



STAFF REPORT

MEETING DATE: September 22, 2025

PRESENTER: Bonique Emerson, Contract Planner

SUBJECT: Public hearing regarding General Plan Amendment (GPA 2023-02), Rezone (REZ 2023-03), Tentative Parcel Map (TPM 2024-01), Tentative Subdivision Map (TSM 2023-03), Annexation (ANX 2023-03), and Mitigated Negative Declaration (SCH No. 2025060904) pertaining to two (2) parcels located on the south side of West Nielsen Avenue between North Madera Avenue and North Del Norte Avenue (APNs 020-120-06 and 020-120-03S).

RECOMMENDATION:

The Kerman Planning Commission conduct a public hearing, deliberate, and by motion, adopt:

1. A resolution of the Planning Commission recommending the City Council (1) certify the Mitigated Negative Declaration (SCH No. 2025060904) prepared for the project; (2) adopt the proposed Mitigation Monitoring and Reporting Program; and (3) approve General Plan Amendment 2023-02 to amend the 2040 Kerman General Plan planned land use designations for Assessor's Parcel Numbers (APN) 020-120-06 (9.64 acres) to MU – Mixed Use and MDR – Medium Density Residential (southwest corner of West Nielsen Avenue and North Madera Avenue); and
2. A resolution of the Planning Commission recommending the City Council adopt an ordinance to amend the official zoning map of the City of Kerman for two (2) parcels identified as Assessor's Parcel Numbers (APNs) 020-120-06 (19.82 acres) and 020-120-03S (20 acres), re-zoning the parcels consistent with the proposed land use designations, resulting in approximately 30.39 acres within the Smart Development Combining District – Residential – minimum 3,500 square feet (SD-R-3.5), 8.74 acres within the Mixed Use District, totaling approximately 39.13 acres located on the south side of West Nielsen Avenue between North Madera Avenue and North Del Norte Avenue (Rezone 2023-03); and
3. A resolution of the Planning Commission recommending that the City Council adopt a resolution to approve The Orchards at Gill Estates parcel map of two (2) parcels identified as 020-120-06 (20 acres) and 020-120-03S (20 acres) into two (2) parcels and one (1) remainder, including a 28.35-acre "Parcel 1" that would accommodate TSM 2023-03, a 8.74-acre "Parcel 2" on the east portion of APN 020-120-06 with no development proposed at this time, and a 2.04-acre "Remainder" on the northwest corner with an existing single-family residence (Tentative Parcel Map 2024-01); and
4. A resolution of the Planning Commission recommending the City Council adopt a resolution to approve The Orchards at Gill Estates subdivision of one (1) parcel (Parcel 1 of TPM 2024-01) into 172 single-family lots ranging in size from 3,690 square feet to 8,987 square feet and

five (5) outlots, totaling approximately 28.35 acres located on the south side of West Nielsen Avenue between North Madera Avenue and North Del Norte Avenue (Tentative Subdivision Map 2023-03); and

5. A resolution of the Planning Commission recommending the City Council adopt a resolution to initiate annexation of two (2) parcels identified as Assessor's Parcel Numbers (APNs) 020-120-06 (19.82 acres) and 020-120-03S (20 acres), totaling approximately 40 acres located on the south side of West Nielsen Avenue between North Madera Avenue and North Del Norte Avenue (Annexation 2023-03).

EXECUTIVE SUMMARY:

Lifetime Communities (Applicant) proposes General Plan Amendment (GPA) 2023-02, Rezone (REZ) 2023-03, Tentative Parcel Map (TPM) 2024-01, Tentative Subdivision Map (TSM) 2023-03, and Annexation (ANX) 2023-03, and related Mitigated Negative Declaration pertaining to two (2) parcels identified as Assessor's Parcel Numbers (APNs) 020-120-06 (19.82 acres) and 020-120-03S (20 acres), totaling approximately 40 acres located on the south side of West Nielsen Avenue between North Madera Avenue and North Del Norte Avenue. The Project would result in the annexation of approximately 40 acres from the County of Fresno to the City of Kerman, an amendment of the 2040 Kerman General Plan planned land use designations for ± 9.64 acres, an amendment to the official zoning map of the City of Kerman for ± 40 acres, a split of ± 40 acres into two (2) parcels and a remainder, and the subdivision of ± 28.35 acres for future single-family use. Future development of the Project site would require additional entitlements, including but not limited to a Development Plan Permit, Site Plan Review, and Conditional Use Permit.

APPLICABLE CODES AND PROCEDURES:

The Kerman Municipal Code (KMC) requires that the Planning Commission (Commission) submit its written recommendations to the City Council Annexations, Amendments, and Subdivision Maps, subject to the following applicable codes and procedures.

KMC Title 16 – Subdivisions

KMC 17.10 – Residential Zones

KMC 17.12 – Commercial, Office, and Mixed-Use Zones

KMC 17.18 – Combining Zones

KMC 17.20 – General Site Planning and Development Standards

KMC 17.98 – CEQA Procedures

KMC 17.112 – Amendments

KMC 17.116 – Public Notices and Hearings

Public Resource Code – 21000 et seq.

The Planning Commission shall be the original hearing body to recommend approval or denial of the General Plan amendments, Zone Map amendments (rezones), tentative parcel map, tentative subdivision map, and annexation to the Council. There are no proposed entitlements for this project where the Planning Commission will be the original approving body.

BACKGROUND:

Site Location

The Project site is currently in the jurisdiction of the County of Fresno, California. The site is located on the south side of West Nielsen Avenue between North Madera Avenue and North Del Norte Avenue, consisting of two (2) parcels that total approximately 40 acres. The site is identified by the Fresno County Assessor as Assessor's Parcel Numbers (APNs) 020-120-06 (19.82 acres) and 020-120-03S (20 acres). The Project Vicinity Map is shown in **Attachment A**.

Setting and Surrounding Uses

As referenced in **Table 1**, the Project site is surrounded by agricultural land to the north, east, and west, and a new school facility to the south. The properties to the west are planned for residential uses and properties to the east are planned for commercial uses within the City of Kerman Sphere of Influence. The properties to the north are planned for agricultural uses within the County of Fresno. The Aerial Photograph and Physical Setting of the Project site is shown in **Attachment B**.

Table 1. Existing Land Use, General Plan Designation, and Zone District of Surrounding Properties

Direction from site	Existing Land Use	General Plan Designation	Zone District
North	Agriculture	Urban Reserve (County)	AE-20 – Agriculture Exclusive, 20 acre (County)
East	Agriculture	GC - General Commercial	AE-20 – Agriculture Exclusive, 20 acre, AL-20 – Agriculture Limited, 20 acre (County)
South	KUSD School Site	Schools/Institutional (S/I)	UR – Urban Reserve
West	Agriculture	MDR - Medium Density Residential	AE-20 – Agriculture Exclusive, 20 acre, AL-20 – Agriculture Limited, 20 acre (County)

General Plan Land Use Designation

The Project site has a City of Kerman 2040 General Plan land use designation of MDR – Medium Density Residential (30.19 acres) and GC – General Commercial (9.64 acres). Acreages of land use designations by APN are shown in **Table 2**. The General Plan Land Use Map for the Project site is shown in **Attachment C**.

Table 2. Acreages of Existing Land Use Designations by APN

APN	General Plan Land Use Designation (Acres)	
	MDR – Medium Density Residential	GC – General Commercial
APN 020-120-06	10.19	9.64
APN 020-120-03S	20.00	0
Total	30.19	9.64

Zone District

The Project site is located within the City's Sphere of Influence but since it is outside City limits, the site is zoned by the County. The site is within the County of Fresno's Agricultural Exclusive – 20 Acres (AE-20) and Limited Agricultural – 20 Acres (AL-20) zone district. The Zoning Map for the Project site is shown in **Attachment D**.

ANALYSIS:

Annexation 2023-03

Annexation (ANX) 2023-03 would initiate the annexation process for two (2) parcels identified as APNs 020-120-06 (19.82 acres) and 020-120-3S (20 acres), totaling approximately 40 acres located in the City of Kerman Sphere of Influence, on the south side of West Nielsen Avenue between North Madera Avenue and North Del Norte Avenue from the County of Fresno to the City Limits of City of Kerman, in addition to adjacent right-of-way, and detach the annexation area from the Kings River Conservation District. The Annexation Boundary is shown in **Attachment J**.

The annexation application will be considered by the Fresno County Local Agency Formation Commission (LAFCO) for approval. Per LAFCO, the annexation is required to comply with LAFCO policies and objectives. Pursuant to the Second Amendment and Restated Memorandum of Understanding (MOU) between the County of Fresno and City of Kerman, the City must issue a notice of intent to annex and request a finding of consistency with the MOU, at least 30 days prior to filing any annexation proposal with the Fresno County LAFCO.

General Plan Amendment 2023-02

General Plan Amendment (GPA) 2023-02 would amend the Kerman 2040 General Plan planned land use designations for the parcel identified as APNs 020-120-06 as shown in **Table 3**. GPA 2023-02 would result in approximately 11.08 acres of MDR – Medium Density Residential and 8.74 acres of MU – Mixed Use land use designations, representing an increase in acreages of the MU land use designation and decrease in acreage of the GC land use designation. No amendment is proposed for the parcel identified as APN 020-120-03S, the parcel would remain MDR as currently exists.

Table 3. Existing and Proposed Land Use Designations for APN 020-120-06

General Plan Land Use Designation	Existing Acreages	Proposed Acreages
MDR – Medium Density Residential	10.19	11.08
GC – General Commercial	9.64	0
MU – Mixed Use	0	8.74

The definition and description of MDR and MU land use designations per the General Plan, and an analysis of the project's consistency with the General Plan are described below.

- **MDR – Medium Density Residential Land Use Designation:** The MDR land use designation “allows for residential development at a density of 5 to 12 units per gross acre. Development in this category could include a mix of single-family and multifamily residences, including duplexes, triplexes, fourplexes, and mobile homes.” The MDR land use designation is compatible with the R-1-7, R-1-12, R-2, SD-R-5, SD-R-4.5, SD-R-3.5, PD-R-7, and PD-R-12 zoning districts. Typical uses of this land use designation include single-family detached dwellings, small-lot multifamily dwellings

including duplexes, triplexes, fourplexes, and mobile homes, accessory dwelling units, and compatible public and quasi-public uses (e.g., churches, day-care centers, community centers, parks, and schools).

The project proposes 172 single-family lots, "The Orchards at Gill Estates," on a portion of the site proposed to be planned for MDR. The number of proposed lots equate to a residential density of 6.1 units per acre (172 lots divided by 28.35 acres equals 6.1 dwelling units per acre) and would be within the density requirements for the MDR land use designation (5.0 to 12.0 dwelling units per acre). The project also proposes a rezone, which would pre-zone/rezone the MDR portion of the site to the SD-R-3.5 zone district. The SD-R-3.5 zone district is a zone district that is compatible with the MDR land use designation.

- **MU – Mixed Use Land Use Designation:** The MU land use designation allows for a maximum density of 20 dwelling units per acre and a maximum intensity of 1.0 floor area ratio. The MU land use designation is compatible with the MU zoning district. Typical uses of this land use designation include a combination of single and multifamily dwellings, major retail stores and restaurants, personal service/repair, medical, and office uses, administrative and professional offices, and central gathering places.

No development is proposed on the portion of the site proposed to be planned for MU. The project proposes a rezone, which would pre-zone/rezone the MU portion of the site to the MU zone district. The MU zone district is a zone district that is compatible with the MU land use designation. Future development would be subject to compliance with the applicable development standards contained in the KMC Section 17.12-2 Development Standards – Commercial, Office, and Mixed-Use Zones and other applicable sections of the Zoning Code. Compliance with these standards would be ensured through the entitlement review process.

Rezone 2023-03

Rezone (REZ) 2023-03 would pre-zone approximately 39.13 acres (APNs 020-120-03S and 020-120-06) to zoning districts consistent with the underlying General Plan land use designations. The pre-zone would include 30.39 acres to the Smart Development Combining District – Residential – minimum 3,500 square feet (SD-R-3.5) and 8.74 acres to the Mixed Use (MU) zoning district, as shown in **Attachment G**. Because the site is outside City limits, proposed development would require annexation and a pre-zone of the site to a zoning district consistent with the City of Kerman 2040 General Plan planned land use designation.

The purpose of each proposed zone district is described by the Kerman Municipal Code (KMC), in addition an analysis of the project, is as follows.

- **Smart Residential Development (SD) Combining Zone District:** The purpose of the Smart Residential Development (SD) combining zone is to promote development designs that respond to significant planning-related issues facing the San Joaquin Valley, including urbanization of agricultural land, air pollution, housing affordability, traffic, aesthetics, and neighborhood deterioration. This new approach to development design has been popularized by the term "smart growth" and its purpose is to achieve the average density goals set forth by each zone.

The SD combining zone is structured to encourage a comprehensive development that is superior to traditional development of the recent past by increasing walkability and connectivity while achieving the higher net density and preservation of open space goals set forth by the General Plan. To the greatest extent possible, attention shall be given to greater design details and the average density set forth by each individual zone shall be achieved through a mix of residential housing types and sizes. The SD combining zone implements the Low Density Residential (LDR), Medium Density Residential (MDR), High Density Residential (HDR), Quasi-Public (QP), and Schools (S) land use designations in the General Plan.

The project proposes 172 single-family lots, “The Orchards at Gill Estates,” on a portion of the site proposed to be planned for MDR. The number of proposed lots equate to a residential density of 6.1 units per acre (172 lots divided by 28.35 acres equals 6.1 dwelling units per acre) and would be within the density requirements for the MDR land use designation (5.0 to 12.0 dwelling units per acre) and the SD-R-3.5 zone district (maximum of 12.0 dwelling units per acre). Future development would be subject to compliance with applicable development standards contained in KMC Section 17.18.030 Smart Residential Development Combining Zone (SD) Standards and Regulations. Compliance with these standards would be ensured through the entitlement review process. Projects within SD zone districts are subject to a Development Plan Permit.

- **Mixed-Use Zone District:** The purpose of the Mixed Use Zone (MU) is to provide areas of the City that allow for a combination of residential, office, and essential commercial uses, e.g., pharmacies, laundromats, grocery stores. The MU zone implements the Mixed Use (MU) land use designation in the General Plan.

The project proposes one (1) mixed use parcel that is approximately 8.74 acres, and would meet the minimum parcel size required for the MU zone district (7,000 square feet for newly created parcels). The MU zone district allows a maximum density of 20 dwelling units per acre (du/ac) and a maximum intensity of 1.0 Floor Area Ratio (FAR). Future development would be subject to compliance with the applicable development standards contained in the KMC Section 17.12-2 Development Standards – Commercial, Office, and Mixed-Use Zones and other applicable sections of the Zoning Code. Compliance with these standards would be ensured through the entitlement review process.

Tentative Parcel Map 2024-01

Tentative Parcel Map (TPM) 2024-01 would split the two (2) parcels identified as APNs 020-120-03S and 020-120-06 into two (2) parcels and one (1) remainder, including a 28.35-acre “Parcel 1” that would accommodate TSM 2023-03, a 8.74-acre “Parcel 2” on the east portion of APN 020-120-06 with no development proposed at this time, and a 2.04-acre “Remainder” on the northwest corner of APN 020-120-03S with an existing single-family residence (**Attachment H**).

The project proposes the 8.74-acre “Parcel 2” as Mixed Use (MU) zone district and Mixed Use (MU) land use designation, and would meet the minimum parcel size required for the MU zone district (7,000 square feet for newly created parcels). The MU zone district allows a maximum density of 20 dwelling units per acre (du/ac) and a maximum intensity of 1.0 Floor Area Ratio (FAR). Future development would be subject to compliance with the applicable development standards contained in the KMC Section 17.12-2 Development Standards – Commercial, Office, and Mixed-Use Zones and

other applicable sections of the Zoning Code. Compliance with these standards would be ensured through the entitlement review process.

Tentative Subdivision Map 2023-03

Tentative Subdivision Map (TSM) 2023-03 would subdivide “Parcel 1” of TPM 2024-01 into 172 single-family lots ranging in size from 3,690 square feet to 8,987 square feet, and five (5) outlots (**Attachment I**). The lot areas conform to the standards of development as defined by the Zoning Ordinance for the applicable development zone districts. No development is currently proposed.

The project proposes 172 single-family lots, “The Orchards at Gill Estates,” which would equate to a residential density of 6.1 units per acre (172 lots divided by 28.35 acres equals 6.1 dwelling units per acre) and would be within the density requirements for the MDR land use designation (5.0 to 12.0 dwelling units per acre) and the SD-R-3.5 zone district (maximum of 12.0 dwelling units per acre). Future development would be subject to compliance with applicable development standards contained in KMC Section 17.18.030 Smart Residential Development Combining Zone (SD) Standards and Regulations. Compliance with these standards would be ensured through the entitlement review process. Projects within SD zone districts are subject to a Development Plan Review Permit.

Public utility easements and pedestrian easements are proposed as required throughout the subdivision. Nine (9) foot landscape outlots (Outlot A and Outlot B) are proposed along the southern boundary of the subdivision. A park is proposed at the center of the subdivision (Outlot C). Outlot D is proposed on the northwest corner of the site as a stormwater basin. Outlot E is proposed at the southeast corner of the site for public utility and pedestrian access purposes.

Land Use Plans and Policies

The 2040 General Plan includes policy recommendations related to the various physical development aspects of the community. The policies are supported by a set of goals and objectives. The Planning Commission shall refer to the General Plan’s policies, goals, and objectives when deciding on this request. Through the Project and development review process and in collaboration with other City departments and outside agencies, the Project has been designed to comply with the City’s General Plan goals, policies, and objectives. As proposed, the Project will be consistent with the Kerman 2040 General Plan goals and objectives related to land use and the urban form. Below are excerpts from the General Plan that are germane to this Project, with discussion of the Project’s consistency.

General Plan Policy LU-1.4. Limit Residential Development Along Highways: *The City shall limit residential development from fronting State Highway 145 and State Highway 180 to ensure public safety. Residential development along these facilities shall be designed and buffered to reduce noise and air pollutant impacts to the maximum extent reasonably feasible and consistent with CEQA review.* The project as proposed is consistent with General Plan Policy LU-1.4. The project site is located on the west side of North Madera Avenue (State Route 145). The project site is currently planned for MDR and GC land use designations. The portions of the site planned for GC land uses are concentrated along North Madera Avenue.

Although the project proposes a General Plan Amendment to amend the planned land use designations for APN 020-120-06, the MU planned portion of the site would be concentrated along North Madera Avenue, replacing the current GC planned portion. Future residential development of

the portions of the site planned for residential use would be subject to compliance with the applicable development standards for the underlying zone district, including setbacks, landscaping, fences, walls, and hedges, etc. which help to ensure adequate buffers between uses to ensure public safety.

In addition, environmental impacts of the project, including the General Plan Amendment and Rezone, have been analyzed in accordance with the California Environmental Quality Act (CEQA). An Initial Study (IS) and Mitigated Negative Declaration (MND) was prepared to evaluate the potential impacts associated with the project. Based upon review of the IS/MND, air pollutant impacts were found to be less than significant; however, noise-related impacts were found to be potentially significant for transportation noise sources and potential stationary and construction noise sources. Mitigation measures are established to reduce noise levels below levels of significance. Future residential and commercial development would be subject to compliance with these mitigation measures.

Overall, through compliance with the applicable development standards and with the noise-related mitigation measures, the project as proposed would be designed and buffered to reduce impacts to the maximum extent reasonably feasible and consistent with CEQA review, and therefore would be consistent with General Plan Policy LU-1.4.

General Plan Policy LU-1.6. Agricultural Buffers: *The City shall require non-agricultural land uses adjacent to active agricultural uses to incorporate adequate buffers (e.g., setbacks, fences) to protect public health and limit conflicts with adjoining agricultural operations and pesticide applications.* The project site is adjoined by agricultural land use to the north, east and west. Potential conflicts between urban and agricultural uses were analyzed in the Initial Study prepared for the project in accordance with CEQA. In order to reduce potential conflicts between uses, the Initial Study requires implementation of the following measures: 1) potential residents shall be notified about possible exposure to agricultural chemicals at the time of purchase/lease of property within the development, 2) a right-to-farm covenant shall be recorded on each residential tract map or be made a condition of each tract map to protect continued agricultural practices in the area, and 3) potential residents shall be informed of the right-to-farm covenant at the time of purchase/lease of property within the development. Future residential development would also be subject to compliance with the applicable development standards for the underlying zone district, including setbacks, landscaping, fences, walls, and hedges, etc. which help to ensure adequate buffers to protect public health and limit conflicts. Overall, through compliance with the mitigation measures and applicable development standards, the project as proposed would incorporate adequate buffers to protect public health and limit conflicts with adjoining agricultural operations and pesticide applications, and therefore would be consistent with General Plan Policy LU-1.6.

General Plan Policy LU-3.2 Urban Form: *To maintain the City's compact form, the City shall maintain growth management controls by managing changes to the City's Sphere of Influence and incorporated City limits. Future changes to the City's Sphere of Influence will be managed by two growth lines, shown on [General Plan] Figure 3-2.*

- *The City may consider requests to amend the current Sphere of Influence and City limits into Area 1 (shown on Figure 3-2) based on the ability of the City to provide services to the area.*

- *The City may consider requests to amend the current Sphere of Influence and City limits into Area 2 (shown on Figure 3-2) if Area 1 has reached the 80 percent infill criteria (for residentially designated lands). The City Council may, at that time, consider allowing development beyond the Area 1 Growth Boundary Line.*
- *For any change in Sphere of Influence or City limits, the following considerations will be used:*
 - *80 percent of Area 1's residentially designated land has been developed or has approved development plans.*
 - *Residential housing needs such as affordable housing or a desire for a wider and more diverse range of housing.*
 - *Community needs such as open space, recreational facilities, parks, schools, etc.*
 - *Obstacles to growth such as cost of infrastructure, Williamson Act properties, etc.*
 - *Economic development needs.*

The project site is outside City limits but is within the City's Sphere of Influence. The project requires annexation and therefore would result in a change in City limits. The project as proposed would meet the considerations of General Plan Policy LU-3.2 Urban Form. Specifically, the project would facilitate future residential units which would help meet the city's residential housing needs such as affordable housing or a desire for a wider and more diverse range of housing. The project would also facilitate open space (Outlot C) meeting community needs. The project would not result in obstacles to growth because future development would be able to connect to City services. The project would result in infrastructure improvements, including roadway and circulation improvements. Lastly, the project would facilitate future commercial uses which would serve the city's economic development needs. Based on these considerations, the project as proposed maintains growth management controls and is consistent with General Plan Policy LU-3.2.

General Plan Policy LU-3.3 Prevent Sprawl Development: *The City shall direct new development to areas that are contiguous to existing or approved development and prevent sprawl development.* The project site is contiguous to existing and approved development within City Limits. Thus, the project does not encourage sprawl and is therefore consistent with General Plan Policy LU-3-3.

General Plan Policy LU-3.4 Leapfrog Development: *The City shall require the Planning Commission and City Council to make a finding before approving new subdivisions that are more than 1/8 mile from existing urban development.* The project site is contiguous to existing urban development and thus would not constitute leapfrog development.

General Plan Policy LU-4.5. Right-to-Farm Disclosure: *The City shall require that property owners and applicants within 1,000 feet of agricultural land or agricultural operations sign and record a deed of notification to document that they were informed of the potential agricultural operations and agricultural conditions in the area.* The project is within 1,000 feet of agricultural land and operations. A right-to-farm disclosure is required for the project through the Conditions of Approval. All future property owners and applicants are required to sign and record a deed of and notification to document that they were informed of the potential agricultural operations and agricultural conditions in the area. In addition, the Initial Study requires implementation of the following measures: 1) potential residents shall be notified about possible exposure to agricultural chemicals at the time of purchase/lease of property within the development, 2) a right-to-farm covenant shall be recorded on each residential tract map or be made a condition of each tract map to protect

continued agricultural practices in the area, and 3) potential residents shall be informed of the right-to-farm covenant at the time of purchase/lease of property within the development. Therefore, the project is consistent with General Plan Policy LU-4.5.

