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AGENDA
KERMAN PLANNING COMMISSION
REGULAR MEETING
Kerman City Hall
850 S. Madera Ave
Monday, July 27, 2015
6:30 p.m.

AGENDA PACKET AVAILABLE FOR
REVIEW 72 HOURS PRIOR TO
THE PLANNING COMMISSION
MEETING AT CITY HALL
AND ON THE CITY WEBSITE
ITEMS RECEIVED AT THE
MEETING WILL BE AVAILABLE
FOR REVIEW AT THE
PLANNING DEPARTMENT

Materials related to an item on this agenda that are public documents and are submitted after distribution and posting of the agenda are available for public inspection in the Planning Department at 850 South Madera Avenue, Kerman, during normal business hours. Documents that are public documents provided by others during a meeting will be available at the same location during business hours after the meeting.

Note: Individuals needing special assistance in order to participate should contact Olivia Pimentel, Planning Secretary at (559) 846-9386 for assistance prior to the meeting.

Call to Order – Chairman, Robert D. Epperson

Roll Call – Secretary, Olivia Pimentel

Pledge of Allegiance

Approval of Agenda

1. Presentation(s)

A. Introduction New Interim City Manager, John Kunkel

After a unanimous decision, in Closed Session, the Kerman City Council publicly awarded the position to Mr. John Kunkel of Exeter, at a special called Council meeting held on Friday, July 17. Mr. Kunkel comes to us with multiple years of management experience, ranging from law enforcement to City Manager. You will find him to be, if you have not already met him, an experienced, extremely professional, knowledgeable, courteous and caring. The Council is very excited about the dynamics he will bring to our team. Mayor Hill asks you to give him your full support in any and every endeavor. Change is always difficult, but without it we never progress. Status quo is unacceptable for a city like ours. Let us go forward and create the future all our community families deserve. The mayor asks each of you to compliment your department heads for shouldering the responsibilities of city management during the absence of a City Manager.

Request to Address Commission

This portion of the meeting is reserved for members of the public to address the Commission on items of interest that are not on the Agenda and are within the subject matter jurisdiction of the Commission. **Speakers shall be limited to (3) three minutes.** It is requested that no comments be made during this period on items on the Agenda. Members of the public wishing to address the Commission on items on the Agenda should notify the Chairman when that Agenda item is called, and the Chairman will recognize your discussion at that time. It should be noted that the Commission is prohibited by law from taking any action on matters discussed that are not on the Agenda. Speakers are asked to please use the microphone, and provide their name and address.

2. Approval of Minutes

March 23, 2015

3. Public Hearing

None

4. Petitions, Resolutions

None

5. Administrative Reports

A. **Subject:** Letter Requesting a Conditional Use Permit Pertaining to 4H Project Showmanship Animals

Recommendation: Commission review request and give direction to staff.

B. **Subject:** Resolution Initiation of Zoning Ordinance Amendment No. 15-02 Related To Expedited Permitting Procedures for Small Residential Roof Top Solar Systems

Recommendation: Planning Commission by motion set public hearing for August 10, 2015 to consider Zone Ordinance Amendment No. 15-02 relating to permitting procedures for small residential roof top solar.

6. Communications

A. Commissioners Comments

Adjournment

AGENDA POSTING CERTIFICATION

I, OLIVIA G. PIMENTEL, Planning Secretary for the City of Kerman, do hereby declare under penalty of perjury that I caused the above agenda to be posted at City of Kerman Planning & Development office at 850 So. Madera Avenue, and at Kerman Community/Teen Center, 15100 Kearney Plaza, and emailed to interested parties on July 23, 2015.

Olivia G. Pimentel
Secretary to the Planning Commission

CITY OF KERMAN PLANNING COMMISSION

City Council Chambers 850 S. Madera Avenue, Kerman, CA 93630

Minutes Regular Meeting Monday March 23, 2015 6:30pm

Call to Order – Chairman, Robert D. Epperson called meeting to order at 6:35pm

Roll Call – Secretary, Olivia Pimentel

Planning Commissioner's Present: Epperson, Bandy, Nehring, Kehler, Wettlaufer, Jones

Planning Commissioner's Absent: Nunez (unexcused)

Pledge of Allegiance - Performed

Approval of Agenda, C/Jones made a motion to approve Agenda as presented, second C/Nehring, unanimously approved as presented.

1. Approval of Minutes C/Nehring made motion to approve Minutes of February 23, 2015 as presented, second C/Jones, unanimously approved as presented.

Request to Address Commission – None offered

2. Presentation(s) None Offered

3. Public Hearing(s) / Meeting(s)

A. Conditional Use Permit No. 15-02 for Trini's Second Hand Store at 622 S. Madera Avenue

Staff gave a brief summary of application for a conditional use permit from Carmen Ceja to operate Trini's Second Hand Store in an existing vacant building located at 622 S. Madera Avenue. Staff reported that unfortunately, after the public hearing notice was published the applicant advised staff that the owner subsequently leased the building to another party. Therefore, the applicant withdrew the conditional use permit application for this site. As a courtesy for any public testimony, staff recommended to open and close the public hearing and take no action.

The applicant will occupy another existing vacant building located at 311 S. Madera Avenue, which was previously occupied by Hind's Hospice Thrift Store under Conditional Use Permit 03-07. Hind's Hospice operated a Thrift Store and sold used or second hand merchandise at the location for approximately ten years until it closed in July of 2013. The site was subsequently occupied by another use between May of 2014 and February of 2015. Because the proposed Trini's Second Hand Store is an identical use, staff has determined that the applicant could operate under the existing CUP No. 03-07 and conditions of approval. Staff reviewed conditions with the applicant who agreed to comply. Staff recommended that the Commission conduct a public hearing, receive public testimony, close the public hearing and take no action on Conditional Use Permit No. 15-02 because the applicant withdrew the application.

Opened Public Hearing: 6:40pm

No comments offered, staff noted that a concern was voiced about outside storage in the alley. Applicant was informed about the concern and the conditions of approval that prohibited outside display or storage and said she would comply.

