

**Attachment 'B'**

**Resolution No. 2024-\_\_**

**A RESOLUTION OF THE CITY OF KERMAN PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF I) GENERAL PLAN AMENDMENT 2023-01 TO AMEND THE 2040 KERMAN GENERAL PLAN TO ADD THE SD-R-2.5 ZONING DISTRICT AS A COMPATIBLE ZONING DISTRICT WITHIN THE MEDIUM DENSITY RESIDENTIAL LAND USE DESIGNATION AND SET A MINIMUM RESIDENTIAL DENSITY OF FIVE (5) DWELLING UNITS PER ACRE; AND II) REZONE 2023-01 TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF KERMAN TO PREZONE APPROXIMATELY 41.49 ACRES (APNS 020-160-36S, 020-160-18S, 020-041-45S, AND 020-041-47) TO THE SMART DEVELOPMENT COMBINING DISTRICT – RESIDENTIAL – MINIMUM 2,500 SQUARE FEET (SD-R-2.5) ZONING DISTRICT AND APPROXIMATELY 20 ACRES (010-160-19S) TO THE SMART DEVELOPMENT COMBINING DISTRICT – RESIDENTIAL – MINIMUM 5,000 SQUARE FEET (SD-R-5) ZONING DISTRICT**

**WHEREAS**, State Law requires that local agencies adopt General Plans containing specific mandatory elements; and

**WHEREAS**, the City of Kerman has adopted a Comprehensive General Plan Update and Environmental Impact Report in July 2020, and the City of Kerman is currently in compliance with State mandates relative to Elements of the General Plan; and

**WHEREAS**, State law also provides for periodic review, updates, and amendments of its various plans; and

**WHEREAS**, an application was filed by Whispering Falls, LLC., pertaining to 5 parcels consisting of 60 acres located on the east side of South Modoc Avenue between West Kearney Boulevard and the West California Avenue Alignment/San Joaquin Valley Railroad identified as APNs 020-160-36S, 020-160-18S, 020-160-19S, 020-041-45S, and 020-041-47S ("Project Area"); and

**WHEREAS**, because the Project Area is outside of City limits and currently has County agricultural zoning, a prezone/rezone is needed; and

**WHEREAS**, the Project Area has a City of Kerman 2040 General Plan land use designation of MDR – Medium Density Residential (approximately 55 acres) and HDR – High Density Residential (approximately 5 acres);

**WHEREAS**, the MDR land use designation allows up to 12 units per acre with no minimum density, and the HDR land use designation allows between 20 and 24 units per acre; and

**WHEREAS**, the 20-acre parcel within the Project Area identified as APN 020-160-36S located on the east side of South Modoc Avenue between West California Avenue and West California Avenue Alignment/San Joaquin Valley Railroad has two underlying land use designations, MDR (15 acres) and HDR (5 acres); and

**WHEREAS**, Whispering Falls, LLC. proposes a variety of housing types and sizes on the 20-acre parcel, including 118 single-family units and 56 multi-family units, plus a community center, on and off-site improvements including roadways, sidewalks, landscaping, parking, and 3.19 acres of common open space; and,

**WHEREAS**, because the project combines single-family and multi-family residential uses on a site that is designated MDR – Medium Density Residential and HDR – High Density Residential, the smart development (SD) combining district is the most appropriate and applicable zoning district for combining residential uses on one site; and

**WHEREAS**, the density range permitted in the SD-R-2.5 zone district is 8-20 units per acre, which is consistent with the density ranges of the MDR and HDR zoning districts; and

**WHEREAS**, approval of the project would require approval of Annexation 2023-01, General Plan Amendment 2023-01, Rezone 2023-01, Tentative Subdivision Map 2023-01, Development Plans 2023-01 and 2023-02, Conditional Use Permit 2023-02, and Variance 2023-01; and

**WHEREAS**, a proposal has been made requesting amendments to the Kerman General Plan text, as shown in the attached Exhibit 'B-1'; and

**WHEREAS**, the requested General Plan Amendment 2023-01 consists of amendments to the Kerman General Plan that would add the SD-R-2.5 zoning district as a compatible zoning district within the Medium Density Residential land use designation and set a minimum residential density of 5 dwelling units per acre; and