General Plan Policy LU-5.4 New Incompatible Land Uses: *The City shall prohibit the introduction of new incompatible land uses and environmental hazards into existing residential areas.* The project site is currently planned for residential and commercial uses. The property to the west of the site is planned for residential use and the property to the east is planned for commercial and residential use within the City of Kerman Sphere of Influence. The property to the north is within the County of Fresno, currently used for agricultural purposes, and has a designation of Urban Reserve in the City's 2040 General Plan. The property to the south is used for an elementary school. Although the project proposes a General Plan Amendment and Rezone, the proposed land use designations and zone districts would still facilitate the development of residential and commercial uses. Therefore, the project would not introduce new incompatible land uses and environmental hazards into existing residential areas. The project is consistent with General Plan Policy LU-5.4.

Access, Circulation, and Off-Site Improvements

Vehicular access to the site would be provided by one (1) point of ingress/egress to West Nielsen Avenue and one (1) point of ingress/egress to the south at the extension of North First Street, which also connects to a roadway that is being built along the southern boundary of the site. This new roadway along the southern boundary will provide access to Madera Avenue. The Project would also provide three (3) stub streets connections to future development of the surrounding area, including two (2) points of ingress/egress to the west (i.e., APNs 020-120-17S and 020-120-28S) and one (1) point of ingress/egress to the north (i.e., APN 020-120-11). Internal circulation within the site would be provided by public streets and pedestrian walkways.

The Project would also result in off-site improvements along West Nielsen Avenue including concrete curb, gutter, sidewalk, and paving per City of Kerman Public Works Standards. These improvements will be consistent with the General Plan and Active Transportation Plan.

A traffic impact study was prepared for the project by JLB Traffic Engineering, Inc., dated May 21, 2025. The study evaluated projected trip generation based upon the trip generation rates and potential impacts associated with development occurring on the subject property in accordance with the proposed project. The project trip generation was determined using trip generation rates from the Institute of Transportation Engineers (ITE) Trip Generation Manual (11th Edition) for daily, weekday AM (7:00-9:00am), and PM (4:00-6:00pm) peak hours. The single-family units and multi-family units are anticipated to generate approximately 1,688 and 1,011 average daily trips, respectively. The general commercial development is anticipated to generate approximately 735 average trips. The project is estimated to generate a total of 3,434 daily trips. The weekday AM peak hour trips generated for the single-family units is estimated to be 125 trips, 60 trips for multi-family units, and 32 trips for general commercial, for a total of 217 AM peak hour trips on a weekday. The weekday PM peak hour trips generated for the single-family units is estimated to be 168 trips, 77 trips for multi-family units, and 89 trips for general commercial, for a total of 334 PM peak hour trips on a weekday.

The analysis contained in the traffic impact study indicates that roadway improvements may be desirable to support the implementation of the project as well as to accommodate other traffic increases expected in the study area in 2046 scenarios. The traffic impact study recommended that the project contribute its equitable fair share, as established in the study, for those future improvements which are not covered by an existing impact fee program or grant funds.

Public Utilities and Service Systems (TSM 2023-03)

The project will tie into existing municipal water, sewer, and storm drain systems through the extension of existing systems. Sanitary sewer service would be provided through connection to the existing trunk sewer main in First Street at the east-west street along the southern boundary of the site. Domestic water service would also be provided through a connection point at the same location. A drainage basin is proposed on-site in Outlot D of the subdivision on a portion of the parcel identified as APN 020-120-03S. The basin was adequately sized to accommodate stormwater runoff from the site. Associated electric, natural gas, telecommunications, and solid waste services are provided by private companies and will serve the project site as needed.

Other Department Comments

The project proposal was reviewed by various other City Departments and affected outside agencies. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report. Comments are standard and can be found in **Attachment E**.

Conclusion

The proposed project is consistent with the Kerman General Plan and Zoning Ordinance as well as the Subdivision Map Act. Additionally, as conditioned, there is no evidence that suggests approval of the proposed project will be detrimental to the public, health, safety, and welfare of those residing or working nearby. To ensure the continued compatibility of the site with surrounding uses, conditions of approval have been incorporated.

ENVIRONMENTAL REVIEW:

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 (ISMND) to evaluate the environmental effects of the project. The key components of the requested actions are as follows.

Initial Study and Mitigated Negative Declaration

An Initial Study (IS) is a preliminary analysis prepared under CEQA to determine whether a project has a significant impact on the environment. If the IS identifies potentially significant impacts but finds that these impacts can be clearly mitigated to a less-than-significant level, a Mitigated Negative Declaration (MND) is prepared. The MND includes the Initial Study, a description of the proposed mitigation measures, and a determination that the project, as revised, will not result in significant environmental effects. The Final IS/MND consists of the Administrative Draft IS/MND plus any public comments received to revise the IS/MND or mitigation measures in response.

Mitigation Monitoring and Reporting Program

The Mitigation Monitoring and Reporting Program (MMRP) is a document that contains a table with the required mitigation measures, the responsible party or parties for implementing the measure, and the timing of implementation. The MMRP is contained in **Attachment F**.

IS/MND Process/Public Input and Noticing

The City, as the Lead Agency under CEQA, determined that an IS/MND was required for the proposed project. The firm, Precision Civil Engineering, was contracted by the City to prepare the IS/MND. The ISMND was assigned State Clearinghouse No. 2025060904. The preparation of the IS/MND followed the process prescribed by CEQA as described below.

Notice of Intent

Upon the City's determination that and IS/MND was required for this project, a Notice of Intent (NOI) was made available to the public and responsible trustee agencies to solicit input on the issues of concern that should be addressed in the IS/MND. The NOI was issued on June 18, 2025, for a 20-day public review period. No comment letters were received.

Draft IS/MND

The Draft IS/MND was circulated for a 20-day review period from June 18, 2025 to July 9, 2025. The Draft IS/MND was circulated through the State Clearinghouse (SCH No. 2025060904), posted on the City's website, and available at City Hall. As of the date of this staff report, no comments were received.

Final IS/MND

The Final IS/MND consists of the revised Draft IS/MND in which the City addressed all comments and possible propose changes to the Draft IS/MND, if needed.

Notice of Completion

Upon completion of the public review period for the NOI, a Notice of Completion (NOC) was filed with the State Clearinghouse to indicate that the review period for the Draft IS/MND had concluded.

Tribal Consultation

The City of Kerman conducted formal tribal consultation for the proposed Project pursuant to AB 52 and SB 18 on March 8, 2024, utilizing the consultation list of tribes received from the Native American Heritage Commission. The following tribes included the North Fork Rancheria of Mono Indians, Northern Valley Yokut/Ohlone Tribe, Picayune Rancheria of the Chuckchansi Indians, Santa Rosa Rancheria Tachi Yokut Tribe, Table Mountain Rancheria, Tule River Indian Tribe, and Wukssachi Indian Tribe/Eshom Valley Band. These tribes were included in the formal consultation. Consultation for AB 52 ended on April 19, 2024, and consultation for SB 18 ended on June 6, 2024. Santa Rosa Rancheria Tachi Yokut Tribe and Table Mountain Rancheria responded, declining participation in tribal consultation. The NAHC also conducted a Sacred Lands File (SFL) search which was negative.

PUBLIC HEARING NOTICE:

In accordance with KMC Chapter 17.116, Public Notices and Hearings, public hearing notices were mailed to property owners and residents within 500 feet of the site and published in the Fresno Bee at least 20 days before the hearing.

PLANNING COMMISSION FINDINGS:**General Plan Amendment 2023-02**

To recommend approval of the proposed General Plan Amendment 2023-02, the Planning Commission must make the following findings pursuant to KMC Chapter 17.112 Amendments and Rezones.

1. The change is consistent with the General Plan goals and policies.
2. The change is consistent with the purpose of the Zoning Ordinance to preserve and promote the public health, safety and welfare of the city and to facilitate growth and expansion of the city in a precise and orderly manner.
3. There will not be significant effects upon the quality of the environment and natural resources.

Findings regarding each of these items are set forth in the proposed Resolution (**Attachment F**).

Rezone 2023-03

To recommend approval of the proposed Rezone 2023-03, the Planning Commission must make the following findings pursuant to KMC 17.112. Amendments and Rezones.

1. The change is consistent with the General Plan.
2. The change is consistent with the purpose of the Zoning Ordinance to promote the health, safety, and welfare of the community.
3. There will not be significant effects upon the quality of the environment and natural resources.

Findings regarding each of these items are set forth in the proposed Resolution (**Attachment G**).

Tentative Parcel Map 2024-01

To recommend approval of the proposed Tentative Parcel Map 2024-01, the Planning Commission must determine that the proposed map is consistent with the General Plan, Zoning Ordinance, and the Subdivision Map Act subject to the following consistency findings:

1. The proposed map is consistent with the applicable General Plan, Subdivision Ordinance, Specific Plan, and the Subdivision Map Act.

2. The design or improvement of the proposed land division is consistent with applicable general plan and specific plans.
3. That the site is physically suitable for the proposed type of development.
4. That the site is physically suitable for the proposed density of development.
5. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish, wildlife, or their habitat.
6. The design of the land division and type of improvements being required are not likely to cause serious public health problems.
7. The design of the parcels 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.
8. 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.

Findings regarding each of these items are set forth in the proposed Resolution (**Attachment H**).

Tentative Subdivision Map 2023-03

To recommend approval of the proposed Tentative Subdivision Map 2023-03, the Planning Commission must determine that the proposed map is consistent with the General Plan, Zoning Ordinance, and the Subdivision Map Act subject to the following consistency findings:

1. The proposed map is consistent with the applicable General Plan, Subdivision Ordinance, Specific Plan, and the Subdivision Map Act.
2. The design or improvement of the proposed land division is consistent with applicable general plan and specific plans.
3. That the site is physically suitable for the proposed type of development.
4. That the site is physically suitable for the proposed density of development.
5. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish, wildlife, or their habitat.
6. The design of the subdivision and type of improvements being required are not likely to cause serious public health problems.

7. 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.
8. 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.

Findings regarding each of these items are set forth in the proposed Resolution (**Attachment I**).

Annexation 2023-03

To recommend approval of the proposed Annexation 2023-03, the Planning Commission must make the following findings pursuant to the City/County Second Amended and Restated MOU standards for annexation:

1. The proposed annexation is within the City's adopted Sphere of Influence.
2. The proposal must be consistent with city general and specific plans, including adopted goals and policies.
3. 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.
4. 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).
5. 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.
6. The proposal would not create islands. Boundaries must ultimately minimize creation of peninsulas and corridors, or other distortion of boundaries.

Findings regarding each of these items are set forth in the proposed Resolution (**Attachment J**).

PLANNING COMMISSION ACTION:

The Planning Commission will be acting on General Plan Amendment (GPA 2023-02), Rezone (REZ 2023-03), Tentative Parcel Map (TPM 2024-01), Tentative Subdivision Map (TSM 2023-03), Annexation (ANX 2023-03), and Mitigated Negative Declaration (SCH No. 2025060904) and determine to either:

Motion 1: Move to adopt Staff's recommendation to recommend approval of General Plan Amendment 2023-02, Rezone 2023-03, Tentative Parcel Map 2024-01, Tentative Subdivision Map

2023-03, Annexation 2023-03 , and the Mitigated Negative Declaration (SCH No. 2025060904) and Mitigated Monitoring and Reporting Program; or

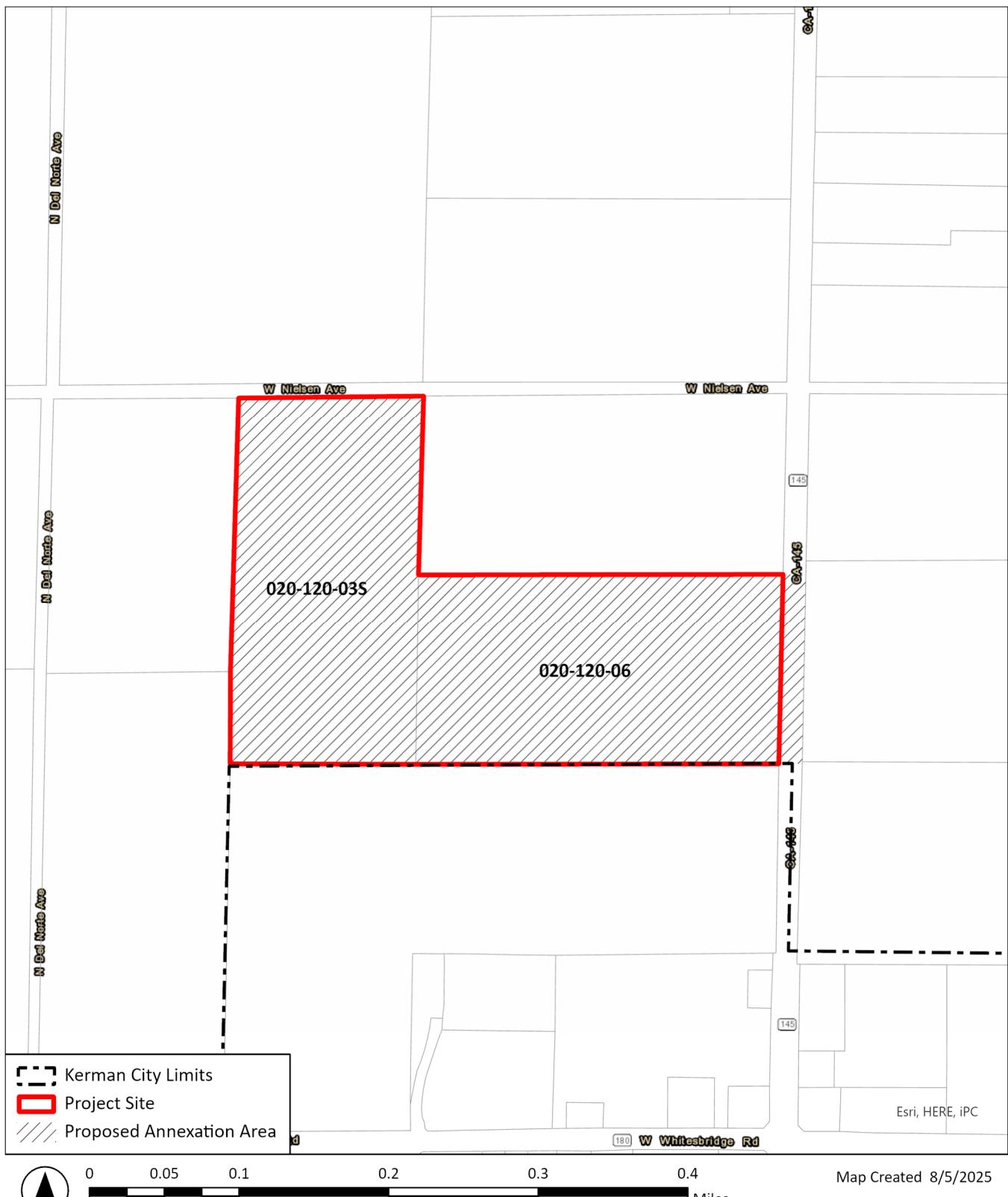
Motion 2: Move to continue the public hearing on General Plan Amendment 2023-02, Rezone 2023-03, Tentative Parcel Map 2024-01, Tentative Subdivision Map 2023-03, Annexation 2023-03, and Mitigated Negative Declaration (SCH No. 2025060904) and Mitigated Monitoring and Reporting Program to a later meeting; or

Motion 3: Move to continue applications for General Plan Amendment 2023-02, Rezone 2023-03, Tentative Parcel Map 2024-01, Tentative Subdivision Map 2023-03, Annexation 2023-03, and Mitigated Negative Declaration (SCH No. 2025060904) and Mitigated Monitoring and Reporting Program to a later meeting, with direction to Staff to return with an updated resolution with appropriate findings for the denial of the application(s).

ATTACHMENTS:

- A. Attachment A – Project Vicinity Map
- B. Attachment B – Aerial Map of the Project Site
- C. Attachment C – General Plan Land Use Designation Map (Existing) for Project Site
- D. Attachment D – Zoning District Map (Existing) for Project site
- E. Attachment E – Other Agency/Department Comments
- F. Attachment F – General Plan Amendment 2023-02 and Mitigated Negative Declaration (SCH No. 2025060904)
 - 1. Exhibit 1 – General Plan Amendment 2023-02
 - 2. Exhibit 2 – Initial Study and Mitigated Negative Declaration
 - 3. Exhibit 3 – Mitigation Monitoring and Reporting Program
- G. Attachment G – Rezone 2023-03
 - 1. Exhibit 1 – Rezone 2023-03
 - 2. Exhibit 2 – Draft Rezone 2023-03 Ordinance
- H. Attachment H – Tentative Parcel Map 2024-01
 - 1. Exhibit 1 - Tentative Parcel Map 2024-01
 - 2. Exhibit 2 – Conditions of Approval for Tentative Parcel Map 2024-01
- I. Attachment I – Tentative Subdivision Map 2023-03
 - 1. Exhibit 1 – Tentative Subdivision Map 2023-03
 - 2. Exhibit 2 – Conditions of Approval for Tentative Subdivision Map 2023-03
- J. Attachment J – Annexation 2023-03
 - 1. Exhibit 1 – Annexation 2023-03

