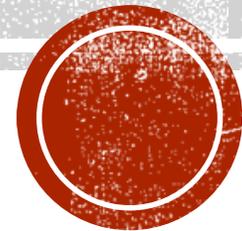


**“CONGRATULATIONS, YOU’RE A PLANNING  
COMMISSIONER ... NOW WHAT?”**

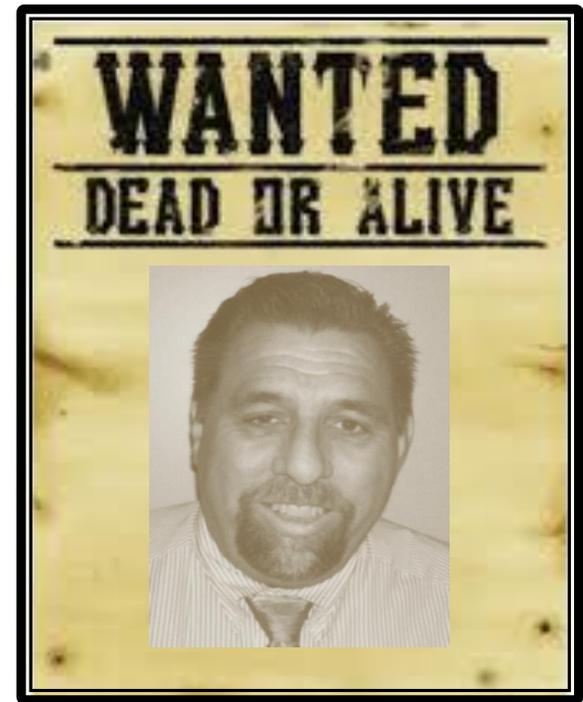
**California County Planning Commissioners Association**

**October 25,2019**



# INTRODUCTION

- Michael Washam, Associate Director
- Resource Management Agency (RMA)
- 35 years private and public sector experience
- Economic Development Office
- California Polytechnic University, Pomona – Finance, Real Estate and Law (FRL)
- California State University – Urban and Regional Planning
- University of Oklahoma – Institute of Economic Development (OU IED)



# **“CONGRATULATIONS, YOU’RE A PLANNING COMMISSIONER . . . NOW WHAT?”**

- Although being a Planning Commissioner will always be challenging, learning some of the basic topics will make the challenge easier and more understandable.
  - Authority and Duties of the Planning Commission
  - Planning, Zoning, and the Subdivision Map Act
  - California Environmental Quality Act (CEQA)
  - Planning Commission Decisions
  - Planning Commission Findings and Conditions
  - Planning Commission Open Meeting Laws
  - Planning Commission Tips



# AUTHORITY AND DUTIES OF THE PLANNING COMMISSION

- Authority of the Planning Commission

- Board of Supervisors assigns the functions its planning agency to a planning department, one or more planning commissions, administrative bodies or hearing officers, the legislative body itself, or any combination thereof, as it deems appropriate and necessary.

*Government Code sections 65100 et seq*

- Duties of the Planning Commission

- Planning Commission duties vary depending on jurisdiction but most have the following responsibilities: General Plan; Specific Plans; Zoning Ordinance; Subdivision Maps; Conditional Use Permits; Special Studies; and more.
- Some local agencies divide land use decision-making by creating positions and commissions to focus on specific aspects of the land use planning process such as: Board of Zoning Adjustment; Building Official; Historic Preservation Commission; Zoning Administrator; Zoning Board; and more.



# PLANNING, ZONING, AND THE SUBDIVISION MAP ACT

- **General Plan**
  - Land Use
  - Circulation
  - Housing
  - Conservation
  - Open Space
  - Noise
  - Safety
  - ❖ **Environmental Justice**
  - ❖ **Air Quality**
- **Required Elements**
- **Voluntary Elements**
- **Specific Plans**
- **Zoning Ordinances**
  - Cannabis, Industrial Hemp, Short Term Vacation Rentals
- **Subdivision Map Act**
  - To regulate and control design and improvements of subdivisions
  - Types of Maps
    - Parcel Maps (Four or less parcels)
    - Tentative Maps (Five or more parcels)
    - Vesting Tentative Map
  - Conditions of Approval of Maps: Dedications and Extractions
    - Conditions relating to parkland, schools, streets, bike paths, local transit facilities, etc...



# **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

- Prior to taking action, all projects undergo CEQA review
- Exemptions
  - Categorical Exemption
  - Statutory Exemption
- Initial Study (IS) – Environmental Checklist 21-Factors
- Negative Declaration(ND)
- Mitigated Negative Declaration (MND)
  - Mitigation, Monitoring and Reporting Program (MMRP)
- Environmental Impact Report (EIR)
  - Statement of Overriding Considerations (SOC)
- Notice of Determination (NOD)/Notice of Exemption (NOE)
  - Starts a 30-day statute of limitations on court challenges under CEQA
- Fair Argument vs. Substantial Evidence



# PLANNING COMMISSION DECISIONS

- **Quasi-judicial**
  - Discretionary permit, license, map appeal
  - Findings are required
  - Decisions based on substantial evidence
  - Impartial decision-maker
  - Courts will “scrutinize” local agency decisions
  - Decisions are considered final; appealable to the Board of Supervisors
- **Legislative**
  - Adoption of Zoning, General Plan and Specific Plan
  - Can’t be arbitrary or capricious or entirely lacking evidentiary support.
  - Proper procedures must be followed
  - Courts give “deference” to the local agency
  - Decisions are recommendations to the Board of Supervisors



# PLANNING COMMISSION FINDINGS & CONDITIONS

- Findings
  - Bridge the “analytical gap” between the evidence presented and the decision
  - State the “how” and/or “why” the decision was made
  - Explain the basis of the Commission's decision to the Board of Supervisors and the public
  - Included in the resolution
- Conditions of Approval
  - Included in staff report and resolution
  - Standard conditions
  - Special conditions
  - Necessary for project compliance



# PLANNING COMMISSION OPEN MEETINGS

- **Brown Act**
  - Notice
  - Agendas
  - Public Meetings
  - Public comment
- **Public Record Act**
  - Email
- **Conflict of Interest**
  - Political Reform Act (FPPC)
  - Recusal
  - Form 700
  - New 500 foot rule presumes material impact
  - More critical in quasi-judicial approvals than legislative actions



# PLANNING COMMISSION TIPS

- Be transparent in decision-making.
- Avoid conflicts of interest
- Don't dominate the discussion
- Be prepared
- Listen attentively
- Alert staff of changes & concerns ahead of time
- Articulate reasons for your decision
- Take advantage of training opportunities



**THANK YOU**