**WHEREAS**, the requested Rezone 2023-01 proposes to prezone the Project Area within the County of Fresno that is currently zoned Agricultural Exclusive – 20 Acres (AE-20) to SD-R-2.5 zoning district (APNS 020-160-36S, 020-160-18S, 020-041-45S, and 020-041-47) and SD-R-5 zone district (010-160-19S) as shown in the attached Exhibit 'B-2', consistent with the MDR land use designation, upon approval of General Plan Amendment 2023-01; and

**WHEREAS**, the proposed General Plan Amendment 2023-01 and Rezone 2023-01 will provide the required consistency between the General Plan and Zoning Ordinance; and

**WHEREAS**, the proposed General Plan Amendment and Rezone are compatible with the neighborhood and are not expected to be detrimental to the health, safety and welfare of the city; and

**WHEREAS**, the City of Kerman, acting as the Lead Agency, prepared an Initial Study, Mitigated Negative Declaration 2023-01 and Mitigation Monitoring and Reporting Program dated June 2024 (SCH #2024040147) for the project, and this related General Plan Amendment and Rezone; and the project is in compliance with the California Environmental Quality Act (CEQA); and

**WHEREAS**, the Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program, and the related General Plan Amendment and Rezone and related entitlements were distributed for public review and comment to various local agencies and groups, and public notice of this public hearing was given by mailed and published notice, in accordance with the applicable State and Municipal Codes and standard practices; and

**WHEREAS**, the Planning Commission has completed its review of the Staff Report and documents submitted for the proposed project, evaluated the information contained in the mitigated negative declaration, and considered testimony received as a part of the public hearing process; and

**WHEREAS**, the Planning Commission now desires to recommend that the City Council adopt General Plan Amendment 2023-01 and Rezone 2023-01.

**NOW THEREFORE**, be it resolved by the Planning Commission of the City of Kerman as follows:

1. Recitals. The Planning Commission hereby finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.
2. CEQA. The Planning Commission concurrently recommended approval of Initial Study and Mitigated Negative Declaration 2023-03 and Mitigated Monitoring and Reporting Program dated June 2024 (SCH #202404148) for the Project. As such, no additional environmental analysis is required, and the Planning Commission finds, and recommends the Council find, that the General Plan Amendment and Rezone and related project entitlements are specifically anticipated and assessed for the proposed project in the Mitigated Negative Declaration and are consistent with the purpose and intent of the Mitigated Negative Declaration.
3. General Plan Amendment 2023-01 Findings. The Planning Commission finds, and recommends the City Council find, that the public necessity, general welfare, good planning practices, public interest, and convenience warrant approval of General Plan Amendment 2023-01, including the following:

- a. The change is consistent with the General Plan goals and policies.

The proposed use and development of the site is consistent with the General Plan. Upon approval of the annexation and pre-zone to the smart development zone district, the development of the site with residential uses and at densities allowed within the underlying land use designations will be consistent with the General Plan. Moreover, GPA 2023-02 is supported by policy LU-3.3 Prevent Sprawl Development and LU-3.5 Increase Density and Intensity within City Limits., which prevents urban sprawl by allowing denser developments within the City's land uses.

- b. The change is consistent with the purpose of the Zoning Ordinance to preserve and promote the public health, safety and welfare of the city and to facilitate growth and expansion of the city in a precise and orderly manner.

The project has been reviewed by the various City departments and evaluated for conformity with the requirements of the Zoning Ordinance. The proposed use and development are consistent with the applicable development standards. Any other improvements or mitigations required for the health, safety, and welfare of the community has been applied to this project as mitigation measures and conditions of approval.

- c. There will not be significant effects upon the quality of the environment and natural resources.

An initial study was prepared for this project consistent with the California Environmental Quality Act (CEQA), which resulted in a proposed mitigated negative declaration (MND). Per the MND, the project will not have a significant, adverse effect on the environment as mitigated. Therefore, the tentative subdivision map would not result in a substantial adverse effect to special status species, riparian or other natural habitat, wetlands, movement of migratory fish or wildlife species, or conflict with any local, regional or state preservation or conservation plans.

