



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

**AGENDA
REGULAR MEETING
SHAFTER PLANNING COMMISSION
TUESDAY, DECEMBER 13, 2022**

TELECONFERENCE NOTICE:

As emergency conditions persist in the City, specifically, a state of emergency remains in effect related to COVID-19, community transmission of COVID-19 in Kern County has rapidly increased from Low to High due to the highly contagious variants of COVID-19, which has emerged, Kern County officials are imposing and recommending measures to promote social distancing, requires masking by all, regardless of vaccination status, in an effort to slow the continuously high trends in and level of transmission of COVID-19 throughout the State and Kern County. The City Council determine that the presence of COVID-19 and the increase of cases due to the COVID variants will continue to cause conditions of peril to the safety of persons within the City that are likely to be beyond the control of services, personnel, equipment, and facilities of the City, and has affirmed a local emergency exists and re-ratified the proclamation of state of emergency by the Governor of the State of California. In compliance with AB 361, Brown Act public meetings will be conducted utilizing Zoom Video Communications.

Remote public participation is allowed in the following ways, please see attached supplement for instructions.

CALL TO ORDER:	6:00 PM
PLEDGE OF ALLEGIANCE:	Chairman Frantz
INVOCATION:	Commissioner Olvera
ROLL CALL:	Chairman Frantz Vice Chairman Nunlist Commissioner Olvera Commissioner Sanchez Commissioner Wiebe

APPROVAL OF AGENDA:

MINUTES OF PREVIOUS MEETING:

1. Approval of Minutes: Regular Meeting of November 8, 2022.

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.

MANAGEMENT REPORT:

1. GOSSAMER GROVE SPECIFIC PLAN ACQUISITION OF REAL PROPERTY

RESOLUTION ADOPTION: Staff is recommending that the Planning Commission adopt Resolution 22-417 (see Exhibit 1), a Resolution of the Planning Commission of the City of Shafter finding that the acquisition of real property within the Gossamer Grove Specific Plan area 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

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., December 8, 2022. Yazmina Pallares, S/S, City Clerk



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Meeting Held In-Person and Via Zoom and Livestream on YouTube

**AGENDA
SUPPLEMENT
Regular Meeting
Shafter Planning Commission
December 13, 2022**

**THE December 13, 2022 MEETING WILL BE CONDUCTED IN COMPLIANCE
WITH AB 361**

In order to minimize the spread of the COVID 19 virus, please do the following:

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 December 13, 2022** 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.

The City of Shafter thanks you in advance for taking all precautions to prevent spreading the COVID 19 virus.

**MINUTES OF THE REGULAR MEETING OF THE
SHAFTER PLANNING COMMISSION
MEETING HELD IN-PERSON AND VIA ZOOM AND LIVESTREAM TO YOUTUBE
TUESDAY, NOVEMBER 8, 2022**

Pursuant to AB 361 Issued by Governor Gavin Newsom on September 20, 2021 and, to the extent applicable, Government Code Section 54953(e), this meeting was held as a Virtual Meeting via Zoom and livestreaming to YouTube Live.

CALL TO ORDER: 6:00 p.m.

PLEDGE OF ALLEGIANCE: Commissioner Olvera

INVOCATION: Vice Chairman Nunlist

ROLL CALL:

PRESENT: Chairman Frantz, Vice Chairman Nunlist, and Commissioner Olvera. (Via Zoom): Commissioner Sanchez and Wiebe. **PRESENT:** Planning Director Esselman, Senior Planner Forrest, and Deputy City Clerk Uribe.

APPROVAL OF AGENDA:

MOVED (NUNLIST) AND SECONDED (OLVERA) COMMISSIONERS APPROVED THE AGENDA AS PRESENTED. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: FRANTZ, NUNLIST, OLVERA, SANCHEZ, AND WIEBE.

NAYS: NONE.

ABSENT: NONE.

ABSTENTIONS: NONE.

MINUTES OF PREVIOUS MEETING:

1. Approval of Minutes: Regular Meeting of October 11, 2022.

MOVED (WIEBE) AND SECONDED (NUNLIST) COMMISSIONERS APPROVED THE MINUTES OF THE REGULAR MEETING OF OCTOBER 11, 2022 AS PRESENTED. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: FRANTZ, NUNLIST, OLVERA, SANCHEZ, AND WIEBE.

