



STAFF REPORT

MEETING DATE: June 10, 2024

PRESENTER: Manuel Campos, Assistant Planner

SUBJECT: Consideration of a Code Text Amendment (OTA 2024-03) to amend Section 17.24.030 of Chapter 17.24 of Title 17 of the Kerman Municipal Code relating to fence materials and add Section 17.40.080 to Chapter 17.40 of Title 17 of the Kerman Municipal Code relating to electrified security fences. (MC)

RECOMMENDATION: Planning Commission conduct a public hearing, deliberate, and adopt a resolution recommending that the City Council approve Code Text Amendment (OTA 2024-03) to amend Section 17.24.030 of Chapter 17.24 of Title 17 of the Kerman Municipal Code relating to fence materials and add Section 17.40.080 to Chapter 17.40 of Title 17 of the Kerman Municipal Code relating to electrified security fences, including adopting a finding exempting the Project pursuant to the California Environmental Quality Act, Section 15061(b)(3).

EXECUTIVE SUMMARY:

The recently repealed zoning code did not have provisions allowing electrified security fences or prohibiting them. The recently adopted Zoning Code prohibits the installation of electrified fences. Amarok, LLC filed an application requesting a code text amendment to allow for the installation of the electrified security fence. A draft ordinance has been prepared to amend Section 17.24.030 of Chapter 17.24 relating to fence materials and add Section 17.40.080 to Chapter 17.40 relating to electrified security fences. Section 17.24.030 would repeal the subsection prohibiting electrified fences. Conversely, Section 17.40.080 provides a permit process and development standards for electrified security fences. The proposed electrified security fence ordinance is consistent with other ordinances adopted by nearby municipalities.

DISCUSSION:

Project Proposal

Amarok LLC submitted a proposed Text Amendment on behalf of JS West and Companies requesting to amend the code for the allowance of electrified security fences. Said request would allow JS West and Companies to install an electrified security fence at 15287 West Commerce Way which is currently zoned Service Commercial (CS). The applicant's request has been included in this report in Attachment 'B'.

Applicable Procedures

The Zoning Code, section 17.112.020 (Initiation of Code Text Amendment and Rezones) allows the Director to initiate a code text amendment when an application has been filed with the Planning Division. The Commission may recommend approval or denial of the code text amendment to the City Council. The City Council, upon receipt of the Commission's recommendation, may approve, modify, or deny the Commission's recommendation.

Code Text Amendment

The Zoning Code, under Section 17.24.030 (C) prohibits the installation of electrified security fences. The code text amendment would modify said section by striking out subsection C, as described in the draft ordinance (Exhibit 'A' of Attachment A).

The code text amendment would also add Section 17.40.080 (Electrified Security Fences) to Chapter 17.40 (Standards for Specific Land Uses) of the Zoning Code. Said section includes subsections as follows:

- A (**Applicability**); Determines the applicability of electrified security fences and under what circumstance they may be used for security purposes.
- B (**Definitions**); Defines the terms used for the purpose of the section.
- C (**Permitted Locations**); Lists the permitted zone districts where electrified security fences may be allowed and special distance requirements.
- D (**Conditional Use Permit Applicability**); Establishes the conditional use permit process for electrified security fences.
- E (**Compliance with State and Federal Regulations**); Establishes requirements to comply with applicable State and Federal regulations.
- F (**Electrification**); Establishes power and voltage requirements for electrified security fences.
- G (**Development Standards**); Establishes development standards such as setback, height, signage, materials, and emergency access requirements, etc.

Comparable Cities Analysis

Staff has prepared the draft electrified security fence ordinance consistent with other ordinances adopted by the Cities of Colton, Fresno, Turlock, and Tulare. The electrified fence ordinances adopted by the aforementioned cities is substantially similar regarding permitted locations and zones, compliance with State and Federal regulations, and electrification requirements. There are some minor differences between cities when it comes to specific development standards for electrified security fences. Of note the applicant's suggested model code is very similar to the City of Tulare's electrified security fence ordinance. Staff has incorporated some of Tulare's ordinance language into the proposed draft ordinance to ensure its consistency with the applicant's request. However, the draft ordinance better aligns with the City of Fresno's ordinance. Similar to the City of Fresno, the draft ordinance provides for flexibility in several zone districts, with the exception of residential, mixed-use, and general commercial zones.

As proposed, electrified security fences could potentially be permitted on properties south of the railroad and north of the railroad, along California Avenue and A Street, between Vineland Avenue and Del Norte Avenue. However, approval of electrified security fences would be subject to a conditional use permit, when, in the opinion of the Commission, the electrified security fence is deemed necessary in the best and mutual interest of the public and private to protect and secure;

stored combustible, hazardous, or harmful matter or materials. Site's that could potentially need electrified security fences are primarily located south of the railroad primarily occupied by industrial uses. The proposed ordinance would also allow electrified security fences in O – Open Space, Recreation, & Public Facilities, and UR – Urban Reserve District that could potentially be owned or controlled by the City or other government agencies and require a similar type of security system. Electrified security fences will be prohibited in residential zones and in proximity to schools and daycare facilities.

Conclusion

The electrified security fence ordinance will assist with deterring criminal activity and reduce crime prevention involvement from the Police Department, as well as provide an additional layer of security for those working or residing in proximity to potentially hazardous or dangerous uses. As presented, Section 17.40.080 will be consistent with the goals, objectives, and policies of the Kerman General Plan. The conditional use permit requirement will assist when determining the compatibility of an electrified security fence with surrounding land uses, and assess its environmental impacts on a project-specific basis.

ENVIRONMENTAL REVIEW:

The adoption of this ordinance is exempt from further CEQA review under the common sense rule Section 15061(b)(3)) because 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 impact on the environment. Therefore, this project is not subject to CEQA.

PLANNING COMMISSION FINDINGS:

The Planning Commission must make certain findings pursuant to Section 17.112.040 (B) of the KMC.

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

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

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

Finding B (1). That the proposed code 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.

PLANNING COMMISSION ACTION:

The Commission will be acting on OTA 2024-03 and determine to either:

Motion 1: Adopt a resolution with a recommendation to the City Council to adopt OTA 2024-03 amending Section 17.24.030 of Chapter 17.24 of Title 17 of the Kerman Municipal Code relating to Fence Materials and adding Section 17.40.080 to Chapter 17.40 of Title 17 of the Kerman Municipal Code relating to Electrified Security Fences, including adopting a finding exempting the Project pursuant to the California Environmental Quality Act, Section 15061(b)(3).

Motion 2: Move to continue the public hearing on OTA 2024-03 to a later meeting; or

Motion 3: Move to continue applications for OTA 2024-03 to a later meeting, with direction to staff to return with an updated resolution with appropriate findings for the denial of the application(s).

ATTACHMENTS:

- A. Resolution w/Exhibits
- B. Applicant's Request