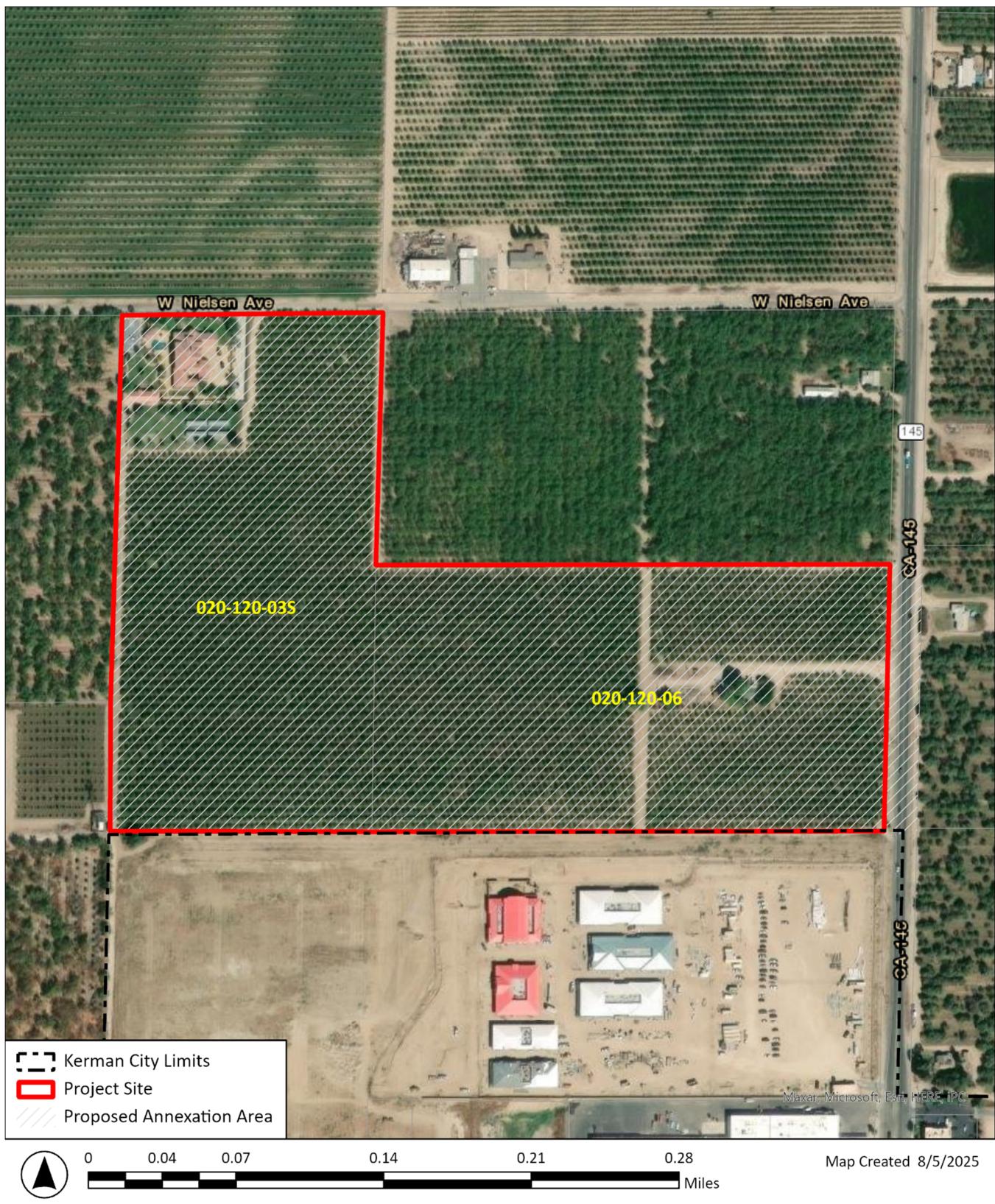
ATTACHMENT A
Project Vicinity Map



0 0.05 0.1 0.2 0.3 0.4 Miles

Map Created 8/5/2025

ATTACHMENT B
Aerial Map of the Project Site



0

0.04 0.07

0.14

0.21

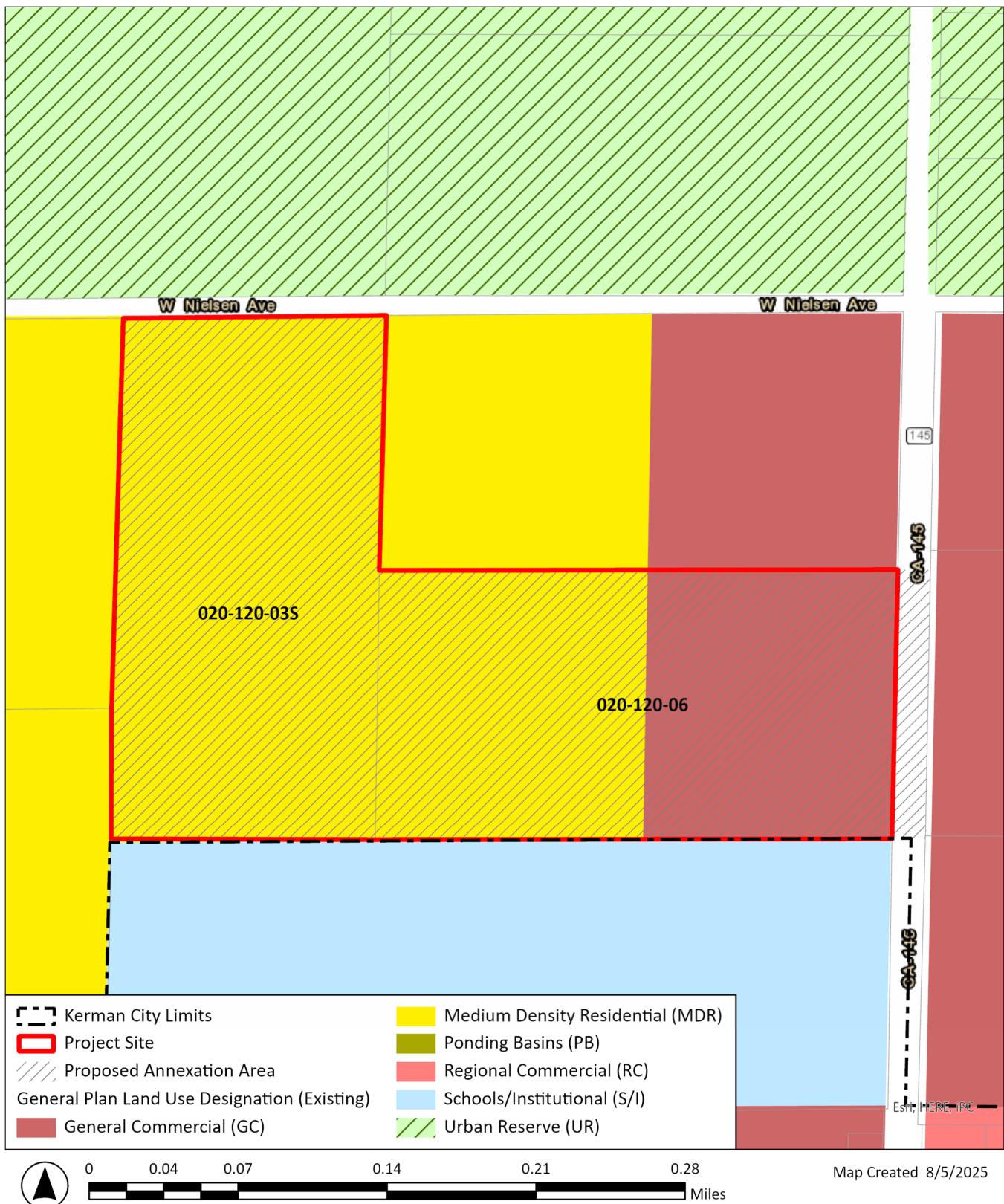
0.28

Miles

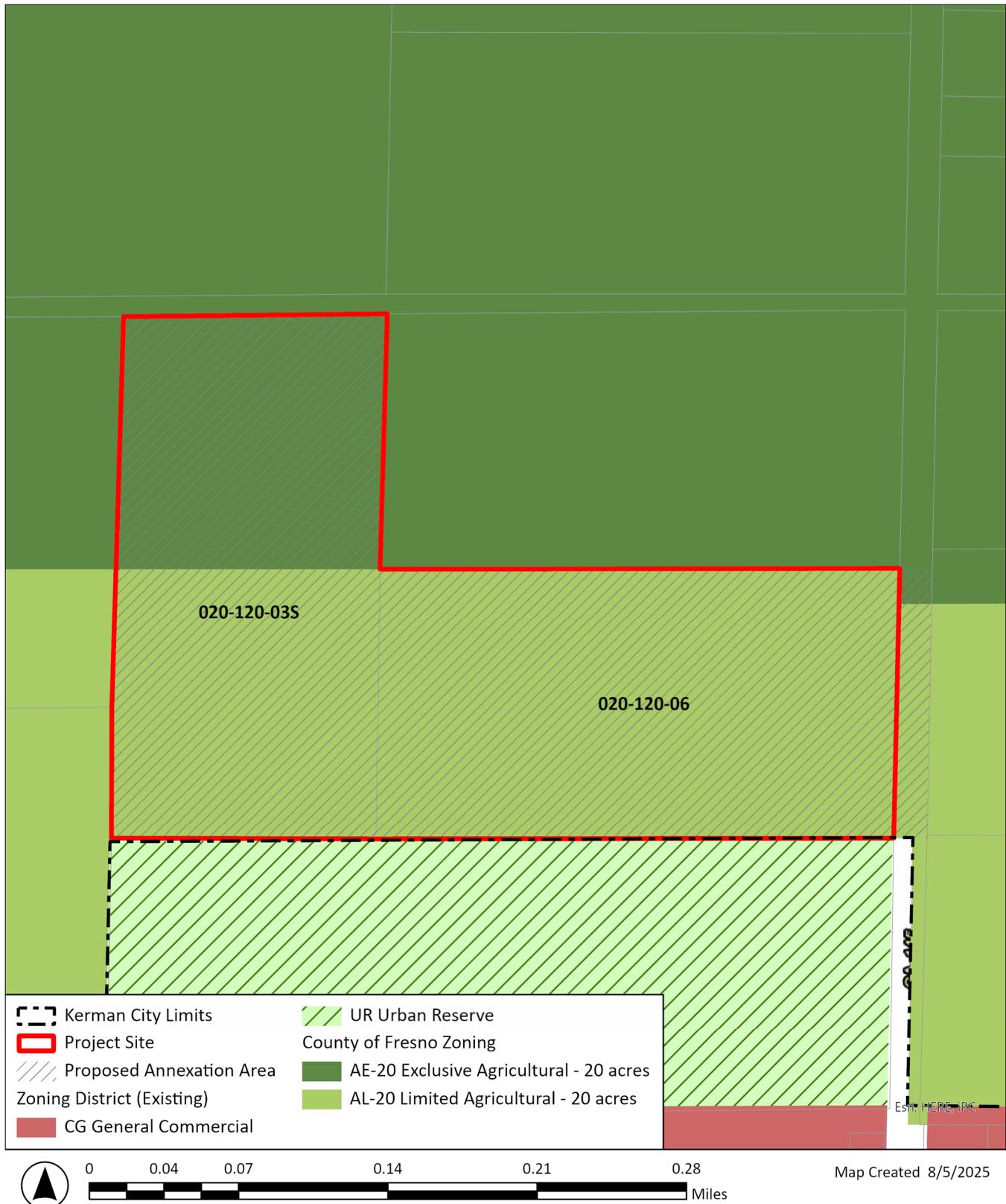
Map Created 8/5/2025

CITY OF KERMAN - GILL ORCHARDS ESTATES

ATTACHMENT C
General Plan Land Use Designation Map (Existing) for Project Site



ATTACHMENT D
Zoning District Map (Existing) for Project site



ATTACHMENT E
Other Agency/Department Comments

California Department of Transportation

DISTRICT 6 OFFICE

1352 WEST OLIVE AVENUE | P.O. BOX 12616 | FRESNO, CA 93778-2616
(559) 981-7284 | FAX (559) 488-4195 | TTY 711www.dot.ca.gov

March 6, 2024

FRE-180-42.292

Gill Orchard Estates Project

GTS #: <https://ld-igr-gts.dot.ca.gov/district/6/report/32046>**SENT VIA EMAIL**

Mr. Manuel Campos, Assistant Planner
City of Kerman
850 S. Madera Avenue
Kerman, CA 93630
mcamplos@cityofkerman.org

Dear Mr. Campos:

Caltrans has completed the review of the application which proposes Tentative Subdivision Map to construct 179 single-family lots (6.43 dwelling units per acre) on 27.85 acres of the site that range in size from 3,690 square feet (sq. ft.) to 6,729 sq. ft., in addition to four (4) out lots.

The project site is located on the southwest corner section of State Route (SR) 145 (North Madera Avenue) and West Nielsen Avenue, in Kerman, CA 93630.

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) process reviews land use projects and plans through the lenses of our mission and state planning priorities of infill, conservation, and travel-efficient development. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network.

Caltrans provides the following comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. Access to the site is proposed via Nielsen Avenue. Driveway access for this development via SR 145 (Madera Avenue) shall not be permitted. **It is recommended that a second point of access to the subdivision be taken from Del Norte Avenue.**
2. **A transportation Impact report (TIS), prepared by a traffic consultant is**

recommended and should include a safety analysis as described by the Caltrans Local Development Review (LDR) Safety Review Practitioners Guidance. A VMT analysis should also be included in the TIS per the Vehicle Miles Traveled-Focused, Transportation Impact Study Guide, dated May 20, 2020. The TIS scope should be submitted for review to Caltrans prior to the commencement of the study. If a local agency does not require a TIS, a safety analysis would need to be completed independently, at minimum a trip generation and trip distribution should be provided to identify intersections to be analyzed.

3. Alternative transportation policies should be applied to the development. An assessment of multi-modal facilities should be conducted to develop an integrated multi-modal transportation system to serve and help alleviate traffic congestion caused by the project and related development in this area of the City. The assessment should include the following:
 - a. Pedestrian walkways should link this Project to transit facilities, bicycle pathways and other walkways in the surrounding area.
 - b. Coordinating connections to local and regional bicycle pathways should be done to encourage further the use of bicycles for commuter and recreational purposes.
 - c. Transit service and bus stop accommodations should be extended to within $\frac{1}{4}$ -mile of the Project site.
4. Caltrans **recommends** that the Project implement “smart growth” principles regarding parking solutions, providing alternative transportation choices to residents. Alternative transportation choices may include but are not limited to parking for carpools/vanpools, car-share and/or ride-share programs.
5. Based on Caltrans Vehicle Miles Traveled (VMT)-Focused Transportation Impact Study Guide, dated May 20, 2020, and effective as of July 1, 2020, Caltrans seeks to reduce single occupancy vehicle trips, provide a safe transportation system, reduce per capita VMT, increase accessibility to destinations via cycling, walking, carpooling, transit and reduce greenhouse gas (GHG) emissions. Caltrans recommends that the project proponent continue to work with the City to implement further improvements to reduce VMT and offer a variety of transportation modes for its employees.

If you have any other questions, please call or email: Keyomi Jones, Transportation Planner at (559) 981-7284 or keyomi.jones@dot.ca.gov.

March 6, 2024

Page 3

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Padilla".

Mr. Dave Padilla, Branch Chief,
Transportation Planning – North

California Department of Transportation

DISTRICT 6 OFFICE
1352 WEST OLIVE AVENUE | P.O. BOX 12616 | FRESNO, CA 93778-2616
(559) 981-7284 | FAX (559) 488-4195 | TTY 711
www.dot.ca.gov



March 27, 2025

FRE-180-42.292

Gill Orchard Estates Project

GTS #: <https://ld-igr-gts.dot.ca.gov/district/6/report/32046>

SENT VIA EMAIL

Mr. Manuel Campos, Assistant Planner
City of Kerman
850 S. Madera Avenue
Kerman, CA 93630
mcamplos@cityofkerman.org

Dear Mr. Campos:

Caltrans has completed the review of the application which proposes Tentative Subdivision Map to construct 179 single-family lots (6.43 dwelling units per acre) on 27.85 acres of the site that range in size from 3,690 square feet (sq. ft.) to 6,729 sq. ft., in addition to four (4) out lots.

The project site is located on the southwest corner section of State Route (SR) 145 (North Madera Avenue) and West Nielsen Avenue, in Kerman, CA 93630.

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) process reviews land use projects and plans through the lenses of our mission and state planning priorities of infill, conservation, and travel-efficient development. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network.

Caltrans provides the following comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. The SR 145 / Harvest Elementary Road, Near Term plus Project intersection improvement to "Restripe the southbound right-turn lane to a southbound through-right lane along the Project's frontage," proposed by the TIA, is not recommended.

March 27, 2025

Page 2

Given the high speeds along SR 145, the future presence of school children and other pedestrians, and the satisfaction of the peak hour signal warrant, improved intersection traffic control is recommended. The Intersection Safety and Operational Assessment Process (ISOAP) is required to evaluate proposed traffic control and design geometrics for intersections and other access improvements proposed on the State Highway System.

ISOAP refers to a data-driven, performance-based framework incorporating the Safe System Approach to screen intersection strategies and identify optimal solutions for new or improved intersections that considers all users.

2. Frontage improvements (lane configuration, shoulder, curb, gutter, sidewalk, roadway lighting, etc.) along this portion of State Route 145 should match the roadway proposed configuration directly to the south, to be completed by Caltrans oversight project 06-1E060 (Contact Caltrans Project Manager, Ilda Thanes, 559.944.7894).
3. The Caltrans Madera Avenue Capital Preventative Maintenance (CAPM) project includes this portion of State Route 145. Coordination with this project may be needed (Contact Caltrans Project Manager, Ronnie Kier 559.341.6971).

If you have any other questions, please call or email: Keyomi Jones, Transportation Planner at (559) 981-7284 or keyomi.jones@dot.ca.gov.

Sincerely,



Mr. Dave Padilla, Branch Chief,
Local Development Review Branch

CC: Matt Arndt, marndt@jlbtraffic.com



2907 S. Maple Avenue
Fresno, California 93725-2208
Telephone: (559) 233-7161
Fax: (559) 233-8227

CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.

March 22, 2024

Jesus Orozco
City of Kerman
Planning & Development Department
850 S. Madera Avenue
Kerman, CA 93630

RE: Tentative Subdivision Map Application No. TSM 2023-03
S/W Nielsen and Madera avenues

Dear Mr. Orozco:

The Fresno Irrigation District (FID) has reviewed the proposed Development Application for Gill Orchards Project located southwest of Nielsen and Madera avenues proposing to develop 40-acres into Commercial and Medium-Density Residential, APNs: 020-120-03S and 020-120-06. This is being reviewed concurrently with Annexation Application No. ANX 2023-03, General Plan Amendment GPA 2023-02, Pre-zone Application No. REZ 2023-03, and CEQA Application No. ENV 2023-04. FID has the following comments:

1. FID does not own, operate or maintain any facilities located on the subject property, as shown on the attached FID exhibit map.
2. The City of Kerman has a Surface Water supply agreement with FID, entered into on June 7, 2022. The proposed area is within the sphere of influence at the time of execution of the agreement and is included in the area allocated the water supply.
3. For informational purposes, Houghton West No. 94 runs westerly along the north side of Nielsen Avenue, crosses Madera Avenue(SR145) 1,300 feet northeast of the subject property, crosses Del Norte Avenue approximately 600 feet northwest of the subject property, and crosses Siskiyou Avenue approximately 1,900 feet northwest of the subject property as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Nielsen Avenue, Madera Avenue (SR145), Del Norte Avenue, Siskiyou Avenue, or in the vicinity of this canal, FID requires it review and approve all plans.

4. For informational purposes, FID's Siskiyou Lateral No. 146 runs southwesterly, crosses Nielsen Avenue approximately 1,900 feet northwest of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Nielsen Avenue, or in the vicinity of this canal, FID requires it review and approve all plans.
5. For informational purposes, FID's Towne No. 95 runs southwesterly, and crosses Whitesbridge Avenue approximately 2,400 feet southeast of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Nielsen Avenue, or in the vicinity of this canal, FID requires it review and approve all plans.
6. For informational purposes, FID's Whitmore runs southwesterly approximately 250 feet northeast of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements in the vicinity of this pipeline, FID requires it review and approve all plans.
7. For informational purposes, a private facility known as the Whitmore No. 346 runs southwesterly traverses the subject property, as shown on the attached FID exhibit map. FID does not own, operate or maintain this private pipeline. FID's records indicate this line is active and shall need to be treated as such. FID can supply the City with a list of known users upon request.
8. FID is concerned that the proposed development may negatively impact local groundwater supplies. The area was historically agricultural land and a significant portion of its water supply was imported surface water, supplemented by groundwater pumping. Under current circumstances the project area is experiencing a modest but continuing groundwater overdraft. Should the proposed development result in a conversion from imported surface water to groundwater, this deficit will increase. FID recommends the City of Kerman require the proposed development balance anticipated groundwater use with sufficient recharge of imported surface water in order to preclude increasing the area's existing groundwater overdraft problem.
9. California enacted landmark legislation in 2014 known as the Sustainable Groundwater Management Act (SGMA). The act requires the formation of local groundwater sustainability agencies (GSAs) that must assess conditions in their local water basins and adopt locally-based management plans. FID and the City of Kerman are members of the North Kings Groundwater Sustainability Agency which will manage the groundwater basin within the FID service area. This area is completely reliant on groundwater pumping and SGMA will impact all users of groundwater and those who rely on it. The City of Kerman should consider the impacts of the development on the City's ability to comply with requirements of SGMA.

Jesus Orozco
Re: Gill Orchards
March 22, 2024
Page 3 of 3

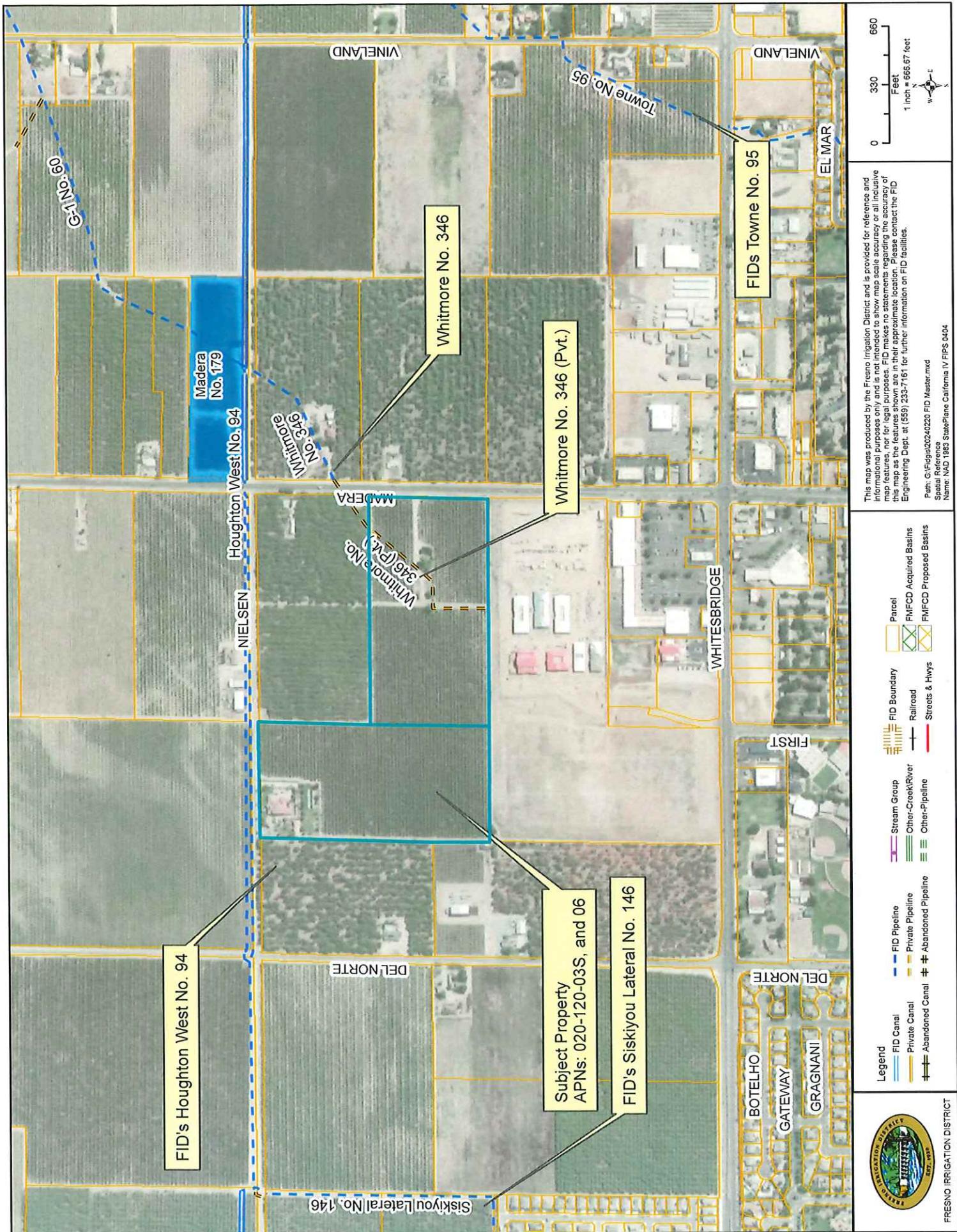
Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions, please feel free to contact Jeremy Landrith at (559) 233-7161 extension 7407 or jlandrith@fresnoirrigation.com.

Sincerely,



Laurence Kimura, P.E.
Chief Engineer

Attachment



Jeremy Landrith

From: Manuel Campos <mcampos@cityofkerman.org>
Sent: Friday, February 23, 2024 4:03 PM
To: HLuna@fresnocountyca.gov; Theresa Johnson; Jesus Gonzalez; Michael Barajas; Laurence Kimura; Engineering Review; Jodi Ward; Rhonda Armstrong- Sebastian; kraig.magnussen@kermanusd.com; Jennifer Sagariballa; jayfowler@midvalleydisposal.com; jacob.mcafee@northcentralfire.org; CEQA - SJVAPCB-valley air-CEQA permitreview; Cecilia Belmontes; Wil Barcoma (FCLE); pgeplanreview@pge.com; bjinenez@fresnocountyca.gov; Spaunhurst, Brian; Lara, Juan; Bonique Emerson; Jenna Chilingerian; Jonathon Kutka; Steve Wilkins (FCLE); Isla, Nicholas@DOT; Padilla, Dave@DOT; Munique Cubillos (FCLE)
Subject: City of Kerman Project Distribution - Gill Orchard Estates
Attachments: Gill Orchard Estates - Comment Letter.pdf; Attachment 'B'.pdf; Attachment 'A'.pdf

You don't often get email from mcampos@cityofkerman.org. [Learn why this is important](#)

Dear Stakeholder,

Please find attached a summary of a Development Application for a project referred to as Gill Orchard Estates located approximately 2,000' from the northwest corner of W. Whitesbridge Rd. and Madera Ave. in Kerman, CA 93630.

Please provide comments or questions on or before **March 22, 2024**.

An Initial Study compliant with CEQA guidelines will be distributed for public review and comments separately.

Stakeholders List

- City of Kerman (internal depts.)
- North Central Fire Prevention District
- Kerman Unified School District
- Mid Valley Disposal
- Fresno Irrigation District
- Fresno County Public Works/Planning
- Fresno LAFCo
- Sebastian Corp
- Caltrans District 6
- SJVAPCD
- PG&E



Respectfully,

Manuel Campos | Assistant Planner

City of Kerman | Community Development Department

p. (559) 846.9384 ext. 316 | f. (559) 846.6199

850 S. Madera Ave. Kerman, CA 93630

mcampos@cityofkerman.org

www.cityofkerman.net



City of Kerman

Community Development Department

Building · Engineering · Planning · Code Compliance & Enforcement

850 S. Madera Avenue, Kerman, CA 93630
Office: (559) 846-9386 Fax: (559) 846-9348

www.cityofkerman.net

February 23, 2024

RE: Project Distribution and Request for Comments for a Development Application related to the development of a Project referred to as the Gill Orchard Estates

Dear Stakeholder:

Please accept this Project distribution as a formal invitation to provide comments related to a Project proposal referred to as Gill Orchard Estates located on the southwest corner section of North Madera Avenue and West Nielsen Avenue, in Kerman, CA 93630. Below are details of the Project proposal.

A. Site Information

Site Address	15319 W. Nielsen Ave.
APN	020-120-03S and 020-120-06
Size	±40 acres (gross)
Current General Plan Land Use Designation	Medium-density residential (MDR) and General Commercial (GC)
Zone District	AL-20 – Limited Agricultural and AE20 – Exclusive Agricultural (Fresno County)



B. Annexation (ANX 2023-03)

Annexation of APNs: 020-120-03S (15139 W. Nielsen Ave.) and 020-120-06 encompassing approximately 40 acres is being considered. This annexation request is consistent with the 2040 General Plan goals and policies (LU-3), and the City/County MOU agreed to and entered into in 2021. Development of the Project entails the review and processing of entitlements listed C through F below.

C. General Plan Amendment (GPA 2023-02)

The proposed General Plan Amendment is to change the land use designation of APN: 020-120-06 from approximately 10 acres of an existing General Commercial (GC) land use designation to Mixed Use (MU). GPA 2023-02 also proposes to change the land designation of APN: 020-120-03S from approximately 2.04 acres of an existing Medium Density Residential (MDR) land use designation to Very Low Density Residential (VLDR).

D. Pre-zone (REZ 2023-03)

The proposed pre-zoning will be consistent with the amended underlying General Plan land use designations. Currently, the parcels have a county zoning of AL20 – Limited Agricultural and AE20 – Exclusive Agricultural. Rez 2023-03 is a proposal to amend the current county zoning to the following City of Kerman zone districts: Smart Development Residential (SDR-3.5), Rural Residential (RR), and Mixed Use (MU). These zone districts are consistent with the proposed General Plan land use designations mentioned above.