NAYS: NONE.

ABSENT: NONE.

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. 22-131:** Planning Director Esselman made introductory comments. A notice of public hearing was properly advertised.

Chairman Frantz opened the public hearing.

Yahya Mohamed, applicant for the project, answered any questions that the Commission had.

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

MOVED (OLVERA) AND SECONDED (NUNLIST) COMMISSIONERS CONDUCTED A PUBLIC HEARING; AND ADOPTED RESOLUTION 22-413, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SHAFTER APPROVING CONDITIONAL USE PERMIT NO. 22-131 TO ALLOW A FENCED OUTDOOR AREA ASSOCIATED WITH AN EXISTING HARDWARE STORE LOCATED ON ASSESSOR'S PARCEL NUMBER 026-101-02, INCLUDING ADOPTING THE ABOVE FINDINGS AND APPROVING THE CONDITIONS OF APPROVAL PROPOSED IN EXHIBIT "B" OF THE RESOLUTION. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: FRANTZ, NUNLIST, OLVERA, SANCHEZ, AND WIEBE.

NAYS: NONE.

ABSENT: NONE.

ABSTENTIONS: NONE.

2. **CONDITIONAL USE PERMIT NO. 22-133:** Planning Director Esselman made introductory comments. A notice of public hearing was properly advertised.

Chairman Frantz opened the public hearing.

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

MOVED (WIEBE) AND SECONDED (SANCHEZ) COMMISSIONERS CONDUCTED A PUBLIC HEARING; ADOPTED RESOLUTION 22-416, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SHAFTER APPROVING CONDITIONAL USE PERMIT NO. 22-133 TO ALLOW A 150-SQUARE-FOOT PHARMACY DRIVE-THRU ADDITION (APN: 028-180-39); ADOPTING THE ABOVE FINDINGS; AND APPROVING THE CONDITIONS OF APPROVAL PROPOSED IN EXHIBIT "B" OF THE RESOLUTION. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: FRANTZ, NUNLIST, OLVERA, SANCHEZ, AND WIEBE.

NAYS: NONE.

ABSENT: NONE.

ABSTENTIONS: NONE.

3. **CONDITIONAL USE PERMIT NO. 22-134:** Senior Planner Forrest made introductory comments. A notice of public hearing was properly advertised.

Chairman Frantz opened the public hearing.

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

MOVED (NUNLIST) AND SECONDED (OLVERA) COMMISSIONERS CONDUCTED A PUBLIC HEARING; ADOPTED RESOLUTION 22-414, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SHAFTER APPROVING CONDITIONAL USE PERMIT NO. 22-134 TO PERMIT A CARETAKER'S RESIDENCE IN THE SPECIFIC PLAN (SP) DISTRICT ON PROPERTY LOCATED APPROXIMATELY ½ MILE EAST OF ZERKER ROAD AND APPROXIMATELY 1¾ MILES NORTH OF SEVENTH STANDARD ROAD; ADOPTING THE ABOVE FINDINGS; AND APPROVING THE AMENDED CONDITIONS OF APPROVAL PROPOSED IN EXHIBIT B BY ADDING A CONDITION TO UPON APPROVAL AND DEVELOPMENT OF A SPECIFIC PLAN ON THE PROJECT PARCEL, THE CARETAKER'S RESIDENCE SHALL BE REMOVED FROM THE SITE AND PLANNING DEPARTMENT STAFF SHALL INITIATE REVOCATION PROCEEDINGS FOR CONDITIONAL USE PERMIT NO. 22-134 TO REMOVE THE ENTITLEMENT FROM THE PROPERTY. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: FRANTZ, NUNLIST, OLVERA, SANCHEZ, AND WIEBE.

NAYS: NONE.

ABSENT: NONE.

ABSTENTIONS: NONE.

4. **SPECIFIC PLAN AMENDMENT NO. 21-03:** Senior Planner Forrest made introductory comments. A notice of the public hearing was properly advertised.

Chairman Frantz opened the public hearing.

Bill Walls, with Lennar Homes, answered any questions that the Commission had.

