

CORCORAN PLANNING COMMISSION SPECIAL MEETING AGENDA

**Monday, October 17, 2022
5:30 P.M**

Public Inspection: A detailed Planning Commission packet is available for review at Corcoran City Hall, located at 832 Whitley Avenue

Notice of ADA Compliance: In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the City Clerks office at (559) 992-2151 ext. 2501.

Public Comment: Members of the audience may address the Planning Commission on non-agenda items; however, in accordance with Government Code Section 54954.2, the Planning Commission may not (except in very specific instances) take action on an item not appearing on the posted agenda.

This is just the time for members of the public to comment on any matter within the jurisdiction of the Corcoran Planning Commission. Planning Commission will ask that you keep your comments brief and positive. Creative criticism, presented with appropriate courtesy, is welcome.

After receiving recognition from the chair, speaker will walk to the podium and state name and address and proceed with comments. Each speaker will be limited to five (5) minutes.

ROLL CALL

Chairman:	Karl Kassner
Vice-Chairman:	Kaitlyn Frazier
Commissioner:	David Bega
Commissioner:	Karen Frey
Commissioner:	Dennis Tristao
Commissioner:	Janet Watkins
Commissioner:	Vacant

FLAG SALUTE

1. PUBLIC DISCUSSION

2. APPROVAL OF MINUTES

Approve the minutes of the September 19, 2022, Planning Commission Meeting.

3. **RE-ORGANIZATION** None

4. **PRESENTATIONS** None

5. **PUBLIC HEARING**

5.1 A Public Hearing regarding an application for a Zone Text Change in Ordinance Regarding Cannabis Dispensaries.

Open public hearing:

Staff Report:

Written testimony:

Public Testimony:

Close Public Hearing:

6. **STAFF REPORTS** None

7. **MATTERS FOR PLANNING COMMISSION**

7.1 Information Item:

A. Community Development 1st Quarter Report

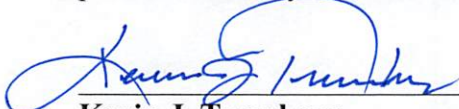
B. Regional Housing Needs Assessment (RHNA) Update

7.2 Staff Referrals- Item of Interest (*Non-action items the Commission may wish to discuss*)

7.3 Committee/Seminar Reports:

8. **ADJOURNMENT**

I certify that I caused this Agenda of the Corcoran Planning Commission meeting to be posted at the City Council Chambers, 1015 Chittenden Avenue on October 13, 2022.



Kevin J. Tromborg

Community Development Director

**MINUTES
CORCORAN PLANNING COMMISSION
REGULAR MEETING
Monday, September 19, 2022**

The regular session of the Corcoran Planning Commission was held 1015 Chittenden Avenue, Corcoran, CA 93212. The meeting was called to order by Chairperson, Kassner at 5:30 P.M.

ROLL CALL

Commissioners present: Bega, Frazier, Kassner and Watkins

Commissioners absent: Frey and Tristao

Staff present: Tina Gomez, Marlene Spain, and Kevin Tromborg

Also present: None

FLAG SALUTE - Kassner

1. **PUBLIC DISCUSSION** - None
2. **APPROVAL OF MINUTES** – None
3. **RE-ORGANIZATION**

Nomination to appoint a Vice-Chair were declared open by Kassner. Watkins nominated Bega as Vice-Chair.

Bega nominated Fraizer as Vice-Chair.

Kassner held a roll call to appoint Bega. Motion carried by the following vote:

AYES: Watkins
NOES: Bega, Kassner and Frazier
ABSENT: Frey and Tristao

Kassner held a roll call to appoint Fraizer. Motion carried by the following vote:

AYES: Bega, Kassner and Frazier
NOES: Watkins
ABSENT: Frey and Tristao

4. **PRESENTATIONS** – None

5. **PUBLIC HEARING** – None

6. **STAFF REPORTS**

6.1. Community Development Director, Kevin Tromborg presented the proposed Zoning Code revisions, Chapters 11-16, 11-19, 11-21, 11-23, 11-28 as part of approved Local Early Action Planning (LEAP) Grant.

4. **MATTERS FOR COMMISSION**

6.1. Information Item:

Community Devolvement Director, Kevin Tromborg gave an update on staffing levels for his department.

6.2 Staff Referrals - *Items of Interest (Non-action items the Commission may wish to discuss)* -None

6.3 Committee/Seminar Reports - None

7. **ADJOURNMENT**

At 6:12 p.m., the meeting was adjourned to the next regular meeting on October 17, 2022, in the Corcoran City Council Chambers 1015 Chittenden Avenue, Corcoran, CA 93212.

