

CHAPTER 1 • INTRODUCTION

KERMAN

Kerman is located on the west side of Fresno County in the southern portion of the San Joaquin Valley. It is bisected by State Route 145 (Madera Avenue), which runs north/south, and State Route 180 (Whitesbridge Road), which runs east/west. State Highway 99, the major highway through the San Joaquin Valley, is 15 miles east of Kerman.

Kerman is 17 miles south of Madera, county seat of Madera County, and 15 miles west of Fresno, county seat of Fresno County. The smaller cities of San Joaquin and Mendota are about 13 miles southwest and 20 miles west, respectively. (see Exhibit 1)

THE GENERAL PLAN

In an effort to insure that land and resources within the State of California are properly managed and developed and that the health, safety and welfare of its citizens are protected, each California City is required to prepare a long-term, comprehensive planning document, which details how the city will physically develop. This document - the General Plan - contains seven mandated elements - land use, circulation, housing, open space, conservation, safety and noise. The Kerman General Plan will combine open space and conservation into one element. In addition, a non-mandatory element - recreation - will be combined with these two previously mentioned elements.

Kerman's vision and expectations for the "future" are expressed through its General Plan - a development "blueprint" for the year 2027. Specifically, Kerman residents have expressed their vision and expectations for the future in the goals, policies and action programs contained in the General Plan. In addition, the land use and circulation maps of the General Plan provide a visual display of the future Kerman. The ideas and thoughts reflected in the goals, policies and action programs and the land use and circulation maps resulted from community surveys and workshops, study sessions and public hearings.

The primary goal of the General Plan is to facilitate a well-planned community. Kerman's success in fulfilling this goal will depend on how well the City adheres to the General Plan - a decision-making tool that guides future decisions on the physical development of Kerman. In this regard, the General Plan can:

- guide the Planning Commission and City Council on land use, circulation, housing and capital improvement decisions;
- inform the public where certain types of development will occur in the community;
- educate the public on how Kerman's resources will be managed; and
- provide the private sector with a document upon which it can base investment decisions.

THE KERMAN PLANNING AREA

The Kerman planning area encompasses land within Kerman's Sphere of Influence (SOI). The SOI contains 8.96 square miles of which, 2.75 square miles is contained within the city limits (see Exhibit 2). The planning area contains the urbanized portion of Kerman and surrounding agricultural lands. It is generally divided into four quadrants. Kearney Boulevard divides the planning area north and south, and Madera Avenue divides it east and west.

The populated portion of the planning area is generally confined to the land between the railroad tracks and Whitesbridge Road (State Route 180). Retail and service commercial uses are concentrated along Whitesbridge Road and Madera Avenue; industrial uses are generally situated between the railroad tracks and Jensen Avenue; and residential uses are located between Modoc and Goldenrod Avenues and between California Avenue and Whitesbridge Avenue.

PLANNING PERIOD

The Kerman General Plan will be a 20-year plan, 2007 to 2027. Every five years, it should be reviewed and updated to insure that it is reflective of changes in community attitudes and market forces.

State planning law permits the mandatory elements of the General Plan to be amended as often as four times per year. This provision in State law allows the city to "fine-tune" its General Plan; however, since the General Plan is a "public" document, any amendment should have the broad support of the public.

GENERAL PLAN OBJECTIVES

The objectives of the Kerman General Plan are to:

- recognize the changing conditions and trends in the planning area and market place and make appropriate amendments to the General Plan;
- project Kerman's future growth and make provisions for this growth through the General Plan;
- provide for a greater variety of housing choices and shopping opportunities;
- insure that there are adequate public facilities to serve Kerman in the future;
- insure that Kerman's infrastructure system can effectively serve the land use framework;
- promote economic development and enhanced employment opportunities in Kerman by designating sufficient land for industrial uses, retail stores, and office parks;
- recognize past land use approval actions and adopted land use policies;
- create a unique and attractive city by investing in projects that will enhance Kerman's appearance and marketability;
- provide a safe and pleasant environment and enhance property values throughout the community by avoiding and eliminating land use conflicts;
- enhance the character of Kerman by creating an improved and revitalized downtown;
- promote increased sales tax revenue in Kerman by providing sufficient land for a wide range of commercial uses.