Closed Public Hearing: 6:41pm: No further action required

B. Resolution Initiating Zoning Ordinance Amendment No. 15-01 Recommending City Council Initiate Zone Ordinance Amendment Related to Emergency Shelters, Transitional and Supportive Housing for the Homeless

Staff gave a brief summary explaining the City of Kerman is in the process of preparing the 5th Cycle Housing Element Update for submittal to the California Department of Housing and Community Development (HCD) by December 31, 2015. Prior to HCD certifying the Housing Element, the City of Kerman must be in compliance with the provision of Senate Bill 2 (SB2) related to emergency, transitional and supportive housing for the homeless. The proposed zoning ordinance amendment identifies emergency shelters as a permitted use by right in the Service Commercial (C-S) and Light Industrial (M-1) Zone Districts, provided certain standards are met related to maximum occupancy, length of stay, hours of operation, parking and submittal of management and operation plan. Staff recommended that the Planning Commission adopt resolution initiating zoning ordinance amendment and recommending that the City Council approve Zoning Ordinance Amendment No. 15-01 related to emergency, transitional and supportive housing for the homeless.

Opened Public Hearing: 6:50pm

Ms. Acosta, a women who stated she was currently a homeless person, addressed the Commission she inquired about the proposed ordinance and what services would be available for people in her situation. She inquired about how the numbers of homeless people was calculated, staff explained that this was based on a survey and gave her the reference information.

Closed Public Hearing: 6:55 pm

C/Jones Made a motion to *Approve* Resolution No. 15-01, Recommending City Council Initiate Zoning Ordinance Amendment No. 15-01 Related to Emergency Shelters, Transitional and Supportive Housing for the Homeless, second C/Nehring, approved with following vote:

AYES: Bandy, Nehring, Wettlaufer, Kehler, Jones, Epperson
NAYS: None
ABSTAIN: None
ABSENT: Nunez

4. Petitions, Resolutions None Offered

5. Administrative Reports

A. Multi-Jurisdictional Housing Element Update Informational item only

The consultant preparing the Multi-Jurisdictional Housing Element Update, Mintier-Harnish, held two separate Stakeholder Workshops on March 4 in Kerman and in Selma. Staff shared the PowerPoint presentation provided at the workshop in agenda packets.

Communications None provided

A. Commissioners Comments

C/Jones inquired when the last pay increase was given to Planning Commission; he requested a stipend increase of at least \$100 per meeting be considered. Staff said they would check the last pay increase and bring back for discussion and would need to take to City Council for approval. Staff would get back to the Commission.

C/Kehler inquired about the AT& T Cell Tower, Fresno County Conditional Use Permit, conditions of approval, the conditions required that the Cell tower contact the City of Kerman within One (1) year of operation. Staff reported that they did receive contact from AT&T representatives who indicated that because the costs to make the design improvements were so high, they were not inclined to do so. Staff will contact Fresno County to get a status update and report back to the Commission next month.

No other comments

Adjournment C/ Kehler made a motion to adjourn the meeting, second C/Jones, unanimously approved meeting adjourned at 7:00pm

Respectfully Reported by:



Olivia Pimentel
Planning Commission Secretary



City of Kerman

A Place Where "Community Comes First"

CHAIRMAN
Robert Epperson

VICE-CHAIRMAN
Kevin Nehring

COMMISSIONERS
Robert Bandy Eric Kehler Charlie Jones
Mario Nunez Katie Wettlaufer

DEPARTMENT: PLANNING & DEVELOPMENT
STAFF REPORT
PLANNING COMMISSION MEETING
MEETING DATE: JULY 27, 2015

To: Chairman and Commissioners
From: Olivia Pimentel, Planning Technician
Subject: Letter Requesting a Conditional Use Permit Pertaining to 4H Project Showmanship Animals

RECOMMENDATION

Informational only and direction to staff.

EXECUTIVE SUMMARY

Mia Guidry and her parents are requesting permission to keep her 4H farm animals at her residence for at least five (5) years while she is in the 4H program. These animals have been kept at the residence without permits for an unknown amount of time. An anonymous complaint was received and code enforcement was called. Code Enforcement confirmed that the animals at the Guidry residence were not allowed under the current ordinance. At the May 6, 2015 Council meeting, the Guidry's informed the Council the animals have been rehomed and made a request to the Council to be able keep her animals at her home.

Staff reviewed the ordinance and advised the Guidry's that there are currently no provisions in the ordinance for these types of animals. Staff's recommendation to the Guidry's was to address the Planning Commission.

OUTSTANDING ISSUES

Currently, small farm type animals are not allowed in the residential zone district by right or by conditional use permit. Our existing ordinance only provides options as far as home occupation permit, zoning permit or conditional use permit to operate a kennel or cattery:

Pursuant to section 6.04.130. Number of animals per household – Prohibited animals.

- A. Every person who owns, keeps, or maintains any animal shall adhere to the guidelines under this section. No household shall keep or maintain more than three dogs and three cats on the premises at any time, unless the household has a current home occupation permit, zoning permit or conditional use permit to operate a kennel or cattery. The animals shall be kept in accordance with the regulations listed in this chapter. As used in this chapter, "household" means one or more natural persons living as a family unit and occupying the same living space.
- B. No persons shall keep or maintain any livestock or any feral or wild animal within the city of Kerman (Ord. 06-01).

DISCUSSION

A Conditional Use Permit only applies to the operation of a kennel or cattery. In order to allow these types of farm animals within the city limits, an amendment to the current zoning ordinance would be required.

The Planning Commission would need to consider the following:

1. The impacts, location, size, design and operating characteristics of the proposed use and whether or not they are compatible with the existing and known future uses; and will not create significant noise, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity; or adverse to the public interest, health, safety, convenience, or welfare of the City.