- 4. Rezone 2023-01 Findings. The Planning Commission finds, and recommends the City Council find, as follows:

- a. The change is consistent with the General Plan.

The proposed use and development of the site is consistent with the General Plan. Upon approval of the annexation and pre-zone to the smart development zone district, the development of the site with residential uses and at densities allowed within the underlying land use designations will be consistent with the General Plan.

- b. The change is consistent with the purpose of the Zoning Ordinance to promote the health, safety, and welfare of the community.

The project has been reviewed by the various City departments and evaluated for conformity with the requirements of the Zoning Ordinance. The proposed use and development are consistent with the applicable development standards. Any other improvements or mitigations required for the health, safety, and welfare of the community has been applied to this project as mitigation measures and conditions of approval. Moreover, Rezone 2023-01 is supported by policy LU-2.1 Attractive Community, LU-2.4 Architectural Character, and LU-2.5 High-Quality Design, which cumulatively, enhance the design, character, and vibrancy of the City's health, safety, and welfare.

- c. There will not be significant effects upon the quality of the environment and natural resources.

An initial study was prepared for this project consistent with the California Environmental Quality Act (CEQA), which resulted in a proposed mitigated negative declaration (MND). Per the MND, the project will not have a significant, adverse effect on the environment as mitigated. Therefore, the tentative subdivision map would not result in a substantial adverse effect to special status species, riparian or other natural habitat, wetlands, movement of migratory fish or wildlife species, or conflict with any local, regional or state preservation or conservation plans.

- 5. Recommendation for Approval. Given that all the findings can be made, the Planning Commission recommends the City Council adopt a resolution approving GPA 2023-01, to add the SD-R-2.5 zoning district as a compatible zoning district within the medium density

residential land use designation and set a minimum residential density of five (5) dwelling units per acre, all as per the attached Exhibit 'B-1' made a part hereof by this reference. The Planning Commission further recommends the City Council adopt an ordinance approving Rezone 2023-01 to amend the official zoning map of the City of Kerman to prezone approximately 41.49 acres (APNs 020-160-36s, 020-160-18s, 020-041-45s, and 020-041-47) to the Smart Development Combining District – Residential – Minimum 2,500 Square Feet (SD-R-2.5) zoning district and approximately 20 acres (APN 010-160-19s) to the Smart Development Combining District – Residential – Minimum 5,000 Square Feet (Sd-R-5) Zoning District as set forth in Exhibit 'B-2'.

6. Effective Date of Resolution. This Resolution shall become effective immediately. The Secretary of the Planning Commission shall certify to the adoption of the Resolution and shall transmit copies of the same to the City Council of the City of Kerman.

**I HEREBY CERTIFY** that the foregoing Resolution was approved at a special meeting of the City of Kerman Planning Commission on the 15th day of July 2024, and was fully adopted at said meeting by the following vote:

Ayes:

Noes:

Absent:

Recused:

The foregoing resolution is hereby approved.

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Scott Bishop  
Chairperson

Attest:

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Jesus R. Orozco  
Planning Commission Secretary

Exhibit 'B-1'

General Plan Amendment 2023-01

Whispering Falls

Change from:

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Kerman General Plan		
Designation	Description	Density / Intensity
Medium Density Residential  <b>MDR</b>  <b>Compatible Zoning:</b> R-1-7 R-1-12 R-2 SD-R-5 SD-R-4.5 SD-R-3.5 PD-R-7 PD-R-12 <del>PD</del>	<b>Purpose and Application:</b> This designation allows for residential development at a density of up to 12 units per gross acre. Development in this category could include a mix of single-family and multifamily residences, including duplexes, triplexes, fourplexes, and mobile homes. Each quadrant of the community will contain land that is designated for this type of residential development to provide a mix of housing types.  <b>Typical Uses:</b> <ul style="list-style-type: none"> <li>Single family detached dwellings</li> <li>Small-lot multifamily dwellings, including duplexes, triplexes, fourplexes, and mobile homes</li> <li>Accessory dwelling units</li> <li>Compatible public and quasi-public uses (e.g., churches, day-care centers, community centers, parks, and schools)</li> </ul>	<b>Maximum Density:</b> 12 du/ac