APPROVED ON: _____

Karl Kassner, Planning Commission Chairperson

ATTEST:

Kevin J. Tromborg, Community Development Director

Chairperson

Karl Kassner

Vice-Chairperson

Kaityln Frazier

Commissioners

David Bega
Dennis Tristao
Janet Watkins
Karen Frey

Planning Commission



**Community
Development
Department**

(559) 992-2151
FAX (559) 992-2348

832 Whitley Avenue, Corcoran
CALIFORNIA 93212

**Public
Hearing**

STAFF REPORT

Item # 5.1

To: Planning Commission

From: Kevin J. Tromborg, Community Development Director, Planner, Building Official.

Date: October 17, 2022

Subject: ZTC in Ordinance 22-01. Consider Cannabis Dispensaries in commercial zones

A. General Information:

The applicant is proposing a Zone Text change in Ordinance regarding Ordinance 637. The applicant requests to revise and allow Cannabis Dispensaries in the Downtown Commercial (CD) zone.

The Planning Commission must determine the most appropriate zone classification for this type of business and if a Conditional Use Permit is required. If a Conditional Use Permit is required, what would be the recommendation of the Planning Commission regarding conditions. The following information may assist in the determination and conditions:

1. The City of Corcoran has ban on cannabis dispensaries in all zones (see Ordinance 637).
2. Cannabis is still illegal under Federal law.
3. Cannabis is now legal in California for medical and personal use.
4. You can buy medical cannabis if you are 18 or older in all forms with a physician's recommendation.
5. You can buy cannabis in all forms for medical or personal use at age 21 or older.
6. Cities and Counties may have stricter laws regarding cannabis than the State.
7. You can use cannabis on private property, but not in public places.

8. You ***cannot*** smoke cannabis where it is legal to smoke tobacco.
9. You ***cannot*** smoke cannabis within, 1000 feet of a school, daycare center or youth center while kids are present.
10. Having an open container of cannabis while driving or riding in a vehicle is illegal.
11. All cannabis retailers must have a license from the Department of Cannabis Control (DCC).
12. The DCC has very Strict rules that prevent the sale of cannabis to minors
13. The DCC have stringent guidelines regarding the testing of all products sold the public.
14. Retailers can open for business between 6:00 Am and 10:00 Pm. (Cities can approve more restrictive hours of business)

1.	Owner:	City of Corcoran (Zoning Code) and Ordinance 637
2.	Applicant:	Robert Mustain and Parth Patel 1017 Josephine Avenue Corcoran Ca 93212
3.	Site Location:	N/A
4.	Property Description:	N/A
5.	Site Area:	N/A
6.	General Plan Designation:	N/A
7.	Current Zone Classification:	Not allowed
8.	Existing Use:	N/A
9.	Proposed Use:	Cannabis Dispensary.

B. Project Location & Description:

The proposed location of the Zone text in Ordinance change would be all Downtown Commercial zones, specifically, 1115 Norboe Avenue.

SURROUNDING ZONING AND USES OF 1115 NORBOE AVENUE

	<u>USE</u>	<u>ZONING</u>
NORTH:	Commercial	Downtown Commercial (CD)
SOUTH:	Multifamily	RM-2
EAST:	Commercial	Downtown Commercial (CD)
WEST:	Commercial	Downtown Commercial (CD)

C. Compliance with General Plan and Zoning:

The proposed project, ZTC in Ordinance 22-01 is an allowed process by right. If approved, the language of the ordinance and the zoning code will be revised to reflect the change.

E. Public Input:

A notice of public hearing was published in the Corcoran Journal on September 27, 2022.

F. Comments from Other Agencies/Departments:

Referrals were made to City Departments and other agencies and comments have been incorporated in this report.

1. *Community Development Department*

1a. That the City determine the tax assessment or transaction use tax prior to approval of a zone text in Ordinance change.

2. *Environmental Health of Kings Count. (No comments)*

3. *Corcoran Police Department (No comments)*

4. *Corcoran Unified Public Schools (No Comments)*

5. *United Health Center (No Comments)*

6. *Adventist Health (No Comments)*

7. *City Attorney The issue of a tax assessment or transaction use tax should be addressed prior to a zone text change in ordinance*

8. *City Engineer (No Comments)*

9. *Kings County Fire Department (No Comments)*

G. Environmental Impact Assessment and compliance with CEQA

This project, ZTC 22-01 is not subject to CEQA review under statutory exemption 152608 ministerial project.

H. Recommendation:

Staff recommends that the staff report be given, public hearing be opened, testimony taken. Staff is also recommending discussion on conditions for the use permit.