Attachments:

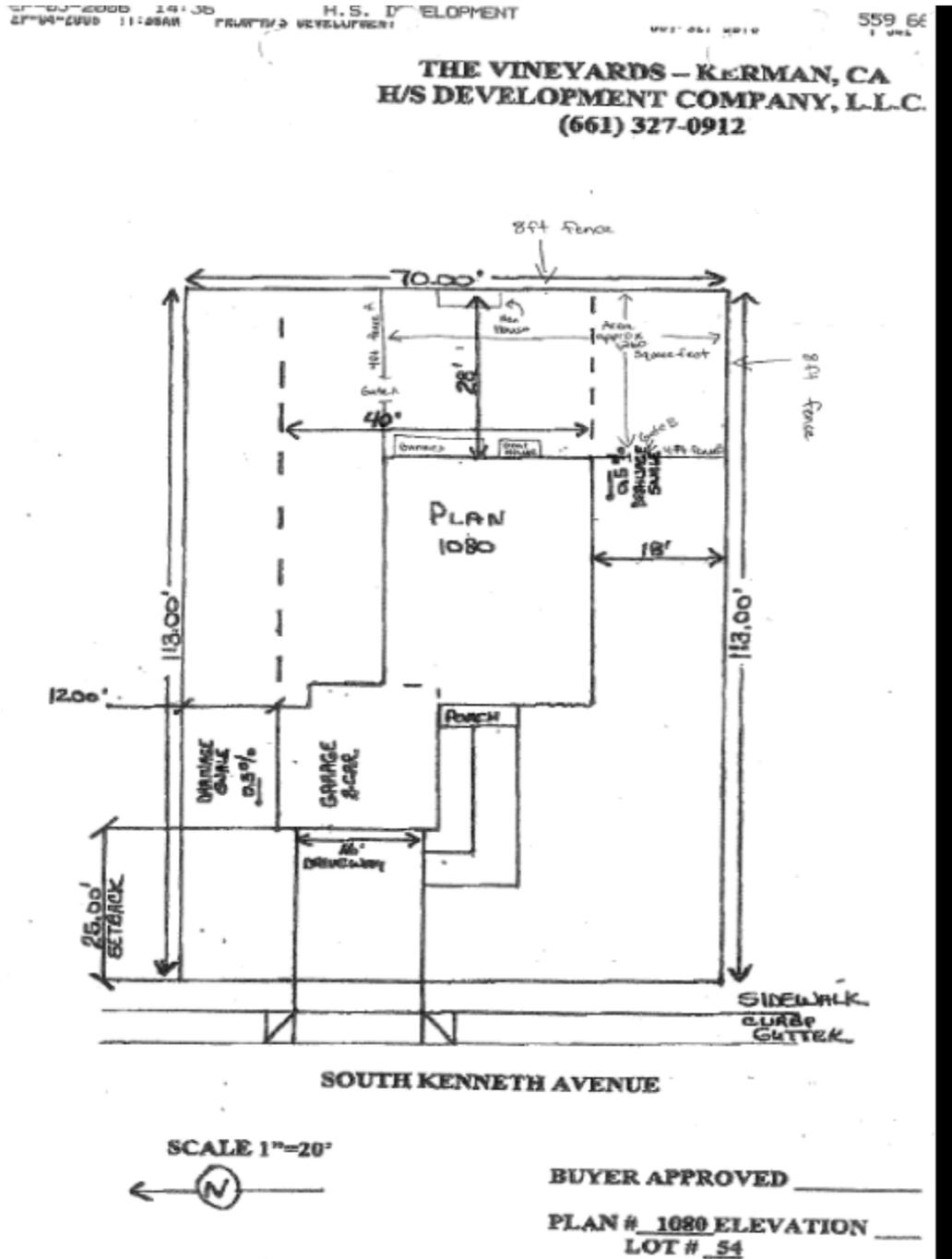
- A. Location Map
- B. Site Map
- C. Description of 4-H animal farm
- D. Photos of existing animals on the site, without permit or authorization

Attachment 'A'
Location Map



Attachment 'B'

Site Map- 276 S. Kenneth Avenue



Attachment 'C'
Description of Farm Animals

I am requesting a Conditional Use Permit from the City of Kerman's Planning and Development Service Department. The description of my project is unique to any other applied for before. I am asking for permission to keep my 4H project showmanship animals in my backyard at my home located at 276 S Kenneth Ave. in Kerman Ca. I am asking to keep my animals for the duration of my enrollment of 4H. 4H is a program for children ages 6 - their senior year in high school, with options of jr. leadership in college.



May
2021

The square footage of my entire backyard is 3,782. However; I will only need to use 1,260 square footage to house my animals, and the animals that I have only require about 100 square feet to live in. My backyard is shaped like a horseshoe around my house and we have 3 very large sections of our yard. We have sectioned and fenced off portions of our yard for specific uses. One section we use as our "normal" backyard. One section we would like to use as our "animal yard" and in the last section of yard we hope to grow a garden in it one day. (see attached plans and pictures)

The animals we are asking to get a permit for are 3 dwarf goats, 4 hens, and 4 bunnies. All of my animals have a purpose. That purpose is NOT for market sale, slaughter, breeding, or making a profit of money from. My animals are being raised for showmanship and conformation in California 4H events. I will show my animals at the Big Fresno Fair, 4H Fair, and I take my bunnies to various bunny shows around California.

Here is a description of each animal and how they are cared for, how much room they need to live adequately. Also, see attached pictures of their housing and area of the yard that is designated to them.

Dwarf goats: My goats are of the Pygmy Goat breed, and Nigerian Dwarf goat breed. They will grow to no larger than 80 pounds. They will be no taller than 26" tall at their shoulders. They are all male and are castrated. The goats will not reproduce. My goats are also dis-budded (their horns have been removed). My goats are only used for showmanship and conformation classes at fair. They are not used for breeding or market. I make no profit off of my goats.

I feed my goats, Goat Pellets in the morning and we give them Alfalfa Hay in the evening. Goats are foragers so they will also maintain the weed population in my backyard.

Because we are asking to house more than one goat, the goats will be quiet. Goats are very quiet animals, and they only *baaa* when they are excited or scared, like a dog barks. Goats are herd animals and do very well when they live in a herd (more than one goat).

