQA REQUIREMENTS

WHEREAS, the City of Shafter (the “City”), proposes to sell real property located at 100 Carver Street, in the City of Shafter, County of Kern, State of California 93263, commonly referred to as Assessor's Parcel Numbers 091-180-16-00-4 (“Property”), all as more fully described in Exhibit “A”; and

WHEREAS, California Government Code Section 65402 requires a finding that the acquisition of the Property conforms to the City of Shafter General Plan; and

WHEREAS, the Property in question is designated as “Industrial” by the City of Shafter General Plan; and

WHEREAS, the basis for making the conformity finding is determining whether the proposed sale of the Property is consistent with the adopted City of Shafter General Plan; and

WHEREAS, the sale of the Property conforms with the City of Shafter General Plan because the existing use of the Property is a ready-mix concrete products company, and this use will not change because of the sale of the Property by the City; and

WHEREAS, this use was approved by the Planning Commission in 2018 with the approval of Conditional Use Permit (“CUP”) No. 18-98; and

WHEREAS, the use of the Property would remain the same after the sale and the conditions imposed on the use due to CUP No. 18-98 will remain in effect and therefore, the sale of the Property is in conformance with the City of Shafter General Plan; and

WHEREAS, the Planning Commission has determined that the sale of the Property is in the public interest and convenience.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF SHAFTER HEREBY RESOLVES AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and correct.

SECTION 2. CEQA. The Planning Commission finds and determines that the general plan conformity determination required herein is not a “project” as defined under Section 15378(b)(5) of the California Environmental Quality Act (“CEQA”) Guidelines in that the sale of the Property is for a use that has already been environmentally cleared and therefore, this determination is organizational and administrative activity that will not result in direct or indirect physical changes to the environment and not subject to CEQA.

EXHIBIT 1

SECTION 3. Findings. Based on the findings set forth in the recitals above and all reports and evidence received, the Planning Commission hereby determines that the sale of the Property conforms with the City of Shafter General Plan.

SECTION 4. Severability. If any provision, section, paragraph, sentence, or word of this resolution be rendered or declared invalid by any court of competent jurisdiction, or by reason of preemptive legislation, the remaining provisions, sections, paragraphs, sentences, and words of this resolution shall remain in full force and effect.

SECTION 5. The City Clerk shall certify the adoption of this Resolution.

PASSED AND ADOPTED THIS 11th DAY OF JUNE, 2024.

John Sanchez, Chairman

ATTEST

Vanessa Uribe, Deputy City Clerk

EXHIBIT A

Legal Description

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SHAFTER, COUNTY OF KERN, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL 1: INTENTIONALLY DELETED

PARCEL 2: (APN 091-180-16)

PARCEL 2 OF PARCEL MAP NO. 11468, PHASE 3, IN THE CITY OF SHAFTER, COUNTY OF KERN, STATE OF CALIFORNIA, AS PER MAP RECORDED NOVEMBER 13, 2007 IN BOOK 56, PAGE 28 AND 29 OF PARCEL MAPS, AND BY CERTIFICATE OF CORRECTION RECORDED APRIL 28, 2008 AS DOCUMENT NO. 0208064892 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT ALL THE MINERALS, INCLUDING ALL OIL, GAS AND ASPHALTUM AND OTHER HYDROCARBONS IN AND UNDER SAID LANDS (INCLUDING THE RIGHT TO EXPLORE, EXTRACT AND PRODUCE SAID MINERALS BY DRILLING ON ADJACENT OR NEIGHBORING LANDS AND/OR BY CONDUCTING SUBSURFACE DRILLING OPERATIONS UNDER SAID LANDS AT SUCH A DEPTH AS TO NOT DISTURB THE SURFACE THEREOF OR ANY IMPROVEMENT THEREON, BUT EXCLUDING AND NOT SUBJECT TO THE RIGHT TO CONDUCT DRILLING OR OTHER OPERATIONS UPON THE SURFACE OF SAID LANDS); AS EXCEPTED IN THE DECLARATION OF TAKING TO THE UNITED STATES OF AMERICAN RECORDED MAY 1, 1942 IN BOOK 1082, PAGE 292 OF OFFICIAL RECORDS.