APPEAL TO THE CITY COUNCIL

In case the applicant or any other party is not satisfied with the action of the Planning Commission he may, within ten days after the date of the adoption of the Planning Commission resolution, file in writing with the City Clerk an appeal to the City Council. The appeal shall state specifically wherein it is claimed that there was an error or abuse of discretion by the Planning Commission, or whereby its decision is not supported by the evidence in the record.

The City Council shall set a date a date for the public hearing and shall post notices as set forth in code. The date for the public hearing shall not be less than ten nor more than thirty days from the date on which the appeal was filed.

By resolution, the City Council may affirm, reverse or modify a decision of the Planning Commission, providing that the City Council make the findings prerequisite.

The decision of the City Council shall be final and shall have immediate effect. 11-27 (G) 1

ORDINANCE NO. 637

**AN ORDINANCE OF THE CITY OF CORCORAN
BANNING NON-MEDICINAL AND MEDICINAL
COMMERCIAL CANNABIS CULTIVATION,
BUSINESSES, TRANSACTIONS AND LAND USES.**

**THE CITY COUNCIL OF THE CITY OF CORCORAN DOES ORDAIN AS
FOLLOWS:**

Section 1. PURPOSE. There are adverse secondary impacts of cannabis/marijuana cultivation, processing, manufacturing, distribution, sales and use which include, without limitation, criminal activity, pungent odors, excess water consumption, toxic mold, excessive energy consumption and indoor electrical fire hazards, loitering at dispensaries and robbery of cannabis businesses which transact business primarily in cash. The provisions of this ordinance are intended to promote the public safety, health, comfort and general welfare, in order to provide a plan for sound and orderly development, and to ensure social and economic stability within the various zones established by the Corcoran Zoning Ordinance.

Section 2. FINDINGS AND PURPOSE. The City Council of the City of Corcoran hereby finds and declares the following:

- (a) California Constitution Article 11, Section 7 authorizes the City of Corcoran ("City") to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws;
- (b) California Government Code § 37100 authorizes the legislative body of a local government to enact local ordinances which are not in conflict with the Constitution and laws of the State of California or the United States;
- (c) The federal Controlled Substances Act, 21 U.S.C. §§ 801 et seq., classifies cannabis/marijuana as a Schedule I drug, which is defined as a drug or other substance which has a high potential for abuse, no currently accepted medical use in treatment in the United States, and has not been accepted as safe for use under medical supervision. The federal Controlled Substances Act declares it unlawful for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, cannabis. The federal Controlled Substances Act contains no exemption for cultivation, manufacture, distribution, dispensation or possession of cannabis for medical or non-medical purposes;

(d) On June 28, 2016, the Secretary of State of the State of California certified Proposition 64, the Control, Regulate and Tax Adult Use of Cannabis Act ("AUMA" or "Proposition 64"), for the November 8, 2016 statewide presidential general election ballot;

(e) The AUMA became law when a majority of the electorate voted "yes" on Proposition 64. The AUMA, to a certain degree, decriminalized under state law the possession, consumption, cultivation, processing, manufacture, distribution, testing and sale of non-medicinal cannabis/marijuana and derivative products, including edibles, for adults twenty-one (21) years of age and older. The AUMA also included provisions for licensing commercial cannabis and preserved the authority of local governments to regulate, and in some cases ban, certain cannabis activities within their boundaries.

(f) On June 27, 2017, Senate Bill 94 ("SB-94"), which was a state budget trailer bill, was signed into law by the Governor of the State of California. This legislation clarified and/or revised certain portions of the AUMA and also certain state statutes pertaining to medicinal cannabis/marijuana, including the authority of local governments to regulate, and in some cases ban, certain cannabis activities within their boundaries;

(g) The AUMA now regulates, among other matters, the use of cannabis/marijuana for non-medicinal personal and commercial purposes, including the recreational use of cannabis by adults over twenty-one (21) years of age;

(h) To regulate personal use of cannabis, the AUMA added Health and Safety Code § 11362.1 which, among other things and with certain exceptions, made it "...lawful under state and local law..." for persons 21 years of age or older to "...possess, process, transport, purchase, obtain or give away to persons 21 years of age or older without any compensation whatsoever..." up to 28.5 grams of non-medical cannabis in the form of concentrated cannabis or not more than eight grams in the form of concentrated cannabis contained in cannabis products;

(i) The AUMA also removed certain state criminal law prohibitions for adult individuals who "...possess, plant, cultivate, harvest, dry or process not more than six living cannabis plants and possess the cannabis produced by the plants...";

(j) The AUMA also clarified that state law does not prohibit specified adult individuals from smoking or ingesting cannabis or cannabis products;