Goats require 10 square feet per goat of living space per goat.

Goat waste is great fertilizer for grass or flowerbeds and we will use our goat waste as fertilizer. Goat waste does not smell or attract flies. However, there is always the risk of flies whenever any animal is kept (as well as keeping dogs and cats). We take precautions by hanging flytraps in various areas of the yard, and we spray "fly

spray" such as Mosquito Halt on our pets to keep flies away regularly. Flies bug us, as much as any other person, we work very hard to keep pests as these gone.

Bunnies: I own 4 bunnies. I have 2 Fuzzy Lop Bunnies, 1 Holland Lop Bunny, and one Miniature Rex Bunny. My bunnies are all registered pedigree show bunnies. My bunnies are not used for breeding or slaughter. I make no profit off of my bunnies. Bunnies require 24 square inches of cage space per bunny. Each of my bunnies have their own individual cage greater than 24 square inches.

Bunny waste is disposed of in a tray under the bunny cage and I clean out that tray weekly. We use bunny waste as fertilizer in our flower beds.

I feed my bunnies pellets every evening and they get Timothy Hay twice a week. My bunnies are on a very strict diet.

Hens: I would like to keep 4 laying hens. I DO NOT want to keep roosters. Roosters are not pets, they can be territorial, and mean. They are also loud. Hens are quiet birds. They only *cluck* when laying an egg or playing. Most people find that wild birds are more of a noise nuisance than hens are. I will not raise hens for market, or slaughter. I will not make a profit off of my hens.

Chickens require 4 square feet of living space per chicken.

Chicken waste is also great fertilizer for flowerbeds and grass. Chickens are also amazing pest control. They will keep spiders, flies, bugs, and weeds at bay. We will clip the wings of our chickens (just as any bird owner of a cockatiel, or parrot would do) to keep them from jumping out of their pen.

I feed my chicken's chicken pellets, and we will give our chickens food waste such as fruit, veggies, rice, beans, and any non-meat product.

Being able to keep my animals at my home will benefit both my pets and me. Because they will be at my home, I am able to be the one to care for them and feed them daily. I am able to work with my animals regularly on showmanship and conformation. I will keep my animal pen clean and well maintained. The fence that we put up for our animal's pen is made of FARMGUARD steel galvanized fencing and 4x4 posts and the gates have secure latches. The animal yard fencing that we built is 4 ft tall. The fencing that is connected to my neighbors yard is 8 feet tall and well maintained by us.

If any of my animals become deceased, we do have a plan. We will not slaughter any of my pets. They are my pets. The bodies will be properly disposed of as if it were a cat or dog. Either a vet will keep the remains or we will burry the carcass in a proper location.

Keeping these types of animals in town is not completely unheard of. Many cities such as San Diego, Seattle, Portland, Visalia, Madera, Fresno, and Clovis allow such animals. Some allow the animals just because, and other towns allow the animals if an individual is involved in an educational or scientific program such as 4H or FFA to be kept in town. Clovis Ca's municipal code reads this : **6.1.303 Farm animals.** No person shall keep or maintain any farm animals except as follows:

- (a) In connection with bona fide schools, colleges, universities, research organizations, and laboratories engaged in the field of scientific research and education;
- (b) On the grounds of any district agricultural fair or rodeo which may be located within the City;
- (c) In a zone established by the zoning laws of the City where such animals are specifically permitted, provided there is compliance with such zoning laws relating to such animals. (§ 5; Ord. 00-31, eff. January 10, 2001; as amended by § 1, Ord. 09-10, eff. July 1, 2009)

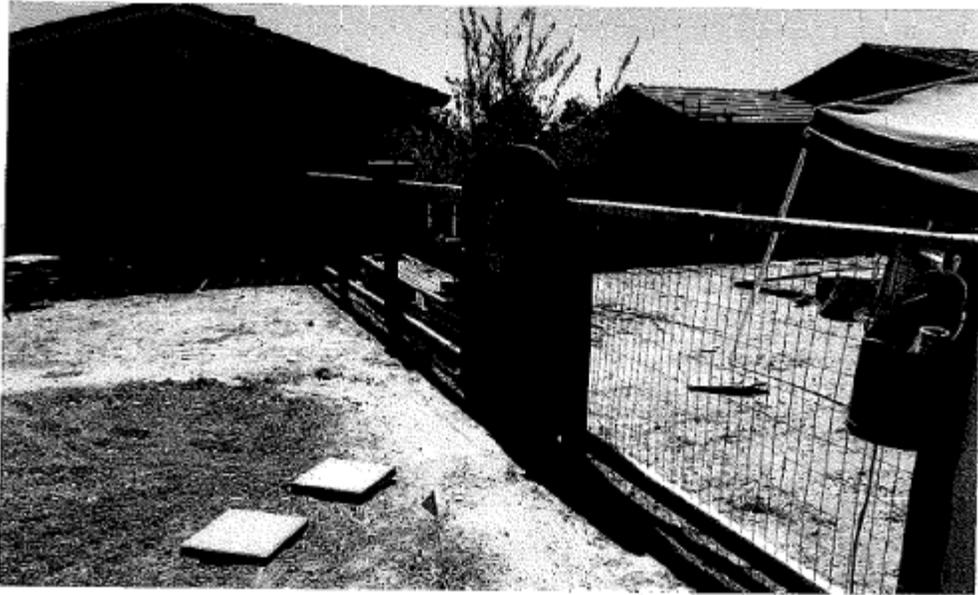
My home is located on the very edge of the city limits and the view from my front door is almond orchards and a big lot that is planned to be a park.

Attached you will see pictures of the fencing enclosure for my animals, the secure latches, the height of the fences, the material the fences are made of, the housing for the animals, and the conditions that the animals will live in.

Thank you for your consideration.