E. Tentative Subdivision Map (TSM 2023-03) & Tentative Parcel Map (TPM 2024-01)

TSM 2023-03 would facilitate the subdivision of the Project site into 179 single-family lots (6.43 dwelling units per acre) on 27.85 acres of the site that range in size from 3,690 square feet (sq. ft.) to 6,729 sq. ft., in addition to four (4) outlots. Outlot A, 6,862 sq. ft., and Outlot B, 5,040 sq. ft., are proposed along the south of the subdivision for landscaping purposes. Outlot C, 66,926 sq. ft., is proposed in the center of the subdivision as a stormwater basin and open space. Outlot D, 2,194 sq. ft., is proposed as a 25-foot wide trail/open space. The Project also proposes an internal network of local streets and sidewalks with one (1) point of ingress/egress to Nielsen Avenue, one (1) point of ingress/egress to the northern property (APN 020-120-11), two (2) points of ingress/egress to the west, and one (1) point of ingress/egress to the south of the Project site. TPM 2024-01 would split the Project site into two (2) parcels with one (1) remainder parcel, including a 2.39-acre portion on the northwest corner with an existing single-family residence as a remainder parcel, a 27.85-acre parcel of the center portion that would accommodate TSM 2023-03, and an 8.9-acre parcel on the east portion of APN 020-120-06 with no development proposed at this time. Please see Attachments 'A' and 'B' to view TSM 2023-03 and TPM 2024-01.

F. CEQA (ENV 2023-04)

The project will require an Environmental Impact Report (EIR) to comply with the California Environmental Quality Act (CEQA). Based on a preliminary assessment of the project site, the project description, and cross-referencing similar projects, the scope of the work has been compiled and included herein. It is summarized as follows:

- Preparation of Initial Study and ND or MND
- Technical Studies and Analysis:
 - Acoustical Analysis
 - Air Quality, Health Risk, GHG, Energy Analysis
 - Biological Resource Assessment
 - California Historical Resources Information System
 - Phase I Environmental Site Assessment
 - Traffic Impact Analysis
 - VMT Analysis

Your cooperation in this matter is greatly appreciated. Should you have any questions, please feel free to contact me at (559) 846-9384 ext. 316 or email me at mcampose@cityofkerman.org.

Sincerely,



Manuel Campos
Assistant Planner

Manuel Campos

From: Jonathon Kutka <jonathon.kutka@northcentralfire.org>
Sent: Monday, April 8, 2024 12:46 PM
To: Jesus Orozco; Manuel Campos
Subject: Del Norte and Gill Orchard estates
Attachments: 403.002 - Fire Department Access.pdf

Good morning Jesus and Manuel,

Here are NCFPD notes from our meeting regarding Del Norte and Gill Orchard Estates pertaining to FD requirements. These requirements apply to both sites.

Attached are the NCFPD requirements per CFC and NCFPD Policy 403.002.

Buildings not meeting the criteria in Item 2 above will have a minimum of two (2) points of vehicle access. The second point of access can be an approved Emergency Vehicle Access as described below. Unusual designs may require additional access points and must receive prior approval by the Fire Marshal, or designee.

When two (2) points of access are required, they will be placed at a distance apart equal to or not less than one-half the length of the maximum diagonal dimension of the lot or area served, measured in a straight line between access points. Unusual lot configurations or other site restrictions may be allowed by the Fire Marshal, or designee, subject to review and analysis of the access.

All types of fire apparatus access will have a minimum clear width of 20 feet and a vertical clearance of 13 feet, 6 inches over the entire length of the access.

Required fire access roads will be provided with an all-weather surface before delivery of combustible material on site, and will be maintained in service during all phases of construction. Alternative or phased fire access requires approval by the Fire Department. Failure to maintain fire access may result in a Stop Work Order until access is restored.

Roadways less than 26-feet in width are NOT permitted to have parking on either side. Roadways greater than 26-feet but less than 35-feet may have parking on one side.

Policy 403.002 has several items, since this is just a pre-review, I attached our whole policy, but specifically took out certain sections from the meeting regarding both Del Norte and Gill Orchard estates.

Please let me know if you have any questions.

Sincerely,

Jonathon Kutka
Battalion Chief
North Central Fire Protection District
15850 Kearney Blvd.
Kerman, CA 93630
Cell (559)785-7116

FIRE PREVENTION MANUAL		
	Fire Department Access	<u>EFFECTIVE DATE:</u> 01/01/2019
	<u>APPROVED BY:</u> Timothy V. Henry Fire Chief	<u>REVISED DATE:</u> TBD
		<u>NUMBER:</u> 403.002

PURPOSE

This policy has been established to provide direction for the requirements of the North Central Fire Protection District (District) for providing minimum fire department access to properties within the District.

APPLICATION

This policy applies to developers and licensed contractors completing construction projects within the District service areas.

OPERATIONAL POLICY

The purpose of fire department apparatus access is to allow emergency vehicles to approach a building as close as practical in order to deploy fire hose, ladders, and other equipment necessary for rescue and fire suppression.

District emergency vehicles are the longest, widest, tallest, and heaviest vehicles regularly driven on residential streets, private driveways, and alleys. The ability to manipulate and deploy Department apparatus is greatly affected by the dimensions and reliability of the access available.

Access, as defined in this policy, includes private streets and driveways not otherwise defined under *City of Kerman or County of Fresno Public Works (PW) Standards for Streets*.

A. General Fire Access Requirements:

1. All building openings will be accessible within 200 feet of a public street, private driveway, or other approved access.

2. Buildings and exterior storage areas sited so that all building openings or exterior storage area perimeters are within 650 feet (450 feet driving distance plus 200 foot hose pull) of the property entrance drive may have a single point of access with approved turnarounds as needed complying with this policy.
3. Buildings not meeting the criteria in Item 2 above will have a minimum of two (2) points of vehicle access. The second point of access can be an approved Emergency Vehicle Access as described below. Unusual designs may require additional access points and must receive prior approval by the Fire Marshal, or designee.
4. When two (2) points of access are required, they will be placed at a distance apart equal to or not less than one-half the length of the maximum diagonal dimension of the lot or area served, measured in a straight line between access points. Unusual lot configurations or other site restrictions may be allowed by the Fire Marshal, or designee, subject to review and analysis of the access.
5. All types of fire apparatus access will have a minimum clear width of 20 feet and a vertical clearance of 13 feet, 6 inches over the entire length of the access.
6. Where gates are installed across fire access drives, the full open width of the drive aisle must be maintained clear of gate hardware. (See: *Fire Prevention Manual*, Section 403.004, Emergency Services Bypass Locks for Secured Access Developments, for information regarding emergency access bypass lock requirements).
7. Fire access drives separated by a median will have a minimum width of 15 feet on each side of the median.
8. All types of access will not exceed a ten (10) percent grade or contain any irregularity creating an angle of approach or departure in excess of ten (10) percent, except as approved by the Fire Marshal, or designee.
9. Required fire access roads will be provided with an all-weather surface before delivery of combustible material on site, and will be maintained in service during all phases of construction. Alternative or phased fire access requires approval by the Fire Department. Failure to maintain fire access may result in a Stop Work Order until access is restored.
10. Temporary gates installed during construction will be provided with Fire X1 padlocks; a padlock model is available with a red construction core for use by both the contractor and the District. The core will be changed out by the contractor upon completion of the project.
11. Non-traditional pavement systems such as turf pavers, grasscrete, etc., are not allowed for EVA approaches or access drives in the public way as required by the Public Works Department. Such alternate paving material used on private property is subject to approval by the Fire Marshal, or designee. The design of

such system must be prepared by a Civil Engineer and submitted to the District Fire Prevention for plan review and installation permits. The path of such surfaces must be clearly edge delineated by an approved permanent method such as six (6") inch concrete mow strips.

12. Vertical displacement traffic calming devices or pavements treatment are prohibited on both public and private streets (See: *Fire Prevention Manual*, Section 403.007, Vertical Displacement Traffic Calming Devices).
13. Regardless of parking configurations, a minimum clear drive aisle width of 20 feet is required. The Fire Marshal, or designee, may require increases in drive aisle width due to specific site issues and for aerial ladder truck access. (See: *Fire Prevention Manual*, Section 403.005, Requirements for Marking Fire Lanes on Private Property).

B. Emergency Vehicle Access (EVA):

1. Gates, posts, or other barriers approved by the District will be installed at each entrance to emergency vehicle access points and when required by the Fire Marshal, or designee, where EVA driveways are needed for connection to the interior common access road system.
2. A Fire X-1 padlock will be installed on manually operated gates used solely for emergency vehicle access and may be used in conjunction with owner or utility services padlocks. The Fire Marshal, or designee, is authorized to require electric gate Click-to-Enter radio frequency gate operating hardware where EVA access is needed from freeways or other high speed traffic corridors.
3. Entrances to all emergency vehicle access points will be posted with permanent signs on both sides of the EVA entrance with the following wording: "FIRE LANE" in six-inch letters, "VEHICLES REMOVED AT OWNER'S EXPENSE" in two-inch letters, and display a telephone number the vehicle owner can call to recover their vehicle. (See: *Fire Prevention Manual*, Section 403.005, Requirements for Marking Fire Lanes on Private Property).
4. Where EVA access drives are not provided with gates or barriers at each entrance, the drive aisle curb or side of road will be marked with "FIRE LANE NO PARKING at 50 foot intervals. (See: *Fire Prevention Manual*, Section 403.005, Requirements for Marking Fire Lanes on Private Property).
5. Where access to an EVA is from a public or private street that is improved with a curb, a County of Fresno or City of Kerman *Public Works Standard P-67* approach is acceptable. Use of a wedged or rolled curb for a driveway approach is not acceptable.

Where access to an EVA gate is from an adjacent parcel(s), a recorded access easement is required between all affected property owners and will be executed

with the Planning entitlement through the Planning Division. (City of Kerman / County of Fresno) [Something missing here]

C. Turnarounds:

1. Buildings and exterior storage areas with a single point of access in excess of 150 feet in length are required to be provided with approved turnarounds. Turnarounds will be located within 150 feet of the termination of the single entry road. Portions of the road requiring fire apparatus to back up will not include any turns or bends, except for the required turnarounds.
2. Intermediate turnarounds will be required for multiple points of access exceeding 700 feet in length.
3. All turnarounds will have a minimum 34 foot inside turning radius," a minimum length and width of 90 X 24 and minimum clear approach drive width of 22 feet for a distance of 60 feet.
4. Turnarounds will be kept clear of all obstructions and marked as fire lanes on the perimeter curb or edge of the turnaround.
5. Turnaround areas cannot be incorporated into loading zones.

D. Aerial Fire Apparatus Access:

1. Where building roof eaves are more than 30 feet in height, as measured from the grade of the adjacent fire access road, 26-foot minimum wide driveways will be located directly adjacent to at least one long side of the building. The aerial fire apparatus access will extend at least 45 feet beyond each end of the building. This allows for access to the corners of the building and to accommodate a set up area outside of the potential building collapse zone. Aerial fire apparatus access will comply with all access and turnaround requirements. For unusually shaped buildings without a rectangular or square building footprint, alternate locations of ladder truck access points may be considered by the Fire Marshal, or designee, and analyzed on case by case bases.
2. Aerial fire apparatus access (near edge) will be located a minimum 15 feet away from the building as measured to the edge of the fire access drive. The starting point maximum distance away from the building is 30 feet; however, a greater distance may be permitted depending on the upon the height to the eave or parapet and will be analyzed on a case by case basis during plan review.
3. Overhead utility and power lines, large trees, and other obstructions will not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building.

4. Buildings designated as high-rise by the *California Building Code (CBC)* (where the highest occupied floor is located more than 75 feet in height from the grade level of an adjacent fire access road) have no specific aerial ladder truck access requirements.

E. Fire Hose and Equipment Walking Access to Building Openings:

Required walking access will be designed to prevent sharp turns and obstacles which would hinder the carrying of hoses, ground ladders and other hand-held equipment. The walking path requires an unobstructed 36 inch horizontal clearance and continuous seven foot vertical clearance. All gates across fire hose and equipment access points will be a minimum of four (4) feet clear width. Gates across required walking access paths will be provided with Fire X-1 padlock(s).

OPERATIONAL GUIDELINE

This section left intentionally blank.

PROCESS

This section left intentionally blank.

INFORMATION

This section left intentionally blank.

DEFINITIONS

1. Common Vehicle Access--Common vehicle access describes private streets, driveways, and alleys which connect with a public street and are required for emergency access as well as for access by the public.
2. Emergency Vehicle Access--Where adequate common vehicle access to buildings is not provided by public streets or private driveways, emergency access will be provided for the exclusive use of emergency services vehicles.
3. Fire Hose Pull and Equipment Walking Access--Fire hose pull and equipment access is an unobstructed walking path which provides continuous access connecting vehicular access to all building openings and exterior storage areas.
4. Aerial Fire Apparatus Access--Fire apparatus access located directly adjacent to the corners of multi-story buildings, positioned in such a way as to allow fire department aerial ladders to be raised to the lowest point of the roof eave (as defined in *California Building Code (CBC)*, Section 702A Definitions).

5. All Weather Access--Required fire apparatus access lanes will be provided year round and maintained during all phases of construction with an approved, all-weather surface, capable of supporting 80,000-pound vehicles. An all-weather surface is composed of minimum four (4") inch compacted base rock or gravel over compacted or undisturbed native soil or per approved engineering plans with a minimum of 24 feet of clear width or 20 feet minimum clear width if an approved method to prevent shoulder degradation is utilized.

CROSS-REFERENCES

California Building Code

Section 702A, Definitions

California Fire Code, Current edition

Fire Prevention Manual

Section 403.004, Emergency Services Bypass Locks for Secured Access Developments

Section 403.005, Requirements for Marking Fire Lanes on Private Property

Section 403.007, Vertical Displacement Traffic Calming Devices



OFFICE MEMO

DATE: 04/04/2024
TO: Manuel Campos
FROM: Fresno County Transportation Planning
SUBJECT: Review of Gill Orchard Estates

PROJECT OVERVIEW:

TSM 2023-03 would facilitate the subdivision of the Project site into 179 single-family lots (6.43 dwelling units per acre) on 27.85 acres of the site that range in size from 3,690 square feet (sq. ft.) to 6,729 sq. ft., in addition to four (4) outlots. Outlot A, 6,862 sq. ft., and Outlot B, 5,040 sq. ft., are proposed along the south of the subdivision for landscaping purposes. Outlot C, 66,926 sq. ft., is proposed in the center of the subdivision as a stormwater basin and open space. Outlot D, 2,194 sq. ft., is proposed as a 25-foot wide trail/open space. The Project also proposes an internal network of local streets and sidewalks with one (1) point of ingress/egress to Nielsen Avenue, one (1) point of ingress/egress to the northern property (APN 020-120-11), two (2) points of ingress/egress to the west, and one (1) point of ingress/egress to the south of the Project site. TPM 2024-01 would split the Project site into two (2) parcels with one (1) remainder parcel, including a 2.39-acre portion on the northwest corner with an existing single-family residence as a remainder parcel, a 27.85-acre parcel of the center portion that would accommodate TSM 2023-03, and an 8.9-acre parcel on the east portion of APN 020-120-06 with no development proposed at this time. Please see Attachments 'A' and 'B' to view TSM 2023-03 and TPM 2024-01.

Table A: ITE Trip Generation (210 Single Family Attached homes)

Land Use/Project	Dwelling Units	Weekday		A.M. Peak Hour		P.M. Peak Hour	
		Rate	Total	Rate	Total	Rate	Total
Gill Orchard Estates	179	9.43	1688	.75	134	.99	177
Total Net New Project Trips			+1688		+134		+177

COMMENTS/ MITIGATION:

This project will impact county facilities and should require a TIS, please include the county in all future routings best point of contact is bhines@fresnocountyca.gov. Using ITE trip Generation Manual (11th Edition) trips are calculated to be over the county's threshold.

A Vehicle Miles Traveled (VMT) analysis should also be prepared for the proposed development.

If you have any further questions regarding this matter, please contact Brody Hines at
bhines@fresnocountyca.gov

Sincerely,

Brody Hines



Kerman Unified School District

Gordon Pacheco, District Superintendent
Kraig L. Magnusson, Assistant Superintendent/Chief Business Official
Gabe Melgoza, Assistant Superintendent/Personnel
Pam Sellick, Assistant Superintendent Educational Services

Board of Trustees
Daniel Babshoff Maria
S. Cantu
Julie Gragnani Kindra
Melgoza
Jim Volkoff

April 22, 2024

Jesus R. Orozco
Community Development Director
City of Kerman
850 S. Madera Avenue
Kerman CA 93630

Subject: Del Norte Estates and Gill Orchard Estates Annexation Project

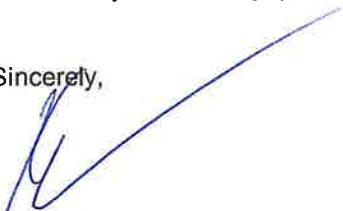
Dear Mr. Orozco:

Kerman Unified School District consents to the annexation of the properties for the Del Norte Estates and Gill Orchard Project which will be annexed to the City of Kerman and detached from Fresno County. The annexation includes the following properties:

1. Address: 275 N. Del Norte Ave. APN: 020-120-29S
2. Address: 275 N. Del Norte Ave. APN: 020-140-30S
3. Address: 204 N. Del Norte Ave. APN: 020-120-28S
4. Address: 15139 W. Nielsen Ave. APN: 020-120-03S
5. Address: 15139 W. Nielsen Ave. APN: 020-120-06

The Fresno Local Agency Formation Commission Landowner Consent form has been signed and attached. Please let us know if you have any questions or if additional information is required.

Sincerely,


Kraig L. Magnusson
Assistant Superintendent
Kerman Unified School District

Notice of Nondiscrimination in District Programs and Activities: The Kerman Unified School District prohibits discrimination, harassment, intimidation, and bullying based on actual or perceived ancestry, age, color, disability, gender, gender identity, gender expression, national origin, nationality, race or ethnicity, ethnic group identification, religion, marital or parental status, sex, sexual orientation or association with a person or a group with one or more of these actual or perceived characteristics. (Designated Compliance Officer: Assistant Superintendent Personnel, Address: 15218 W. Whitesbridge Avenue, Kerman, CA 93630, Phone Number: (559) 843-9000)



Kerman Unified School District

Gordon Pacheco, District Superintendent
Kraig L. Magnussen, Assistant Superintendent/Chief Business Official
Gabe Melgoza, Assistant Superintendent/Personnel
Pam Sellick, Assistant Superintendent Educational Services

Board of Trustees
Daniel Babshoff
Maria S. Cantu
Julie Gragnani
Kindra Melgoza
Jim Volkoff

April 22, 2024

Jesus R. Orozco
Community Development Director
City of Kerman
850 S. Madera Avenue
Kerman CA 93630

Subject: Gill Orchard Estates Project Annexation

Dear Mr. Orozco:

Thank you for the opportunity to provide comments on the Gill Orchard Estates Project. This letter presents the comments of the Kerman Unified School District. The proposed Gill Orchard Estates Project consists of the annexation of 40 acres in which development is proposed on 30.24 acres. The proposed development for the Gill Orchard Estates Project includes a subdivision project that will encompass 179 single family residential units which is estimated to generate 156 potential students. New residential developments are required to pay school fees to accommodate students from new development. Residential school fees will be \$5.17 per square feet and commercial fees will be \$0.84 starting May 13, 2024.

Kerman Unified School District has already consented to be annexed through the Del Norte Estates project.

Sincerely,



Kraig L. Magnussen
Assistant Superintendent
Kerman Unified School District

Notice of Nondiscrimination in District Programs and Activities: The Kerman Unified School District prohibits discrimination, harassment, intimidation, and bullying based on actual or perceived ancestry, age, color, disability, gender, gender identity, gender expression, national origin, nationality, race or ethnicity, ethnic group identification, religion, marital or parental status, sex, sexual orientation or association with a person or a group with one or more of these actual or perceived characteristics. (Designated Compliance Officer: Assistant Superintendent Personnel, Address: 15218 W. Whitesbridge Avenue, Kerman, CA 93630, Phone Number: (559) 843-9000)



Fresno Local Agency Formation Commission

April 9, 2024

Manuel Campos
Assistant Planner
City of Kerman

Dear Mr. Manuel Campos:

Subject: Comments Regarding Concurrent Applications: Annexation (ANX 2023-03), Pre-zone (REZ 2023-03), Tentative Subdivision Map (TSM 2023-03) & Tentative Parcel Map (TPM 2024-01), General Plan Amendment (GPA 2023-02), and CEQA (ENV 2023-04).

Thank you for the opportunity to comment on this project. From the material provided to this office, my understanding of the project description is as follows:

- **Annexation (ANX 2023-03)** is a request to approve the annexation of approximately 40 acres. This annexation request is consistent with the 2040 General Plan goals and policies (LU-3) and the City/County MOU agreed to and entered into in 2021;
- **Pre-zone (REZ 2023-03)** pertains to the pre-zoning of the proposed project. Currently the project has County zonings of Limited Agricultural (AL-20) and Exclusive Agricultural (AE-20). The project will amend the County zoning to the City of Kerman zoning districts of Smart Development Residential (SDR-3.5), Rural Residential (RR), and Mixed Use (MU);
- **General Plan Amendment (GPA 2023-02)** pertains to changing the land use designation for APN: 020-120-06 and APN: 020-120-03S. The General Plan Amendment will be processed concurrently with the Pre-zone and Annexation process;
- **CEQA (ENV 2023-04)** pertains to an initial study and a technical study/analysis being prepared for the project consistent with CEQA guidelines; and
- **Tentative Subdivision Map (TSM 2023-03) & Tentative Parcel Map (TPM 2024-01)** pertains to the subdivision of land and proposed network of local streets and sidewalks exhibited in Attachments A and B. The proposed project will include a tentative subdivision map encompassing 179 single-family residential units and four outlots to be considered.

The Fresno Local Agency Formation Commission (LAFCo) regulates, through approval or denial, the boundary changes proposed by local agencies or individuals. LAFCo's objectives are to:

- Encourage orderly formation and development of agencies;
- Encourage consistency with spheres of influence and recommended reorganization of agencies;
- Encourage orderly urban development and preservation of open space patterns;
- Encourage conservation of prime agricultural lands and open space areas; and
- Identify and address disadvantaged unincorporated communities.

LAFCo should be identified in the city's environmental document as a Responsible Agency under CEQA whose role is to consider reorganizations and spheres of influence. Commission action on the reorganization request should be noted in the environmental document. As a Responsible

Agency, the Commission is required to review and consider the city's environmental documents prior to taking its action. A Responsible Agency complies with CEQA by considering the environmental analysis prepared by the Lead Agency and by reaching its own conclusions on whether to and how to approve the project. The Commission may then make a finding that it independently reviewed and considered the information in the environmental document and that the environmental document is sufficient to support a determination on the proposed reorganization.

Project-Specific Comments

The city will be required to submit the appropriate application materials including fees to LAFCo for reorganization. These materials are enumerated on our website (www.fresnolafco.org) through the "Applications and Documents" tab under "Items Necessary for a Complete Application."

The fee schedule for changes of organization/reorganization (annexation) of 21-40 acres is \$9,600.

The city may send notice 56654(c) to the interested and affected agencies if the annexation is 100 percent uninhabited to reduce the project timeline.

If the proposal results in the annexation of land that is subject to a contract executed pursuant to the Williamson Act (Chapter 7, commencing with Section 51200 of Division 1), then the petition and/or resolution for reorganization request shall state whether the city shall succeed to the contract pursuant to Section 51243 or whether the city intends to exercise its option to not succeed to the contract pursuant to Section 51243.5.