Change to:

Page 3-6

Kerman General Plan		
Designation	Description	Density / Intensity
Medium Density Residential  <b>MDR</b>  <b>Compatible Zoning:</b> R-1-7 R-1-12 R-2 SD-R-5 SD-R-4.5 SD-R-3.5 SD-R-2.5 PD-R-7 PD-R-12	<b>Purpose and Application:</b> This designation allows for residential development at a density of up to 12 units per gross acre. Development in this category could include a mix of single-family and multifamily residences, including duplexes, triplexes, fourplexes, and mobile homes. Each quadrant of the community will contain land that is designated for this type of residential development to provide a mix of housing types.  <b>Typical Uses:</b> <ul style="list-style-type: none"> <li>Single family detached dwellings</li> <li>Small-lot multifamily dwellings, including duplexes, triplexes, fourplexes, and mobile homes</li> <li>Accessory dwelling units</li> <li>Compatible public and quasi-public uses (e.g., churches, day-care centers, community centers, parks, and schools)</li> </ul>	<b>Maximum Density:</b> 12 du/ac  <b>Minimum Density:</b> 5 du/ac

Exhibit 'B-2'

Rezone 2023-01

Ordinance No. 24-\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF Kerman City Approving Rezone 2023-01 to Amend the Official Zoning Map of the City of Kerman to Prezone Approximately 41.49 Acres (APNs 020-160-36S, 020-160-18S, 020-041-45S, and 020-041-47) to the Smart Development Combining District – Residential – Minimum 2,500 Square Feet (SD-R-2.5) Zoning District and Approximately 20 Acres (010-160-19S) to the Smart Development Combining District – Residential – Minimum 5,000 Square Feet (SD-R-5) Zoning District**

**WHEREAS**, an application was filed by Whispering Falls, LLC., pertaining to 5 parcels consisting of 60 acres located on the east side of South Modoc Avenue between West Kearney Boulevard and the West California Avenue Alignment/San Joaquin Valley Railroad identified as APNs 020-160-36S, 020-160-18S, 020-160-19S, 020-041-45S, and 020-041-47S ("Project Area"); and

**WHEREAS**, because the Project Area is outside of City limits and currently has County agricultural zoning, a prezone/rezone is needed; and

**WHEREAS**, the Project Area has a City of Kerman 2040 General Plan land use designation of MDR – Medium Density Residential (approximately 55 acres) and HDR – High Density Residential (approximately 5 acres);

**WHEREAS**, the 20-acre parcel within the Project Area identified as APN 020-160-36S located on the east side of South Modoc Avenue between West California Avenue and West California Avenue Alignment/San Joaquin Valley Railroad has two underlying land use designations, MDR (15 acres) and HDR (5 acres); and

**WHEREAS**, Whispering Falls, LLC. proposes a variety of housing types and sizes on the 20-acre parcel, including 118 single-family units and 56 multi-family units, plus a community center, on and off-site improvements including roadways, sidewalks, landscaping, parking, and 3.19 acres of common open space; and,

**WHEREAS**, because the project combines single-family and multi-family residential uses on a site that is designated MDR – Medium Density Residential and HDR – High Density Residential, the smart development (SD) combining district is the most appropriate and applicable zoning district for combining residential uses on one site; and

**WHEREAS**, the density range permitted in the SD-R-2.5 zone district is 8-20 units per acre, which is consistent with the density ranges of the MDR and HDR zoning districts; and

**WHEREAS**, approval of the project would require approval of Annexation 2023-01, General Plan Amendment 2023-01, Rezone 2023-01, Tentative Subdivision Map 2023-01, Development Plans 2023-01 and 2023-02, Conditional Use Permit 2023-02, and Variance 2023-01; and

**WHEREAS**, the requested Rezone 2023-01 proposes to prezone the Project Area within the County of Fresno that is currently zoned Agricultural Exclusive – 20 Acres (AE-20) to SD-R-2.5 zoning district (APNS 020-160-36S, 020-160-18S, 020-041-45S, and 020-041-47) and SD-R-5 zone district (010-160-19S) as shown in the attached Exhibit ‘B-2’, consistent with the MDR land use designation, upon approval of General Plan Amendment 2023-01; and