Mia Guidry &
Shannon and Tina Guidry

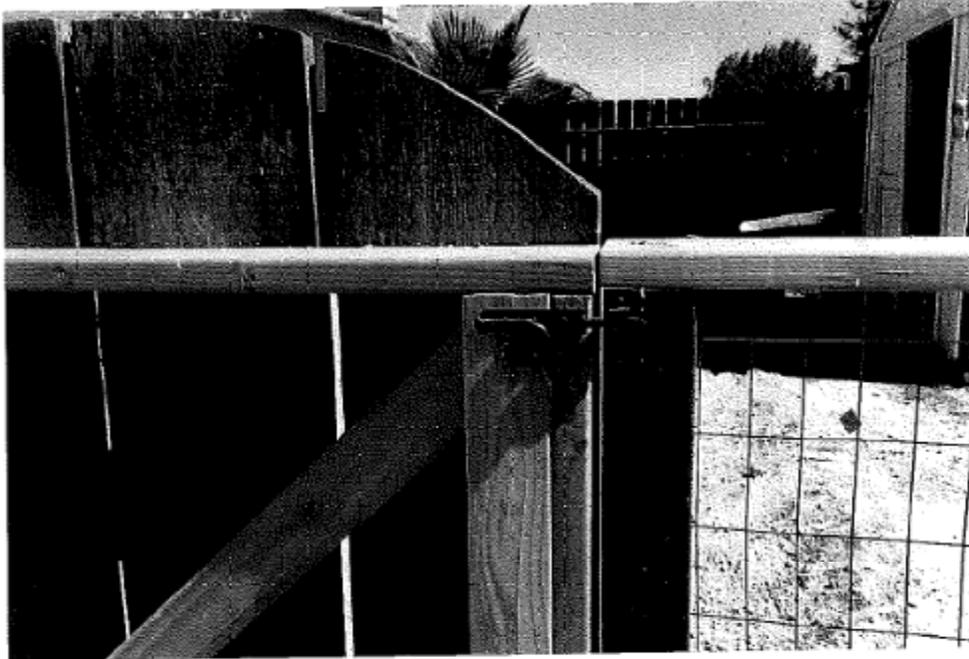
Attachment 'D'
Photos of existing farm animals on site (without permits, etc.)



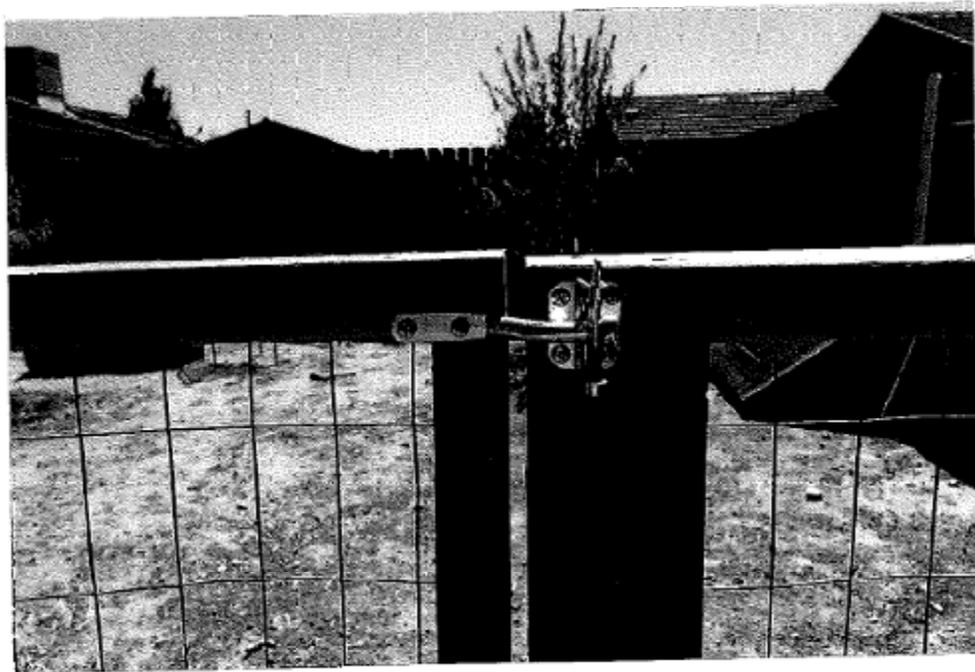
Fence & Gate "A"



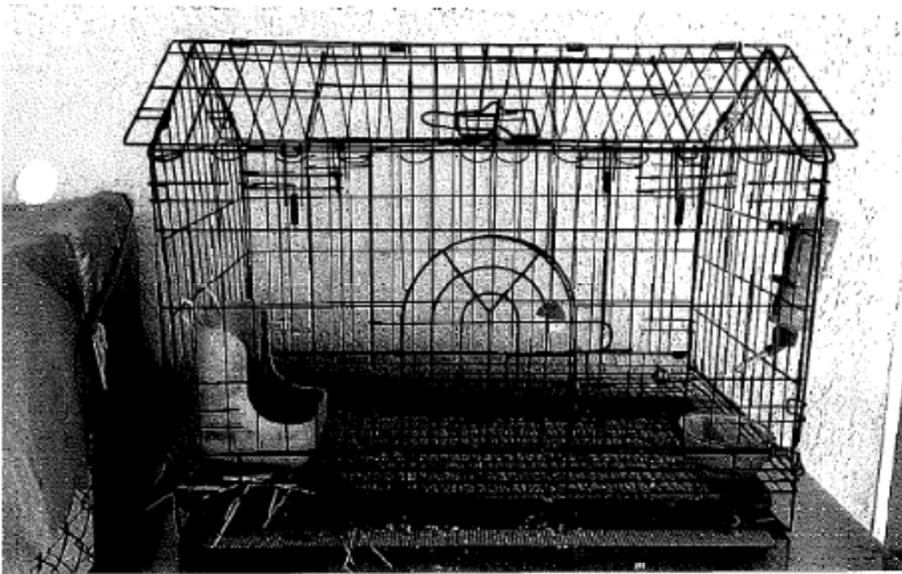
Fence & Gate "B"



Latch to Gate on Fence "A"



Latch to Gate on Fence "B"



This is what the Bunny cages all look like. We have 4 of similar design.