Annexation of full rights of way contiguous to parcel boundaries should be presumed in the reorganization's legal description and map.

LAFCo is available to attend any community outreach meetings should the need arise.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (559) 600-0604.

Sincerely,

Jessica Gibson
LAFCo Analyst II

Jerry Jones

From: Jay Fowler <jayfowler@midvalleydisposal.com>
Sent: Saturday, February 24, 2024 10:36 AM
To: Manuel Campos; HLuna@fresnocountyca.gov; Theresa Johnson; Michael Barajas; jacob.mcafee@northcentralfire.org; bjimenez@fresnocountyca.gov; Spaunhurst, Brian; Lara, Juan; Jenna Chilingerian; Jonathon Kutka; Padilla, Dave@DOT
Subject: RE: City of Kerman Project Distribution - Gill Orchard Estates

Hello

For solid waste services, each SF unit will require 3 carts. Presume these would be in the garage or elsewhere on the property until service day.

Regarding the width of the street. Its adequate for our trucks to operate. One concern is street parking, these high density homes make navigating the collections difficult and risky. Any chance of street parking restrictions on the day of service?

Thank you,

Jay



Jay Fowler | District Manager
15300 W Jensen Ave, Kerman, CA 93630
Email: jayfowler@midvalleydisposal.com
Office: (559) 567-0615


From: Manuel Campos <mcampos@cityofkerman.org>
Sent: Friday, February 23, 2024 4:03 PM
To: HLuna@fresnocountyca.gov; Theresa Johnson <tjohnson@cityofkerman.org>; Jesus Gonzalez <jesusgonzalez@yhmail.com>; Michael Barajas <MBarajas@cityofkerman.org>; lkimura@fresnoirrigation.com; engr-review@fresnoirrigation.com; Jodi Ward <jward@sebastiancorp.com>; Rhonda Armstrong- Sebastian <RArmstrong@sebastiancorp.com>; kraig.magnussen@kermanusd.com; Jennifer Sagariballa <jennifer.sagariballa@kermanusd.com>; Jay Fowler <jayfowler@midvalleydisposal.com>; jacob.mcafee@northcentralfire.org; CEQA - SJVAPCB-valley air-CEQA permitreview <ceqa@valleyair.org>; Cecilia Belmontes <cecilia.belmontes@kermanusd.com>; Wil Barcoma (FCLE) <Wil.Barcoma@fcle.org>; pgeplanreview@pge.com; bjimenez@fresnocountyca.gov; Spaunhurst, Brian <bspaunhurst@fresnocountyca.gov>; Lara, Juan <jlara@fresnocountyca.gov>; Bonique Emerson <bemerson@precisioneng.net>; Jenna Chilingerian <jchilingerian@precisioneng.net>; Jonathon Kutka <jonathon.kutka@northcentralfire.org>; Steve Wilkins (FCLE) <Steve.Wilkins@fcle.org>; Isla, Nicholas@DOT <Nicholas.Isla@dot.ca.gov>; Padilla, Dave@DOT <dave.padilla@dot.ca.gov>; Munique Cubillos (FCLE) <Munique.Cubillos@fcle.org>
Subject: City of Kerman Project Distribution - Gill Orchard Estates

Dear Stakeholder,

Please find attached a summary of a Development Application for a project referred to as Gill Orchard Estates located approximately 2,000' from the northwest corner of W. Whitesbridge Rd. and Madera Ave. in Kerman, CA 93630.

Please provide comments or questions on or before **March 22, 2024.**

An Initial Study compliant with CEQA guidelines will be distributed for public review and comments separately.

Stakeholders List

- City of Kerman (internal depts.)
- North Central Fire Prevention District
- Kerman Unified School District
- Mid Valley Disposal
- Fresno Irrigation District
- Fresno County Public Works/Planning
- Fresno LAFCo
- Sebastian Corp
- Caltrans District 6
- SJVAPCD
- PG&E



Respectfully,

Manuel Campos | Assistant Planner

City of Kerman | Community Development Department

p. (559) 846.9384 ext. 316 | f. (559) 846.6199

850 S. Madera Ave. Kerman, CA 93630

mcampos@cityofkerman.org

<https://link.edgepilot.com/s/72fa3cde/kq8qUgFaC0yMNqsF7QMHAw?u=http://www.cityofkerman.net/>

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.

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March 19, 2024

Manuel Campos
City of Kerman
850 S Madera Avenue
Kerman, CA 93630

Re: Gill Orchard Estates Tentative Tract Map No. 6465

Dear Manuel:

Thank you for giving us the opportunity to review the proposed Gill Orchard Estates Tentative Tract Map No. 6465. The installation of new gas and electric facilities and/or relocation of existing PG&E facilities will be performed in accordance with common law or Rules and Tariffs as authorized by the California Public Utilities Commission.

Following our review, PG&E recommends the following language be expressly stated for the offer to dedicate Public Utility Easements (PUE):

I/We the undersigned, as Owner(s) of the land shown hereon, do hereby state that I/we am/are the only person(s) whose consent is necessary to pass clear title to said land and do hereby consent to the preparation and recordation of this map and offer for dedication and do hereby dedicate for public uses the Public Utility Easements (PUEs) shown on this map for public utility purposes including electric, gas, communication facilities and all other public utility purposes; together with any and all appurtenances thereto, including the right from time to time to trim and to cut down and clear away or otherwise control any trees or brush. The PUEs hereby offered for dedication are to be kept open and free of buildings, structures and wells of any kind.

The final map must contain a statement setting forth dedications and offers to dedicate interests in real property for public utility purposes. If the offer of dedication has terminated, or the local agency declines to accept it, the applicant maybe required to provide an easement in gross satisfactory to PG&E. Please note that this is our preliminary review and PG&E reserves the right for future review as needed.

Please work with PG&E's Service Planning department at www.pge.com/cco for additional services you may require, or for any modification and/or relocation requests.

Sincerely,



*Pacific Gas and
Electric Company®*

A handwritten signature in blue ink that reads "J Newell".

Justin Newell
Land Management
916-594-4068

March 26, 2024

Manuel Campos
City of Kerman
Community Development Department
850 S. Madera Avenue
Kerman, CA 93630

Project: Development Application for Gill Orchard Estates

District CEQA Reference No: 20240236

Dear Mr. Campos:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the project documentation from the City of Kerman (City) for the Gill Orchard Estates project. Per the project documentation, the project consists of the annexation of 40 acres of land, general plan amendments and pre-zoning of several parcels to facilitate the development of approximately 179 single family residential lots and potential future commercial development on 27.85 acres (Project). The Project is located 15319 W. Nielsen Avenue in Kerman, CA.

The District offers the following comments at this time regarding the Project:

1) Project Related Emissions

At the federal level under the National Ambient Air Quality Standards (NAAQS), the District is designated as extreme nonattainment for the 8-hour ozone standards and serious nonattainment for the particulate matter less than 2.5 microns in size (PM2.5) standards. At the state level under California Ambient Air Quality Standards (CAAQS), the District is designated as nonattainment for the 8-hour ozone, PM10, and PM2.5 standards.

The District's initial review of the Project concludes that emissions resulting from construction and/or operation of the Project may exceed any of the following significance thresholds as identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts: <https://ww2.valleyair.org/media/g4nl3p0q/gamagi.pdf>. The District recommends that a more detailed preliminary review of the Project be conducted for the Project's construction and operational emissions.

Samir Sheikh
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: (661) 392-5500 FAX: (661) 392-5585

1a) Construction Emissions

The District recommends, to reduce impacts from construction-related diesel exhaust emissions, the Project should utilize the cleanest available off-road construction equipment.

1b) Operational Emissions

Operational (ongoing) air emissions from mobile sources and stationary sources should be analyzed separately. For reference, the District's significance thresholds are identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts:

<https://ww2.valleyair.org/media/g4nl3p0g/gamaqi.pdf>.

Recommended Mitigation Measure: At a minimum, project related impacts on air quality should be reduced to levels below the District's significance thresholds through incorporation of design elements such as the use of cleaner Heavy Heavy-Duty (HHD) trucks and vehicles, measures that reduce Vehicle Miles Traveled (VMTs), and measures that increase energy efficiency. More information on transportation mitigation measures can be found at:
<https://ww2.valleyair.org/media/ob0pweru/clean-air-measures.pdf>

1c) Recommended Model for Quantifying Air Emissions

Project-related criteria pollutant emissions from construction and operational sources should be identified and quantified. Emissions analysis should be performed using the California Emission Estimator Model (CalEEMod), which uses the most recent CARB-approved version of relevant emissions models and emission factors. CalEEMod is available to the public and can be downloaded from the CalEEMod website at: www.caleemod.com.

2) Health Risk Screening/Assessment

The City should evaluate the risk associated with the Project for sensitive receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) in the area and mitigate any potentially significant risk to help limit exposure of sensitive receptors to emissions.

To determine potential health impacts on surrounding receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) a Prioritization and/or a Health Risk Assessment (HRA) should be performed for the Project. These health risk determinations should quantify and characterize potential Toxic Air Contaminants (TACs) identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) that pose a present or

potential hazard to human health.

Health risk analyses should include all potential air emissions from the project, which include emissions from construction of the project, including multi-year construction, as well as ongoing operational activities of the project. Note, two common sources of TACs can be attributed to diesel exhaust emitted from heavy-duty off-road earth moving equipment during construction, and from ongoing operation of heavy-duty on-road trucks.

Prioritization (Screening Health Risk Assessment):

A “Prioritization” is the recommended method for a conservative screening-level health risk assessment. The Prioritization should be performed using the California Air Pollution Control Officers Association’s (CAPCOA) methodology. Please contact the District for assistance with performing a Prioritization analysis.

The District recommends that a more refined analysis, in the form of an HRA, be performed for any project resulting in a Prioritization score of 10 or greater. This is because the prioritization results are a conservative health risk representation, while the detailed HRA provides a more accurate health risk evaluation.

Health Risk Assessment:

Prior to performing an HRA, it is strongly recommended that land use agencies/project proponents develop and submit for District review a health risk modeling protocol that outlines the sources and methodologies that will be used to perform the HRA.

A development project would be considered to have a potentially significant health risk if the HRA demonstrates that the health impacts would exceed the District’s established risk thresholds, which can be found here:

<https://ww2.valleyair.org/permitting/ceqa/>.

A project with a significant health risk would trigger all feasible mitigation measures. The District strongly recommends that development projects that result in a significant health risk not be approved by the land use agency.

The District is available to review HRA protocols and analyses. For HRA submittals please provide the following information electronically to the District for review:

- HRA (AERMOD) modeling files
- HARP2 files
- Summary of emissions source locations, emissions rates, and emission factor calculations and methodologies.

For assistance, please contact the District's Technical Services Department by:

- E-Mailing inquiries to: hramodeler@valleyair.org
- Calling (559) 230-5900

Recommended Measure: Development projects resulting in TAC emissions should be located an adequate distance from residential areas and other sensitive receptors to prevent the creation of a significant health risk in accordance to CARB's Air Quality and Land Use Handbook: A Community Health Perspective located at <https://ww2.arb.ca.gov/our-work/programs/resource-center/strategy-development/land-use-resources>.

3) Ambient Air Quality Analysis

An Ambient Air Quality Analysis (AAQA) uses air dispersion modeling to determine if emissions increases from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. The District recommends an AAQA be performed for the Project if emissions exceed 100 pounds per day of any pollutant.

An AAQA uses air dispersion modeling to determine if emission increase from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. An acceptable analysis would include emissions from both project-specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis.

Specific information for assessing significance, including screening tools and modeling guidance, is available online at the District's website:
<https://ww2.valleyair.org/permitting/ceqa/>.

4) Voluntary Emission Reduction Agreement

Criteria pollutant emissions may result in emissions exceeding the District's significance thresholds, potentially resulting in a significant impact on air quality. When a project is expected to have a significant impact, the District recommends the environmental review also include a discussion on the feasibility of implementing a Voluntary Emission Reduction Agreement (VERA) for this Project.

A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds for the District's incentives programs.

The funds are disbursed by the District in the form of grants for projects that achieve emission reductions. Thus, project-related impacts on air quality can be mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of agricultural equipment with the latest generation technologies.

In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. After the project is mitigated, the District certifies to the Lead Agency that the mitigation is completed, providing the Lead Agency with an enforceable mitigation measure demonstrating that project-related emissions have been mitigated. To assist the Lead Agency and project proponent in ensuring that the environmental document is compliant with CEQA, the District recommends the environmental document includes an assessment of the feasibility of implementing a VERA.

5) Under-fired Charbroilers

The future commercial development projects have the potential to occupy restaurants with under-fired charbroilers. Such charbroilers may pose the potential for immediate health risk, particularly when located in densely populated areas or near sensitive receptors.

Since the cooking of meat can release carcinogenic PM2.5 species, such as polycyclic aromatic hydrocarbons, controlling emissions from new under-fired charbroilers will have a substantial positive impact on public health. The air quality impacts on neighborhoods near restaurants with under-fired charbroilers can be significant on days when meteorological conditions are stable, when dispersion is limited and emissions are trapped near the surface within the surrounding neighborhoods. This potential for neighborhood-level concentration of emissions during evening or multi-day stagnation events raises air quality concerns.

Furthermore, reducing commercial charbroiling emissions is essential to achieving attainment of multiple federal PM2.5 standards. Therefore, the District recommends that the environmental review include a measure requiring the assessment and potential installation, as technologically feasible, of particulate matter emission control systems for new large restaurants operating under-fired charbroilers.

The District is available to assist the City and project proponents with this assessment. Additionally, the District is currently offering substantial incentive funding that covers the full cost of purchasing, installing, and maintaining the system during a demonstration period covering two years of operation.

Please contact the District at (559) 230-5800 or technology@valleyair.org for more information, or visit: <https://ww2.valleyair.org/grants/restaurant-charbroiler-technology-partnership/>

6) Vegetative Barriers and Urban Greening

There are residential units and Kerman High School located south of the Project. The District suggests the City consider the feasibility of incorporating vegetative barriers and urban greening as a measure to further reduce air pollution exposure on sensitive receptors (e.g., residential units).

While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, vegetative barriers have been shown to be an additional measure to potentially reduce a population's exposure to air pollution through the interception of airborne particles and the uptake of gaseous pollutants. Examples of vegetative barriers include, but are not limited to the following: trees, bushes, shrubs, or a mix of these. Generally, a higher and thicker vegetative barrier with full coverage will result in greater reductions in downwind pollutant concentrations. In the same manner, urban greening is also a way to help improve air quality and public health in addition to enhancing the overall beautification of a community with drought tolerant, low-maintenance greenery.

7) Clean Lawn and Garden Equipment in the Community

Since the Project consists of commercial and residential development, gas-powered commercial and residential lawn and garden equipment have the potential to result in an increase of NOx and PM2.5 emissions. Utilizing electric lawn care equipment can provide residents with immediate economic, environmental, and health benefits. The District recommends the Project proponent consider the District's Clean Green Yard Machines (CGYM) program which provides incentive funding for replacement of existing gas powered lawn and garden equipment. More information on the District CGYM program and funding can be found at:
<https://ww2.valleyair.org/grants/clean-green-yard-machines-residential/>
and <https://ww2.valleyair.org/grants/zero-emission-landscaping-equipment-voucher-program/>.

8) District Rules and Regulations

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating

Permits), and several other rules pertaining to District permitting requirements and processes.

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: <https://ww2.valleyair.org/rules-and-planning/current-district-rules-and-regulations>. To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

8a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

This Project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, the Project proponent should submit to the District an application for an ATC. For further information or assistance, the project proponent may contact the District's SBA Office at (559) 230-5888.

8b) District Rule 9510 - Indirect Source Review (ISR)

The Project is subject to District Rule 9510 because it will receive a project-level discretionary approval from a public agency and will equal or exceed 9,000 square feet of space.

The purpose of District Rule 9510 is to reduce the growth in both NOx and PM emissions associated with development and transportation projects from mobile and area sources; specifically, the emissions associated with the construction and subsequent operation of development projects. The ISR Rule requires developers to mitigate their NOx and PM emissions by incorporating clean air design elements into their projects. Should the proposed development project clean air design elements be insufficient to meet the required emission reductions, developers must pay a fee that ultimately funds incentive projects to achieve off-site emissions reductions.

Per Section 5.0 of the ISR Rule, an Air Impact Assessment (AIA) application is required to be submitted no later than applying for project-level approval from a public agency. As of the date of this letter, the District has not received an AIA application for this Project. Please inform the project proponent to immediately submit an AIA application to the District to comply with District Rule 9510 so that proper mitigation and clean air design under ISR can be incorporated into the Project's design. One AIA application should be submitted for the entire Project.

Information about how to comply with District Rule 9510 can be found online at: <https://ww2.valleyair.org/permitting/indirect-source-review-rule-overview>

The AIA application form can be found online at: <https://ww2.valleyair.org/permitting/indirect-source-review-rule-overview/forms-and-applications/>

District staff is available to provide assistance and can be reached by phone at (559) 230-5900 or by email at ISR@valleyair.org.

8c) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)

In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Information on how to comply with District Rule 4002 can be found online at: <https://ww2.valleyair.org/compliance/demolition-renovation/>

8d) District Rule 4601 (Architectural Coatings)

The Project will be subject to District Rule 4601 since it is expected to utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements. Additional information on how to comply with District Rule 4601 requirements can be found online at: <https://ww2.valleyair.org/media/tkgjeusd/rule-4601.pdf>

8e) District Regulation VIII (Fugitive PM10 Prohibitions)

The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII,

specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*.

Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.

The application for both the Construction Notification and Dust Control Plan can be found online at: <https://ww2.valleyair.org/media/fm3jrbsq/dcp-form.docx>

Information about District Regulation VIII can be found online at:
<https://ww2.valleyair.org/dustcontrol>

8f) District Rule 4901 - Wood Burning Fireplaces and Heaters

The purpose of this rule is to limit emissions of carbon monoxide and particulate matter from wood burning fireplaces, wood burning heaters, and outdoor wood burning devices. This rule establishes limitations on the installation of new wood burning fireplaces and wood burning heaters. Specifically, at elevations below 3,000 feet in areas with natural gas service, no person shall install a wood burning fireplace, low mass fireplace, masonry heater, or wood burning heater.

Information about District Rule 4901 can be found online at:
<https://ww2.valleyair.org/compliance/residential-wood-smoke-reduction-program/>

8g) Other District Rules and Regulations

The Project may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

9) District Comment Letter

The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please contact Matt Crow by e-mail at Matt.Crow@valleyair.org or by phone at (559) 230-5931.

Sincerely,

Tom Jordan
Director of Policy and Government Affairs



For: Mark Montelongo
Program Manager

ATTACHMENT F
Resolution No. 2025-

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL (1) ADOPT THE FINDINGS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES, SECTION 15091; (2) CERTIFY THE MITIGATED NEGATIVE DECLARATION (SCH NO. 2025060904); (3) ADOPT THE PROPOSED MITIGATION MONITORING AND REPORTING PROGRAM; AND (4) APPROVE GENERAL PLAN AMENDMENT 2023-02 TO AMEND THE 2040 KERMAN GENERAL PLAN PLANNED LAND USE DESIGNATIONS FOR ASSESSOR'S PARCEL NUMBER (APN) 020-120-06 TO MU – MIXED USE AND MDR – MEDIUM DENSITY RESIDENTIAL (SOUTHWEST CORNER OF WEST NIELSEN AVENUE AND NORTH MADERA AVENUE)

WHEREAS, State Law requires that local agencies adopt General Plans containing specific mandatory elements; and

WHEREAS, the City of Kerman has adopted a Comprehensive General Plan Update and Environmental Impact Report in July 2020, and the City of Kerman is currently in compliance with State mandates relative to Elements of the General Plan; and

WHEREAS, State law also provides for periodic review, updates, and amendments of its various plans; and

WHEREAS, an application was filed by Lifetime Communities, pertaining to two (2) parcels (APNs 020-120-06 and 020-120-03S) consisting of approximately 40 acres located on the south side of West Nielsen Avenue between North Madera Avenue (State Route 145) and North Del Norte Avenue ("project site"), requesting to amend the 2040 Kerman General Plan through General Plan Amendment 2023-02; and

WHEREAS, the project site has a City of Kerman 2040 General Plan land use designation of MDR – Medium Density Residential (\pm 30.19 acres) and GC – General Commercial (\pm 9.64 acres); and

WHEREAS, General Plan Amendment 2023-02 requests to increase land designated MDR – Medium Density Residential from 30.19 acres to 30.39 acres, remove GC – General Commercial, and increase MU – Mixed Use from zero acres to 8.74 acres, representing an increase in acreages of MDR and MU land use designations and decrease in acreage of the GC land use designation as shown in Exhibit 1; and

WHEREAS, approval of the project would also require approval of General Plan Amendment 2023-02, Rezone 2023-03, Tentative Parcel Map 2024-01, Tentative Subdivision Map 2023-03, and Annexation 2023-03; and

WHEREAS, the proposed General Plan Amendment will be consistent with the General Plan and the underlying zoning district, as proposed by Rezone 2023-03; and

WHEREAS, the General Plan Amendment is not expected to be detrimental to the health, safety and welfare of the city; and

WHEREAS, pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 (“CEQA”), the City of Kerman (“City”) as the Lead Agency, has analyzed the proposed Project (inclusive of the two parcels to be annexed), including the General Plan Amendment, Rezone, Annexation, Tentative Parcel Map, and Tentative Subdivision Map, and has prepared an Initial Study and Mitigated Negative Declaration (SCH No. 2024060904) (“IS/MND”) to evaluate the project; and

WHEREAS, in compliance with CEQA Section 21080.4, a Notice of Intent (“NOI”) was prepared by the City and distributed for public comment to the State Clearinghouse, responsible agencies, and other interested parties for a 20-day public review and comment period commencing on June 18, 2025 and ending on July 9, 2025; and,

WHEREAS, the Draft IS/MND was circulated for a 20-day public review and comment period commencing on June 18, 2025 to July 9, 2025, and a copy of the Draft IS/MND was circulated through the State Clearinghouse, posted on the City’s website, and was available at City Hall; and

WHEREAS, the public review period for the Draft IS/MND ended on July 9, 2025; and

WHEREAS, a Final IS/MND was prepared for the proposed Project consistent with CEQA Guidelines Section 15070(b) which addressed comments received on the Draft, as well as any appropriate revisions and clarifications to the Draft IS/MND; and

WHEREAS, 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 IS/MND, and considered testimony received as a part of the public hearing process; and

WHEREAS, after due consideration of all the items before it, the Planning Commission now desires to recommend to the City Council approval of General Plan Amendment 2023-02 and certification of IS/MND as set forth herein.

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. IS/MND Contents. The IS/MND consists of the following, hereafter collectively referred to as the “IS/MND”.
 - a. The IS/MND including any attached appendices.
 - b. The Notice of Intent and comments received in response to the notice.
 - c. The Mitigation Monitoring and Reporting Program.
 - d. The Notice of Completion of the IS/MND for public review.
 - e. Any other information added by the Lead Agency.

