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OPENING CEREMONIES

Call to Order
Roll Call
Pledge of Allegiance

AGENDA APPROVAL/ADDITIONS/DELETIONS

1. PRESENTATIONS/CEREMONIAL MATTERS

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 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. CONSENT CALENDAR

Matters listed under the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, a member of the audience or a Commission Member may request an item be removed from the Consent Calendar and it will be considered separately.

A. SUBJECT: Minutes

RECOMMENDATION: Commission approve minutes as presented.

ATTACHMENTS: January 14, 2019
3. PUBLIC HEARINGS

A. SUBJECT: Zoning Ordinance Amendment Regarding Initiation of Zoning Ordinance Amendments and Setting of Public Hearings

RECOMMENDATION: Commission by motion, open public hearing, consider any testimony, close public hearing and recommend that City Council initiate Zoning Ordinance Amendment Regarding Initiation of Zoning Ordinance Amendments and Setting of Public Hearings

ATTACHMENTS: Staff Report

4. PETITIONS/RESOLUTIONS - None Offered

5. ADMINISTRATIVE REPORTS – None Offered

6. COMMUNICATIONS

ADJOURNMENT

Agenda packet is available for review 72 hours prior to the meeting at the city clerk’s office and on the city website. Items received at the meeting will be available for review at the city clerk’s office.

In compliance with the American with Disabilities Act (ADA), if you need special assistance to participate at this meeting, please contact the City Clerk at (559) 846-9380. Notification of 48 hours prior to the meeting will enable the City Clerk to make reasonable arrangement to ensure accessibility to this meeting. Pursuant to the ADA, the meeting room is accessible to the physically handicapped.

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. Thursday February 7, 2019

/s/ Olivia G. Pimentel
Secretary to the Planning Commission
OPENING CEREMONIES

Call to Order by Robert Bandy at 6:33 p.m.
Roll Call by Destiny Garcia, Assistant Secretary
Commission Present: Bandy, Wettlaufer, Espino, Felker, Nehring, Nunez
Commission Absent: Bishop
Pledge of Allegiance: Performed

AGENDA APPROVAL/ADDITIONS/DELETIONS – Approved Unanimously

1. PRESENTATIONS/CEREMONIAL MATTERS –

   Swearing In of New/Returning Planning Commission Members Deputy City Clerk, Olivia Pimentel gave
   the oath office to the three returning incumbents (Felker, Espino, and Nehring), their terms of office
   will be from December 1, 2019 to December 31, 2021.

   Commission voted to appoint Chairman and Vice-Chair positions

   **RECOMMENDATION:** C/Wettlaufer, made motion to appoint Kevin Nehring for Chairman position.
   second C/Felker, C/Nehring accepted and the appointment was confirmed by the following vote:

   Yes: Bandy, Nehring, Nunez, Espino, Felker, Wettlaufer,
   Noes: None
   Abstain: None
   Absent: Bishop

   C/Bandy, made motion to appoint Katie Wettlaufer for the Vice-Chair position, second by M/Nunez,
   C/Wettlaufer accepted and the appointment was confirmed by the following vote:

   Yes: Bandy, Nehring, Nunez, Espino, Felker, Wettlaufer,
   Noes: None
   Abstain: None
   Absent: Bishop

REQUEST TO ADDRESS COMMISSION – None Offered

2. CONSENT CALENDAR

   **SUBJECT:** Minutes: C/Wettlaufer made a motion to approve minutes of December 10, 2018 as
   presented, second C/Felker, unanimously approved as presented.
3. PUBLIC HEARINGS - None Offered

4. PETITIONS/RESOLUTIONS

A. **SUBJECT:** California Government Code Section 65402 requires the acquisition of real property be submitted to and reported upon by the Planning Agency (Planning Commission), as to the conformity with the adopted General Plan. The City is requesting a determination of General Plan consistency for the proposed acquisition of APN 023-700-04.

The Planning Commission reviewed and approved this determination for consistency with General Plan conformity. This matter will be forwarded to the City Council for its consideration of the property acquisition and disposition on January 16, 2019.

**RECOMMENDATION:** C/Espino, made motion to approve acquisition of real property and determined the consistency and conformity with the General Plan, second by C/Felker, approved as presented by the following vote:

Yes: Bandy, Nehring, Nunez, Espino, Felker, Wettlaufer,
Noes: None
Abstain: None
Absent: Bishop

B. **SUBJECT:** In accordance with Section 17.26.020 subsection D of the Municipal Code, this memorandum serves as a Petition of Amendment to the City of Kerman Zoning Ordinance. Under said code section the Petition of Amendment may be filed by a city planner with the Planning Commission.

