

Resolution No. 2024-19

**A RESOLUTION OF THE CITY OF KERMAN PLANNING COMMISSION
RECOMMENDING THE CITY COUNCIL INITIATE ANNEXATION FOR THE
CROWN SCHAAD RESIDENTIAL PROJECT AREA CONSISTING OF 1
PARCEL IDENTIFIED AS APN 020-140-22S CONTAINING APPROXIMATELY
9.69 ACRES LOCATED ON THE NORTH SIDE OF WEST KEARNEY
BOULEVARD BETWEEN SOUTH MODOC AND SOUTH SISKIYOU AVENUES
(ANNEXATION 2023-02) AND ADOPTION OF MITIGATED NEGATIVE
DECLARATION (ENV 2023-03) AND MITIGATED MONITORING AND
REPORTING PROGRAM PREPARED FOR THE PROJECT**

WHEREAS, the City of Kerman desires to initiate proceedings, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code; and

WHEREAS, Government Code section 56654 provides that “[a] proposal for a change of organization or a reorganization may be made by the adoption of a resolution of application by the legislative body of an affected local agency . . . [;]” and

WHEREAS, the specific changes of organization requested consists of an annexation to the City of Kerman and detachment from the County of Fresno and a reorganization from the Kings River Conservation District into the Fresno Irrigation District of the parcel identified as APNs 020-140-22S and the adjacent right-of-way on West Kearney Boulevard (“Project Area”); and

WHEREAS, a map of the boundaries of the territory is set forth in Exhibit ‘A’ attached hereto and by this reference incorporated herein; and

WHEREAS, the proposed annexation area is inside the Sphere of Influence (SOI) of the City of Kerman; and

WHEREAS, the City has an agreement with the County of Fresno to comply with Revenue and Tax Code Section 99 regarding property tax revenue transfer upon annexation, which MOU includes standards of annexations; and

WHEREAS, the City does not propose any specific term and conditions for the proposed reorganization; and

WHEREAS, the reasons for this proposed annexation is to allow for the implementation of City of Kerman 2040 General Plan adopted July 2020; and

WHEREAS, the Project Area contains approximately one (1) existing parcel containing approximately 9.69 acres within the City’s existing Sphere of Influence, and is located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues (see Exhibit “A”); and

WHEREAS, approval of the project would require approval of Rezone 2023-02, Tentative Subdivision Map 2023-02, Development Plan Permit 2023-03, and Annexation 2023-02; and

WHEREAS, the City prepared an Initial Study, Mitigated Negative Declaration 2023-03 and Mitigation Monitoring and Reporting Program dated June 2024 (SCH #202404148) for the project, and this related annexation; and

WHEREAS, the Planning Commission held a public hearing on July 15, 2024, to consider a recommendation to the City Council regarding annexation of the Project Area; and

WHEREAS, in conjunction with the public hearing on July 15, 2024, the Planning Commission considered a recommendation of rezoning and annexation for the Project Area, consistent with the General Plan, as amended; and

WHEREAS, in the public hearing on July 15, 2024, the Planning Commission considered recommending to the City Council that no significant environmental impacts would result from the proposed project with the incorporation of mitigation measures, adopt a Mitigation Monitoring and Reporting Program, dated June 2024 and certify that Mitigation Negative Declaration 2023-03 (SCH #202404148) (Exhibit 'B') was prepared pursuant to CEQA; and

WHEREAS, after due consideration of all the items before it, the Planning Commission now desires to adopt this Resolution recommending to the City Council initiate the annexation of the Project Area.

NOW, THEREFORE, the Planning Commission of the City of Kerman resolves 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. Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, the City, as the Lead Agency, has analyzed the proposed Project and has prepared an Initial Study and Mitigated Negative Declaration 2023-03 (MND) and Mitigated Monitoring and Reporting Program dated June 2024 (SCH #202404148) to evaluate the environmental effects of the project, including the proposed annexation. The Planning Commission has fully considered the Mitigated Negative Declaration and has concurrently recommended it for approval by the City Council. The Environmental Assessment / Initial Study was prepared for this project in accordance with the requirements of the CEQA Guidelines and reflects the City Council's independent judgment and analysis. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations. Preparation of Environmental Assessment necessitated a thorough review of the proposed Project and relevant environmental issues. While the proposed Project could have a potentially significant effect on the environment, based on its independent judgment and analysis, the Planning Commission recommends the City Council find that feasible mitigation measures or alternatives have been incorporated into the project in order to avoid the effects or mitigate the effects to a point where no significant effect on the environment will occur, and there is no substantial evidence in the record that this Project may have any direct, indirect or cumulative effects on the environment that are potentially significant and adverse. The proposed Project will not result in any adverse effects which fall within the "Mandatory Findings of Significance" contained in Section 15065 of the State CEQA Guidelines. The project-specific mitigation measures included in the Project to avoid potentially significant effects are set forth in the Initial Study/Mitigated Negative Declaration and accompanying Mitigation Monitoring and Reporting Program. With the project specific mitigations imposed, there is no substantial evidence in the record that this Project may have significant direct, indirect or cumulative effects on the environment. As such, the Planning