This is the hen's roosting boxes. They sleep here at night.



This is a picture of where the goats will sleep and of the cover we are temporarily using to cover the bunny cages.

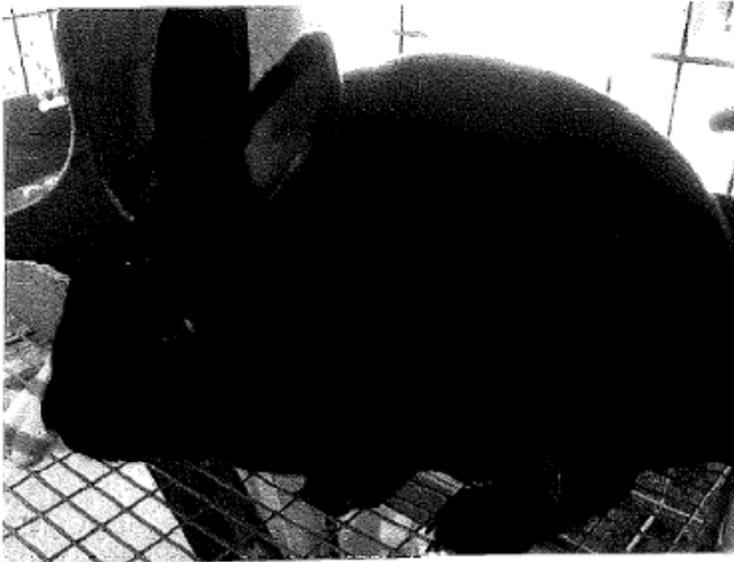
* the tall sticks will be used to build a tee-pee for the animal



← Charlie
American Fuzzy Lop
ear tag: API



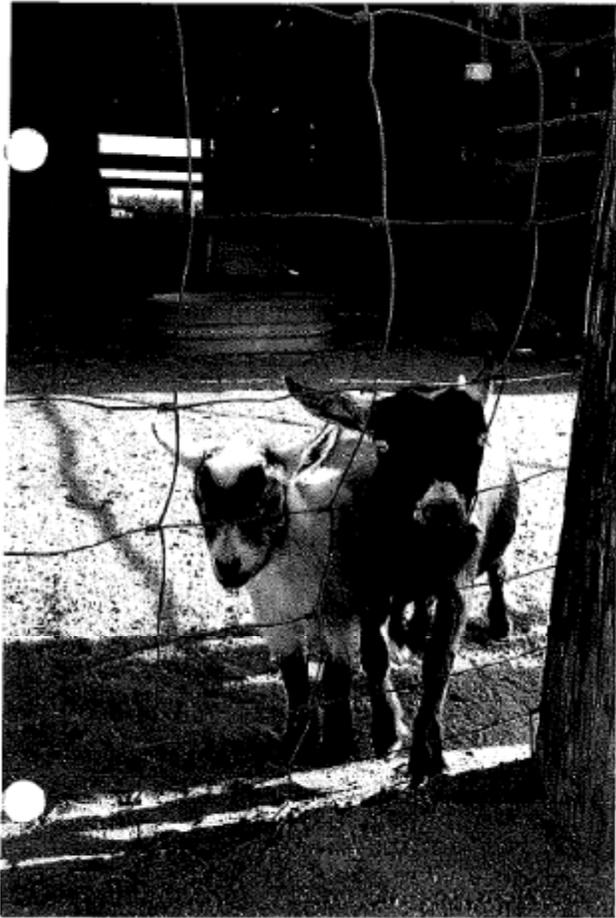
Cosette
American
Fuzzy Lop
ear tag: coco



Remy
Mini Rex
ear tag: RMS



Dallas
Holland Lop
ear tag: D



Mr. Tumms & Grover



Tater Tot

3 Dwarf Goats

2 are Nigerian Dwarf Breed

1 is Pygmy Goat Breed.



2 hens
Old English Bantam Breed



CHAIRMAN
Robert Epperson

VICE-CHAIRMAN
Kevin Nehring

COMMISSIONERS
Robert Bandy Eric Kehler Charlie Jones
Mario Nunez Katie Wettlaufer

DEPARTMENT: PLANNING & DEVELOPMENT
STAFF REPORT
PLANNING COMMISSION MEETING
MEETING DATE: JULY 27, 2015

To: Chairman and Commissioners
From: Olivia Pimentel, Planning Technician
Subject: Initiation of Zoning Ordinance Amendment No. 15-02 Related To Expedited Permitting Procedures For Small Residential Roof Top Solar Systems

RECOMMENDATION

Planning Commission by motion set public hearing for August 10, 2015 to consider Zone Ordinance Amendment No. 15-02 relating to permitting procedures for small residential roof top solar.

EXECUTIVE SUMMARY

Section 65850.5(a) of the California Government Code provides that it is the policy of the State to promote and encourage the installation and use of solar energy systems by limiting obstacles to their use and by minimizing the permitting costs of such systems. In furtherance of that objective, Section 65850.5(g)(1) of the California Government Code requires that, on or before September 30, 2015, every city, county, or city and county must adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.

The City currently expedites the review of such applications which meets the required intent of AB 2188 by reviewing and issuing applications (Our current plan checkers are processing residential solar projects in a very short time, normally ten (10) days turnaround time taken for processing and permitting, etc.).

The Solar Guidebook states "for eligible projects, plan review and permit issuance are completed "over the counter" for walk-in applications or electronic submittals, or automatically through online software. If over-the-counter approvals is not offered, a maximum timeframe of 1-3 days in which to review the permit application is provided." The key language to consider here is "review and application". It does not say approve the plans. Also, note that these are guidelines and not law. The City should be cautious not to state a time frame because it is not a requirement.

The City, however, needs to adopt the ordinance mandated by Section 65850.5(g)(1). The attached ordinance is intended to satisfy that requirement. The ordinance codifies the requirements of Section 65850.5(g)(1), such as accepting and approving applications electronically, directing the City's Building Official to develop a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review, and authorizing the Building Official to administratively approve such applications.