Planning Director requested an amendment to Kerman Municipal Code to amend initiation of ordinance procedures. Currently according to section 17.26.020 subsection D, staff must request that the planning commission set a public hearing for another meeting. Staff is requesting a streamlining of this procedure by allowing staff to set public hearing.

**RECOMMENDATION:** Approved unanimously, to set public hearing for February 11, 2019

5. ADMINISTRATIVE REPORTS

Informational: Joint City Council/Planning Commission Meeting January 16th regarding General Plan Update 5:00pm

6. COMMUNICATIONS - None Offered

**ADJOURNMENT** – Meeting adjourned at 7:00 p.m.

Prepared by: Olivia G. Pimentel
Secretary to the Planning Commission
To: Planning Commission  
From: Olivia Pimentel, Assistant Planner  
Subject: Zoning Ordinance Amendment Regarding Initiation of Zoning Ordinance Amendments and Setting of Public Hearings

RECOMMENDATION:

Planning Commission by motion, open public hearing, receive any public testimony, close public hearing and recommend that the City Council Initiate Ordinance Amending Title 17, Chapter 17.26 of the Kerman Municipal Ordinance Relating to Initiation of Zoning Ordinance Amendments and Setting of Public Hearings for Zoning Ordinance Amendments

EXECUTIVE SUMMARY

The Planning Commission received a Petition of Amendment on January 14, 2019 from the City Planner and set public hearing for February 11, 2019 in order to make necessary amendments to the ordinance in order to streamline the process of initiating zone ordinance amendments.

The Kerman Municipal Code process requires that Planning Commission set dates for public hearings regarding amendments to the Zoning Ordinance (text and maps). This process can create delays and costs associated with needing the Planning Commission to do that. Staff is recommending a Zoning Ordinance Amendment whereby staff sets the dates for public hearings. The amendment will also make other clarifying language regarding initiation of amendments. The proposed procedures are consistent with what most other cities do. Of course, staff will keep in mind the Planning Commission’s schedules.

CURRENT KERMAN MUNICIPAL CODE LANGUAGE

17.26.020 Initiation of an amendment.

An amendment to the Kerman zoning ordinance may be initiated by any of the following actions:

A. The filing of a resolution of intention by the city council with the planning commission;

B. The adoption of a resolution of intention by the planning commission;

C. The filing of a petition of amendment by the city planner with the planning commission;
D. The filing of a petition of amendment with the planning commission by one or more owners of record, or their authorized agents, of property which is the subject of the proposed amendment.


Upon receipt of a resolution of intention or petition of amendment, the planning commission shall set a date for a public hearing on the amendment. Said public hearing shall be in accordance with the provisions specified in Chapter 17.10. (Ord. 90-02 §2(part), 1990).

PROPOSED KERMAN MUNICIPAL CODE LANGUAGE

17.26.020 Initiation of an amendment.

An amendment to the Kerman zoning ordinance may be initiated by any of the following actions:

A. **Council Resolution.** The filing of a resolution of initiation by the city council with the planning commission.

B. **Planning Commission Resolution.** The adoption of a resolution of initiation by the planning commission.

C. **Planner Action.** The written action of the city planner filed in his or her office.

D. **Application.** The filing with the city planner of an application signed by one or more owners of record or their authorized agents, of property which is the subject of the proposed amendment. The names of all records owners of all land involved must be stated.


Whenever a public hearing is required to be set pursuant to this subsection, the city planner shall set a date for a public hearing on the amendment. Said public hearing shall be in accordance with the provisions specified in Chapter 17.10.

Attachments
Resolution/Ordinance
RESOLUTION NO. 19-

BEFORE THE PLANNING COMMISSION
CITY OF KERMAN, STATE OF CALIFORNIA

A RESOLUTION OF THE CITY OF KERMAN PLANNING COMMISSION
RECOMMENDING CITY COUNCIL ADOPT AN ORDINANCE AMENDING TITLE 17,
CHAPTER 17.26 OF THE KERMAN MUNICIPAL ORDINANCE RELATING TO
INITIATION OF ZONING ORDINANCE AMENDMENTS AND SETTING OF PUBLIC
HEARINGS FOR ZONING ORDINANCE AMENDMENTS

WHEREAS, the City of Kerman’s Municipal Code process requires that the Planning Commission
set dates for public hearings regarding amendments to the Zoning Ordinance (text and maps); and

WHEREAS, this process can create delays and costs associated with additional Planning
Commission meetings to set public hearings; and

WHEREAS, the city wishes to amend the ordinance to streamline the process; and

WHEREAS, the proposed ordinance will allow staff to set the dates for public hearings and also
make other clarifications to language regarding initiation of amendments; and

