

Attachment 'C'

Resolution 2023-05

A RESOLUTION OF THE CITY OF KERMAN PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL ADOPTION OF AN ORDINANCE TEXT AMENDMENT REPEALING CHAPTER 17.98 RELATED TO EXPEDITED PERMIT PROCESS FOR ELECTRICAL VEHICLE CHARGING STATIONS FROM TITLE 17 OF THE KERMAN MUNICIPAL CODE

WHEREAS, in accordance with Section 17.26.020 subsection C of the Zoning Ordinance, the City Planner filed a written action initiating an ordinance text amendment to the Zoning Code; and

WHEREAS, the Planning Commission has conducted a public hearing duly noticed on April 26, 2023; and

WHEREAS, the proposed zoning ordinance text amendment is consistent and compatible with the goals, policies, and implementation programs set forth in the General Plan; and

WHEREAS, the Planning Commission reviewed all the evidence, staff report analysis, and associated revisions and determined that the proposed zoning ordinance text amendment will not be detrimental to the public health, safety, and welfare of the persons residing or working in the City of Kerman; and

WHEREAS, a preliminary environmental assessment has been performed for this project pursuant to the California Environmental and Quality Act (CEQA). There are findings to determine with certainty that, pursuant to CEQA Guidelines Section 15061(b)(3), there is no possibility that this project may have a significant, adverse, impact on the environment. This is because this project involves purely procedural policies with no impacts on the environment. Therefore, this project is not subject to CEQA. ; and

WHEREAS, The Planning Commission now desires recommending to the City Council to repeal Chapter 17.98 related to expedited permit process for electrical vehicle charging stations from Title 17 of the Kerman Municipal Code.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, based upon the evidence in the staff report, public testimony, and project file, the Planning Commission recommends that the City Council recognizes the appropriateness of Ordinance Text Amendment 2023-01 by repealing Chapter 17.98 related to expedited permit process for electrical vehicle charging stations from Title 17 of the Kerman Municipal Code based on the following findings:

SECTION 1. The foregoing recitals are true and correct and incorporated by reference.

SECTION 2. Based upon the evidence in the staff report, public testimony, and project file, and as required by Kerman Municipal Code Section 17.26.040, the Planning Commission makes the following findings:

A. That the proposed ordinance text amendment is consistent with the General Plan.

Finding A (1). The proposed ordinance text amendment is consistent and compatible with the goals, policies, and implementation programs set forth in the General Plan.

B. That the proposed ordinance text amendment will not have an impact on the health, safety, and welfare of the community.

Finding B (1). The proposed ordinance text amendment will not be detrimental to the public health, safety, and welfare of the persons residing or working in the City of Kerman.

C. That the environmental document is prepared as per the California Environmental Quality Act.


Finding C (1). As described in greater detail, above, the proposed ordinance text amendment is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000 et seq.), pursuant to Section 15061(b)(3) known as the common sense rule because there is no possibility that this project may have a significant, adverse, impact on the environment.

SECTION 3. Based on the foregoing the Planning Commission recommends that the City Council approve the proposed ordinance text amendment to repeal Chapter 17.98 related to expedited permit process for electrical vehicle charging stations from Title 17 of the Kerman Municipal Code which is attached as Exhibit A of this Resolution.

The foregoing Resolution was adopted at a regular meeting of the City of Kerman Planning Commission held on May 8, 2023, by the following vote:

AYES: S. Bishop, R. Bandy, R. Felker, C. Molloy, M. Nunez, V. Villar, K. Nehring
NOES: None
ABSTAIN: None
ABSENT: None

The foregoing resolution is approved.



Scott Bishop
Chairperson

Attest:



Jesus R. Orozco
Planning Commission Secretary

Exhibit 'A'

ORDINANCE NO. 23-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN REPEALING CHAPTER 17.98 RELATED TO EXPEDITED PERMIT PROCESS FOR ELECTRICAL VEHICLE CHARGING STATIONS FROM TITLE 17 OF THE KERMAN MUNICIPAL CODE

The City Council of the City of Kerman does ordain as follows:

SECTION 1. Chapter 17.98 of Title 17 of the Kerman Municipal Code is hereby repealed.

SECTION 2. CEQA. A preliminary environmental assessment has been performed for this project pursuant the California Environmental and Quality Act (CEQA). The City Council finds and determines with certainty that, pursuant to CEQA Guidelines Section 15061(b)(3), there is no possibility that this project may have a significant, adverse, impact on the environment. This is because this project involves purely procedural policies with no impacts on the environment. Therefore, this project is not subject to CEQA.

SECTION 3. Severability. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. Publication. This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

SECTION 5. Effective Date. This ordinance shall become effective thirty (30) days after the date of adoption.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Kerman on the 14th day of June 2023 and was passed and adopted at a regular meeting of the City Council of the City of Kerman on the 28th day of June 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing ordinance is hereby approved.

Maria Pacheco
Mayor

Attest:

Marci Reyes
City Clerk