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

MOVED (OLVERA) AND SECONDED (NUNLIST) COMMISSIONERS CONDUCTED A PUBLIC HEARING; ADOPTED RESOLUTION 22-411, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SHAFTER CERTIFYING IT HAS RECEIVED, REVIEWED, EVALUATED AND CONSIDERED THE INFORMATION CONTAINED IN THE ADDENDUM TO THE CERTIFIED FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE 2005 GENERAL PLAN UPDATE AND RELATED ACTIONS (SCH NO. 2004101029) FOR SPECIFIC PLAN AMENDMENT NO. 21-03, AN AMENDMENT TO THE HERITAGE RANCH SPECIFIC PLAN, AND CERTIFYING THAT THE ADDENDUM HAS BEEN COMPLETED IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND STATE CEQA GUIDELINES, AND RECOMMENDING ADDENDUM CERTIFICATION TO THE CITY COUNCIL OF THE CITY OF SHAFTER; AND ADOPTED RESOLUTION 22-412, 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. 21-03) TO THE HERITAGE RANCH SPECIFIC PLAN AS PROVIDED IN EXHIBIT "A". MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: FRANTZ, NUNLIST, OLVERA, SANCHEZ, AND WIEBE.

NAYS: NONE.

ABSENT: NONE.

ABSTENTIONS: NONE.

5. **SPECIFIC PLAN AMENDMENT NO. 22-05:** Planning Director Esselman made introductory comments. A notice of public hearing was properly advertised.

Chairman Frantz opened the public hearing.

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

MOVED (WIEBE) AND SECONDED (OLVERA) COMMISSIONERS CONDUCTED A PUBLIC HEARING; AND ADOPTED RESOLUTION 22-415, 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. 22-05) TO THE GOSSAMER GROVE SPECIFIC PLAN AS PROVIDED IN EXHIBIT "A". MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: FRANTZ, NUNLIST, OLVERA, SANCHEZ, AND WIEBE.

NAYS: NONE.

ABSENT: NONE.

ABSTENTIONS: NONE.

COMMISSIONER REPORTS: There were no Commissioner Reports.

ADJOURNMENT:

MOVED (NUNLIST) AND SECONDED (OLVERA) COMMISSIONERS ADJOURNED THE MEETING AT 6:48 P.M. MOTION CARRIED WITH NO OPPOSITION.

Peter Frantz, Chairman

ATTEST:

Vanessa Uribe, Deputy City Clerk

DATE: December 13, 2022
TO: Planning Commission
FROM: Planning Department
SUBJECT: GOSSAMER GROVE SPECIFIC PLAN ACQUISITION OF REAL
PROPERTY RESOLUTION ADOPTION

Staff is recommending that the Planning Commission adopt Resolution 22-417 (see Exhibit 1), a Resolution of the Planning Commission of the City of Shafter finding that the acquisition of real property within the Gossamer Grove Specific Plan area 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
Not Applicable.

OWNER
Not Applicable.

LOCATION: See Exhibit "A" of Exhibit 1.

BACKGROUND:

Government Code Section 65402 requires a finding that the acquisition of property by a city conforms to the city's general plan. The two parcels in question (see Exhibit "A" of Exhibit 1) are designated as Specific Plan (SP) by the City of Shafter General Plan and are governed by the policies in the adopted Gossamer Grove Specific Plan since the parcels are found within the boundaries of the adopted Specific Plan area. The basis for making the proposed conformity finding is determining whether the proposed acquisitions of the property is consistent with and fits into a goal or implementation policy as outlined in the adopted Specific Plan. If the acquisitions are consistent with the Specific Plan, then they are consistent with the General Plan because it has already been determined that the adopted Specific Plan is consistent with the General Plan.

PROJECT ANALYSIS:

The proposed acquisition of the two parcels is consistent with the following policy of the Gossamer Grove Specific Plan:

3.11.1 Police and Fire Protection

Acreage for police and/or fire protection facilities shall be provided within the public services land use designation in Planning Area 4 as required by the City of Shafter.

The "Public Services Parcel" and "Street Dedication in Fee" parcel are both found within the public services land use designation in Planning Area 4 of the Specific Plan. The "Public Services Parcel" is the acreage needed for police and/or fire protection facilities.