OUTSTANDING ISSUES

None

DISCUSSION

In order to meet the September 30, 2015 deadline and all requirements for public hearing notices, the Planning Commission will need to hold a special meeting on August 10, 2015.

Staff recommends Planning Commission provide input and direction to introduce the proposed ordinance and set a public hearing recommending adoption at a special meeting on August 10, 2015.

The proposed ordinance would be presented to city Council for first reading and introduction on August 19, 2015, setting public hearing for September 16, 2015.

This would meet the September 30, 2015 deadline.

FISCAL IM PACT

There is no anticipated fiscal impact, as the costs would be recovered through existing building permit fees.

PUBLIC HEARING

Planning Commission to review and set for public hearing on August 10, 2015

Attachments:

- A. Resolution of Intent to Recommend Adoption of Ordinance Amending Title 17 of the Kerman Municipal Ordinance Relating To Expedited Permitting Procedures For Small Residential Roof Top Solar Systems
- B. Draft Ordinance Amending Title 17 of the Kerman Municipal Ordinance Relating To Expedited Permitting Procedures For Small Residential Roof Top Solar Systems Relating to Expedited Permitting
- C. Streamline Permitting Checklist

Attachment 'A'

RESOLUTION NO. 15-__

BEFORE THE PLANNING COMMISSION
CITY OF KERMAN, STATE OF CALIFORNIA

A RESOLUTION OF INTENTION TO INITIATE ZONING ORDINANCE AMENDMENT NO. 15-02
TO TITLE 17 OF THE KERMAN MUNICIPAL ORDINANCE TO ADOPT THE CITY'S
REGULATIONS RELATING TO EXPEDITED PERMITTING PROCEDURES FOR SMALL
RESIDENTIAL ROOF TOP SOLAR SYSTEMS.

WHEREAS, at a regular meeting of the Planning Commission of the City of Kerman (the "Planning Commission") duly called and held on August 10, 2015, at 6:30 p.m., it was moved by Commission member _____ second by Commission member _____ and carried that the following resolution be adopted:

WHEREAS, the Planning Commission has initiated a zoning ordinance amendment to Title 17 of the Kerman Municipal Code Relating to Expedited Permitting Procedures for Small Residential Roof Top Solar Systems hereafter "Solar Ordinance"; and

WHEREAS, the Solar Ordinance, is attached hereto as Attachment 'A' and incorporated by this reference; and

WHEREAS, the Planning Commission pursuant to chapter 17.26, Zoning Ordinance Amendments, section 17.26.030 has scheduled a public hearing for August 10, 2015, to consider the zoning ordinance amendments and additions; and

WHEREAS, the Planning Department has determined that the proposed amendments and additions are statutorily exempt from environmental review pursuant to Section 15282 (i) of the California Environmental Quality Act (CEQA).

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission, after considering all the evidence presented, determined the following findings were relevant in evaluating this ordinance:

1. The proposed zoning ordinance amendments are consistent and compatible with other goals, policies and implementation programs set forth in the General Plan.
2. That the proposed zoning ordinance amendments will not be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity.
3. The proposed zoning amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.

The foregoing resolution was adopted at a special meeting of the Kerman Planning Commission held on this 10th day of August 2015, by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED BY:

Chairman, Robert D. Epperson

Date

Secretary, Olivia Pimentel

Date

Attachment 'B'

ORDINANCE NO. 15-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN ADDING 17.94 TO TITLE 17 OF THE KERMAN MUNICIPAL CODE TO COMPLY WITH AB 2188 REGARDING EXPEDITED PERMIT PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

THE CITY COUNCIL OF THE CITY OF KERMAN DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 17.94 is added to Title 17 of the Kerman Municipal Code to read as follows:

*EXPEDITED PERMIT PROCESS FOR SMALL
RESIDENTIAL ROOFTOP SOLAR SYSTEMS*

Sections:

- 17.94.010 Purpose and intent.
- 17.94.020 Definitions.
- 17.94.030 Applicability.
- 17.94.040 Solar energy system requirements.
- 17.94.050 Applications and documents.
- 17.94.060 Permit review and inspection requirements.

17.94.010 Purpose and intent.

The purpose of this chapter is to provide an expedited, streamlined solar permitting process that complies with the Solar Rights Act and AB 2188 (Chapter 521, Statutes 2014, California Government Code Section 65850.5) in order to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This chapter encourages the use of solar systems by removing unreasonable barriers, minimizing costs to property owners and the city and expanding the ability of property owners to install solar energy systems. This chapter allows the city to achieve these goals while protecting the public health and safety.

17.94.020 Definitions.

As used in this chapter:

- A. "Solar energy system" means either of the following:
 - 1. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.
 - 2. Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.
- B. "Small residential rooftop solar energy system" means all of the following:

1. A solar energy system that is no larger than ten kilowatts alternating current nameplate rating or thirty kilowatts thermal.
 2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the city, and all state and city health and safety standards.
 3. A solar energy system that is installed on a single- or two-family dwelling.
 4. A solar panel or module array that does not exceed the maximum legal building height as defined by the city.
- C. "Electronic submittal" means the utilization of electronic email or submittal via the Internet.
- D. "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
- E. "Reasonable restrictions" on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.
- F. Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance" means:
1. For water heater systems or solar swimming pool heating systems: an amount exceeding ten percent of the cost of the system, but in no case more than one thousand dollars, or decreasing the efficiency of the solar energy system by an amount exceeding ten percent, as originally specified and proposed.
 2. For photovoltaic systems: an amount not to exceed one thousand dollars over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding ten percent as originally specified and proposed.

17.94.030 Applicability.

- A. This chapter applies to the permitting of all small residential rooftop solar energy systems in the city.
- B. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of the ordinance codified in this chapter are not subject to the requirements of this chapter unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.
- C. A use permit and/or architectural review may be required for properties on the city's list of historic resources as deemed necessary by the community development director.