DATE: June 11, 2024
TO: Planning Commission
FROM: Planning Department
SUBJECT: Zone Code Amendment No. 24-18

RECOMMENDATION:

Planning Commission conduct public hearing; and adopt Resolution No. 24-444, a Resolution of the Planning Commission of the City of Shafter, recommending the City Council approve Zone Code Amendment No. 24-18, a proposal to Amend Title 17 of the Shafter Municipal Code (Zoning Ordinance) to increase the maximum building height requirement from 45 feet to 150 feet for an approximately 541-acre portion of the Agricultural Zone District as shown in Exhibit "A".

APPLICANT

Wonderful Nut Orchards LLC
6801 E. Lerdo Highway
Shafter, CA 93263

OWNER

Wonderful Nut Orchards LLC
6801 E. Lerdo Highway
Shafter, CA 93263

LOCATION: The zone code amendment will apply only to APNs 090-180-24 and 090-180-13 (approximately 541 acres) found within the A (Agricultural) zone district as illustrated in **Exhibit A of Exhibit 1**.

PROJECT DATA:

1. General Plan Designation: The current land use designation for APNs 090-180 and 090-180-13 is AOS (Agriculture – Open Space).
2. Zoning: The current zoning classification for APNs 090-180 and 090-180-13 is A (Agricultural).
3. Acreage: Approximately 541 acres

PROJECT ANALYSIS:

Wonderful Nut Orchards LLC (Wonderful) is requesting to amend the Zoning Ordinance to allow buildings of up to 150 feet by right in an approximately 541-acre portion of the A zone district that is owned by Wonderful (see **Exhibit 1**). Currently, the Zoning Ordinance allows for a maximum building height of 45 feet in the A zone district with other structures, such as silos, windmills, and communication antenna and towers, allowed to exceed this height with approval by staff.

To increase the height for the subject area to 150 feet, the following modifications to Chapter 7 of the Zoning Ordinance (Agricultural Districts) are proposed:

1. Figure 7.A is added to Chapter 7 identifying the maximum building height requirement area for 150 feet. See **Exhibit A of Exhibit 1**.
2. Table 7.B is amended providing note 2 that the maximum building height requirement for the portion of the A zone district in Figure 7.A is 150 feet. See **Exhibit A of Exhibit 1**.

The purpose of the requested zone code amendment is to allow for increased automation and robotics within buildings that are allowed or conditionally allowed within the A zone district. Advanced machinery can operate more efficiently in taller structures, improving productivity and reducing labor costs. The applicant's intent is to concentrate cold storage and other similar allowed and conditionally allowed agricultural-related buildings in this area to take advantage of the efficiencies that automation and robotics afford in taller buildings. Additionally, taller buildings can better manage internal climates, protecting agricultural products from adverse weather conditions, pests, and diseases as well as incorporate energy-saving technologies, such as advanced insulation and renewable energy systems.

FINDINGS:

Per the Zoning Ordinance, the following findings must be made prior to adoption of any amendment to the Ordinance:

1. The zone code amendment is consistent with the Shafter General Plan. The amendment supports the Shafter General Plan's goal to promote innovative agricultural practices and increase local food production.
2. The zone code amendment will not adversely affect the public health, safety, and welfare or result in an illogical land use pattern. The amendment will enhance food security by increasing local food production capacity and future land use would still need to be allowed or conditionally allowed within the A zone district per the established Table 7.B.
3. The zone code amendment is consistent with the purpose and intent of the remainder of the Zoning Ordinance not under consideration. The amendment does not change any other portion of the Zoning Ordinance and does not conflict with any other portion.
4. The potential environmental impacts of the zone code amendment are insignificant, have been mitigated, or there are overriding considerations that outweigh the potential impacts. The amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

CEQA:

The proposed zone code amendment will only increase the maximum building height requirement for an approximately 541-acre portion of the A zone district. Buildings

within the A zone district are already allowed to be located within the district provided they are an allowed or conditionally allowed use and less than 45 feet in height. Other structures, such as silos, windmills, and communication antenna and towers, are currently allowed to exceed this height with approval by staff as a ministerial action. This zone code amendment will only increase the maximum building height requirement for a portion of the A zone district and would not cause any physical change to the environment. Therefore, the zone code amendment is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

