

# A GUIDE TO PROCEDURES FOR: GENERAL PLAN AMENDMENT

## PURPOSE

California State Law requires that all cities and counties have comprehensive general plans that provide a policy statement and guide for the development and conservation of the community. All general plans are required to consist of the following elements: **land use, circulation, housing, conservation, scenic highway, open space, noise and safety**. Review Banning's [General Plan](#) for comprehensive list of elements.

A comprehensive update to the City's General Plan was approved in January 2006. Although the City will periodically review and update its General Plan, there occasionally arises a need or desire to change some specific portion of the Plan such as the land use designation for a particular area. In accordance with State Law, Banning can change each element of its General Plan only four times during the calendar year. These four times do not have fixed dates, but are generally spaced three months apart as necessary. Often specific changes will be considered at one time as one amendment.

No portion of the General Plan should be amended without reviewing the entire General Plan. Ordinarily, piecemeal amendments to the General Plan should not occur unless related conditions have changed since the last adoption of the Comprehensive General Plan or circumstances unforeseen at the time of the adoption of the Comprehensive General Plan become known. Changes in a General Plan usually mean amended goals or objectives in the development policies of the City. The General Plan represents one of the most important policy statements of the City. Proposed changes are reviewed very carefully by the Planning Commission who will make recommendations to the City Council about any amendments to the General Plan. **Applications for amendments should only be made when there are compelling reasons for a change in the Plan.**

## PROCESS

### **Step 1 - Project Consideration**

The applicant should carefully review what the present [General Plan](#) calls for in the location or area affected. A proposed land use change should be compatible with the surrounding uses and provide a logical progression for the City's development. In addition:

The applicant is advised to review the proposed amendment in advance with area residents, property owners, and other parties who may be affected by the proposed changes.

Local utilities and other special agencies should be contacted and consulted regarding the requirements for future development in the area, if necessary.

### **Step 2 - Review by Staff**

Prior to application, an appointment should be made with the Planning staff to discuss the feasibility of the request, the history of similar proposals, the intent of the City policy, possible environmental concerns and required data and procedures to be followed through the process.

### **Step 3 - Filing of Application**

The applicant will submit the completed [application](#), filing fee and other required data (see "Applicant Submittal Requirements" at end of this document.) to the Community Development Department.

A staff planner will be assigned to review the material to make sure all the required information is provided.

The applicant will be notified within 30 days after filing as to whether the application is complete and whether additional information is required.

The fee for processing an application is determined by the number of hours that professional staff spends on the project at a rate established by the City Council.

### **Step 4 - Environmental Review**

Nearly all General Plan Amendment requests are required to have an environmental assessment to determine if it will be necessary to prepare an Environmental Impact Report. Information on timing and sequence of this process is contained in ["A Guide to Procedures for Environmental Review."](#)

### **Step 5 - Staff Review for Planning Commission**

Once the application has been deemed complete, Planning staff will:

- Study the request by reviewing the General Plan's current policy or land use designation, conducting an investigation of the site, and assessing the impact and need of the proposed change.
- Analyze the potential environmental impacts, and
- Analyze any other issues unique to the proposed request.

- A written staff report will be prepared for the Planning Commission (PC) which will analyze the requested change and state the staff recommendation. **A copy of this report will be sent to the applicant on the Friday before the schedule PC hearing date.** Copies of the report are also available to the public after they have been sent to the PC.

## **Step 6 - Planning Commission Review**

The PC is required to hold at least one hearing on any proposed general plan change. Once the application has been deemed complete. Staff will prepare a public notice scheduling the General Plan Amendment application on the next available PC Agenda. The notice must be posted no fewer than 10 days prior to the hearing date and must be mailed to every property owner and occupant within a 300 foot radius of the property site. The notice will also be posted in City Hall and appear in the a newspaper of local circulation.

At the public hearing:

- Staff will present a report and recommendation to the PC.
- The staff presentation will be followed by testimony from the applicant and any interested persons who wish to comment on the application.
- A decision will be made by the PC after evaluating the public testimony, the staff report, and the environmental information.
- The recommendation of the PC will then be forwarded to the City Council (CC).
- If the Commission recommends approval, a CC public hearing will be automatically scheduled.
- If the Commission recommends denial, no action will be taken by the CC unless a written appeal has been filed with the City Clerk within ten (10) days after the PC's final action.

## **Step 7 - City Council Review**

Upon receipt of a PC recommendation for approval or an appeal of denial, a CC public hearing will be scheduled. The same legal notifications provided for the PC is required for the Council hearing. At its meeting, the Council also takes into consideration:

- Public testimony,
- Staff's report to the Council,
- Environmental information and documentation, and
- The PC recommendation.

Following receipt of public testimony, the CC may:

- Close the public hearing and make its decision,
- Postpone the decision to a later date and continue the public hearing to a specific time, date, and place,

- Refer the matter back to the Commission for further evaluation.

The decision of the City Council is final

### **Step 8 - Relationship to Other Actions**

Many changes in a general plan land use designation will also require a change in the City's Zoning Ordinance, thus requiring a rezoning application. [Procedures for Rezoning](#) application will be provided to the applicant early in the process, if required. In most cases, the processing of the rezoning application and development plan review can be initiated by the applicant at the same time as a general plan change. The two applications can be processed concurrently.

### **ESTIMATED TIME OF PROCESS**

The actual time for processing a General Plan Amendment application will vary depending upon the complexity and magnitude of the proposal and staff, Commission and Council workloads, but it is generally estimated as follows:

- From completed application to PC public hearing with:
  - a Negative Declaration: **4-6 WEEKS**
  - an Environmental Impact Report: **14 WEEKS**
- PC recommendation to CC action: **4 WEEKS**
- Total Estimated Process Time: **8-18 WEEKS**

### **APPLICATION SUBMITTAL REQUIREMENTS**

- A completed [General Application, Authorization Form and Environmental Application.](#)
- Appropriate application fees (check made payable to the City of Banning).
- A letter detailing the exact section of the General Plan to be amended, the reasons for requested amendment, and a draft of the requested amendment language.
- Any plans listed in the Application Submittal Requirements for Conditional Use Permits, Variances and Design Review, which staff may deem to be applicable.