

Planning Facts Sheet

Frequently Asked Questions

How does someone apply for planning approval?

Typically, an applicant will consult with Planning Staff prior to submittal in order to determine the permit type and process for their project. After an initial meeting with Planning Staff, an applicant should fill out the appropriate application materials and submit a complete application package to the Community Development Department. Large residential and commercial projects are required to submit for a pre-application in order allow staff to informally review a proposed development and determine the most efficient method of development review before substantial commitments of time and money are made in the submission of an application.

How does Planning Staff check the application?

First, Planning, Engineering, and Building Staff review the application package in order to determine if the application is complete. If the application is not complete, Staff will write a letter of incompleteness and send it to the applicant within 30 calendar days of the submittal.

If Planning Staff reviews the application package and determines that the application is complete, then Staff reviews all of the submitted plans and materials to determine if the project complies with Town code requirements.

What happens if Staff determines that the project does not meet the Town's code requirements?

At that point Staff will consult with the applicant to inform them that their project (or a portion of their project) does not meet the Town's Municipal Code and General Plan. Staff will encourage the applicant to revise their plans to meet Code requirements. The applicant can choose to move forward with their project as designed and submit a Code/Plan Amendment. If the applicant does not submit a code amendment and wants to proceed with their project as proposed, Staff will recommend that the decision-making body (Planning Commission or Town Council) deny the project as submitted.

Why do we accept applications for projects that do not meet our code requirements?

The Town is required by State Law to accept applications for projects that may not meet our code requirements. The applicant may submit an application to amend the code if they feel that the code requirements are in error or do not appropriately represent the typical development. This allows project applicants the opportunity to present their side of the issue to the Planning Commission and allows the Planning Commission to make

a determination if the applicant's assertions are correct and the Code should be amended.

Although Staff has to accept applications for projects that do not meet our code requirements, Staff does not have to recommend approval of these projects.

I would like to know more about the basics of Planning and Zoning. What else can you tell me about the documents and planning process?

Strategic Planning

Strategic Planning is the process of deciding on the goals of the community and on the broad strategies that are to be used in attaining these goals. Strategic planning decisions are made only occasionally and at the highest levels in the organization. (A general plan is primarily concerned with a community's future land use and development and can be part of strategic planning). The purpose of Strategic Planning is to address four key questions:

1. Where are we now?
2. Where are we going?
3. Where do we want to go?
4. How do we get there?

Strategic planning necessarily contains four hierarchical levels of statements:

- Vision goals,
- Objectives,
- Principles and policies, and
- Implementation measures

The hierarchy of the statements range from the very general to the specific. The meaning of each type of statement is specific, they are defined as:

Goals - A goal is a statement that describes in general terms a desired future condition in the broadest terms. It is a general expression of community values and, therefore, may be abstract in nature. A goal is generally not quantifiable or time-dependent. Goals summarize how conservation, development and future growth should occur by identifying physical, economic and social ends that the community wishes to achieve. A goal should be expressed as an end, not an action.

Examples of goals:

- A safe community
- An aesthetically pleasing community

Objectives – An objective is a statement describing a specific future condition that is an intermediate step toward attaining a goal. It should be achievable and, when possible, measurable and time-specific. An objective may pertain to one particular aspect of a

goal or it may be one of several successive steps towards goal achievement. Consequently, there may be more than one objective for each goal.

Examples of objectives:

- The addition of 100 affordable housing units in the next five years.
- A reduction in stormwater runoff from streets and parking lots by 30%.

Principles – an assumption, fundamental rule, or doctrine guiding policies, proposals, actions and implementation measures. Principles are based on community values, generally accepted planning doctrine, best practices, and current technology. Principles underlie the process of developing a general plan and other strategic planning efforts, but seldom need to be explicitly stated in those documents.

Examples of principles:

- Parks provide recreational and aesthetic benefits.
- The residential neighborhoods within a city should be within a safe walking distance of schools.