(k) To regulate commercial use of non-medical cannabis, the AUMA added Division 10 (Cannabis) to the Business & Professions Code, which vested certain state agencies with "...the sole authority to create, issue, deny, renew, discipline, suspend, or revoke licenses..." for certain non-medicinal commercial cannabis business activity including

microbusinesses, transportation, storage (unrelated to manufacturing activities), distribution, testing, and sale of cannabis and cannabis products within the state;

(l) The AUMA provides that specified state agencies shall promulgate rules and regulations and shall begin issuing state business licenses under Division 10 of the Business & Professions Code by January 1, 2018;

(m) The AUMA specifies that a local jurisdiction shall not prevent transportation of non-medicinal cannabis or derivative products on public roads by a licensee transporting cannabis or derivative products in compliance with Division 10;

(n) The AUMA authorized cities to "...reasonably regulate..." without completely prohibiting cultivation of cannabis inside a private residence or inside an "...accessory structure to a private residence located upon the grounds of a private residence which is fully enclosed and secure...";

(o) The AUMA authorized cities to completely prohibit outdoor cultivation on the grounds of a private residence until a "...determination by the California Attorney General that nonmedical use of cannabis is lawful in the State of California under federal law...";

(p) The AUMA authorized cities to completely prohibit the establishment or operation of any non-medical cannabis business licensed under Division 10 within its jurisdiction, including cannabis dispensaries, cannabis retailers and cannabis delivery services;

(q) Absent appropriate local regulation, which is authorized by the AUMA, only state regulations will be controlling within a given local jurisdiction;

(r) Until the AUMA was enacted, state statutes prohibited cultivation, possession and sales of non-medicinal cannabis and therefore overlapping local regulations would have been preempted by state statute;

(s) The City has permissive zoning standards which prohibit all land uses not expressly allowed and has applied the same, without exception, to all instances of medicinal cannabis, including, but not limited to, cultivation, distribution, dispensing, transportation, sales and gifting;

(t) The existence of cannabis cultivation operations carries the potential to increase secondary impacts such as: (1) robberies, break-ins and other thefts due to the high monetary value of cannabis plants; (2) dangerous alterations to the electrical wiring of buildings; (3) toxic amounts of mold spores present in buildings intended for human occupation; (4) the potential for exposure to or increased usage by school aged children; (5) the spread of strong, pungent and/or noxious odors from cannabis plants;

(u) The City has legitimate and compelling interests in protecting the public health, welfare and safety of its residents, as well as preserving the peace and quiet of the neighborhoods within the City;

(v) The City has determined that a regulatory ordinance is necessary to protect the public health, welfare and safety of residents of the City to the maximum extent allowable under California law to address the adverse secondary impacts resulting from changes to California law through the AUMA and Senate Bill 94 (2017);

(w) The cultivation of substantial amounts of cannabis/marijuana in any location or parcel of real property within the City poses serious threats to the health, safety, and well-being of the City and its residents, including the following:

(1) By concentrating substantial amounts of cannabis in one place, such locations and parcels are frequently associated with, and create a significant risk of, burglary, robbery, armed robbery, and larceny and other property crimes; and acts of violence in connection with the commission of such crimes or the occupants' attempts to prevent such crimes.

(2) Such locations and parcels are frequently associated with other criminal activities, including unlawful sales of cannabis to individuals, including minors who are not qualified medical patients, trafficking of cannabis outside the City by unlawful enterprises, and possession and discharge of unlawful firearms.

(3) The creation of persistent malodorous smells reaching into populated areas far beyond cannabis grow sites. Cannabis plants, as they begin to flower and for a period of two (2) months or more during the growing season (August - October for outdoor grows), produce an extremely strong odor, offensive to many people, and detectable far beyond property boundaries. This malodorous smell is often described as "skunky," as it resembles the odor of a skunk.

(4) The distinctive smell of flowering cannabis also creates an attractive nuisance, alerting persons to the location of the valuable cannabis plants, and creating a risk of theft, burglary, robbery and armed robbery and associated violent confrontations.

(5) Cultivation of large amounts of cannabis also frequently requires excessive use of water resources, which exacerbates drought conditions.

(6) Extensive indoor cultivation of large amounts of cannabis also frequently requires excessive use of electricity, which often creates an unreasonable risk of fire from the electrical grow lighting systems used in indoor cultivation.

(x) Cultivation and sales of any amount of cannabis and/or derivative products at

locations or parcels within six hundred (600) feet of schools, school bus stops, school evacuation sites, churches, parks, child care centers, or youth-oriented facilities creates unique risks that the cannabis plants may be observed by juveniles, and therefore be especially vulnerable to theft or recreational consumption by juveniles. Further, the potential for criminal activities associated with cannabis cultivation in such locations poses heightened risks that juveniles will be involved or endangered. Therefore, cultivation and sales of any amount of cannabis or derivative products within such locations or parcels is especially hazardous to public safety and welfare, and to the protection of children.