The "Street Dedication in Fee" parcel is a remnant of previous land divisions and is

MANAGEMENT REPORT

GOSSAMER GROVE SPECIFIC PLAN ACQUISITION OF REAL PROPERTY RESOLUTION ADOPTION

located completely within an existing street right-of-way (Gossamer Grove Boulevard) and, while this parcel does not directly add to the acreage for police and/or fire protection facilities, its acquisition is being considered because the property needs to change ownership prior to obtaining an updated title report showing the new boundaries of Tract 7388. Creating new boundaries for Tract 7388 and a revised title report is required so that a future substantial conformance process can move forward for Tract 7388. This substantial conformance process will provide the changes necessary to create the acreage needed for police and/or fire protection facilities.

Therefore, the acquisition of the two parcels conforms to the City of Shafter General Plan by conforming to the policies found in the Gossamer Grove Specific Plan, namely the policy that requires acreage for police and/or fire protection facilities.

CEQA:

The general plan conformity determination is not a “project” as defined under California Public resources Code Sections 21065 and 21080 in that the Planning Commission is making a finding as to general plan conformity and therefore, the City has complied with the California Environmental Quality Act.

The acceptance of the grant deeds allows the future development of a public services area as described in the adopted Gossamer Grove Specific Plan. The ultimate development of the public services area is within the scope and intensity of the original Gossamer Grove Specific Plan analyzed in the Program Environmental Impact Report (EIR) that was certified for the 2005 City of Shafter General Plan Update (SCH No. 2004101029). The certified Program EIR adequately describes the activity of the public services area as a mix of land uses that can include a police station, fire substation, and residential. Therefore, per Section 15061(b)(3) of the California Environmental Quality Act Guidelines (commonly referred to as the “Common Sense exemption”), it can be seen with certainty that the action will not cause a significant effect on the environment, and therefore, the action is not subject to CEQA.

ATTACHMENTS

Resolution No. 22-417

EXHIBIT

1

RESOLUTION NO. 22-417

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SHAFTER FINDING THAT THE ACQUISITION OF REAL PROPERTY WITHIN THE GOSSAMER GROVE SPECIFIC PLAN AREA 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”), on its own application, proposes to acquire two parcels (“Properties”) identified as the (1) “Public Services Parcel” and “Street Dedication in Fee”, herein referred to as Exhibit “A” (see attached Exhibit “A”); and

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

WHEREAS, the Properties in question are designated as “Specific Plan” by the City of Shafter General Plan and are governed by the policies in the adopted Gossamer Grove Specific Plan since the parcels are found within the boundaries of the adopted Specific Plan area; and

WHEREAS, the basis for making the conformity finding is determining whether the proposed acquisitions of the Properties is consistent with and fits into a goal or implementing policy as outlined in the adopted Gossamer Grove Specific Plan; and

WHEREAS, the acquisition of the parcels proposed herein conforms with the City of Shafter General Plan by conforming to the policies found in the Gossamer Grove Specific Plan in that it will implement Policy 3.11.1 of the adopted Gossamer Grove Specific Plan, which is as follows:

3.11.1 Police and Fire Protection - Acreage for police and/or fire protection facilities shall be provided within the public services land use designation in Planning Area 4 as required by the City of Shafter; and

WHEREAS, the Properties are both found within the public services land use designation in Planning Area 4 of the adopted Gossamer Grove Specific Plan; and

WHEREAS, the Planning Commission has determined that the acquisition of the Properties 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 California Public resources Code Sections 21065 and 21080 in that the Planning Commission is making a

finding as to general plan conformity and therefore, the City has complied with the California Environmental Quality Act.

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 acquisition of the Properties 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 to the adoption of this Resolution.

PASSED AND ADOPTED THIS 13th DAY OF DECEMBER, 2022.