Policies – A policy is a specific statement that guides decision-making. Policies should be clear and unambiguous. They indicate a commitment of Commissions and the Town Council to a particular course of action. A policy is based on and helps implement objectives. Policies are carried out by implementation measures.

Examples of policies:

- The town shall not approve a parking ordinance variance unless the variance pertains to the rebuilding of an unintentionally destroyed non-conforming use.
- The town shall give favorable consideration to conditional use permit proposals involving adaptive reuse of buildings that are designated as “architecturally significant” by the cultural resources element of the general plan.

Implementation Measures - An action, procedure, program, or technique that carries out policy. Actions should state the task to complete, who should be involved, and when it should be started based on priority and means.

Examples of implementation measures:

- The town shall adopt a specific plan for the industrial park.
- The town shall use tax-increment financing to pay the costs of replacing old sidewalks in the redevelopment area.

These statements are applied to General Plans.

The General Plan

The general plan is a city’s basic strategic planning document. It provides the blueprint for development throughout the community, and is the vehicle through which competing interests and the needs of the citizenry are balanced and meshed. The general plan

addresses all aspects of development, including housing, traffic, natural resources, open space, safety, land uses, and public facilities.

The *land use element* designates the type, intensity, and general distribution of uses of land for housing, business, industry, open space, education, public buildings and grounds, waste disposal facilities, and other categories of public and private uses.

The *circulation element* is correlated with the land use element and identifies the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities.

The *housing element* is a comprehensive assessment of current and projected needs for housing for all economic segments of the community. In addition, it embodies policies for providing adequate housing and includes action programs for that purpose. By statute, the housing element must be updated every five years.

The *conservation element* addresses the conservation, development, and use of natural resources, including water, forests, soils, rivers, and mineral deposits.

The *open-space element* details plans and measures for the long-range preservation and conservation of open-space lands, including open space for the preservation of natural resources, the managed production of resources (including agricultural lands), outdoor recreation, and public health and safety.

The *noise element* identifies and appraises noise problems within the community and forms the basis for land use distribution.

The *safety element* establishes policies and programs to protect the community from risks associated with seismic, geologic, flood, and wildfire hazards.

State law does not require that a general plan have seven distinct and separate elements. It is quite common for a general plan to have only three or four "super-elements" which combine the essences of the seven elements. Along this same line, there is no requirement for the number of maps and diagrams that must be adopted as part of the plan. Each local government decides the specific format and organization of its general plan.

In accordance with the provisions of Section 65358 of the Government Code, the general plan may be amended at any time; provided, however, that no mandatory element of the general plan may be amended more than four times in any one calendar year.

The general plan shouldn't be amended casually. In fact, state law requires that amendments only be made when "in the public interest." Commissioners should be able to answer all the following questions affirmatively when approving an amendment.

- Is the amendment in the public interest (i.e., it advances community goals, describes a community interest, etc.)?
- Is the amendment consistent with all other parts of the general plan (in other words, it doesn't conflict with any of the goals, objectives, policies maps or diagrams contained in any of the general plan's other elements)?
- If the amendment creates a "ripple effect," necessitating other changes to the plan, are those related changes being considered at the same time?
- Will the amendment necessitate changes in zoning or other ordinances and are those changes to be considered within a reasonable time?
- If a mitigated negative declaration or an EIR is adopted or certified for the amendment, have the mitigation measures been incorporated into the amendment?

Specific Plan

The specific plan is just a step below the general plan in the land use approval hierarchy, and is used for the systematic implementation of the general plan for particular geographic areas. Zoning ordinances, subdivisions, public works projects, and development agreements all must be consistent with the adopted specific plan. Specific plans may be adopted by resolution or ordinance. If adopted by ordinance, a specific plan becomes the zoning for the property covered by the plan.

Zoning

Zoning is one of the primary means of implementing a general plan. In contrast to the long-term outlook of the general plan, zoning classifies the specific, immediate uses of the land.