3. Certification of Compliance with CEQA. The Planning Commission does hereby find that the IS/MND, including the Mitigation Monitoring and Reporting Program, has been prepared in accordance with the requirements of CEQA and the CEQA Guidelines.
4. Recommendation for IS/MND Certification. The Planning Commission does hereby recommend the following to the City Council.
 - a. Recommendation to Adopt the Initial Study and Mitigated Negative Declaration. The Planning Commission hereby recommends to the City Council that it certify that 1) the IS/MND has been completed in compliance with CEQA, 2) that it has reviewed and considered the information contained in the IS/MND prior to approving the project, and 3) that the IS/MND reflects the City Council's independent judgment and analysis.
 - b. Recommendation Regarding Feasible and Binding Effect of Mitigation Monitoring and Reporting Program. The Planning Commission hereby recommends to the City Council that it find that the mitigation measures described and specifically identified in the above referenced documents are feasible and shall become binding upon the entity (such as the project proponent or the City) assigned thereby to implement the particular mitigation measures as identified in the Mitigation Monitoring and Reporting Program.
 - c. Recommendation to Adopt Mitigation Monitoring and Reporting Program. As required by applicable State law, the Planning Commission hereby recommends to the City Council that it adopt the Mitigation Monitoring and Reporting Program set forth in Exhibit 3 of this Resolution. The Planning Commission finds that the Mitigation Monitoring and Reporting Program is designed to ensure that, during project implementation, the City and any other responsible parties implement the project components and comply with the mitigation measures identified in the Mitigation Monitoring and Reporting Program.
5. Custodian of Records. The City Clerk is recommended as the designated custodian of records for documents comprising the record of the proceedings upon which its decision is based. These documents are maintained at City Hall, located at 850 S. Madera Ave. Kerman, CA, 93630.
6. General Plan Consistency: The Planning Commission finds and recommends the City Council find that the public necessity, general welfare, good planning practices, public interest, and convenience warrant approval of General Plan Amendment 2023-02, including the following:
 - a. The change is consistent with the General Plan goals and policies. The project site is currently planned for residential and commercial uses. The project requests an amendment to the General Plan and Zoning Map to increase the acreage of land designated for medium density residential use, remove the acreage of land designated for commercial, and increase the acreage of land designated for mixed use. The project would facilitate future residential and commercial development within an area with existing and planned residential, commercial, recreational, and public institutional uses. Through compliance with applicable development

standards, environmental mitigation measures, and conditions of approval, the project as proposed is consistent with General Plan Policies LU-1.4 (Limit Residential Development Along Highways), LU-1.6 (Agricultural Buffers), LU-3.2 (Urban Form), LU-3.3 (Prevent Sprawl Development), LU-3.4 (Leapfrog Development) LU-4.5 (Right-to-Farm Disclosure), and LU-5.4 (New Incompatible Land Uses). Therefore, the change is consistent with the General Plan goals and policies.

- b. The change is consistent with the purpose of the Zoning Ordinance to preserve and promote the public health, safety and welfare of the city and to facilitate growth and expansion of the city in a precise and orderly manner. The project is currently planned for residential and commercial uses. The project requests an amendment to the General Plan to increase the acreage of land designated for medium density and mixed-use uses, which requires removal of the acreage of land designated for commercial uses. A rezone is also proposed to pre-zone the parcels to be annexed and rezone them to zoning districts consistent with the proposed land use designations. The proposed zoning districts are identified as compatible zoning districts for the proposed land use designations as shown in the General Plan. Future development proposed on the project site would be subject to compliance with the applicable standards and requirements of the Zoning Ordinance, standards which were adopted by the City to ensure preservation and promotion of public health, safety and welfare of the city and to facilitate growth and expansion of the city in a precise and orderly manner. Further, the project has been reviewed by the various City departments and evaluated for conformity with the requirements of the Zoning Ordinance. Through compliance with applicable development standards, environmental mitigation measures, and conditions of approval, the project as proposed is consistent with the purpose of the Zoning Ordinance.
- c. There will not be significant effects upon the quality of the environment and natural resources. Pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 (“CEQA”), the City, as the Lead Agency, has analyzed the proposed project, including the Rezone, General Plan Amendment, and Annexation, Tentative Parcel Map, and Tentative Subdivision Map, and has prepared an Initial Study and Mitigated Negative Declaration (SCH No. 2024031008) to evaluate the proposed Project. It was determined that all impacts were either less than significant or could be mitigated to a less than significant level.

7. Recommendations for Approval. Given that all the findings can be made, the Planning Commission recommends that the City Council adopt a resolution to amend the Kerman General Plan land use designations for the parcel identified as Assessor's Parcel Number (APN) 020-120-06, resulting in an increase in land designed MDR – Medium density Residential from from 30.19 acres to 30.39 acres, remove GC – General Commercial, and increase MU – Mixed Use from zero acres to 8.74 acres,

representing an increase in acreages of MDR and MU land use designations and decrease in acreage of the GC land use designation located on the south side of West Nielsen Avenue between North Madera Avenue (State Route 145) and North Del Norte Avenue as set forth in Exhibit 1.

8. **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 22nd day of September 2025, and was fully adopted at said meeting by the following vote:

Ayes:

Noes:

Absent:

Recused:

The foregoing resolution is hereby approved.

Scott Bishop, Chairperson

Attest:

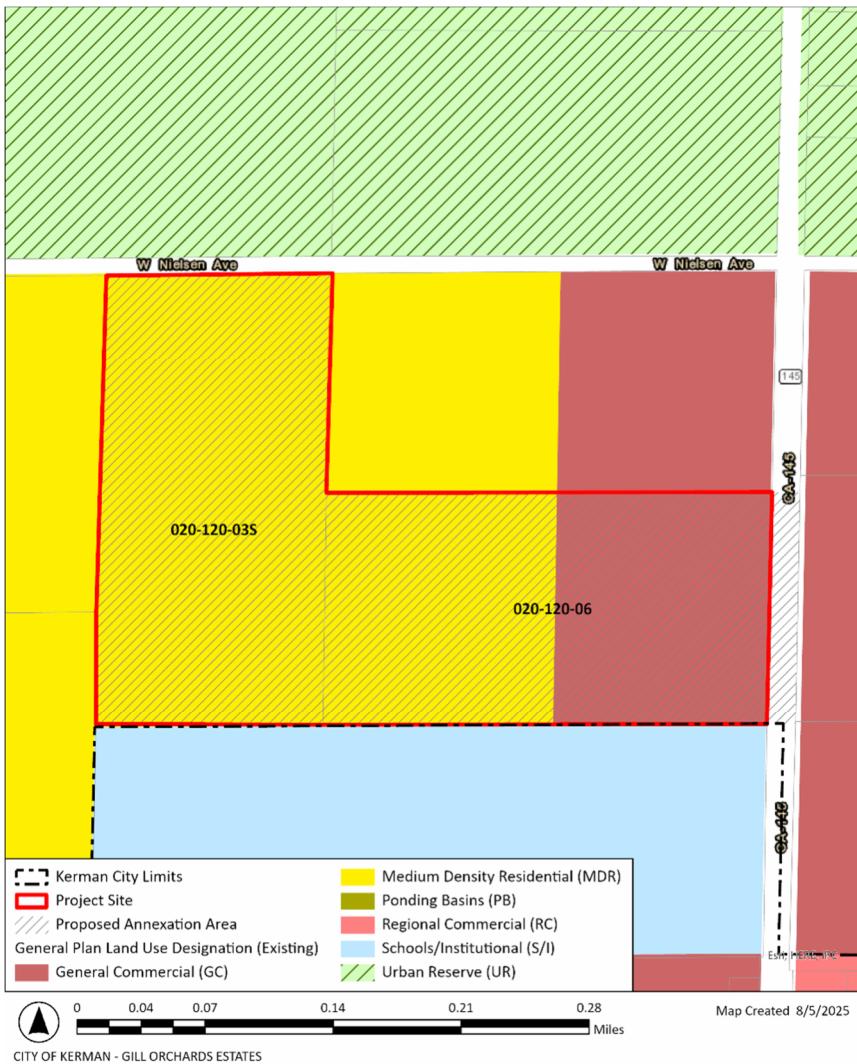
Jerry Jones
Planning Commission Secretary

Exhibit '1': General Plan Amendment 2023-02
Exhibit '2': Initial Study and Mitigated Negative Declaration
Exhibit '3': Mitigation Monitoring and Reporting Program

Exhibit 1

General Plan Amendment 2023-02

Prior General Plan Land Use Designation



New General Plan Land Use Designation

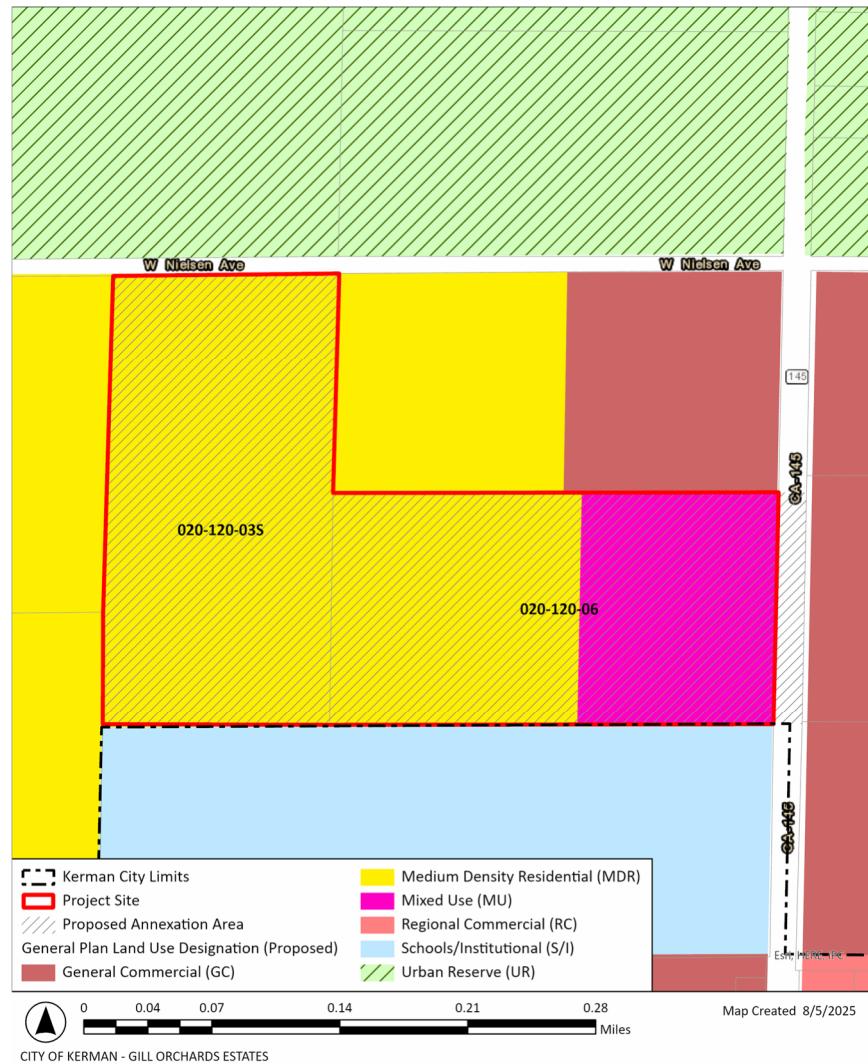


Exhibit 2

Initial Study and Mitigated Negative Declaration

The Initial Study and Mitigated Negative Declaration (SCH No. 2025060904) is posted on the City's Website under the Community Development Department, Planning Division, Planning Projects, 2024 Projects webpage at <https://www.cityofkerman.net/175/Planning-Projects>, and is available at the City Clerk's office at 850 S. Madera Avenue, Kerman, CA 93630.

Exhibit 3
Mitigation Monitoring and Reporting Program

State law requires that the City of Kerman (Lead Agency) adopt a monitoring program for mitigation measures that have been incorporated into the approved project to reduce or avoid significant effects on the environment. The purpose of the monitoring program is to ensure compliance with environmental mitigation during project implementation and operation. Since there are potentially significant impacts requiring mitigation associated with The Orchards at Gill Estates Project, a Mitigation Monitoring Program is included herein on the following pages.

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/date)
Agricultural and Forestry Resources				
<p>AG-1: Reduce Conflicts Between Urban and Agricultural Uses. In order to reduce potential conflicts between urban and agricultural uses, the following measures shall be implemented:</p> <ol style="list-style-type: none"> <li data-bbox="196 559 1121 1024">1. Potential residents shall be notified about possible exposure to agricultural chemicals at the time of purchase / lease of property within the development. Notification shall be provided by the project proponent to the potential resident. Notification shall occur at the time of each property sale or lease agreement, as demonstrated through disclosure statements included in the purchase agreements or lease documents, with a signed acknowledgement by the buyer/lessee. Verification that this notification process has been consistently implemented shall be provided by the project proponent to the City of Kerman Community Development Department prior to the approval of occupancy for each property. <li data-bbox="196 1024 1121 1367">2. A Right-to-Farm Covenant shall be recorded on each parcel map and residential tract map or be made a condition of each tract map or parcel map to protect continued agricultural practices in the area. The City of Kerman Community Development Department shall be responsible for requiring the condition as part of the tentative map approval. The project proponent shall be responsible for ensuring the covenant is recorded. Verification of recording shall occur by the City of Kerman Community Development Department prior to the final map approval. <li data-bbox="196 1367 1121 1449">3. Potential residents and commercial tenants shall be informed of the Right-to-Farm Covenant at the time of purchase / lease of 	1. Project Proponent 2. City of Kerman Community Development Department (Conditions of approval) and Project Proponent (Recordation) 3. Project Proponent	1. Prior to occupancy approval for each unit 2. Prior to final map approval 3. Prior to occupancy approval for each unit	City of Kerman Community Development Department	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/date)
<p>property within the development. Notification shall be provided by the project proponent to the potential resident. Verification shall occur at the time of each property sale or lease agreement, as demonstrated through disclosure statements included in the purchase agreements or lease documents, with a signed acknowledgement by the buyer/lessee. Verification that this notification process has been consistently implemented shall be provided by the project proponent to the City of Kerman Community Development Department prior to the approval of occupancy.</p>				
Biological Resources				
<p>BIO-1: San Joaquin kit fox Avoidance. The following measures shall be implemented to avoid any potential impact to San Joaquin kit fox during construction. These measures are designed to avoid and minimize any impact on San Joaquin kit fox in the unlikely event an individual is present within the Study Area at any time during construction. A description of the measures shall be included in the construction plans submitted to the City of Kerman Community Development Department by the project proponent during the building permit process for each phase of construction. Incorporation of measures shall be verified by the City of Kerman Community Development Department prior to issuance of building permits for each phase.</p> <p>1. Prior to Construction: Prepare and conduct an employee education program prior to the start of construction. The program shall consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered</p>	Project Proponent	Prior to issuance of grading or building permits	City of Kerman Community Development Department	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/date)
<p>species concerns to contractors, their employees, and military and/or agency personnel involved in the Project. The program shall include the following: A description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the Project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during Project construction and implementation (as summarized below). A fact sheet conveying this information shall be prepared for distribution to the previously referenced people and anyone else who may enter the Project site.</p> <p>2. Avoidance and Minimization Measures During Construction: The following measures shall be included within the worker education program and in any Project specification and contract.</p> <ul style="list-style-type: none"> a. Project-related vehicles shall observe a daytime speed limit of 20 mph throughout the site in all Project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. No nighttime construction shall occur, given the species is primarily nocturnal. b. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a Project, all excavated, steep-walled holes or trenches more than 2 feet deep shall be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen fill or wooden planks shall be installed. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the Service and the California Department of 				

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/date)
<p>Fish and Game (CDFG) shall be contacted as noted under measure 13 referenced below.</p> <p>c. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the Service has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity until the fox has escaped.</p> <p>d. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from a construction or Project site.</p> <p>e. No firearms shall be allowed on the Project site.</p> <p>f. No pets, such as dogs or cats, shall be permitted on the Project site to prevent harassment, mortality of kit foxes, or destruction of dens.</p> <p>g. The use of rodenticides and herbicides in Project areas shall be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds shall observe labels and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional Project-related restrictions deemed necessary by the Service. If</p>				

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/date)
<p>rodent control must be conducted, zinc phosphide shall be used because of a proven lower risk to kit fox.</p> <p>h. A representative shall be appointed by the Project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program, and their name and telephone number shall be provided to the Service.</p> <p>i. Upon completion of the Project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, etc., shall be re-contoured if necessary and revegetated, if possible, to promote restoration of the area to pre-Project conditions.</p> <p>j. Any contractor or employee responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFG immediately in the case of a dead, injured, or entrapped kit fox.</p> <p>k. The Sacramento Fish and Wildlife Office and CDFG shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during Project-related activities. Notification must include the date, time, and location of the incident or the finding of a dead or injured animal and any other pertinent information.</p> <p>l. New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDB). A copy of the reporting form and a topographic map marked with the location of where the kit fox was observed shall also be provided to the U.S. Fish and Wildlife Service.</p>				

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/date)
Cultural Resources				
<p>CUL-1: In order to avoid the potential for impacts to historic and prehistoric archaeological resources, the following measures shall be implemented in conjunction with the construction of each phase of the Project:</p> <p>If previously unknown historical, archeological, cultural, or paleontological resources are encountered before or during grading activities, construction shall stop in the immediate vicinity of the find and a qualified archeologist, historical resources specialist, or paleontologist, shall be consulted to determine whether the resource requires further study. Notification of discovery shall be provided to the City of Kerman Community Development Department.</p> <p>The qualified archeologist, historical resources specialist, or paleontologist shall make recommendations to the project proponent on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines and City's policies and procedures related to historical, cultural, and paleontological resources. Notification of the measures shall be provided to the City of Kerman Community Development Department.</p> <p>If the resources are determined to be unique historical resources as defined under Section 15064.5 of the CEQA Guidelines, measures shall be identified by the monitor and recommended to the project proponent, who shall notify the City of Kerman Community Development</p>	Project Proponent	During construction activites for all phases	City of Kerman Community Development Department	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/date)
<p>Department. Appropriate measures for significant resources could include avoidance or capping, preservation in-place, recordation, additional archeological resting, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds.</p> <p>No further grading shall occur in the area of the discovery until the City of Kerman Community Development Department approves the measures to protect these resources. Any historical, archeological, cultural, or paleontological artifacts recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study.</p>				
Geology and Soils				
See Mitigation Measure CUL-1.	Project Proponent	During construction activities for all phases	City of Kerman Community Development Department	
Greenhouse Gas Emissions				
GHG-1 Prior to the approval of building permits, in order to meet with all project attributes in the 2022 Scoping Plan greenhouse gas emission thresholds, the project proponent shall present documentation to the satisfaction of the City of Kerman Community Development Department that each residential unit shall provide electric vehicle charging capabilities that meet the requirements of the latest version of the California Green Building Standards Code (CALGreen) Tier 2 Voluntary Standards as part of the final project designs.	Project Proponent	Prior to issuance of building permits for all phases	City of Kerman Community Development Department	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/date)
Hazards and Hazardous Materials				
<p>HAZ-1 Asbestos Survey. Prior to the demolition or renovation of any existing structure on site, an Asbestos Survey shall be conducted to determine the quantity of asbestos-containing construction material to be removed in the Project. As regulated by National Emission Standards for Hazardous Air Pollutants (NESHAP), the inspection must be conducted by a Cal-OSHA Certified Asbestos Consultant (CAC). The Asbestos Survey report shall be submitted to the City of Kerman Community Development Department for review and approval. Alternatively, if the developer is opting to treat all of the material as RACM and will notify as such, the survey may be bypassed.</p> <p>A completed and signed Asbestos Notification Form must be submitted to the San Joaquin Valley Air Pollution Control District (SJVAPCD) 10 working days prior to the commencement of any regulated asbestos (RACM) abatement. If it is determined that there are asbestos-containing materials or soils on site, the developer shall utilize specialists/professionals for asbestos removal/abatement to reduce potential health risks to construction workers. Demolition activities that would expose construction workers and/or the public to asbestos-containing materials shall be conducted in accordance with the applicable regulations, including, but not limited to:</p> <ul style="list-style-type: none"> • San Joaquin Valley Air Pollution Control District • California Health and Safety Code (Section 39650 et seq.) • California Code of Regulations (Title 8, Section 1529) 	Project Proponent	Prior to issuance of demolition permits	City of Kerman Community Development Department	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/date)
<ul style="list-style-type: none"> California Occupational Safety and Health Administration regulations (California Code of Regulations, Title 8, Section 1529 [Asbestos] and Section 1532.1 [Lead]) <p>Code of Federal Regulations (Title 40, Part 61 [asbestos], Title 40, Part 763 [asbestos], and Title 29, Part 1926 [asbestos and lead])</p>				
<p>HAZ-2 Lead-Based Paint Inspection. Prior to the demolition of any existing structure on site, a lead-based paint inspection is required to determine whether the lead-based paint is present in or on the original building materials. The inspection shall be conducted on-site by a state-certified Lead Inspector or Assessor in accordance with the California Code of Regulations, Title 8, Section 1532.1. The investigation report shall be submitted to the City of Kerman Community Development Department for review and approval prior to issuance of a demolition permit.</p> <p>If it is determined that lead-based paint exists on site, the project proponent shall utilize professionals for lead-based paint removal to reduce potential health risks to construction workers and/or the public. Pursuant Section 1532.1, construction workers must establish and implement a compliance program, and provide a written Pre-Job Notification to the nearest Division of Occupational Safety and Health Cal/OSHA office 24 hours before the start of a project.</p>	Project Proponent	Prior to approval of demolition permits	City of Kerman Community Development Department	
<p>HAZ-3 Test for Agricultural Pesticides. Prior to building permit approval for the first construction phase, a limited Phase II investigation shall be conducted to assess the surface soil of the project site for residual organochlorine and lead arsenate pesticides. The Phase II investigation shall be conducted in accordance with guidelines developed by the Department of Toxic Substances Control (DTSC) and Environmental Protection Agency (EPA) for site assessments. The Phase II investigation shall estimate the potential threat to public health and the environment if</p>	Project Proponent	Prior to building permit approval for the first construction phase	City of Kerman Community Development Department	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/date)
<p>concentrations of pesticides are encountered using methods outlined in DTSC's Preliminary Endangerment Assessment Guidance Manual and DTSC's Screening Level Human Health Risk Assessment guidance for implementing screening level risk analysis. The Phase II investigation shall be submitted to the City of Kerman Community Development Department for review and approval. If the Phase II testing reveals concentrations of organochlorine pesticides and lead arsenic above health-based screening levels for residential exposure, remediation of the site shall be required to address residual organochlorine and lead arsenate pesticides above health-based level of concern. Remediation may include excavation and disposal of impacted soil or capping elevated areas beneath paved areas. The Construction Contractor shall implement the recommendations outlined in the Phase II.</p>				
Noise				
<p>NOI-1: To ensure that exterior noise levels at future residential and other noise-sensitive land uses within the project site do not exceed an Ldn of 60 dB due to transportation noise from adjacent roadways (N. Madera Avenue, W. Nielsen Avenue, and Harvest Elementary Road), the following noise attenuation measures shall be incorporated into the project design and implemented during construction. These measures shall be clearly depicted on the project's site, grading, landscape, building, and other required plans and are subject to review and approval by the City of Kerman Community Development Department prior to issuance of building permits.</p>	Project Proponent	Prior to issuance of building permits	City of Kerman Community Development Department	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/date)
<p>The project shall implement one or a combination of the following noise mitigation strategies to achieve the 60 dB Ldn noise contour within the project boundaries, consistent with the following existing noise contours:</p> <ul style="list-style-type: none"> • N. Madera Avenue: The 60 dB Ldn contour extends approximately 121 feet from the roadway centerline. • W. Nielsen Avenue: The 60 dB Ldn contour extends approximately 5 feet from the roadway centerline. • Harvest Elementary Road: The 60 dB Ldn contour extends approximately 42 feet from the roadway centerline. <p>1. Building Setbacks: All proposed residential structures and other noise-sensitive uses shall be setback from the centerlines of the adjacent roadways by a distance sufficient to ensure that exterior noise levels do not exceed 60 dB L_{dn}. This shall be demonstrated through the project's site, grading, landscape, building, and other required plans and are subject to review and approval by the City of Kerman Community Development Department prior to issuance of building permits. The minimum setbacks shall be no less than:</p> <ul style="list-style-type: none"> • N. Madera Avenue: 121 feet from the roadway centerline, unless an alternative noise mitigation measure (Sound Wall) is implemented to achieve the 60 dB L_{dn} at a lesser setback. • W. Nielsen Avenue: 5 feet from the roadway centerline, unless an alternative noise mitigation measure (Sound Wall) is implemented to achieve the 60 dB L_{dn} at a lesser setback. • Harvest Elementary Road: 42 feet from the roadway centerline, unless an alternative noise mitigation measure (Sound Wall) is implemented to achieve the 60 dB L_{dn} at a lesser setback. 				