**WHEREAS**, the City of Kerman, acting as the Lead Agency, prepared an Initial Study, Mitigated Negative Declaration 2023-01 and Mitigation Monitoring and Reporting Program dated June 2024 (SCH #2024040147) for the project, and the project is in compliance with the California Environmental Quality Act (CEQA); and

**WHEREAS**, the Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program, and the related entitlements for the project were distributed for public review and comment to various local agencies and groups, and public notice of this public hearing was given by mailed and published notice, in accordance with the applicable State and Municipal Codes and standard practices; and

**WHEREAS**, the Planning Commission completed its review of the Staff Report and documents submitted for the proposed project at a special meeting on May 15, 2024, and adopted a resolution with a recommendation to the City Council to approve Rezone 2023-01; and

**WHEREAS**, pursuant to the provision of Title 17 of the Kerman Municipal Code, the City of Kerman City Council held a public hearing on August [REDACTED], 2024, to consider Rezone 2023-01 during which the Council solicited public testimony, considered the environmental assessment, and approved of the Rezone 2023-01 to amend the City’s official Zoning Map on real property described herein below as Exclusive Agriculture to the SD-R-2.5 and SD-R-5 zone districts.

**NOW, THEREFORE**, the City of Kerman City Council does ordain as follows:

1. Recitals. The City Council hereby finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.
2. California Environmental Quality Act (CEQA). The City Council previously prepared and certified Mitigated Negative Declaration 2023-01 (MND) for the project. The MND identified rezoning of the project site. The rezoning does not change the environmental assessment of the MND. Further, the MND was adopted on [REDACTED], 2024. The City Council further finds that no subsequent review is required under CEQA Guidelines section 15162 as since that time no substantial changes have been proposed in the project which will require major revisions of the previously adopted MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Likewise, no substantial changes have occurred since that time with respect to the circumstances under which the project is undertaken which will require major revisions of the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is also no new information, which was not known and could not have been known at the time of the adoption of the MND that the project will have significant effect not discussed in the MND. As such, the City Council finds the RZ 2023-02 has already been fully assessed in accordance with CEQA, no subsequent review is required under CEQA Guidelines section 15162, and no further action or review is required under CEQA.



3. Rezone 2023-01 Findings. The City Council finds as follows:

- a. The change is consistent with the General Plan.

The proposed use and development of the site is consistent with the General Plan. Upon approval of the annexation and pre-zone to the smart development zone district, the development of the site with residential uses and at densities allowed within the underlying land use designations will be consistent with the General Plan.

- b. The change is consistent with the purpose of the Zoning Ordinance to promote the health, safety, and welfare of the community.

The project has been reviewed by the various City departments and evaluated for conformity with the requirements of the Zoning Ordinance. The proposed use and development are consistent with the applicable development standards. Any other improvements or mitigations required for the health, safety, and welfare of the community has been applied to this project as mitigation measures and conditions of approval. Moreover, Rezone 2023-01 is supported by policy LU-2.1 Attractive Community, LU-2.4 Architectural Character, and LU-2.5 High-Quality Design, which cumulatively, enhance the design, character, and vibrancy of the City's health, safety, and welfare.

- c. There will not be significant effects upon the quality of the environment and natural resources.

An initial study was prepared for this project consistent with the California Environmental Quality Act (CEQA), which resulted in a proposed mitigated negative declaration (MND). Per the MND, the project will not have a significant, adverse effect on the environment as mitigated. Therefore, the tentative subdivision map would not result in a substantial adverse effect to special status species, riparian or other natural habitat, wetlands, movement of migratory fish or wildlife species, or conflict with any local, regional or state preservation or conservation plans.

4. Approval of Rezone 2023-02. Given that all the findings can be made, the City Council approves Rezone 2023-01 to amend the official zoning map of the City of Kerman to prezone approximately 41.49 acres (APNs 020-160-36s, 020-160-18s, 020-041-45s, and 020-041-47) to the Smart Development Combining District – Residential – Minimum 2,500 Square Feet (SD-R-2.5) zoning district and approximately 20 acres (APN 010-160-19s) to the Smart Development Combining District – Residential – Minimum 5,000 Square Feet (SD-R-5) Zoning District as set forth in Exhibit 'A'.