Zoning regulations are generally divided into two classes: (1) those that regulate the height or bulk of physical structures within certain designated districts – in other words, those regulations that have to do with structural and architectural design of buildings; and (2) those that prescribe the use to which buildings and structures, according to their construction, and the nature and extent of their use, and the nature and extent of the uses of land.

Types of agency decisions

There are three categories of agency decisions:

Legislative actions - establish rules, policies, or standards (i.e. re-zonings, code amendments, specific and master plan amendments.)

Administrative/quasi judicial actions - local agency applies an existing law or policy to projects (i.e. conditional use permits, variances, and tentative parcel maps.)

Ministerial actions - involve little or no judgment by the public official (i.e. building permits and approval of final subdivision maps).

In order to comply with State Zoning Law, staff must accept applications for administrative/quasi judicial actions as well as ministerial actions. The State does not require that staff accept applications for legislative acts, however, the Town of Mammoth Lakes Municipal Code allows the owner of a property to submit an application for a zoning amendment as described in the "Amending the Zoning Ordinance" section below.

Zoning Tools

The following are examples of zoning provisions that can be used to further general plan objectives and policies.

Cluster zoning - A district that allows the clustering of structures upon a given site in the interest of preserving open space. Cluster zones typically have a low standard for gross residential density and a high minimum open-space requirement to encourage the clustering of structures.

Conditional use permit (CUP) - A discretionary permit that enables a city or county to consider, on an individual basis, specific land uses that might otherwise have undesirable effects upon an area and to approve such uses when conditions can be placed on them that would avoid these effects.

Design review - Required review of project design and/or architectural features for the purpose of ensuring compatibility with established standards. It is often used in historic districts or areas that have a distinct character worthy of protection. Design review is a means of enforcing aesthetic standards.

Floating zone - A district described in the zoning ordinance but not given a specific location on the zoning maps until a property owner or developer applies for it. Planned Unit Development (PUD) zoning is a common example of a floating zone. Floating zones can implement development standards established in the general plan.

Floodplain zone - A district that restricts development within delineated floodplains in order to avoid placing people and structures in harm's way and obstructing flood flows. The zone may allow for agricultural, open-space or similar low intensity uses.

Hillside development ordinance - Provisions regulating development on steep slopes, often by establishing a direct relationship between the degree of slope and minimum lot size. This can implement specific policies and standards that may be found in the land use, open-space, and safety elements.

Mixed-use zoning - An ordinance provision that authorizes several land uses to be combined in a single structure or project. It is often used for office/commercial/high-density residential projects, such as San Francisco's Embarcadero Center, and increasingly for urban projects that combine ground floor retail/commercial with residential units above.

Open-space zoning - The California Government Code Section 65910 specifically requires the adoption of open-space zoning to implement the open-space element.

Overlay zone - Additional regulations superimposed upon existing zoning in specified areas. Subsequent development must comply with the requirements of both the overlay zone and the base district. Historic districts, airport height restrictions, and floodplain regulations are commonly established by overlay zones.

Planned unit development (PUD) zoning - A type of floating zone designed to provide flexibility in project design and standards. It is usually characterized by comprehensive site planning, clustering of structures, and a mixture of land uses. A PUD can implement specific density, open-space, community design, and hazard mitigation standards contained in the general plan.

Specific plan zone - A district that mandates the preparation of a specific plan prior to development. The specific plan establishes zoning regulations tailored to that site, consistent with the general plan.

Transfer of development rights (TDR) - A device by which the development potential of a site is severed from its title and made available for transfer to another location. The owner of a site within a transfer area retains property ownership but not approval to develop. The owner of a site within a receiving area may purchase transferable development credits, allowing a receptor site to be developed at a greater density. The California Coastal Commission has used this technique to "retire" antiquated subdivision lots in environmentally sensitive areas.

Tree preservation ordinance - Regulations that limit the removal of specified types of trees and require replacement of trees that are removed.