ATTACHMENTS

Resolution No. 24-444

EXHIBIT

1

RESOLUTION NO. 24-444

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SHAFTER RECOMMENDING THE CITY COUNCIL APPROVE ZONE CODE AMENDMENT NO. 24-18, A PROPOSAL TO AMEND TITLE 17 OF THE SHAFTER MUNICIPAL CODE (ZONING ORDINANCE) TO INCREASE THE MAXIMUM BUILDING HEIGHT REQUIREMENT FROM 45 FEET TO 150 FEET FOR AN APPROXIMATELY 541-ACRE PORTION OF THE AGRICULTURAL ZONE DISTRICT AS SHOWN IN EXHIBIT “A”

WHEREAS, Wonderful Nut Orchards LLC, a limited liability corporation, desires to amend Chapter 7 of Title 17 of the Shafter Municipal Code (“Zoning Ordinance”) to increase the maximum building height requirement for an approximately 541-acre portion of the Agricultural zone district as shown in Exhibit “A” (“Project”); and

WHEREAS, the laws and regulations relating to the California Environmental Quality Act (“CEQA”) have been duly followed by City staff and the Planning Commission; and

WHEREAS, the Project is exempt from the provisions of CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines; and

WHEREAS, a timely and properly noticed public hearing for Zone Code Amendment No. 24-18 was held by the Planning Commission of the City of Shafter at a regular meeting on June 11, 2024, at which hearing evidence, oral and documentary, was admitted on behalf of Zone Code Amendment No. 24-18; and

WHEREAS, the Planning Commission finds that the Project is consistent with the Shafter General Plan; and

WHEREAS, the Planning Commission finds that the Project will not adversely affect the public health, safety, and welfare or result in an illogical land use pattern; and

WHEREAS, the Planning Commission finds that the Project is consistent with the intent and purpose of the Zoning Ordinance not under consideration; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Shafter, in regular session assembled on the 11th day of June, 2024, resolved to recommend to the City Council of the City Shafter approval of Zone Code Amendment No. 24-18, as provided in Exhibit “A”.

BE IT FURTHER RESOLVED that a copy of this Resolution be delivered forthwith by the Planning Commission Secretary to the City Council of the City of Shafter.

PASSED AND ADOPTED THIS 11th DAY OF JUNE, 2024.

John Sanchez, Chairman

ATTEST

Vanessa Uribe, Deputy City Clerk

7.40 AGRICULTURAL DESIGN AND DEVELOPMENT STANDARDS**1. Lot Area Requirements**

- a. Except when conducted as an accessory to a residential use of a non-farm parcel, agricultural uses shall require a minimum area of 20 acres, and no farm parcel shall be subdivided from a parent tract unless it shall meet the minimum area requirement for agricultural uses.
- b. Farm-parcels under Williamson Act Contract and designated as Agricultural on the Shafter General Plan shall be a minimum of eighty (80) acres in size.
- c. Parcels that are conveyed to or from a governmental agency, public entity, community or mutual water company, or public utility for public purposes shall be exempt from the minimum lot area requirements of this Chapter.
- d. Minimum lot area requirements for uses established as an accessory use to a primary agricultural use in compliance with conditions of approval of a conditional use permit shall be exempt from minimum lot area requirements.

2. Site Development Minimum Standards

- a. In addition to the minimum standards established in Table 7.B. of this Chapter, development within the Agricultural zone district shall also comply with the special requirements contained in this Chapter, Chapter 12 (Performance Standards), other applicable City standards, regulations, or ordinances., and the City General Plan.

