



STAFF REPORT

MEETING DATE: July 10, 2023

PRESENTER: Jesus R. Orozco, Community Development Director

SUBJECT: Public Hearing regarding an ordinance to repeal Chapter 17.94 related to expedited permit process for small residential rooftop solar systems from Title 17 of the Kerman Municipal Code (JRO)

RECOMMENDATION: Planning Commission conduct a public hearing, deliberate, and adopt a resolution recommending to the City Council that the Council adopt Ordinance Text Amendment 2023-03 repealing Chapter 17.94 related to expedited permit process for small residential rooftop solar systems from Title 17 of the Kerman Municipal Code

EXECUTIVE SUMMARY:

The proposed ordinance text amendment (OTA) to Title 17 (the Zoning Ordinance) is Planning staff-initiated, to allow for appropriate implementation by the Building Division staff. Chapter 17.94 of Title 17 was adopted in 2015 by Ordinance No 15-03, to ensure compliance with Government Code Section 65850.5 as part of Assembly Bill 2188 (Solar Rights Act). Chapter 17.94 is specific to the expedited permit processing of small residential rooftop solar energy systems wherein the Building Official is the implementing officer. Though Chapter 17.94 is being repealed, existing language will be updated and transitioned appropriately into Title 15, the Buildings and Construction Code. Repealing Chapter 17.94 will not result in conflict with any other ordinance, chapter, or section of the Kerman Municipal Code (KMC). An ordinance with updated language compliant with State law will be presented before the City Council concurrent with OTA 2023-03.

Procedurally, Planning staff is recommending that the Commission consider the attached resolution with a recommendation from the Commission to the City Council to adopt OTA 2023-03 repealing Chapter 17.94 related to expedited permit process for small residential rooftop solar systems from Title 17 of the Kerman Municipal Code.

ENVIRONMENTAL REVIEW:

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.

PLANNING COMMISSION FINDINGS:

The Planning Commission must make certain findings pursuant to Section 17.26.040 (B) of the KMC.

- 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.

PLANNING COMMISSION ACTION:

The Commission will be acting on OTA 2023-03 and determine to either:

Motion 1: Adopt a resolution with a recommendation to the City Council to adopt OTA 2023-03 repealing Chapter 17.94 related to expedited permit process for small residential rooftop solar systems from Title 17 of the Kerman Municipal Code, 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 2023-03 to a later meeting.

FISCAL IMPACT:

None

ATTACHMENTS:

- A. Resolution w/exhibits