5. Severability: If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

6. Certification: The City Clerk shall certify to the adoption of this ordinance, and shall cause the same to be posted and codified in the manner required by law.
7. Effective Date of Ordinance: This ordinance shall be in full force and effect thirty (30) days after its passage.

The foregoing ordinance was introduced at a regular meeting of the City of Kerman City Council on the \_\_\_\_ day of August, 2024, and passed and adopted at a regular meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing ordinance is hereby approved.

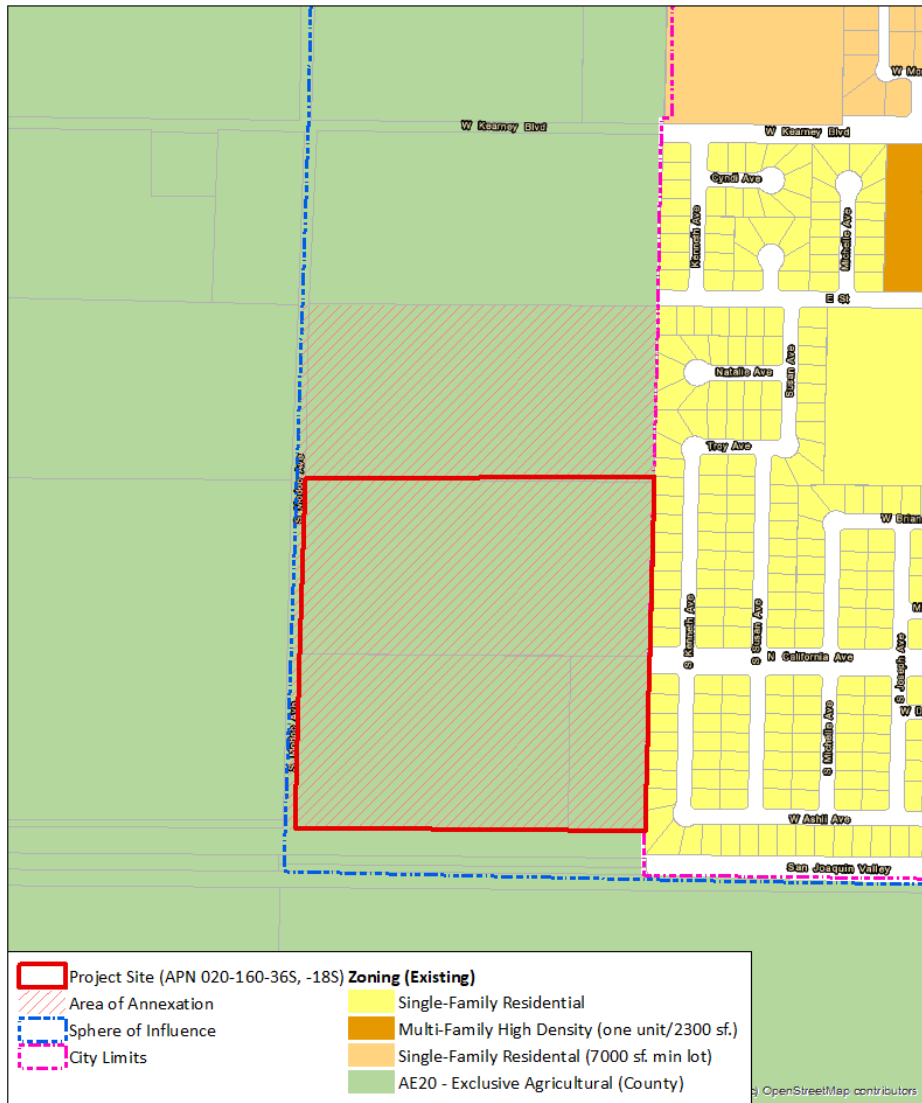
\_\_\_\_\_  
Maria Pacheco, Mayor

\_\_\_\_\_  
Josie Camacho, City Clerk

## Exhibit 'A'

### Rezone 2023-01 – Zoning Map

Existing County Zoning



New City Zoning