Commission recommends the City Council also find and determine that in light of the entire administrative record and the substantial evidence before it, the Project has been adequately environmentally assessed as required by CEQA per the Initial Study/Mitigated Negative Declaration.

3. Recommendation of Adoption of MND and Mitigation Monitoring and Reporting Program. Based on the foregoing, the Planning Commission recommends that the City Council adopt the Mitigated Negative Declaration prepared for the Project, including the associated Mitigation Monitoring and Reporting Program, as the project will not result in any significant, adverse, environmental impacts with the mitigation imposed. The City of Kerman Community Development Department located at 850 S. Madera Ave. Kerman, CA 93630, is recommended to be designated as the custodian of the documents and other materials that constitute the record of proceedings upon which the decision is based. The Planning Commission further recommends that the City Council authorize the Director, or designee, to execute and file with the Fresno County Clerk, as appropriate, a Notice of Determination for approval of the Project.
4. General Plan Consistency. The Planning Commission finds that the annexation is consistent with the goals, objectives, and policies of the Kerman General Plan. In this regard, the Planning Commission recommends the City Council find that public necessity, convenience, general welfare, or good zoning practices justify annexation of the Project Area. Specifically, the annexation and pre-zoning change is consistent with the General Plan goals and policies, any operative plan, or adopted policy, 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, and implements the planned residential land uses in the Project Area.

General Plan Policy LU-3.2. Urban Form: The Project site is within the City's Sphere of Influence and is within the "Area 1" growth line 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.

General Plan Policy LU-3.3. Prevent Sprawl Development. The Project Area is contiguous to existing and approved development within City limits. Therefore, the Project is consistent with General Plan Policy LU-3.3.

General Plan Policy LU-5.4. New Incompatible Uses. The Project Area 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.

The change is also consistent with the purpose of the Development Code to promote the growth of the city in an orderly and sustainable manner, and to promote and protect the public health, safety, peace, comfort, and general welfare. The change is also necessary for good zoning practices to achieve the balance of land uses desired by the City and to provide sites for needed residential uses consistent with the General Plan.

5. Findings for Annexation. The Planning Commission further finds, and recommends the City Council find, as follows:
- a. The proposed annexation is within the City's adopted Sphere of Influence. *This project is located within Area 1 of the proposed Sphere of Influence outlined in the General Plan and maintains growth management controls consistent with the General Plan. In particular, the 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 Urban Form 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.*
 - b. The proposal must be consistent with city general and specific plans, including adopted goals and policies. *The proposed annexation area will be consistent with the City's 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 Uses, contingent upon approval of the entitlements, including the Prezone/Rezone, Tentative Subdivision Map, and Development Plan. In particular, the Project site is in Area 1 of the proposed Sphere of Influence outlined in the General Plan, which allows the City to consider amendment and annexation requests into Area 1 based on the ability of the City to provide services to the area. 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 the General Plan 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. The Project site is also contiguous to existing and approved residential development within City limits and would result in new residential uses within a residential area and thereby would not introduce incompatible land uses or environmental hazards.*
 - c. Pursuant to CEQA, the proposal must mitigate any significant adverse effect on continuing agricultural operations on adjacent properties, to the extent reasonable and consistent with the applicable general and specific plan. *The City has prepared an Initial Study / Mitigated Negative Declaration (MND) for the project. The MND has concluded that no significant environmental impacts will occur as a result of the project.*
 - d. At least 25% of the area proposed for annexation has an approved tentative subdivision map(s) (single-family residential) and an approved site plan (for uses besides single-family). *The proposed annexation would meet this condition whereby at least 25% of the proposed annexation area will include an approved tentative subdivision map for single-family residential.*
 - e. The annexation is to fulfill the city's Regional Housing Needs Allocation (RHNA) obligation which otherwise cannot be accommodated on lands currently within the city's incorporated boundary. *The proposed annexation would meet this condition whereby the City has contemplated this annexation area as a housing program*

necessary to fulfill RHNA obligations within the City's 6th Cycle Housing Element Update.

