

Exhibit 'C'
Draft Rezone 2023-02 Ordinance

Ordinance No. 24-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF Kerman APPROVING REZONE 2023-02 TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF Kerman TO PREZONE A PROPERTY CONTAINING APPROXIMATELY 9.69 ACRES TO THE SD-R-4.5 (SMART DEVELOPMENT COMBINING) ZONE DISTRICT AND REZONE A PROPERTY CONTAINING APPROXIMATELY 19.65 ACRES FROM THE R-1-7 (SINGLE FAMILY RESIDENTIAL) TO THE SD-R-4.5 (SMART DEVELOPMENT COMBINING) ZONE DISTRICT LOCATED ON THE NORTH SIDE OF WEST KEARNEY BOULEVARD BETWEEN SOUTH MODOC AND SOUTH SISKIYOU AVENUES (APN 020-140-22S & 020-140-23S)

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 __, 2024, to consider Rezone 2023-02 during which the Council solicited public testimony, considered the environmental assessment, and approved of the Rezone 2023-02 to amend the City's Zoning Code on real property described herein below as Exclusive Agriculture to the SD-R-4.5 (APN 020-140-22S) and Single-Family Residential (7000 SF Min. Lot) (R-1-7) to SD-R-4.5 (APN 020-140-23S) zone districts; and

WHEREAS, the City of Kerman Planning Commission held a public hearing on July 15 th, 2024, and adopted a resolution recommending that the City Council approve an application for Rezone 2023-02.

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 an 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 __, 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 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/rezone 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. Further, the pre-zoning and zoning change is consistent with the General Plan goals and policies including General Plan Policy LU-3.2 Urban Form, LU-3.3 Prevent Sprawl Development, and LU-5.4 New Incompatible Land Uses as described below.*

The portion of the project site that is outside City limits is within the “Area 1” growth line of the Sphere of Influence as identified in the General Plan. Based on the site’s proximity to City limits and existing infrastructure, the City is able to provide services to the site upon annexation to the city. Further, the Project meets several considerations of General Plan Policy LU-3.2 including meeting residential housing needs by offering wider and more diverse range of housing and community needs by providing open space and recreational facilities. In addition, there are no obstacles to growth such as cost of infrastructure or Williamson Act properties. Therefore, the Project is consistent with General Plan Policy LU-3.2.

The portion of the project site that is outside City limits is contiguous to existing and approved development within City limits. Therefore, the project is consistent with General Plan Policy LU-3.3.

The Project site is adjacent to existing or approved residential development. The Project would result in new residential uses within a residential area and would not introduce incompatible land uses or environmental hazards. Therefore, the project is consistent with General Plan Policy LU-5.4.

- 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. As a result, this project will not adversely affect the public health, safety, and welfare of the community.*
 - 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. 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.

5. 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.
6. 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