Administrative Zoning Relief

Variances - A variance is a permit issued to a landowner by an administrative agency (i.e. Planning Commission) to build a structure not otherwise permitted under the current zoning regulations. The statutory justification for a variance is that the owner otherwise would suffer unique hardship under the general zoning regulations because this particular parcel is different from the others to which the regulation applies due to its size, shape, topography, location, or surroundings.

Amending the Zoning Ordinance

A change in the boundaries of any zone may be initiated by the owner or the authorized agent of the owner of the property by filing an application for a change in zone boundaries as prescribed in this section. If the property boundaries for which a change of zone is proposed are in more than one ownership, the owner or owners or their authorized agents of a majority of the properties shall join in filing the application.

A change in the boundaries of any zone or change in the regulations may be initiated by the council or the planning commission. A change in the regulations of any zone may be requested by any applicant by filing an application for a change in the zoning regulations and paying an application fee.

Subdivision Regulations

Land cannot be subdivided for sale, lease, or financing in California without local government approval. The Subdivision Map Act establishes statewide uniformity in local subdivision procedures while giving cities and counties the authority to regulate the design and improvement of subdivisions, require dedications of public improvements or related impact fees, and require compliance with the objectives and policies of the general plan.

California Environmental Quality Act (CEQA)

The California Environmental Quality Act requires government agencies to consider the environmental consequences of their actions before approving plans and policies or committing to a course of action on a project. In enacting CEQA, the Legislature explained that this process is intended to: (1) inform government decision makers and the public about the potential environmental effects of proposed activities; (2) identify the ways that environmental damage can be avoided or significantly reduced; (3) prevent significant, avoidable environmental damage by requiring changes in projects, either by the adoption of alternatives or imposition of mitigation measures; and (4) disclose to the public why a project was approved if that project would have significant environmental effects.

CEQA applies to most state, regional, and local agency decisions to carry out, authorize, or approve projects that could have adverse effects on the environment.

If an agency determines that a proposed activity is a project subject to CEQA, it will usually take the following three-step approach: (1) determine whether the project is statutorily or categorically exempt from CEQA; (2) if the project is not exempt, prepare an initial study to determine whether the project may result in significant environmental effects; and (3) prepare a negative declaration, mitigated negative declaration, or environmental impact report (EIR), depending upon the results of the initial study.

Statutory Exemption - A project that falls within a statutory exemption is not subject to CEQA even if it has the potential to significantly affect the environment. Some examples include emergency projects, rejected or disapproved projects, and feasibility or planning studies for possible future actions.

Categorical Exemption - An exemption from CEQA for a class or projects that the Secretary of Resources determines generally will not have a significant effect on the environment, unless an exception to the categorical exemption exists. Some examples include replacement or reconstruction of existing structures, new construction or conversion of small facilities, minor alterations to land, and construction or placement of minor structures accessory to existing facilities.

Initial Study - Under CEQA, the Initial Study (IS) analyzes the proposed project and is used to determine whether or not there are adverse impacts on the environment. The review process and preparation of the Initial Study involve a full assessment of the potential effects of a project on the environment.

These include:

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| a. Aesthetics | j. Land Use and Planning |
| b. Agricultural Resources | k. Mineral Resources |
| c. Air Quality | l. Noise |
| d. Biological Resources | m. Population and Housing |
| e. Cultural Resources | n. Recreation |
| f. Energy | o. Transportation and Traffic |
| g. Geology and Soils | p. Utilities and Services |
| h. Hazards and Hazardous Materials | q. Mandatory Findings of Significance |
| i. Hydrology and Water Quality | |

Upon completion of the IS, it will be circulated to interested parties and related agencies for their comment. Staff will then make an initial environmental determination of the project's impacts.

There are three possible determinations:

- (1) Negative Declaration (a statement that there are no environmental impacts);
- (2) Negative Declaration with Mitigation Measures (a statement that there are potential impacts that can be reduced to a minimum through the adoption of requirements or conditions); or
- (3) Environmental Impact Report (EIR) is required because potential significant impacts can not be reduced to an insignificant level.