Peter Frantz, Chairman

ATTEST:

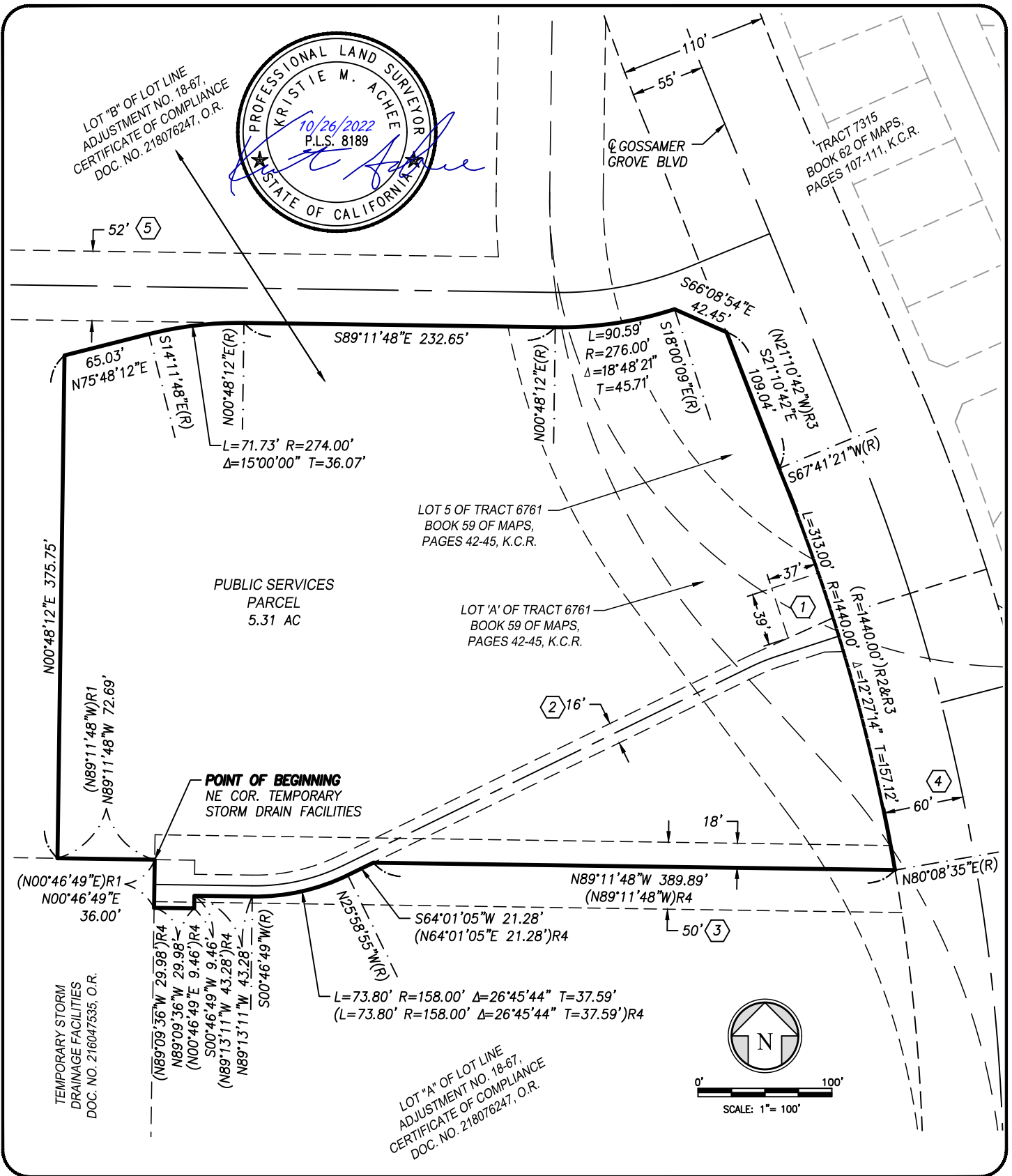
Vanessa Uribe, Deputy City Clerk

EXHIBIT A

Plats of the Properties

(see attached)

L:\PROJECTS\2021\210170\ACAD\LEGALS\PUBLIC SERVICE AREA PARCEL\210170-EXHIBIT B-PUBLIC SERVICES.DWG 10/26/2022 10:09 AM



PROJECT NO.: 210170.01

DRAWN BY: KM

QA/QC BY: PH/KMA

SCALE: AS SHOWN

SHEET NO.:

2 OF 2

EXHIBIT "B"