LEGAL BACKGROUND

Planners and decision-makers have likened the General Plan to the U.S. Constitution in that decisions regarding land use, circulation, housing and capital improvements must be consistent with the goals, objectives and policies of this document. In *City of Santa Ana v. City of Garden Grove*, 100 Cal. App. 3d 521, 532 (1979), the court of appeal, in explaining California's general plan legislation in 1971, stated it has:

" . . . transformed the general plan from just an 'interesting study' to the basic land use charter governing the direction of future land use in the local jurisdiction As a result, general plans now embody fundamental land use decisions that guide the future growth and development of cities."

City decisions that are not consistent with the General Plan place that jurisdiction in a legally tenuous position and subject to legal challenge. In *Friends of "B" Street . et. al. v. City of Hayward, et. al.*, 106 Cal. App. 3d 988 (1980), the court concluded that construction of public improvements (e.g. street projects, sewer lines, etc.) must be consistent with the General Plan. Further, the court stated that the General Plan essentially is the constitution for all future development within the city.

A General Plan, which is internally inconsistent, lacks one or more of the mandatory elements, or is lacking required information, can potentially prevent a city from issuing land use approvals, including building permits, zone changes, and subdivisions, if the Court finds that any one of the aforementioned conditions exist. (*Sierra Club v. Kern County*, 126 Cal. App. 3d 698, 704 (1981); *Resource Defense Fund v. County of Santa Cruz*, 133 Cal. App. 3d 800, 803 (1982); *Camp v. Mendocino*, 123 Cal. App. 3d 334 (1981)). For example, the Kerman Housing Element may include a policy that states that the city provide adequate sites for a range of housing types, including multi-family residential uses. The Land Use Element would have to be consistent with this policy by designating sufficient land area for this type of development. Another example of inter-element consistency involves the use of population projections, which is the basis for future land needs for housing units and other types of land uses. The Land Use and Housing Elements should use the same population projections in their needs analysis to avoid inter-element inconsistencies.

DOCUMENT ORGANIZATION

The Kerman General Plan and accompanying environmental impact report are combined into one document. Part 1 contains six of the seven state-mandated elements of the General Plan (the Housing Element has already been updated). These elements are: land use, circulation, noise, safety, and two elements that have been combined, the open space/conservation element. Each element is generally formatted as follows:

PART 1: GENERAL PLAN ELEMENT

I. INTRODUCTION

II. EXISTING CONDITIONS

III. PROJECTIONS

IV. GOALS

V. THE PLAN

A. ISSUE

B. POLICY

C. ACTION PROGRAM

Part 2 contains existing conditions (background information) on the City of Kerman. It is support information for the six general plan elements found in Part 1 and serves as the existing conditions section of the environmental impact report (EIR) contained in Part 3. It is formatted as follows:

PART 2: EXISTING CONDITIONS

I. HUMAN ENVIRONMENT

- A. POPULATION
- B. SOCIO-ECONOMIC CONDITIONS
- C. HOUSING CHARACTERISTICS
- D. SERVICES
- E. LAND USE
- F. INFRASTRUCTURE

II. PHYSICAL ENVIRONMENT

- A. CLIMATE
- B. TOPOGRAPHY
- C. SOILS
- D. GEOLOGY

III. RESOURCES

- A. SCENIC
- B. AGRICULTURE
- C. CULTURAL
- D. BIOTIC
- E. AIR QUALITY
- F. WATER QUALITY

IV. RISK OF UPSET

- A. FLOODING
- B. NOISE
- C. SEISMIC

Part 3 of this document contains the environmental impact report (EIR) prepared for the Kerman General Plan. This part of the document discusses the environmental impacts associated with the implementation of the General Plan. In addition, it lists mitigation measures and discusses plan alternatives that can reduce the General Plan's impact on the environment.

PART 3: ENVIRONMENTAL IMPACT REPORT

- I. EXECUTIVE SUMMARY
- II. INTRODUCTION
- III. PROJECT DESCRIPTION
- IV. ENVIRONMENTAL SETTING (see PART 2)
- V. ENVIRONMENTAL IMPACT ANALYSIS
- VI. UNAVOIDABLE ADVERSE ENVIRONMENTAL EFFECTS
- VII. ALTERNATIVES TO THE PROPOSED ACTION
- VIII. GROWTH-INDUCING IMPACTS
- IX. LONG-TERM IMPLICATIONS OF THE PROPOSED PROJECT
- X. CUMULATIVE IMPACTS
- XI. EFFECTS FOUND NOT TO BE SIGNIFICANT
- XII. PERSONS AND AGENCIES CONSULTED