Negative Declaration/Mitigated Negative Declaration - A negative declaration describes why a project will not have a significant impact and may require that the project incorporate a number of "mitigation measures" to ensure that there will be no significant impacts resulting from the project. A negative declaration cannot be used when significant impacts are not totally eliminated. Also, when a project consists of several parts, a negative declaration cannot substitute for an EIR if the total project will cause environmental impacts.

Environmental Impact Report - An EIR discusses the proposed project, its environmental setting, its probable impacts, realistic means of reducing or eliminating those impacts, its cumulative effects in the context of other development, and realistic project alternatives. CEQA requires that Negative Declarations and draft EIRs be made available for review by the public and other agencies prior to consideration of the project. The review period (a minimum of 20 days for Negative Declarations and a minimum of 30 days for draft EIRs) allows concerned citizens and agencies to comment on the contents and adequacy of the environmental document prior to its completion. The final EIR must incorporate written responses to the comments submitted by reviewers.

Permit Streamlining Act

This law sets time limits for governmental action on some types of projects. Failure to act within those time limits can mean automatic approval of a project. The act applies to discretionary projects (those which the local government has the power to deny or conditionally approve) which are "adjudicative" in nature. An adjudicative decision applies existing policies and regulations to a particular situation. Use permits, subdivisions, and variances are all actions subject to the Permit Streamlining Act. The Act does not apply to the adoption or amendment of a general plan or of a zoning ordinance.

Generally speaking, local government must take action on administrative projects within 180 days of the date upon which the project's final EIR is certified. This period is 60 days when a negative declaration is adopted or the project is exempt from CEQA. A project may be automatically approved under the Act if the jurisdiction fails to make a decision within the time limit and the developer takes certain actions to provide public notice.

Glossary (in progress)

Goal – The object of a government's, business's, or individual's ambition or effort; a destination or aim. A goal is a statement that describes in general terms a desired future condition. A goal is a statement of intended output in the broadest terms. It is normally not related to a specific time period. Goals normally are not quantified, and hence cannot be used directly as a basis for a measurement system. The purpose of a statement of goals is to communicate the community's decisions about the aims and relative priorities of the organization, and to provide general guidance as to the strategy that the organization is expected to follow.

Implementation measure – An action, procedure, program, or technique that carries out policy.

Objective – An objective is a statement that describes a specific future condition to be attained within a stated period of time. Objectives are typically measurable. An objective is a specific result to be achieved within a specified time, usually one year or a few years. A statement of objectives is a key element because an organization's effectiveness can be measured only if actual outputs are related to objectives.

Plan – An adopted statement of policy, in the form of text, maps, and graphics, used to guide public and private actions that affect the future. A plan provides decision makers with the information needed to make informed decisions affecting the long-range social, economic and physical development of a community.

Planning – Deciding what should be done and how it should be done.

Policy - A policy is a specific statement that guides decision-making for a government, party, business, or individual. A policy is based on and helps implement objectives. Policies are carried out by implementation measures.

Principle – an assumption, fundamental rule, or doctrine guiding policies, proposals, actions and implementation measures.

Project planning – a specialized type of short-range physical planning for small areas or a specific facility.

Program planning – Program planning is the devising of organized activities that produce a desired service.

Requirement – A rule, an imperative, an insisted upon action or measure.

Standards – A rule or measure establishing a level of quality or quantity that must be complied with or satisfied. Standards define the abstract terms of objectives and policies with concrete specifications (e.g. A minimally accepted peak hour level of service for an arterial street is level of service C).

Strategic Planning – The process of deciding on the goals of the organization and on the broad strategies that are to be used in attaining these goals. Strategic planning decisions are made only occasionally and at the highest levels in the organization.

Strategy – The management of an organization and resources to achieve an end. A plan of action or policy in business or politics.

Tactic – The plans and means adopted in carrying out a strategy, scheme or achieving some specific end.

Values – A community's or ones' judgment of what is valuable or important in life. Deeply held beliefs and ideals shared by the members of a community.

Vision – Imaginative insight or foresight.