- f. The proposal would not create islands. Boundaries must ultimately minimize creation of peninsulas and corridors, or other distortion of boundaries. *The proposed annexation area would not create islands. New boundaries would not create any peninsulas or corridors.*
6. Recommendation for Approval. Based on the information provided above, the Planning Commission recommends to the City Council of Kerman to initiate annexation for the entire Project Area that is not within the City limits, by adopting a resolution of application requesting the Local Agency Formation Commission of Fresno County to initiate proceedings for the change of organization of territory as described in Exhibit 'A', in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The Planning Commission recommends the City Council direct the City Manager to take all necessary steps to submit a complete application for the proposed annexation, including preparation and submittal of all LAFCO required forms, documents and studies and payment of all required fees, in accordance with any applicable agreement with the County of Fresno governing the same. The Planning Commission further recommends that the City shall, at least ten days (or more if required by agreement) prior to filing any annexation proposal with the Fresno Local Agency Formation Commission, notify the County of Fresno of the City's intention to file such proposal and the date upon which City expects such proposal to be filed.
7. Effective Date of Resolution. This Resolution shall become effective immediately. The Secretary of the Planning Commission shall certify 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 Planning Commission of the City of Kerman on the 15th day of July 2024, and was fully adopted at said meeting by the following vote:

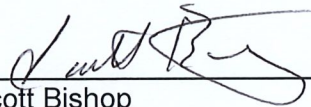
Ayes: S. Bishop, K. Nehring, R. bandy, C. Molloy, R. Felker

Noes: NONE

Absent: NONE

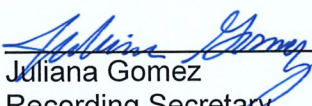
Recused: NONE

The foregoing resolution is hereby approved.



Scott Bishop
Chairperson

Attest:

 8/8/24

Juliana Gomez
Recording Secretary

Exhibit 'A': Proposed Area of Annexation (Annexation 2023-02)

Exhibit 'B': Initial Study and Mitigated Negative Declaration (Environmental Assessment 2023-03)

Exhibit 'C': Mitigation Monitoring and Reporting Program dated June 2024

Resolution No. 2024-20

**A RESOLUTION OF THE CITY OF KERMAN PLANNING COMMISSION
RECOMMENDING TO THE CITY COUNCIL ADOPT AN ORDINANCE
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, an application was filed by Joseph Crown Construction & Development, pertaining to two parcels consisting of 29.34 acres located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues identified as APNs 020-140-22S and 020-140-23S ("Project Area"); and

WHEREAS, because a portion of the Project Area is outside of City limits and currently has County agricultural zoning, a rezone application to prezone the property is needed; and

WHEREAS, the Project Area has a City of Kerman 2040 General Plan land use designation of MDR – Medium Density Residential (approximately 29.34 acres); and

WHEREAS, the requested Rezone 2023-02 proposes to prezone the Project Area within the County of Fresno that is currently zoned Agricultural Exclusive – 20 acres (AR-20) to SD-R-4.5 zoning district (APN 020-140-22S) as shown in the attached Exhibit 'A', consistent with the MDR land use designation; and

WHEREAS, the requested Rezone 2023-02 proposes to rezone the Project Area within the City of Kerman currently zoned Single-Family Residential (7000 SF Min. Lot) (R-1-7) to SD-R-4.5 zoning district (APN 020-140-23S) as shown in the attached Exhibit 'A', consistent with the MDR land use designation; and

WHEREAS, development of the project will be consistent with the development standards of the SD-R-4.5, including those conditions prescribed by the Planning Commission, based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, approval of the project would also require approval of Annexation 2023-02, Development Plan Permit 2023-03, and Tentative Subdivision Map 2023-02; and

WHEREAS, the City of Kerman, acting as the Lead Agency, prepared an Initial Study, Mitigated Negative Declaration 2023-03 and Mitigation Monitoring and Reporting Program dated June 2024 (SCH #202404148) for the project, and this related 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 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 approve Rezone 2023-02; and