(y) As recognized by the California Attorney General's August 2008 **GUIDELINES FOR THE SECURITY AND NON-DIVERSION OF CANNABIS GROWN FOR MEDICAL USE**, the cultivation or other concentration of cannabis in any location or parcels without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime. There is no known reason why this same principle would not apply to non-medicinal cannabis.

(z) It is the purpose and intent of this ordinance to implement State law by providing a means for regulating non-medicinal and medicinal cannabis in a manner which is consistent with applicable state laws and which promotes the health, safety, security and welfare of local residents within the City. This Chapter is intended to be consistent with Proposition 64 and Senate Bill 94, and to that end, is not intended to prohibit any person from exercising any right otherwise granted by state law. Rather, the intent and purpose of this Chapter is to establish reasonable regulations upon the manner in which cannabis and cannabis products must be cultivated, manufactured, processed, stored and sold or gifted, in order to protect the public health, safety, security and welfare of all of the residents of the City.

(aa) The limited right of individuals under state law to cultivate cannabis plants for non-medicinal purposes and/or to carry on a cannabis business without violating state criminal laws does not confer the right to create or maintain a public nuisance. By adopting the regulations contained in this Chapter, the City will achieve a significant reduction in the aforementioned harms caused or threatened by the cultivation of non-medicinal cannabis and/or carrying on of any cannabis business within the City.

(bb) Nothing in this ordinance shall be construed to allow or legalize cannabis for any purposes, or allow or legalize any activity relating to the cultivation, distribution or consumption of cannabis which is otherwise illegal under state or federal law. No provision of this Chapter shall be deemed a defense or immunity to any action brought against any person by the County District Attorney or the Attorney General of State of California.

Section 3. CODE ADOPTION. Chapter 11-34 of Title 11 is hereby added to

the Corcoran Municipal Code and reads as follows:

CHAPTER 11-34 COMMERCIAL CANNABIS

- 11-34-010 Authority and Title.**
- 11-34-020 Definitions.**
- 11-34-030 Nuisance Declared.**
- 11-34-040 Responsibilities of Landowners.**
- 11-34-050 Violations.**

11-34-010 Authority and Title.

Pursuant to the authority granted by Article XI, section 7 of the California Constitution, Health and Safety Code § 11362.2(b)(1), and Government Code § 38773.5, the City Council does enact this Chapter, which shall be known and may be cited as the “Commercial Cannabis Ordinance.”

11-34-020 Definitions.

(a) All definitions set forth within California Health and Safety Code § 11362.7, California Business and Professions Code § 26001 and California Revenue and Taxation Code § 34010, as amended from time to time, and as interpreted by judicial opinions from time to time, shall apply under this Chapter in addition to the definitions set forth within subsection (b) below. In the event of an actual conflict between the definitions within the aforementioned statutes and those contained within subsection (b) below, the definition within subsection (b) shall prevail.

(b) Except where the context otherwise requires, the following definitions shall govern the construction of this Chapter of the Municipal Code:

- (1) “City” refers to the City of Corcoran.
- (2) “Enforcing officer” means the Chief of Police, Community Development Director or other the Code Enforcement Officer, or the authorized deputies or designees of the same, each of whom is independently authorized to enforce this Chapter.
- (3) “Legal parcel” and “parcel” means any parcel of real property which may be separately sold in compliance with the Subdivision Map Act [Division 2 (commencing with section 66410) of Title 7 of the Government Code].
- (4) The terms “cannabis” and “marijuana” shall have the same

meaning within this ordinance. Furthermore, except where otherwise distinguished, the term "cannabis" shall include and refer to both medicinal cannabis and non-medicinal cannabis.

(5) "Medical cannabis" shall have the same meaning as medicinal cannabis in California Business and Professions Code § 26001.

(6) "Municipal Code" refers to the Corcoran Municipal Code.

(7) "Cannabis business" shall mean any "cannabis business activity" as defined California Business and Professions Code § 26001(k), or successor statute, but shall not include any business whose only relationship to cannabis is the production or sale of accessories for individual consumption and/or use of cannabis or cannabis products.

(8) The term "State" refers to the State of California.

(c) Effect of Headings/Titles Within this Chapter: Section and subsection headings and title are provided for organizational purposes only and must not be read to in any manner affect the scope, meaning or intent of the provisions associated with them.

11-34-030 Nuisance Declared.