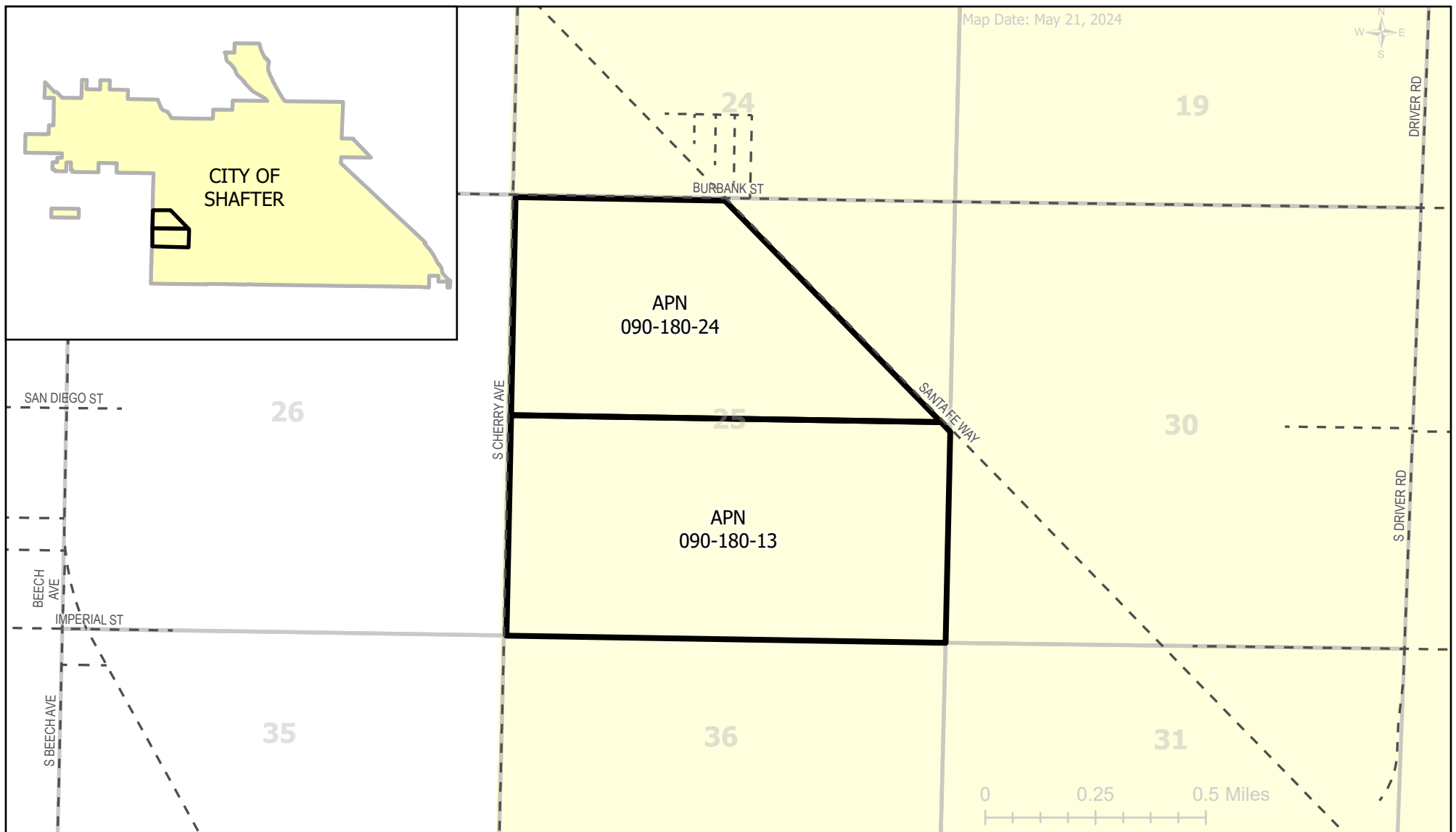
Table 7.B Agricultural Site Development Minimum Standards

REQUIREMENT	Parcel Size
1. Minimum site area	20 acres
2. Minimum site width, in feet	100
3. Minimum site depth, in feet	200
4. Front building setback, in feet	50
5. Side street building setback area, street sides, in feet	50
6. Rear yard setback, in feet	50
7. Maximum Floor Area Ratio	0.10
8. Maximum Building height, in feet	45

¹ Structures such as silos, windmills, and communication antennas and towers may exceed height limit subject to approval by the Project Assistance Team.

² The maximum building height required for the Agricultural District in Figure 7.A is 150 feet.

- b. No new slaughter area, area for the storage or processing of manure, garbage, or spent mushroom compost, structures for the cultivation of



- Roads
- Max Building Height Area
- Sections
- Shafter City Limits

Figure 7A
Maximum Building Height Required is 150 ft.