PUBLIC SERVICES PARCEL
GOSSAMER GROVE SPECIFIC PLAN



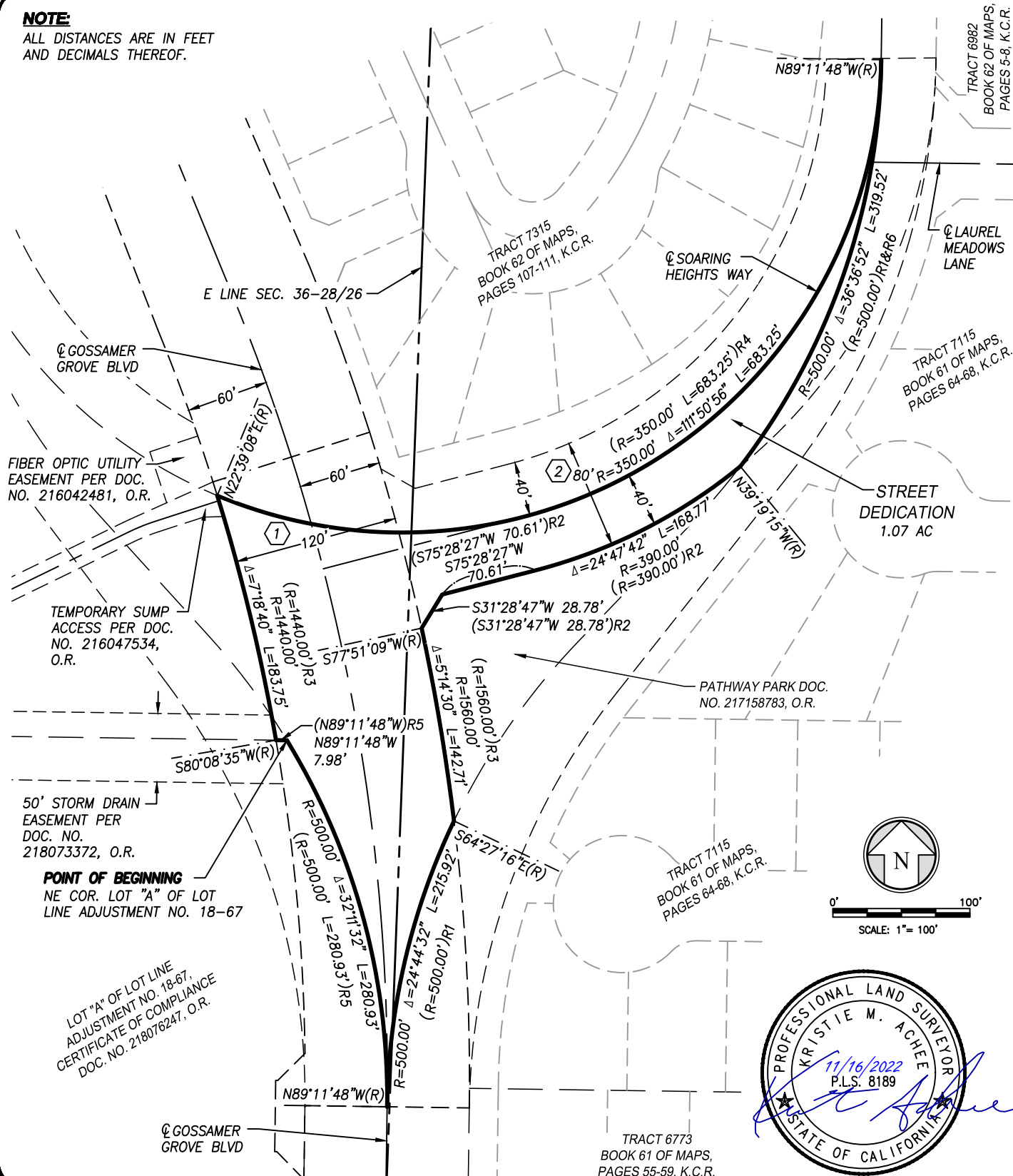
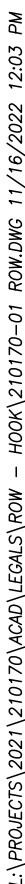
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BAKERSFIELD, CA 93309

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PROJECT NO.: **210170.01**
DRAWN BY: **KM**
QA/QC BY: **PH/KA**
SCALE: **AS SHOWN**
SHEET NO.:
2 OF 2

EXHIBIT B

STREET DEDICATION IN FEE



5080 CALIFORNIA AVE., STE. 220 TEL: (661) 616-2600
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