(a) Prohibited Cannabis Activities: Unless and until this subsection is specifically cited as repealed, notwithstanding any other ordinance of the City, each of the following shall be prohibited everywhere within the City and shall constitute a public nuisance:

(1) Cannabis Retail Sales: Each retail sale of cannabis, cannabis products and industrial hemp;

(2) Commercial Cannabis Business: The operation of any business of the type which requires or could obtain licensure under Division 10 of the California Business and Professions Code (presently consisting of sections 26000-26211) within any portion of the City of Corcoran, including all lands therein and each and all zoning districts established by Title 9 of the Corcoran Municipal Code;

(3) Retail Deliveries Within the City: The delivery, as defined by Businesses and Professions Code § 26001(p) or any successor

statute, of cannabis and/or cannabis product(s) to any parcel of real property within the City in connection with a retail sale thereof; and

- (4) **Microbusinesses**: The operation of any cannabis microbusiness within any land-use zone within the City.

11-34-040 Responsibilities of Landowners for Violations.

(a) No person owning, leasing, occupying or having charge or possession of any parcel within the City shall cause, allow, suffer or permit such parcel to be used for a cannabis business in violation of any provision in this Chapter. For the purpose of enforcing the requirements of this Chapter, the record owner of each parcel within the City shall be fully responsible for all conduct occurring on the parcel which may violate the terms of this Chapter, including the conduct of each of the occupants, invitees, guests, employees, agents and independent contractors on the parcel, if applicable.

(b) The City may report all violations of this Chapter committed by State licensees to the State.

11-34-050 Violations.

(a) Any violation of the provisions of this Chapter by any member of the public is hereby declared to be a public nuisance and may be abated by any or all remedies available.

(b) The City may abate the violation of this Chapter by the prosecution of a civil action through the City Attorney, including an action for injunctive relief. The remedy of injunctive relief may take the form of a court order, enforceable through civil contempt proceedings, prohibiting the maintenance of the violation of this Chapter or requiring compliance with other terms.

(c) Each cannabis plant cultivated in violation of the applicable provisions of this Chapter shall constitute a separate and distinct violation.

(d) Each and every day that a violation exists as to any violation within this Chapter shall constitute a separate and distinct violation.

(e) Each violation of this Chapter may be enforced by any and all lawful remedies available under the Municipal Code and applicable state statute(s), including but not limited to civil fines and penalties, infraction citation, criminal prosecution, public nuisance abatement and civil

injunction, as appropriate, and all available remedies shall be cumulative and not preclude other available remedies.

Section 4. CEQA REVIEW. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment] and 15061(b)(3) [there is no possibility the activity in question may have a significant effect on the environment]. In addition to the foregoing general exemptions, the City Council further finds that the ordinance is categorically exempt from review under CEQA under the Class 8 categorical exemption [regulatory activity to assure the protection of the environment]. The City Manager is hereby directed to ensure that a *Notice of Exemption* is filed pursuant to CEQA Guidelines section 15062 [14 C.C.R. § 15062].

Section 5. NO LIABILITY. The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability or responsibility for damage to person or property upon the City of Corcoran, or any official, employee or agent thereof.

Section 6. PENDING ACTIONS. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 7. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Corcoran hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any

one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 8. CONSTRUCTION. The City Council intends this ordinance to supplement, not to duplicate, contradict or otherwise conflict with, applicable state and federal law and this ordinance shall be construed in light of that intent. To the extent the provisions of the Corcoran Municipal Code as amended by this ordinance are substantially the same as provisions in the Corcoran Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section 9. EFFECTIVE DATE. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the passage hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code § 36933(c)(1) and a summary shall be published once in the Corcoran Journal, a newspaper printed and published in the City of Corcoran, State of California, together with the names of the Council members voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the City Council of the City of Corcoran, State of California, on Nov. 14, 2017 at a regular meeting of said Council duly and regularly convened on said day by the following vote:

AYES: Lerma, Nolen, Palmerin, Robertsona and Zamora-Bragg
NOES:
ABSTAIN:
ABSENT:


RAYMOND LERMA, Mayor

ATTEST:


MARLENE LOPEZ, City Clerk

Chairperson

Karl Kassner

Vice-Chairperson

Kaityln Frazier

Commissioners

David Bega
Dennis Tristao
Janet Watkins
Karen Frey

Planning Commission



**Community
Development
Department**

(559) 992-2151
FAX (559) 992-2348

832 Whitley Avenue, Corcoran
CALIFORNIA 93212

INFORMATION ITEM

Info Item

Item # 7-1 A

To: Planning Commission

From: Kevin J. Tromborg, Community Development Director, Planner, Building Official.