NOW THEREFORE, be it resolved by the City of Kerman Planning Commission 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 development plan permit 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. 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. Recommendation for Approval. Given that all the findings can be made, the Planning Commission recommends that the City Council adopt an ordinance approving Rezone 2023-02, rezoning approximately 9.69 acres to the SD-R-4.5 (Smart Development Combining) zone district and rezoning approximately 19.65 acres from the R-1-7 (Single Family Residential) to the SD-R-4.5 (Smart Development Combining) zone district for those properties located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues (APN 020-140-22S & 020-140-23S) as set forth in Exhibit A.
 5. 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 Planning Commission of the City of Kerman on the 15th day of July 2024, and was fully adopted at said meeting by the following vote:


Ayes: S. Bishop, K. Nehring, R. Bandy, C. Molloy, R. Felker

Noes: NONE

Absent: NONE


Recused: NONE

The foregoing resolution is hereby approved.



Scott Bishop
Chairperson

Attest:



Juliana Gomez
Recording Secretary

Exhibit 'A': Proposed Rezone/Prezone (Rezone 2023-02)
Exhibit 'B': Proposed Area of Annexation (Annexation 2023-02)
Exhibit 'C': Draft Rezone 2023-02 Ordinance

Resolution No. 2024-21

**RESOLUTION OF THE CITY OF KERMAN PLANNING COMMISSION
RECOMMENDING TO THE CITY COUNCIL APPROVAL OF VESTING
TENTATIVE SUBDIVISION MAP 2023-02 LOCATED ON THE NORTH SIDE
OF WEST KEARNEY BOULEVARD BETWEEN SOUTH MODOC AND SOUTH
SISKIYOU AVENUE, APN 020-140-22S & 020-140-23S**

WHEREAS, Joseph Crown Construction & Development submitted Vesting Tentative Subdivision Map 2023-02 to subdivide the approximately 29-acre parcels identified as APN 020-140-22S and 020-140-23S located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues; and

WHEREAS, Vesting Tentative Subdivision Map 2023-02 will subdivide the 29-acre parcels into 163 lots for single-family residential development; and

WHEREAS, Annexation 2023-02, Rezone 2023-02, and Development Plan 2023-03, were considered concurrently by the Planning Commission with Vesting Tentative Subdivision Map 2023-02; and

WHEREAS, the City of Kerman, acting as the Lead Agency, prepared an Initial Study and Mitigated Negative Declaration 2023-02 and Mitigation Monitoring and Reporting Program dated June 2024 (SCH # 2024040147) for the project, and this related Vesting Tentative Subdivision Map; and the project is in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, the City of Kerman on June 26, 2024, published a legal notice in compliance with State law concerning Planning Commission consideration of Vesting Tentative Subdivision Map 2023-02 in the Kerwest News, a local newspaper of general circulation, which included the date and time of the Planning Commission consideration of a recommendation for the approval of the Vesting Tentative Subdivision Map. In addition, on or prior to June 26, 2024, a public hearing notice was mailed to each property owner within at least 300 feet of the project site, indicating the date and time of the public hearing regarding the proposed project in accordance with State law; and

WHEREAS, on July 15, 2024, the Planning Commission conducted a duly noticed public hearing Vesting Tentative Subdivision Map 2023-02, and concurrently considered Mitigated Negative Declaration 2023-03 and the Mitigation Monitoring and Reporting Program dated June 2024, Annexation 2023-02, Rezone 2023-02, and Development Plan 2023-03; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred, and the Planning Commission desires to recommend the City Council adopt Vesting Tentative Subdivision Map 2023-02

NOW, THEREFORE, BE IT RESOLVED 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 development plan permit 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. Subdivision Findings. The Planning Commission determines that none of the findings required by the City's Subdivision Ordinance and the California Subdivision Map Act Section 66474 that require the City to deny approval of a tentative map apply to this project, or that findings regarding flood protection cannot be made. To the contrary, the Planning Commission finds, and recommends the City Council find, as follows:

- a. The proposed maps are consistent with applicable general and specific plans. *The proposed map is consistent with the procedural requirements of the Subdivision Map Act and complies with the 2040 Kerman General Plan, Subdivision Ordinance, and Subdivision Map Act. There is no specific plan applicable to the site.*

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 design and improvement of the proposed subdivisions are consistent with applicable general and specific plans. *The proposed land division is consistent with the General Plan, including all applicable goals, policies and implementation measures. The land division is consistent with the planned density and land use designated by the General Plan, as well as circulation, pedestrian accessibility, and other design or improvement requirements of the General Plan. Additionally, the proposed parcels will comply with minimum lot size*

standards and the residential land uses consistent with the General Plan and Zoning Ordinance. There is no specific plan applicable to the site.