WHEREAS, on January 14, 2019, in accordance with Section 17.26.020 subsection D of the
Municipal Code, the Planning Commission received and approved a Petition of Amendment requested by
the City Planner; and

WHEREAS, the Planning Commission scheduled a public hearing on February 11, 2019 for the
proposed amendments to the Zoning Ordinance and the Planning Commission has conducted such public
hearing; and

WHEREAS, adoption of the proposed Zoning Ordinance Text Amendments are required in order
streamline the zoning initiation process by allowing staff to set the dates for public hearings; and

WHEREAS, the proposed ordinance amendments of zoning ordinance regarding process for
initiating Zoning Ordinance Amendments and for setting of hearings does not constitute a Project under the
California Environmental Quality Act per Title 14, Chapter 3, California Code of Regulations, Section
15378..

NOW, THEREFORE, BE IT RESOLVED by the City of Kerman Planning Commission as follows:

SECTION 1. The foregoing recitals are true and correct and incorporated by reference.

SECTION 2. Based upon the evidence in the Staff Report, public testimony, and project file, and as
required by Kerman Municipal Code Section 17.12.020, the Planning Commission makes the following
findings:
A. That the proposed amendments will not be detrimental to the public health, safety, and welfare of the persons residing or working in the City of Kerman;

B. That the proposed amendments are consistent and compatible with the goals, policies and implementation programs set forth in the General Plan; and

C. That the proposed ordinance amendments of zoning ordinance regarding process for initiating Zoning Ordinance Amendments and for setting of hearings does not constitute a Project under the California Environmental Quality Act per Title 14, Chapter 3, California Code of Regulations, Section 15378.

SECTION 3. Based on the foregoing the Planning Commission recommends that the City Council approve the ordinance attached hereto as Exhibit A.

The foregoing Resolution was adopted at a regular meeting of the Kerman Planning Commission held on February 11, 2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED BY:

______________________________ _______________
Kevin Nehring, Chairperson  Date

ATTEST

______________________________ _______________
Olivia Pimentel, Secretary  Date
ORDINANCE NO.____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN AMENDING TITLE 17, CHAPTER 17.26 OF THE KERMAN MUNICIPAL ORDINANCE RELATING TO INITIATION OF ZONING ORDINANCE AMENDMENTS AND SETTING OF PUBLIC HEARINGS FOR ZONING ORDINANCE AMENDMENTS

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

SECTION 1. Section 17.26.020 of Chapter 17.26 “Zoning Ordinance Amendments” of Title 17 of the Kerman Municipal Code is amended to read as follows:

17.26.020 Initiation of an amendment.
An amendment to the Kerman zoning ordinance may be initiated by any of the following actions:
A. Council Resolution. The filing of a resolution of initiation by the city council with the planning commission.
B. Planning Commission Resolution. The adoption of a resolution of initiation by the planning commission.
C. Planner Action. The written action of the city planner filed in his or her office.
D. Application. The filing with the city planner of an application signed by one or more owners of record or their authorized agents, of property which is the subject of the proposed amendment. The names of all records owners of all land involved must be stated.

SECTION 2. Section 17.26.030 of Chapter 17.26 “Zoning Ordinance Amendments” of Title 17 of the Kerman Municipal Code is amended to read as follows:

Whenever a public hearing is required to be set pursuant to this subsection, the city planner shall set a date for a public hearing on the amendment. Said public hearing shall be in accordance with the provisions specified in Chapter 17.10.

SECTION 3. CEQA. Amendment of zoning ordinance regarding process for initiating Zoning Ordinance Amendments and for setting of hearings does not constitute a Project under the California Environmental Quality Act per Title 14, Chapter 3, California Code of Regulations, Section 15378.

SECTION 4. Effective Date. This ordinance shall become effective thirty days after its adoption.

SECTION 5. Publication. Upon passage, this ordinance or a summary of the same shall be published within fifteen (15) days of passage, pursuant to the laws of the State of California, in the Kerman news, a newspaper of general circulation published and circulated in said City of Kerman. If a summary of the ordinance is published, the City Clerk shall cause a certified copy of the full text of the proposed ordinance to be posted at City Hall at least five days prior to the meeting at which the ordinance is adopted and again after the meeting at which it is adopted.

**********
The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Kerman on ______________________2019, and was passed and adopted at a regular meeting of the City Council of the City of Kerman on ______________________2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

The foregoing ordinance is hereby approved:

Rhonda Armstrong,
Mayor, City of Kerman

Attest:

Marci Reyes
City Clerk