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/date)
<p>Sound Walls: Where sufficient building setbacks alone are not feasible to achieve the 60 dB L_{dn} at outdoor activity areas or building facades of noise-sensitive uses, a continuous, solid sound wall with a minimum height of six (6) feet above the finished project site grade shall be constructed along the project boundary adjacent to the applicable roadway(s). This shall be demonstrated through the project's site, grading, landscape, building, and other required plans and are subject to review and approval by the City of Kerman Community Development Department prior to issuance of building permits.</p>				
<p>Mitigation Measure NOI-2: To mitigate potential noise impacts from future stationary noise sources on existing or proposed noise-sensitive receptors within or adjacent to the Project site, the following measures shall be implemented:</p> <ol style="list-style-type: none"> Trigger for Acoustical Analysis: Prior to the issuance of a building permit for any proposed commercial use that is reasonably anticipated to generate significant stationary noise (including, but not limited to, HVAC systems, loading docks, outdoor processing equipment, amplified sound, or other potentially loud operations) and is located within the following distances of an existing or proposed noise-sensitive receptor (e.g., residential dwellings, schools, hospitals, parks, libraries), the project proponent shall be required to prepare an acoustical analysis prepared by a qualified acoustical consultant. <ul style="list-style-type: none"> HVAC Mechanical Equipment: when equipment is within 50 feet of an existing or proposed noise-sensitive receptor. Truck Movements: when truck access routes are located within 100 feet of an existing or proposed noise-sensitive receptor. 	Project Proponent	Prior to issuance of building permits	City of Kerman Community Development Department	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/date)
<p>c. Parking Lot Activities: when a parking lot is located within 50 feet of an existing or proposed noise-sensitive receptor.</p> <p>d. Loading Dock Activities: when loading docks are located within 100 feet of an existing or proposed noise-sensitive receptor.</p> <p>e. Compactor: when a compactor is located within 10 feet of an existing or proposed noise-sensitive receptor.</p> <p>2. Requirements for Acoustical Analysis: The acoustical analysis shall, at a minimum, identify all potential significant stationary noise sources associated with the proposed use, including operational characteristics, predict noise levels at the property line of the noise source and nearest existing or proposed noise-sensitive receptors, and evaluate the predicted noise levels against the City of Kerman's applicable stationary noise standards in the General Plan and Municipal Code. If noise levels are predicted to exceed the City's standards at sensitive receptors, the analysis shall recommend specific, feasible, and effective mitigation measures to achieve compliance with the City's standards. The acoustical analysis shall be submitted by the project proponent to the City of Kerman Community Development Department during the entitlement process. All noise mitigation measures recommended in the acoustical analysis shall be clearly incorporated into the project's site plans prior to issuance of building permits.</p> <p>Implementation of Mitigation Measures: Mitigation measures may include but are not limited to: relocation or redesign of noise-generating equipment, installation of sound barriers or enclosures, use of quieter equipment or operational practices, limitations on hours of operation for specific noise-generating activities, or architectural soundproofing. The analysis shall clearly demonstrate the expected noise reduction and</p>				

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/date)
confirm that the City's noise standards will be met at all sensitive receptor locations. Prior to issuance of occupancy, the project proponent shall submit verification to the City of Kerman Community Development Department confirming that all required noise mitigation measures have been implemented in accordance with approved plans.				
<p>NOI-3 The following mitigation measures and best management practices shall be applied during periods of project construction. Prior to issuance of building permits for all project phases, the project proponent shall include these measures and best management practices on the construction plans submitted to the City of Kerman Community Development Department. The Building Division shall verify that these measures and best management practices are included in the construction plans prior to approval of building permits.</p> <ul style="list-style-type: none"> • Adherence to City Ordinance: Construction activities are strictly prohibited outside the hours of 7:00 am and 10:00 pm, as mandated by the City of Kerman Municipal Code. Any work outside these hours requires prior written approval from the City of Kerman's Planning and/or Building Division, demonstrating necessity and implementation of enhanced noise mitigation measures. • Equipment Maintenance and Muffling: All construction equipment shall be maintained in proper working order with effective muffling devices that meet or exceed manufacturer specifications for noise reduction. Documentation of equipment maintenance, including muffler checks, shall be kept on-site and made available for inspection. During inspections by the City of Kerman's Building Division, non-compliant equipment shall be 	Project Proponent	Prior to issuance of building permit	City of Kerman Community Development Department	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/date)
<p>tagged and prohibited from use until proper maintenance or muffling is implemented and verified by the City.</p> <ul style="list-style-type: none"> • Idling Reduction: Noise-producing equipment shall not be left operating, running, or idling when not actively in use by construction personnel. Operators shall be instructed and regularly reminded to turn off equipment during periods of inactivity. This requirement shall be included in contractor agreements. • Distance from Sensitive Receptors: Noise-producing construction equipment shall be strategically located and operated as far as feasible from noise-sensitive land uses (e.g., residences, schools, hospitals, parks). Site plans submitted with the construction documents shall identify noise-sensitive areas and demonstrate how equipment placement maximizes distance. The City's review of the construction site plan will assess the proposed equipment locations relative to sensitive receptors. Any significant deviations during construction will require justification and potential relocation of equipment as directed by the City. • Staging Area Location: Construction staging areas, where equipment and materials are stored and where less intensive activities may occur, shall be located at the maximum possible distance from noise-sensitive land uses. The location of staging areas shall be clearly indicated on the construction site plan. The approved site plan will dictate the permissible locations for staging areas. Any unauthorized staging in closer proximity to sensitive receptors will require immediate relocation. • Construction Hours Signage: Clearly visible signs, in both English and Spanish, shall be posted at all construction site entrances and near adjacent sensitive receptors. These signs shall prominently 				

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/date)
<p>display the permitted hours of construction activities and provide the name and contact phone number of a designated noise disturbance coordinator responsible for addressing noise complaints. The presence and legibility of these signs will be verified during initial site inspections and monitored throughout the construction period. Missing or inadequate signage will require immediate replacement. The contact information for the noise coordinator shall be provided to the City prior to the commencement of construction.</p>				
Tribal Cultural Resources				
See Mitigation Measure CUL-1	Project Proponent	During construction for all phases	City of Kerman Community Development Department	

ATTACHMENT G
Resolution 2025-

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF KERMAN FOR TWO (2) PARCELS IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS (APNS) 020-120-06 (19.82 ACRES) AND 020-120-03S (20 ACRES), PRE-ZONING THE PARCELS CONSISTENT WITH THE PROPOSED LAND USE DESIGNATIONS, RESULTING IN APPROXIMATELY 30.39 ACRES WITHIN THE SMART DEVELOPMENT COMBINING DISTRICT – RESIDENTIAL – MINIMUM 3,500 SQUARE FEET (SD-R-3.5), 8.74 ACRES WITHIN THE MIXED USE DISTRICT, TOTALING APPROXIMATELY 39.13 ACRES LOCATED ON THE SOUTH SIDE OF WEST NIELSEN AVENUE BETWEEN NORTH MADERA AVENUE AND NORTH DEL NORTE AVENUE (REZONE 2023-03)

WHEREAS, Rezone 2023-03 pertains to two (2) parcels (APNs 020-120-06 and 020-120-3S) consisting of approximately 39.13 acres located on the south side of West Nielsen Avenue between North Madera Avenue and North Del Norte Avenue (“project site”), requesting to amend the Official Zoning Map of the City of Kerman; and

WHEREAS, the project site is located within the City of Kerman Sphere of Influence, but since it is outside City limits, the site is zoned by the County and is within the County of Fresno’s Agricultural Exclusive – 20 acres (AE-20) and Limited Agricultural – 20 acres (AL-20) zone districts; and

WHEREAS, because the project site is outside City limits, the project requires annexation and pre-zoning to a zone district consistent with the City of Kerman 2040 General Plan; and

WHEREAS, Rezone 2023-03 requests to pre-zone/rezone the two (2) parcels (APNs 020-120-06 and 020-120-3S) to zoning districts consistent with the planned land use designations, upon approval of General Plan Amendment 2023-02; and

WHEREAS, the pre-zone/rezone would result in approximately 30.39 acres within the Smart Development Combining District – Residential – Minimum 3,500 Square Feet (SD-R-3.5) and 8.74 acres within the Mixed Use District (MU) as shown in Exhibit 1; and

WHEREAS, approval of the project would require approval of General Plan Amendment 2023-02, Rezone 2023-03, Tentative Parcel Map 2024-01, Tentative Subdivision Map 2023-03, and Annexation 2023-03; and

WHEREAS, pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 (“CEQA”), the City, as the Lead Agency, has analyzed the proposed project, including the Rezone, General Plan Amendment, and Annexation, Tentative Parcel Map, and Tentative Subdivision Map, and has prepared an Initial Study and Mitigated Negative Declaration (SCH No. 2025060904) to evaluate the proposed Project and the project is in compliance with CEQA; and

WHEREAS, 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 IS/MND, 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 adopt an ordinance to amend the Official Zoning Map of the City of Kerman for two (2) parcels (APNs 020-120-06 and 020-120-3S), pre-zoning the parcels to SD-R-3.5 and MU zoning districts, consistent with the planned land use designations, upon approval of General Plan Amendment 2023-02.

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**: The Planning Commission concurrently recommended certification of the IS/MND (SCH No. 2025060904) for the project. The IS/MND identified the pre-zoning of the project site. The pre-zoning does not change the environmental assessment of the IS/MND. Further, the Planning Commission recommended to the City Council certification of the IS/MND for this project. The Planning Commission further recommends findings that no subsequent review is required under CEQA Guidelines section 15162 as since that time no substantial changes have been proposed in the project which will require major revisions of the IS/MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Likewise, no substantial changes have occurred since that time with respect to the circumstances under which the project is undertaken which will require major revisions of the IS/MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is also no new information, which was not known and could not have been known at the time of the recommendation for certification that the project will have significant effect not discussed in the IS/MND. As such, the Planning Commission recommends the City Council find Rezone 2023-03 has already been fully assessed in accordance with CEQA, no subsequent review is required under CEQA Guidelines section 15162, and no further action or review is required under CEQA.
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 project site is currently planned for residential and commercial uses. The project requests an amendment to the General Plan and Zoning Map to increase the acreage of land designated for medium density and mixed use uses, which requires the removal of the acreage of land designated for commercial uses. The project would facilitate future residential and commercial development within an area with existing and planned residential, recreational and public institutional uses. Through compliance with applicable development standards, environmental mitigation measures, and conditions of approval, the project as proposed is consistent with General Plan Policies LU-1.4 (Limit Residential Development Along Highways), LU-1.6 (Agricultural Buffers), LU-3.2

(Urban Form), LU-3.3 (Prevent Sprawl Development), LU-3.4 (Leapfrog Development) LU-4.5 (Right-to-Farm Disclosure), and LU-5.4 (New Incompatible Land Uses). Therefore, the change is consistent with the General Plan goals and policies.

- b. The change is consistent with the purpose of the Zoning Ordinance to promote the health, safety, and welfare of the community. The project requests to pre-zone the parcels to be annexed and rezone them to zoning districts consistent with the proposed land use designations. The proposed zoning districts are identified as compatible zoning districts for the proposed land use designations as shown in the General Plan. Future development proposed on the project site would be subject to compliance with the applicable standards and requirements of the Zoning Ordinance, standards which were adopted by the City to ensure preservation and promotion of public health, safety and welfare of the city and to facilitate growth and expansion of the city in a precise and orderly manner. Further, the project has been reviewed by the various City departments and evaluated for conformity with the requirements of the Zoning Ordinance. Through compliance with applicable development standards, environmental mitigation measures, and conditions of approval, the project as proposed is consistent with the purpose of the Zoning Ordinance.
- c. There will not be significant effects upon the quality of the environment and natural resources. Pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 (“CEQA”), the City, as the Lead Agency, has analyzed the proposed project, including the Rezone, General Plan Amendment, Annexation, Tentative Parcel Map, and Tentative Subdivision Map, and has prepared an Initial Study and Mitigated Negative Declaration (SCH No. 2025060904) to evaluate the proposed Project. It was determined that all impacts were either less than significant or could be mitigated to a less than significant level.

4. Recommendation for Approval. Given that all the findings can be made, the Planning Commission recommends the City Council adopt an ordinance to amend the official zoning map of the City of Kerman for two (2) parcels identified as Assessor’s Parcel Numbers (APNs) 020-120-06 (19.82 acres) and 020-120-03S (20 acres), pre-zoning the parcels consistent with the proposed land use designations, resulting in approximately 30.39 acres within the Smart Development Combining District – Residential – minimum 3,500 square feet (SD-R-3.5) and 8.74 acres within the Mixed Use District (MU), totaling approximately 39.13 acres located on the south side of West Nielsen Avenue between North Madera Avenue and North Del Norte Avenue (Rezone 2023-03), as set forth in Exhibit 2 of this resolution.
5. 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 City of Kerman Planning Commission on the 22nd day of September 2025, and was fully adopted at said meeting by the following vote:

Ayes:

Noes:

Absent:

Recused:

The foregoing resolution is hereby approved.

Scott Bishop, Chairperson

Attest:

Jerry Jones
Planning Commission Secretary

Exhibit '1': Rezone 2023-03

Exhibit '2': Draft Rezone 2023-03 Ordinance

Exhibit 1
Rezone 2023-03

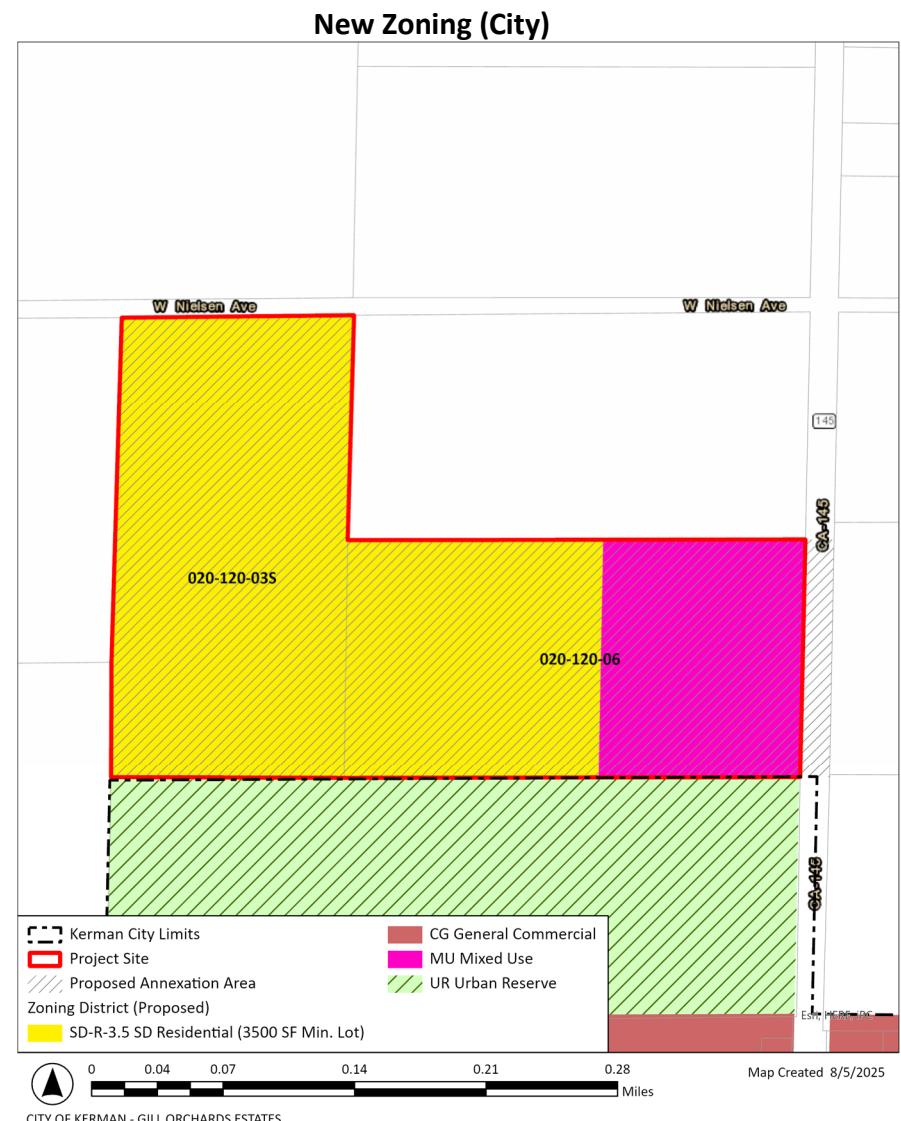


Exhibit 2
Ordinance No. 25-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN APPROVING REZONE 2023-03 TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF KERMAN FOR TWO (2) PARCELS IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS (APNS) 020-120-06 (19.82 ACRES) AND 020-120-03S (20 ACRES), PRE-ZONING THE PARCELS CONSISTENT WITH THE PROPOSED LAND USE DESIGNATIONS, RESULTING IN APPROXIMATELY 30.39 ACRES WITHIN THE SMART DEVELOPMENT COMBINING DISTRICT – RESIDENTIAL – MINIMUM 3,500 SQUARE FEET (SD-R-3.5) AND 8.74 ACRES WITHIN THE MIXED USE DISTRICT, TOTALING APPROXIMATELY 39.13 ACRES LOCATED ON THE SOUTH SIDE OF WEST NIELSEN AVENUE BETWEEN NORTH MADERA AVENUE AND NORTH DEL NORTE AVENUE

WHEREAS, Rezone 2023-03 pertains to two (2) parcels (APNs 020-120-06 and 020-120-3S) consisting of approximately 39.13 acres located on the south side of West Nielsen Avenue between North Madera Avenue and North Del Norte Avenue (“project site), requesting to amend the Official Zoning Map of the City of Kerman; and

WHEREAS, the project site is located within the City of Kerman Sphere of Influence, but since it is outside City limits, the site is zoned by the County and is within the County of Fresno’s Agricultural Exclusive – 20 acres (AE-20) and Limited Agricultural – 20 acres (AL-20) zone districts; and

WHEREAS, because the project site is outside City limits, the project requires annexation and pre-zoning to a zone district consistent with the City of Kerman 2040 General Plan; and

WHEREAS, Rezone 2023-03 requests to pre-zone/rezone the two (2) parcels (APNs 020-120-06 and 020-120-3S) to zoning districts consistent with the planned land use designations, upon approval of General Plan Amendment 2023-02; and

WHEREAS, the pre-zone/rezone would result in approximately 30.39 acres within the Smart Development Combining District – Residential – Minimum 3,500 Square Feet (SD-R-3.5) and 8.74 acres within the Mixed Use District (MU) as shown in Exhibit 1; and

WHEREAS, approval of the project would require approval of General Plan Amendment 2023-02, Rezone 2023-03, Tentative Parcel Map 2024-01, Tentative Subdivision Map 2023-03, and Annexation 2023-03; and

WHEREAS, pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 (“CEQA”), the City, as the Lead Agency, has analyzed the proposed project, including the Rezone, General Plan Amendment, and Annexation, Tentative Parcel Map, and Tentative Subdivision Map, and has prepared an Initial Study and Mitigated Negative Declaration (SCH No. 2025060904) to evaluate the proposed Project and the project is in compliance with CEQA; and

WHEREAS, 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 at a regular meeting on September 22, 2025, and adopted a resolution with a recommendation to the City Council to approve Rezone 2023-03; and

WHEREAS, pursuant to the provision of Title 17 of the Kerman Municipal Code, the City of Kerman City Council held a public hearing on _____ to consider Rezone 2023-03 during which the Council solicited public testimony, and considered the environmental assessment; and

WHEREAS, the City Council now desires to approve Rezone 2023-03 to amend the Official Zoning Map of the City of Kerman for two (2) parcels (APNs 020-120-06 and 020-120-03S), rezoning the parcels to SD-R-3.5 and MU zoning districts, consistent with the planned land use designations, upon approval of General Plan Amendment 2023-02.

NOW, THEREFORE, the City Council of the City of Kerman does ordain as follow:

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 certification of the IS/MND (SCH No. 2025060904) for the project. The IS/MND identified the pre-zoning of the project site. The pre-zoning does not change the environmental assessment of the IS/MND. Further, the Planning Commission recommended to the City Council certification of the IS/MND for this project. The Planning Commission further recommends findings that no subsequent review is required under CEQA Guidelines section 15162 as since that time no substantial changes have been proposed in the project which will require major revisions of the IS/MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Likewise, no substantial changes have occurred since that time with respect to the circumstances under which the project is undertaken which will require major revisions of the IS/MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is also no new information, which was not known and could not have been known at the time of the recommendation for certification that the project will have significant effect not discussed in the IS/MND. As such, the Planning Commission recommends the City Council find Rezone 2023-03 has already been fully assessed in accordance with CEQA, no subsequent review is required under CEQA Guidelines section 15162, and no further action or review is required under CEQA.
3. **Rezone Findings**. The City Council finds as follows:
 - a. **The change is consistent with the General Plan**. The project site is currently planned for residential and commercial uses. The project requests an amendment to the General Plan and Zoning Map to increase the acreage of land designated for medium density and mixed use uses, which requires the removal of the acreage of land designated for commercial uses. The project would facilitate future residential and commercial development within an area with existing and planned residential, recreational and public institutional uses. Through

compliance with applicable development standards, environmental mitigation measures, and conditions of approval, the project as proposed is consistent with General Plan Policies LU-1.4 (Limit Residential Development Along Highways), LU-1.6 (Agricultural Buffers), LU-3.2 (Urban Form), LU-3.3 (Prevent Sprawl Development), LU-3.4 (Leapfrog Development) LU-4.5 (Right-to-Farm Disclosure), and LU-5.4 (New Incompatible Land Uses). Therefore, the change is consistent with the General Plan goals and policies.

- b. The change is consistent with the purpose of the Zoning Ordinance to promote the health, safety, and welfare of the community. The project requests to pre-zone the parcels to be annexed and rezone them to zoning districts consistent with the proposed land use designations. The proposed zoning districts are identified as compatible zoning districts for the proposed land use designations as shown in the General Plan. Future development proposed on the project site would be subject to compliance with the applicable standards and requirements of the Zoning Ordinance, standards which were adopted by the City to ensure preservation and promotion of public health, safety and welfare of the city and to facilitate growth and expansion of the city in a precise and orderly manner. Further, the project has been reviewed by the various City departments and evaluated for conformity with the requirements of the Zoning Ordinance. Through compliance with applicable development standards, environmental mitigation measures, and conditions of approval, the project as proposed is consistent with the purpose of the Zoning Ordinance.
- c. There will not be significant effects upon the quality of the environment and natural resources. Pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 (“CEQA”), the City, as the Lead Agency, has analyzed the proposed project, including the Rezone, General Plan Amendment, and Annexation, Tentative Parcel Map, and Tentative Subdivision Map, and has prepared an Initial Study and Mitigated Negative Declaration (SCH No. 2025060904) to evaluate the proposed Project. It was determined that all impacts were either less than significant or could be mitigated to a less than significant level.

4. Approval for Rezone. Given that all the findings can be made, City Council approves Rezone 2023-03 to amend the Official Zoning Map of the City of Kerman for two (2) parcels (APNs 020-120-06 and 020-120-03S), pre-zoning the parcels to SD-R-3.5 and MU zoning districts, consistent with the planned land use designations as set forth in Exhibit 1.
5. Severability: If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

6. Certification: This ordinance shall be published in accordance with the provisions of Government Code Section 36933.
7. Effective Date of Ordinance: This ordinance shall be in full force and effect thirty (30) days after its passage.