- c. *That the site is physically suited for the type of development. The subdivision map will create 163 parcels to support single-family residential uses. The site is physically suitable for such proposed type of residential use. Development is required to be consistent with the General Plan, Zoning Ordinance, Tentative Subdivision Map, and Development Plans, and there are no unusual conditions that would render the site physically unsuitable for such subsequent type of consistent development.*
 - d. *That the site is physically suited for the density of development. The subdivision map will create 163 parcels to support single-family residential uses with ample open space. The site is physically suitable for such proposed density of development. All development is required to be consistent with the General Plan, Zoning Ordinance, Tentative Subdivision Map, and Development Plans. Such consistency would likewise require consistency with setbacks, building code, and other requirements that would ensure suitable density of development.*
 - e. *That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. 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.*
 - f. *The design of the subdivision or the type of improvements is not likely to cause serious public health problems. The lots created will comply with all applicable sanitary sewer, water service, and storm water runoff requirements, as well as other similar environmental and life safety regulations and standards. Thus, the project is not likely to cause serious public health problems.*
 - g. *That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through, or use of, property within the proposed subdivision. There are no public easements encumbering the property. Upon development, all modifications made to the existing public improvements fronting the parcels will be required to meet current City standards.*
 - h. *That the proposed design provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision pursuant to Government Code Section 66473.1. As feasible, the project has attempted to take advantage of passive or natural cooling opportunities in subdivision design. Appropriate consideration was given to the local climate, while ensuring that heating and cooling opportunities did not result in the reduction of allowable densities or the percentage of a lot that may be occupied as contemplated by Government Code section 66473.1.*
4. Approval with Conditions. Based on the aforementioned findings, the Planning Commission recommends the City Council approve Vesting Tentative Subdivision Map 2023-02 (Exhibit

'A'), subject to the conditions set forth in Exhibit 'B' (Vesting Tentative Subdivision Map 2023-02 conditions of approval) attached hereto.

5. 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 Planning Commission of the City of Kerman on the 15th day of July 2024, and was fully adopted at said meeting by the following vote:

Ayes: S. Bishop, K. Nehring, R. Bandy, C. Molloy, R. Felker

Noes: NONE

Absent: NONE

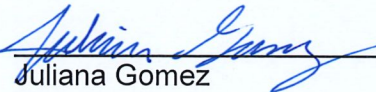
Recused: NONE

The foregoing resolution is hereby approved.



Scott Bishop
Chairperson

Attest:

 8/8/24

Juliana Gomez
Recording Secretary

Exhibit 'A': Vesting Tentative Subdivision Map 2023-02

Exhibit 'B': Conditions of Approval for Tentative Subdivision Map 2023-02

Resolution No. 2024-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KERMAN CONTINGENTLY APPROVING DEVELOPMENT PLAN PERMIT 2023-03, TO ALLOW FOR THE DEVELOPMENT OF 163 SINGLE-FAMILY RESIDENTIAL UNITS LOCATED ON THE NORTH SIDE OF WEST KEARNEY BOULEVARD BETWEEN SOUTH MODOC AND SOUTH SISKIYOU AVENUES (APNS 020-140-22S & 020-140-23S)

WHEREAS, the Planning Commission considered a request for a development plan permit (DPL) 2023-03 filed by Joseph Crown Construction & Development. (“Applicant”/”Property Owner”) requesting approval of a development plan permit to allow for the development of 163 single-family residential units located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues (APNs 020-140-22S & 020-140-23S) (“project site”); and

WHEREAS, a public notice was circulated to adjacent properties within a 300-foot radius of the project site and published in the local newspaper at least 10 days prior to the meeting as required by law; and

WHEREAS, a written report was prepared by staff which included a recommendation for approval for Development Plan Permit 2023-03 and was made available for public review at least 72 hours prior to the public hearing; and

WHEREAS, development of the project will be consistent with the development standards of the SD-R-4.5, including those conditions prescribed by the Planning Commission, based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, approval of the project would also require approval of Annexation 2023-02, Prezone/Rezone 2023-02, and Vesting Tentative Subdivision Map 2023-02; and