Date: October 17, 2022

Subject: Community Development first quarter report

-
- A. **Report:** Community Development once again is in a transition period regarding staff. In the past weeks we have lost two (2) staff members. This is reflected in the low numbers pertaining to Code Enforcement and the time it takes to respond to complaints. We have contracted with an outside agency for building inspection services on a temporary basis until we fill the position and current administrative staff is assisting Community Development with the day-to-day operations of the four of the five division of community development.

Attached with this report are various reports regarding the Building Division, Code Enforcement Division and the Planning Division.

The Housing Division is once again seeing participants approved for housing re-hab projects and first-time home buyers and we currently monitor over 250 active loans and 300 plus deferred loans.

Dr. Horton, the largest home builder in the United States is ready to pull permits regarding their sub-division, Fox Run 1. Over the next 18 months they plan on building and selling 49 Single Family homes.

Starbucks has completed Site Plan Review and will be submitting plans in the next few weeks. Their plan is to be open for business by April 1, 2023.

City of Corcoran

City of Corcoran Building Division

Permit Activity Report for 07/01/2022 to 09/30/2022

Type of Construction	Permits	Total Fees	SQ Ft	Valuation
<u>CITY PROJECT</u>				
SOLAR COMMERICAL	5	15.00	0	3,959,922
TOTAL FOR : CITY PROJECT	5	15.00	0	3,959,922
<u>COMMERCIAL</u>				
COMMERCIAL REPAIR	2	1,699.35	0	55,000
COMMERCIAL TENANT IMPROVEMENT	2	718.00	0	50,738
ELECTRIC PERMIT	2	558.70	0	16,500
MECHANICAL PERMIT	1	173.24	0	22,296
NEW SERVICE STATION	1	820.92	0	474,700
OTHER	1	0.00	0	0
RE-ROOF	1	276.50	0	0
SCHOOL ADDITION REMODEL	1	15.00	0	93,122
SOLAR COMMERICAL	1	0.00	0	512,093
TOTAL FOR : COMMERCIAL	12	4,261.71	0	1,224,449
<u>ENGINEERING</u>				
ENCROACHMENT	1	168.40	0	5,000
TOTAL FOR : ENGINEERING	1	168.40	0	5,000
<u>RESIDENTIAL</u>				
DUPLEX ADDITION/REMODEL	1	949.03	0	50,000
ELECTRIC PERMIT	7	1,678.89	0	27,200
MECHANICAL PERMIT	9	1,787.65	0	104,816
OTHER	1	167.50	0	3,500
OTHER	4	1,404.85	0	47,500
PLUMBING PERMIT	9	1,663.82	0	67,350
RE-ROOF	14	3,783.68	0	120,532
RESIDENTIAL CARPORT NEW/ADD	1	976.05	0	25,000
RESIDENTIAL PATIO NEW/ADD	6	1,558.01	0	41,600
RESIDENTIAL REPAIR	5	2,488.60	0	141,655
SINGLE FAMILY DWELLING	3	67,726.85	6,760	941,631
SINGLE FAMILY REMODEL	1	32.00	0	100,000
SOLAR RESIDENTIAL	52	22,171.22	0	940,764
TOTAL FOR : RESIDENTIAL	113	106,388.15	6,760	2,611,548
	131	110,833.26	6,760	7,800,919

Planning Activity Log

For the Date Range: 7/1/2022 to 9/30/2022

Ref #	Status	Applicant	Description / Notes	Project Type	Date Filed	PC Date / Action	CC Date / Action
22-0007	APPROVED	Roberto Roque Velasquez	Applying for CUP for the sell of liquor at Medranos Restaurant	Conditional Use Permit	5/20/2022	6/20/2022 Approved	7/12/2022 Approved
22-0010	PENDING	ANTHONY BELTRAN	Splitting one (1) parcel into four (4) parcels.	Final Parcel Map	7/25/2022		
22-0011	PENDING	RAUL COBOS	LOT SPLIT INTO THREE (3) PARCELS. PARCEL #1 WILL BE 9,037 SQ. FT. PARCEL #2 WILL BE 10,620 SQ.FT. AND LOT #3 WILL BE 29,254.	Final Parcel Map	8/10/2022		
22-0012	PENDING	ROBERT J. MUSTAIN & PARTH PATEL	Zone Text Change to allow cannabis dispensary in CD zone district	Zone Text Change	8/19/2022		
22-0013	PENDING	LANE ENGINEERS, INC.	TENTATIVE PARCEL MAP TO CREATE 4 PARCELS.: (PARCEL #1 29,079 SQ.FT.) (PARCEL #2 14,540 SQ.FT.) (PARCEL #3 14,540 SQ.FT.) (PARCEL #4 19,386 SQ. FT.)	Tenative Parcel Map	8/31/2022		
22-0014	PENDING	STOCK FIVE HOLDINGS, LLC	STARBUCKS	Site Plan Review	9/1/2022		
22-0015	ACTIVE	City of Corcoran	Land use and zoning change from R1-6 to Service Commercial (CS) & GP ammendment 22-01	Zone Land Use Change Designation	9/14/2022		

