Call to Order
Roll Call

Pledge of Allegiance Led by Council Member Ward
Invocation

ORAL COMMUNICATIONS
This is the opportunity to address the Council on any matter of interest, whether on the agenda or not. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

SCHEDULED MATTER
1. Study Session – Updating the Zoning Map
   Re: A study session regarding updating of the zoning map.

CLOSED SESSION
A. Closed Session Pursuant to:
   1- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.

RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

ADJOURNMENT - to the meeting of November 1, 2011 at 5:30 p.m.

Pursuant to Ordinance No. 1766, the Council Meeting shall adjourn no later than 9:45 p.m., unless otherwise approved by a majority of the Council Members present.

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Office of City Clerk at (559) 782-7464. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.

Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection during normal business hours at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, and on the City’s website at www.ci.porterville.ca.us.
COMMENT: Over the past several years, the City of Porterville has undertaken a comprehensive program to prepare and adopt an updated General Plan, Development Code and Zoning Map. State law requires that a community have a General Plan. As the name implies, General Plans are general, policy documents that set forth policy direction on how the city will grow over the next 20 years. The Development Code and the Zoning Map are implementation tools of the General Plan. The Development Code sets forth the regulations that govern development and the Zoning Map identifies areas where different types of land uses can locate.

At the time of adoption of the Zoning Map in 2010, staff recommended that the adoption be followed up by an extensive review over the initial implementation period with an update to the Council and amendments made as necessary to reflect the City’s policy interests. As staff began applying the Zoning Map and reviewing zoning district information in the City’s Geographic Information System (GIS) it became clear that there were inconsistencies with the General Plan and errors on the map. Staff found that generally, the errors in the Zoning Map fell into four primary categories, which are as follows:

1) General Plan Diagram vs. Parcel Specific Zoning Map. The General Plan Land Use Diagram is a “diagram”, not a parcel specific map. The Land Use Diagram does not show parcel lines, but broadly shows the location of where types of land uses are allowed to be located within the city. When the land uses in the diagram were transferred from the “general” General Plan Diagram to the parcel-specific Zoning Map, some parcel-specific information was not transferred precisely.

A good example of this is seen in the residential parcels located on the east side of Oak Grove Elementary School, which were zoned “Public and Semi-Public - PS”, the same as the school. Oak Grove Elementary is located on the south side of Mulberry Ave. between Matthew and Belmont. The General Plan Diagram designated the southwest corner of Mulberry and Belmont for an “Education” land use. However there is a row of single family homes along Belmont that separates the school from the street. The General Plan Diagram did not show these homes, but the parcel specific Zoning Map on the City’s GIS layer did. As a result, when the information was transferred, all of the
homes east of the school were inadvertently zoned “PS” for public uses because of their proximity to the school. Staff is correcting this error by changing the zoning on these parcels to RS-2, Low Density Residential, which is consistent with adjacent residential zoning. See Exhibit A for more information.

Another example is commercial zoning along the north side of Olive Avenue east of Newcomb. The General Plan Diagram shows almost a straight line dividing the commercial parcels fronting Olive Avenue from residential parcels to the north. However, the lot lines between the commercial and residential land uses do not form a straight line. As a result, when the Zoning Map was created some residential parcels were zoned commercial that should have been residential and other parcels received split zoning (or two different zone classifications) on the same parcel. See Exhibit B for this example. Staff reviewed this zoning on a parcel by parcel basis, making a specific determination as to the appropriate zoning using aerial photos, site visits and in this case, a written request by an affected property owner. A similar process was used for the correction of all of the errors on the City’s Zoning Map.

2) Outdated Parcels. A second commonly noted error that occurred on the Zoning Map was a result of outdated parcel information the consultant used at the time of the zoning map preparation. The parcel-specific Zoning Map contained the same base information used to create the General Plan Land Use Diagram in 2008. The information used to create the map included Tulare County Assessor’s Parcel Numbers and accompanying assessor maps. This information was given to the consultant when the General Plan update began and the same information was used to create the Zoning Map approximately six years later. Since then, many of the parcels had changed configuration and new numbers had been assigned as development had occurred. As a result, the GIS layer of the Zoning Map applied zoning to some street right-of-ways that should not have received any zoning classification. An example is shown in Exhibit C, where streets are designated with RS-2 zoning because the underlying parcel had not been subdivided when the base map was first created.

3) Polygon’s vs. Assessor’s Parcels. The City’s Zoning Map is created with layers of information from the City’s GIS program that is transferred to a base map. Examples of these layers include streets, physical features, lot lines, zoning, etc. When zoning is applied to the map, it “fills” predetermined parcels that were created through the county assessor’s parcel map information or assessor parcel numbers (APN). However, not all properties that are shown on the map have been assigned an APN. For those areas without an APN, a polygon is manually created to define the boundaries of that spatial object. An
example of this is the old San Joaquin Valley Railroad that has now become part of the Rails to Trails project. This abandoned railroad line had no assigned APN so a polygon was created to show the limits of the line. In some cases, the polygon transverses streets and carried a zoning classification over the street. Exhibit D shows this example. The Zoning Map will be amended to remove zoning from all rights-of-way.

4) Other Corrections. In addition to the technological errors described above, staff found that other zoning was simply misapplied; i.e. the best zoning for the lot was not applied to the map. An example of this category is the zoning of Eastridge Plaza, the shopping center at Plano Street and Olive Avenue where Vallarta grocery store is located. This shopping center was originally zoned Planned Development (PD) because it was developed in conjunction with adjacent residential uses. With the 2010 update to the zoning map, the zoning was changed to Downtown Mixed Use. This zoning does not appear appropriate for this shopping center because it makes some of the uses nonconforming. By returning the zoning to the PD designation, the current uses will remain legal conforming.

Another example is when the polygons, described above, were shown on the General Plan Map as a linear park or open space area and later received “PK” or Parks and Public Recreation Facilities zoning when in actuality they are privately owned. In these cases the polygon will be changed to an appropriate adjacent zoning. Exhibit E shows an example along the Tule River.

The overall goal of the Zoning Map update is to achieve greater consistency between the Zoning Map and the General Plan Land Use Diagram. The update will also clarify inconsistencies between existing land uses and zoning in accordance with the overall direction given by the Land Use Diagram, eliminate split zoning on parcels and correct obvious errors. Generally, the threshold for determining conformity between the Zoning Map and the Land Use Diagram applies to all lots greater than one acre in size.

The purpose of the study session is to allow an opportunity for staff to explain to the Council and the public the reasons for the update and how changes will be made and to receive questions and input from the Council on the proposed changes. Following the study session, a public hearing will be scheduled for final review and adoption of the map.
RECOMMENDATION: For informational purposes only.

ATTACHMENTS:

1. Exhibit A: Example 1 – General Plan not intended to be parcel specific
2. Exhibit B: Example 1 – General Plan not intended to be parcel specific
3. Exhibit C: Example 2 – Outdated Information
4. Exhibit D: Example 3 – Technological Issues
5. Exhibit E: Example 4 – Other Corrections
General Plan not intended to be parcel specific

Oak Grove Elementary School
3 - Technological Issues