WHEREAS, the City of Kerman, acting as the Lead Agency, prepared an Initial Study, Mitigated Negative Declaration 2023-02 and Mitigation Monitoring and Reporting Program dated June 2024 (SCH #202404148) for the project, and this related development plan permit 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 development plan permit 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 concurrently considered Mitigated Negative Declaration 2023-02 and Mitigation Monitoring and Reporting Program, Annexation 2023-02, Prezone/Rezone 2023-02, and Vesting Tentative Subdivision Map 2023-02; and

WHEREAS, the Planning Commission held a duly noticed public hearing on July 15, 2024 and considered all of the project and environmental information presented by staff, public testimony, and all of the background information; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission now desires to contingently approve Development Plan Permit 2023-03 such that no decision of approval of Development Plan Permit 2023-03 becomes final and effective until immediately after the City Council adopts Mitigated Negative Declaration 2023-02 and Mitigation Monitoring and Reporting Program, Annexation 2023-02, Prezone/Rezone 2023-02, and Vesting Tentative Subdivision Map 2023-02; and if no such approval occurs within 180 days of the adoption of this Resolution, then the Planning Commission intends that Development Plan Permit 2023-03 be set for further consideration and a final decision by the Planning Commission.

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. Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, the City, as the Lead Agency, has analyzed the proposed project and has prepared an Initial Study and Mitigated Negative Declaration 2023-02 (MND) and Mitigated Monitoring and Reporting Program dated June 2024 (SCH #202404148) to evaluate the environmental effects of the project, including the proposed development plan permit. The Planning Commission has fully considered the Mitigated Negative Declaration and has concurrently recommended it for approval by the City Council. The Planning Commission finds that Development Plan Permit 2023-03 is consistent with, and have been fully assessed by, the MND, and that Development Plan Permit 2023-03 is an entitlement specifically anticipated for the proposed Project in the MND, and is consistent with the purposes and intent of the MND
3. Development Plan Permit Findings. The Planning Commission has determined to approve Development Plan Permit 2023-03 as permissible under Kerman Municipal Code Section 17.58.060 and determined that the requirements for Development Plan Permit 2023-03 can be made, including those required by the City of Kerman Municipal Code Section 17.58.060 (A) through (I). *The project meets the minimum site area and density, does not exceed the maximum height or building coverage, and meets the minimum side, front, and rear yard setbacks and yard requirements. Further, the design of the proposed streets, including the width, parkways, connectivity, and traffic calming devices, and residential design, landscaping, and open space design, fencing and walls, and parking meets the code requirements subject to conditions of approval.*
4. Approval of Development Plan Permit 2023-03 with Conditions. Given that all the findings can be made, the Planning Commission approves Development Plan Permit 2023-03 subject to conditions of approval included herein as Exhibit 'A' and contingent upon the following:
 - a. The approval Development Plan Permit 2023-03 shall become final and effective immediately only after the City Council of Kerman i) adopts Mitigated Negative Declaration 2023-02 and the associated Mitigation Monitoring and Reporting Program; ii) approves Annexation 2023-02; iii) approves Prezone/Rezone 2023-02 and said ordinance adopting the same then becomes effective; and iv) approves Vesting

Tentative Subdivision Map 2023-02 (collectively "Council Approvals"). If all of the Council Approvals are not made within 180 days of the adoption of this Resolution, then Development Plan Permit 2023-03 shall be returned to the Planning Commission for further consideration and a final decision. If Council Approvals are made within 180 days of the adoption of this Resolution, but any change is made by the Council to any of the Council Approvals in a manner that could reasonably affect the findings of the Planning Commission needed to approve Development Plan Permit 2023-03, or require a modification or addition of a condition of approval to be consistent with a Council Approval, then Development Plan Permit 2023-03 shall be returned to the Planning Commission for further consideration and a final decision.

5. Final Action and Appeals. This action shall become final and effective after, and only upon, the prior approvals including the MND and adoption of the Council Approvals and if a timely appeal of Development Plan Permit 2023-03 is then not with the City Clerk in accordance with the provisions of the City of Kerman Zoning Ordinance.

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

Ayes: S. Bishop, K. Nehring, R. Bandy, C. Molloy, R. Felker

Noes: NONE

Absent: NONE

Recused: NONE

The foregoing resolution is hereby approved.



Scott Bishop
Chairperson

Attest:



Juliana Gomez
Recording Secretary

Exhibit 'A': Development Plan Permit 2023-03 Conditions of Approval