17.94.040 Solar energy system requirements.

- A. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state and the city.
- B. Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.

C. Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

17.94.050 Applications and documents.

A. All documents required for the submission of an expedited solar energy system application shall be made available on the city website.

B. Electronic submittal of the required permit application and documents by email or the Internet shall be made available to all small residential rooftop solar energy system permit applicants.

C. The Planning and Development Services Department shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.

D. The small residential rooftop solar system permit process, standard plan(s), and checklist(s) shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research.

17.94.060 Permit review and inspection requirements.

A. The Planning Director or his or her designee shall implement an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems. The Planning and Development Services Department shall issue a building permit, the issuance of which is nondiscretionary, on the same day for over-the-counter applications or within one to three business days for electronic applications upon receipt of a complete application that meets the requirements of the approved checklist and standard plan. The chief building official may require an applicant to apply for an administrative use permit if the official finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the city Planning Commission.

B. Review of the application shall be limited to the chief building official's review of whether the application meets local, state, and federal health and safety requirements.

C. If an administrative use permit is required, the city may deny such application if it makes written findings based upon substantive evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid, as defined, the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decisions may be appealed to the city planning commission.

D. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

E. "A feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the city on another similarly situated application in a prior successful application for a permit. The city shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.

F. If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.

G. Only one inspection shall be required and performed by the building and safety division for small residential rooftop solar energy systems eligible for expedited review.

H. The inspection shall be done in a timely manner and should include consolidated inspections.

I. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized.

SECTION 2. Severance. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. Effective Date. This ordinance shall become effective on the thirtieth (30th) day following adoption by the City Council. Publication of this ordinance or a summary of the same within fifteen days (15) of passage pursuant to the laws of the State of California in the Kerman News, a newspaper of general circulation published and circulated in the City of Kerman is hereby ordered and directed.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Kerman held on the date(th/st) day of Month, Year, and was passed after a duly noticed public hearing at a regular meeting of the City Council on the date(th/st) day of Month Year, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

The foregoing ordinance is hereby approved.

Stephen B. Hill
Mayor

ATTEST:

Marci Reyes
City Clerk

Attachment 'C'



STREAMLINED SOLAR CHECKLIST

CITY OF KERMAN

PLANNING & DEVELOPMENT DEPARTMENT, BUILDING DIVISION
850 S. MADERA AVENUE, KERMAN, CA 93630

BUSINESS PHONE: (559) 846-6121

INSPECTION REQUEST- 24 HOUR RECORDER: (559)846-6121

This checklist must be completed by the contractor or an authorized agent of the contractor in order to determine if the roof top solar project is eligible for streamlined solar permitting.

GENERAL REQUIREMENTS:

- System size is 10 kW AC CEC rating or less. YES NO
- The solar array is roof-mounted on one- or two-family dwelling. YES NO
- The solar system is utility interactive and without battery storage. YES NO
- Installation of the system will not require any excavation more than 10 feet from the structure the solar panel/module arrays are mounted on. YES NO
- A minimum clear space of three feet is provided on the control side of roof mounted HVAC equipment. YES NO

ELECTRICAL REQUIREMENTS:

- No more than four photovoltaic module strings are connected to each Maximum Power Point Tracking (MPPT) input where source circuit fusing is included in the inverter. YES NO
- No more than two strings per MPPT input where source circuit fusing is not included. YES NO
- Fuses (if needed) are rated to the series fuse rating of the PV module. YES NO
- No more than one noninverter-integrated DC combiner is utilized per inverter. YES NO
- or central inverter systems: No more than two inverters are utilized. YES NO
- The PV system is connected to the load side of the utility distribution equipment. YES NO
- A Solar PV Standard Plan and supporting documentation is completed and attached illustrating disconnects, AC/DC, wiring sizing, panel size. YES NO

ROOF REQUIREMENTS:

- The roof has a single roof covering without a reroof overlay. YES NO
- Has the roof structure been verified to be structurally sound, without signs of alterations or significant structural deterioration or deflection? YES NO

FIRE SAFETY REQUIREMENTS:

- Access pathways at least three feet in width are provided on hip roofs from the eave to the ridge. Panels shall be located at least 18 inches from a hip or valley if located on both sides of a hip or valley. YES NO
- Access pathways at least three feet in width are provided between multiple arrays. YES NO
- To allow for smoke ventilation there is a minimum of three feet between the ridge and the panels. YES NO
- There are no conductors within the three foot area between the panels and the ridge which are closer than 12 inches of the roof sheathing. YES NO
- The panel fire classification is provided and meets the rating required for the structure. YES NO
- The plans include a sheet showing the location and verbiage of the required labels YES NO

SOLAR ARRAY REQUIREMENTS:

- Is the distance between the underside of modules and the roof surface at least two inches but not greater than 10 inches? YES NO
- Is the plane of the modules (panels) parallel to the plane of the roof? YES NO
- The layout of the modules is designed to not overhang any ridges, hips, gable ends and eaves. YES NO
- Has the weight of the modules plus support components been verified to weigh no more than: 4 psf for photovoltaic arrays or 5 psf for solar thermal arrays? YES NO
- Are the support component manufacturer's project-specific worksheets and tables completed with relevant information identified? YES NO
- Is a roof plan of the module and anchor layout included in the plans? YES NO

PERMIT ISSUANCE REQUIREMENTS:

If any items are checked NO, the project is not eligible for streamlined solar permitting and must go through the standard application process.

AGREEMENT:

As the responsible contractor or authorized agent for the project I understand that I am responsible for the accuracy of all information provided in this application. I also understand that revisions to this project will result in a revised application and plan review submitted to the building department which will not be eligible for expedited solar permit issuance.

Contractor/Authorized Agent Name: _____

Contractor/Authorized Agent Signature: _____ Date: _____

NOTES and OTHER INFORMATION:

1. Size of existing service main:
 200 amp 125 amp 100 amp other please specify _____
2. Will the service main be upgraded and / or replaced? Yes No
3. Size of new service main:
 200 amp 125 amp 100 amp other please specify _____