Total Projects Listed for Report: 7

Planning Applications Filed Summary

Report Date Range: 7/1/2022 to 9/30/2022

Application Type:	Count:
Final Parcel Map	1
General Plan Amendment	1
Site Plan Review	1
Tentative Parcel Map	1
Zone Land Use Change Designation	1
Zone Text Change	1

Vehicle Abatement Listing

Notice #	Site Address	Vehicle	License Plate	Violation Locati	Initial Inspect	RBO/Tow Date	Dispo	Notice Comments
VA2022-064	No Address Assigned	Dodge Truck White White 1995 Dodge Truck	8R81915	STREET		7/8/2022	Tagged	This vehicle appears inoperable and/or abandoned: may be covered with layers of dust and have flat tires, and not been moved within 72 hours. You are hereby given until 07/20/2022 to remove your vehicle, park on a cemented or gravelled area and cover with a legal car cover otherwise it will be towed and dismantled.

Total Count of Properties Listed: 1

Code and Zone Cases Logged (Summary)

Notice	Status	Site Location	Owner Name	Initial Inspect	Next Inspect	Closed Date	Description	Type
PM2022-017	OPEN	1511 APPERSON CTCorcoran, CA 93212	AYALA, TORIBIO A & YUNUEN A ZAVALA H/W	8/15/2022	8/25/2022		Overwatering of back yard, water flows into neighbors yard	Property Maintenance
PM2022-018	OPEN	25876 7TH AVECorcoran, CA 93212	MENDOZA, LUZ M	8/17/2022	8/29/2022		Overgrown tree at street, hindering vehicles from passing	Property Maintenance
PM2022-019	OPEN	25888 7TH AVECorcoran, CA 93212	GARCIA, OLIVIA R 50%	8/17/2022	8/29/2022		Overgrown willow tree at street	Property Maintenance
SSB2022-008	OPEN	1520 LETTS AVECorcoran, CA 93212	SMITH, BRYAN D & KATHY H/W				Fire in main house due to electrical issues	Substandard Structures
VA2022-064	OPEN	No Address AssignedCorcoran, CA 93212	HOUSING AUTHORITY OF THE CO OF KINGS THE	7/8/2022	7/20/2022		Abandoned or Inoperable Vehicle Dodge 8R81915	Vehicle Abatement

Total Count of Cases Listed: 5

Chairperson
Karl Kassner

Vice-Chairperson
Kaityln Frazier

Commissioners
David Bega
Dennis Tristao
Janet Watkins
Karen Frey

Planning Commission



Community
Development
Department

(559) 992-2151
FAX (559) 992-2348

832 Whitley Avenue, Corcoran
CALIFORNIA 93212

INFORMATION ITEM

Info Item

Item # 7.1 B

To: Planning Commission

From: Kevin J. Tromborg, Community Development Director, Planner, Building Official.

Date: October 17, 2022

Subject: Update: 6th cycle Regional Housing Needs Assessment (RHNA)

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- A. **Report** The Regional Housing Needs Assessment, or RHNA, is a state mandated process that requires cities and counties plan for adequate housing to accommodate the existing and future housing needs for all economic segments of their communities.

As reported with the previous update, the City of Corcoran has been working with KCAG, Kings County, Lemoore and Avenal regarding the 6th cycle of RHNA. The three step of the process includes:

1. Regional Hosing Needs determination. (Completed)
2. Preparation of the RHNA plan and allocation. (Completed) Methodology approved by HCD and has been posted for publication. Public Hearing and Adoption of the final plan in January of 2023.
3. Housing Element updates (TBD) after adoption of the plan.

The RHNA objective is as follows:

1. Increase the housing supply and the mix of housing types and allocation that includes units for low income and very low-income households.
2. Promoting infill development and socioeconomic equity and the protection of the environment and agriculture. The reduction of greenhouse gas emissions through the encouragement of efficient development.

3. Promoting and improving relationships between jobs and housing that includes a balance of low wage jobs and housing for low wage workers.
4. Fair housing for all income levels

Corcoran's RHNA allocation for the 6th cycle is 8% of the total for Kings County or 715 Units.

Staff will bring information on the Public Hearings and the final RHNA Plan regarding the 6th cycle and the process to update our Hosing Element.