The foregoing ordinance was introduced at a regular meeting of the City of Kerman City Council on the _____ day of _____, 202____, and passed and adopted at a regular meeting of the City Council on the _____ day of _____, 202____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing ordinance is hereby approved.

Maria Pacheco, Mayor

Josie Camacho, City Clerk

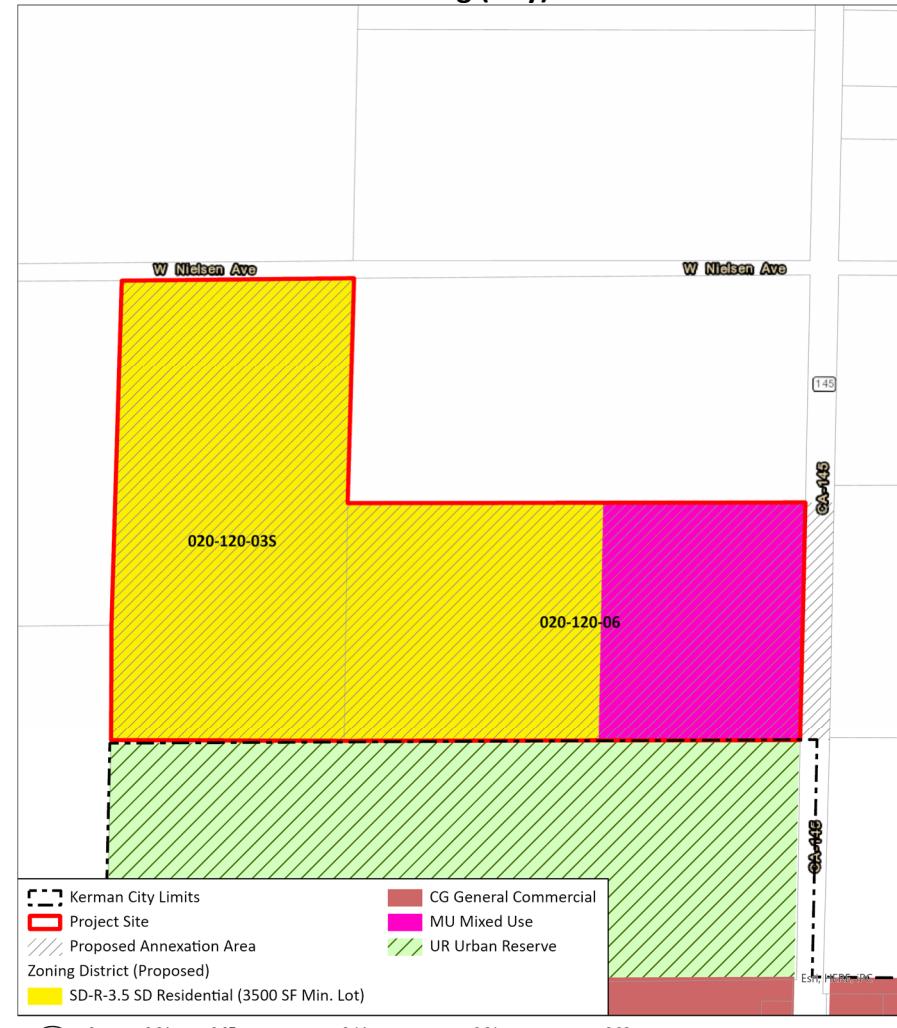
Exhibit '1': Rezone 2023-03

Exhibit 1

Prior Zoning (County)



New Zoning (City)



ATTACHMENT H
Resolution No. 2025-

**A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL ADOPT A
RESOLUTION TO APPROVE THE ORCHARDS AT GILL ESTATES PARCEL MAP OF TWO (2) PARCELS
IDENTIFIED AS 020-120-06 (19.82 ACRES) AND 020-120-03S (20 ACRES) INTO TWO (2) PARCELS AND
ONE (1) REMAINDER, INCLUDING A 28.35-ACRE "PARCEL 1" THAT WOULD ACCOMMODATE TSM
2023-03, A 8.74-ACRE "PARCEL 2" ON THE EAST PORTION OF APN 020-120-06 WITH NO
DEVELOPMENT PROPOSED AT THIS TIME, AND A 2.04-ACRE "REMAINDER" ON THE NORTHWEST
CORNER WITH AN EXISTING SINGLE-FAMILY RESIDENCE (TENTATIVE PARCEL MAP 2024-01)**

WHEREAS, Lifetime Communities submitted Tentative Parcel Map 2024-01 pertaining to two (2) parcels (APNs 020-120-06 and 020-120-03S) that total approximately 40 acres located on the south side of West Nielsen Avenue between North Madera Avenue and North Del Norte Avenue ("project site"); and

WHEREAS, Tentative Parcel Map 2024-01 proposes to split the two (2) parcels into two (2) parcels and one (1) remainder (Exhibit 1); and

WHEREAS, General Plan Amendment 2023-02, Rezone 2023-03, Annexation 2023-03, and Tentative Subdivision Map 2023-03 were considered concurrently by the Planning Commission with Tentative Parcel Map 2024-01; and

WHEREAS, pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 ("CEQA"), the City, as the Lead Agency, has analyzed the proposed project, including the Rezone, General Plan Amendment, Annexation, Tentative Parcel Map, and Tentative Subdivision Map, and has prepared an Initial Study and Mitigated Negative Declaration (SCH No. 2025060904) to evaluate the proposed Project and the project is in compliance with CEQA; and

WHEREAS, 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 completed its review of the Staff Report and documents submitted for the proposed project; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred, and the Planning Commission now desires to recommend to the City Council adoption of a resolution approving Tentative Parcel Map 2024-01.

NOW, THEREFORE, the Planning Commission of the City of Kerman resolves as follows:

1. **Recitals**. The City Council 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 certification of the IS/MND (SCH No. 2025060904) for the project. The IS/MND identified the land division of the project site. The land division does not change the environmental assessment of the IS/MND. Further, the Planning

Commission recommended to the City Council certification of the IS/MND for this project. The Planning Commission further recommends findings that no subsequent review is required under CEQA Guidelines section 15162 as since that time no substantial changes have been proposed in the project which will require major revisions of the IS/MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Likewise, no substantial changes have occurred since that time with respect to the circumstances under which the project is undertaken which will require major revisions of the IS/MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is also no new information, which was not known and could not have been known at the time of the recommendation for certification that the project will have significant effect not discussed in the IS/MND. As such, the Planning Commission recommends the City Council find Rezone 2023-03 has already been fully assessed in accordance with CEQA, no subsequent review is required under CEQA Guidelines section 15162, and no further action or review is required under CEQA.

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 map is consistent with the applicable General Plan, Subdivision Ordinance, Specific Plan, and the Subdivision Map Act.** Through compliance with applicable development standards, environmental mitigation measures, and conditions of approval, Tentative Parcel Map 2024-01 is consistent with all local planning documents including the General Plan, Subdivision Ordinance, and Zoning Ordinance, and the Subdivision Map Act.
 - b. **The design or improvement of the proposed land division is consistent with applicable general plan and specific plans.** Tentative Parcel Map 2024-01 is consistent with the intended land uses, density, and development standards outlined in the General Plan. Through compliance with applicable development standards, environmental mitigation measures, and conditions of approval, the subdivision is consistent with the 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. There is no specific plan applicable to the site.
 - c. **That the site is physically suitable for the proposed type of development.** Tentative Parcel Map 2024-01 would split the two (2) parcels identified as APNs 020-120-06 and 020-120-03S into two (2) parcels and one (1) remainder parcel to facilitate future residential and commercial uses. Through compliance with applicable development standards, environmental mitigation measures, and conditions of approval, land characteristics, including topography, soil conditions, drainage patterns, ingress/egress and access points, and utility availability are appropriate and can accommodate future development without significant challenges or modifications.

- d. That the site is physically suitable for the proposed density of development. Tentative Parcel Map 2024-01 would split the two (2) parcels identified as APNs 020-120-06 and 020-120-03S into two (2) parcels and one (1) remainder parcel. The parcel sizes conform to the standards of development as defined by the Zoning Ordinance for the applicable development zone districts. Future development would be subject to compliance with applicable development standards, including allowable density and intensity. Compliance with these standards would be ensured through the entitlement review process.
- e. The design of the land division and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish, wildlife, or their habitat. Pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 (“CEQA”), the City, as the Lead Agency, has analyzed the proposed project, including the Rezone, General Plan Amendment, Annexation, Tentative Parcel Map, and Tentative Subdivision Map, and has prepared an Initial Study and Mitigated Negative Declaration (SCH No. 2025060904) to evaluate the proposed Project. It was determined that all impacts were either less than significant or could be mitigated to a less than significant level.
- f. The design of the land division and type of improvements being required are not likely to cause serious public health problems. All improvements shall be required by the City and shall include sewer, water, underground power, telephone, gas, concrete curbs, gutters, sidewalks, permanent street pavement, and streetlights. The project will be tied into existing municipal water, sewer, and storm drain systems through the extension of existing systems Sanitary sewer service would be provided through connection to the existing trunk sewer main in First Street at the east-west street along the southern boundary of the site. Domestic water service would also be provided through a connection point at the same location. A drainage basin is proposed on-site in Outlot D of the subdivision on a portion of the parcel identified as APN 020-120-03S. The basin was adequately sized to accommodate stormwater runoff from the site. Associated electric, natural gas, telecommunications, and solid waste services are provided by private companies and will serve the project site as needed. Through compliance with applicable development standards, environmental mitigation measures, and conditions of approval, the design of the land division and type of improvements being required are not likely to cause serious public health problems.
- g. 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 to adopt a resolution to approve Tentative Parcel Map 2024-01 (Exhibit '1'), subject to the conditions set forth in Exhibit '2' (Tentative Parcel Map 2024-01 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 City of Kerman Planning Commission on the 22nd day of September 2025, and was fully adopted at said meeting by the following vote:

Ayes:

Noes:

Absent:

Recused:

The foregoing resolution is hereby approved.

Scott Bishop, Chairperson

Attest:

Jerry Jones
Planning Commission Secretary

Exhibit '1': Tentative Parcel Map 2024-01

Exhibit '2': Conditions of Approval for Tentative Parcel Map 2024-01

Exhibit 1

Tentative Parcel Map 2024-01

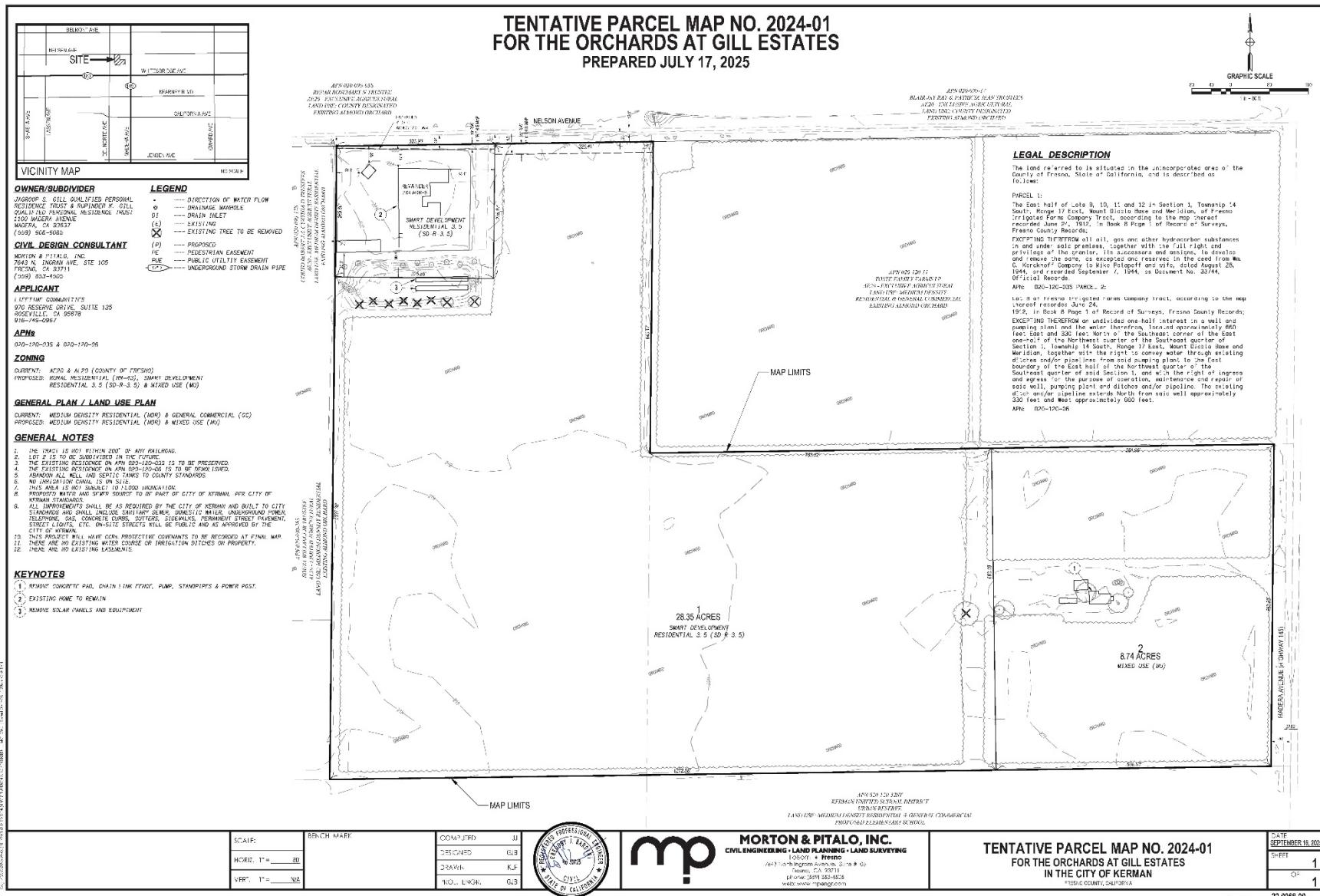


Exhibit 2
Conditions of Approval
Tentative Parcel Map No. 2024-01
The Orchards at Gill Estates

Engineering Division Conditions of Approval

The conditions of development approval set forth herein include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Section 66020(d) of the Government Code, these conditions constitute written notice of such fees, and a description of the dedications, reservations and other exactions. The applicant is hereby notified that the 90-day protest period commences from the date of approval of the development. If the applicant fails to file a protest regarding any of the fees, dedication requirements, reservation requirements or other exactions contained in this notice, complying with all the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

A. General

1. Obtain express written approval of the City Engineer for a deferment, modification, or waiver of any engineering conditions of approval.
2. The conditions given herein are for the entire development. Additional requirements for individual phases may be necessary pending review by the City Engineer.
3. Comply with all applicable conditions set forth in Title 16 of the Kerman Municipal Code (Subdivisions).
4. Install monuments at all section corners, quarter section corners, all street centerline intersection points, angle points, and beginning of curves and end of curves on streets adjacent to or within the development prior to final acceptance of the development. Any existing section corner or property corner monuments damaged or destroyed by the development shall be reset to the satisfaction of the City Engineer. A licensed land surveyor or civil engineer licensed to perform land surveying shall certify the placement of all required monumentation prior to final acceptance. Within five days after the final setting of all monuments has been completed, the engineer or surveyor shall give written notice to the City Engineer that the final monuments have been set. Upon payment to the engineer or surveyor for setting the final monuments, the applicant shall present the City Engineer evidence of the payment and receipt thereof by the engineer or surveyor.

B. Maps and Plans

1. Submit a 18" x 26" final map, prepared by a registered civil engineer or licensed land surveyor, and adhering to Subdivision Map Act requirements and City of Kerman Municipal Code. The final map shall be drawn at a scale of 1"=100' and include the current filing fee, closure calculations, preliminary title report dated within 30 days of submittal, legal descriptions and

drawings of required dedications. Upon approval of the final map, applicant shall submit a reproducible/electronic copy (PDF) to the City Engineer.

2. Submit a copy of the recorded map to the County Surveyor's Office pursuant to Section 66466(f) of the Subdivision Map Act and Section 8774.5(a) of the Professional Land Surveyors Act

C. Dedications

1. Provide right-of-way acquisition or dedicate free and clear of all encumbrances the following streets to City standards, unless otherwise shown on the tentative parcel map:
 - a) Nielsen Avenue
 - i) Lot 1 Frontage: Dedicate right-of-way and easements, along development frontage, in accordance with City Standard P-1, to achieve a Collector street half width of 42' south of center/section.
 - ii) Remainder Parcel Frontage: Dedicate right-of-way to achieve a modified Collector street half width varying from 24' to 30' south of center/section.
2. Dedicate a 10' public utility easement along all streets and all other locations requested by utility companies. Alternate widths must be approved in writing by all utility companies and a copy of said written approval shall be submitted to the City Engineer.

ATTACHMENT I
Resolution No. 2025-

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL ADOPT A RESOLUTION TO APPROVE THE ORCHARDS AT GILL ESTATES SUBDIVISION OF ONE (1) PARCEL INTO 172 SINGLE-FAMILY LOTS RANGING IN SIZE FROM 3,690 SQUARE FEET TO 8,987 SQUARE FEET AND FIVE (5) OUTLOTS, TOTALING APPROXIMATELY 28.35 ACRES LOCATED ON THE SOUTH SIDE OF WEST NIELSEN AVENUE BETWEEN NORTH MADERA AVENUE AND NORTH DEL NORTE AVENUE (TENTATIVE SUBDIVISION MAP 2023-03)

WHEREAS, Lifetime Communities submitted Tentative Subdivision Map 2023-03. "The Orchards at Gill Estates," pertaining to one (1) parcel (Parcel 1 of Tentative Parcel Map 2024-01) consisting of approximately 28.35 acres located on the south side of West Nielsen Avenue between North Madera Avenue and North Del Norte Avenue ("project site"); and

WHEREAS, Tentative Subdivision Map 2023-03 proposes to subdivide the 28.35 acres into 172 single-family lots, ranging in size from 3,690 square feet to 8,987 square feet (Exhibit 1); and

WHEREAS, General Plan Amendment 2023-02, Rezone 2023-03, Annexation 2023-03, and Tentative Parcel Map 2024-01 were considered concurrently by the Planning Commission with Tentative Subdivision Map 2023-03; and

WHEREAS, pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 ("CEQA"), the City, as the Lead Agency, has analyzed the proposed project, including the Rezone, General Plan Amendment, Annexation, Tentative Parcel Map, and Tentative Subdivision Map, and has prepared an Initial Study and Mitigated Negative Declaration (SCH No. 2025060904) to evaluate the proposed Project and the project is in compliance with CEQA; and

WHEREAS, 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 completed its review of the Staff Report and documents submitted for the proposed project; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred, and the Planning Commission now desires to recommend to the City Council adoption of a resolution approving Tentative Subdivision Map 2023-03.

NOW, THEREFORE, the Planning Commission of the City of Kerman resolves as follows:

6. **Recitals.** The City Council hereby finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.
7. **CEQA:** The Planning Commission concurrently recommended certification of the IS/MND (SCH No. 2025060904) for the project. The IS/MND identified the subdivision. The subdivision does not change the environmental assessment of the IS/MND. Further, the Planning Commission recommended to the City Council certification of the IS/MND for this project. The Planning Commission further

recommends findings that no subsequent review is required under CEQA Guidelines section 15162 as since that time no substantial changes have been proposed in the project which will require major revisions of the IS/MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Likewise, no substantial changes have occurred since that time with respect to the circumstances under which the project is undertaken which will require major revisions of the IS/MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is also no new information, which was not known and could not have been known at the time of the recommendation for certification that the project will have significant effect not discussed in the IS/MND. As such, the Planning Commission recommends the City Council find Tentative Subidivion Map 2023-03 has already been fully assessed in accordance with CEQA, no subsequent review is required under CEQA Guidelines section 15162, and no further action or review is required under CEQA.

8. **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 map is consistent with the applicable General Plan, Subdivision Ordinance, Specific Plan, and the Subdivision Map Act. Through compliance with applicable development standards, environmental mitigation measures, and conditions of approval, Tentative Subdivision Map 2023-03 is consistent with all local planning documents including the General Plan, Subdivision Ordinance, and Zoning Ordinance, and the Subdivision Map Act.
 - b. The design or improvement of the proposed land division is consistent with applicable general plan and specific plans. Tentative Subdivision Map 2023-03 is consistent with the intended land uses, density, and development standards outlined in the General Plan. Through compliance with applicable development standards, environmental mitigation measures, and conditions of approval, the subdivision is consistent with the 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. There is no specific plan applicable to the site.
 - c. That the site is physically suitable for the proposed type of development. Tentative Subdivision Map 2023-03 would subdivide "Parcel 1" of the Tentative Parcel Map 2024-01 to create 172 parcels to support single-family uses. Through compliance with applicable development standards, environmental mitigation measures, and conditions of approval, land characteristics, including topography, soil conditions, drainage patterns, ingress/egress and access points, and utility availability are appropriate and can accommodate future development without significant challenges or modifications.

- d. That the site is physically suitable for the proposed density of development. Tentative Subdivision Map 2023-03 would subdivide “Parcel 1” of the Tentative Parcel Map 2024-01 to create 172 parcels. The lot areas will conform to the standards of development as defined by the Zoning Ordinance for the applicable development zone districts. Future development will be subject to compliance with applicable development standards, including allowable density and intensity. Compliance with these standards would be ensured through the entitlement review process.
- e. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish, wildlife, or their habitat. Pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 (“CEQA”), the City, as the Lead Agency, has analyzed the proposed project, including the Rezone, General Plan Amendment, and Annexation, Tentative Parcel Map, and Tentative Subdivision Map, and has prepared an Initial Study and Mitigated Negative Declaration (SCH No. 2025060904) to evaluate the proposed Project. It was determined that all impacts were either less than significant or could be mitigated to a less than significant level.
- f. The design of the subdivision and type of improvements being required are not likely to cause serious public health problems. All improvements shall be required by the City and shall include sewer, water, underground power, telephone, gas, concrete curbs, gutters, sidewalks, permanent street pavement, and streetlights. The project will be tied into existing municipal water, sewer, and storm drain systems through the extension of existing systems. Sanitary sewer service would be provided through connection to the existing trunk sewer main in First Street at the east-west street along the southern boundary of the site. Domestic water service would also be provided through a connection point at the same location. A drainage basin is proposed on-site in Outlot D of the subdivision on a portion of the parcel identified as APN 020-120-03S. The basin was adequately sized to accommodate stormwater runoff from the site. Associated electric, natural gas, telecommunications, and solid waste services are provided by private companies and will serve the project site as needed. Through compliance with applicable development standards, environmental mitigation measures, and conditions of approval, the design of the subdivision and type of improvements being required are not likely to cause serious public health problems.
- g. 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.

9. Approval with Conditions. Based on the aforementioned findings, the Planning Commission recommends the City Council to adopt a resolution to approve Tentative Subdivision Map 2023-03 (Exhibit '1'), subject to the conditions set forth in Exhibit '2' (Tentative Subdivision Map 2023-03 conditions of approval) attached hereto.
10. 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 City of Kerman Planning Commission on the 22nd day of September 2025, and was fully adopted at said meeting by the following vote:

Ayes:

Noes:

Absent:

Recused:

The foregoing resolution is hereby approved.

Scott Bishop, Chairperson

Attest:

Jerry Jones
Planning Commission Secretary

Exhibit '1': Tentative Subdivision Map 2023-03

Exhibit '2': Tentative Subdivision Map No. 2023-03 Conditional of Approval

Exhibit 1

Tentative Subdivision Map 2023-03

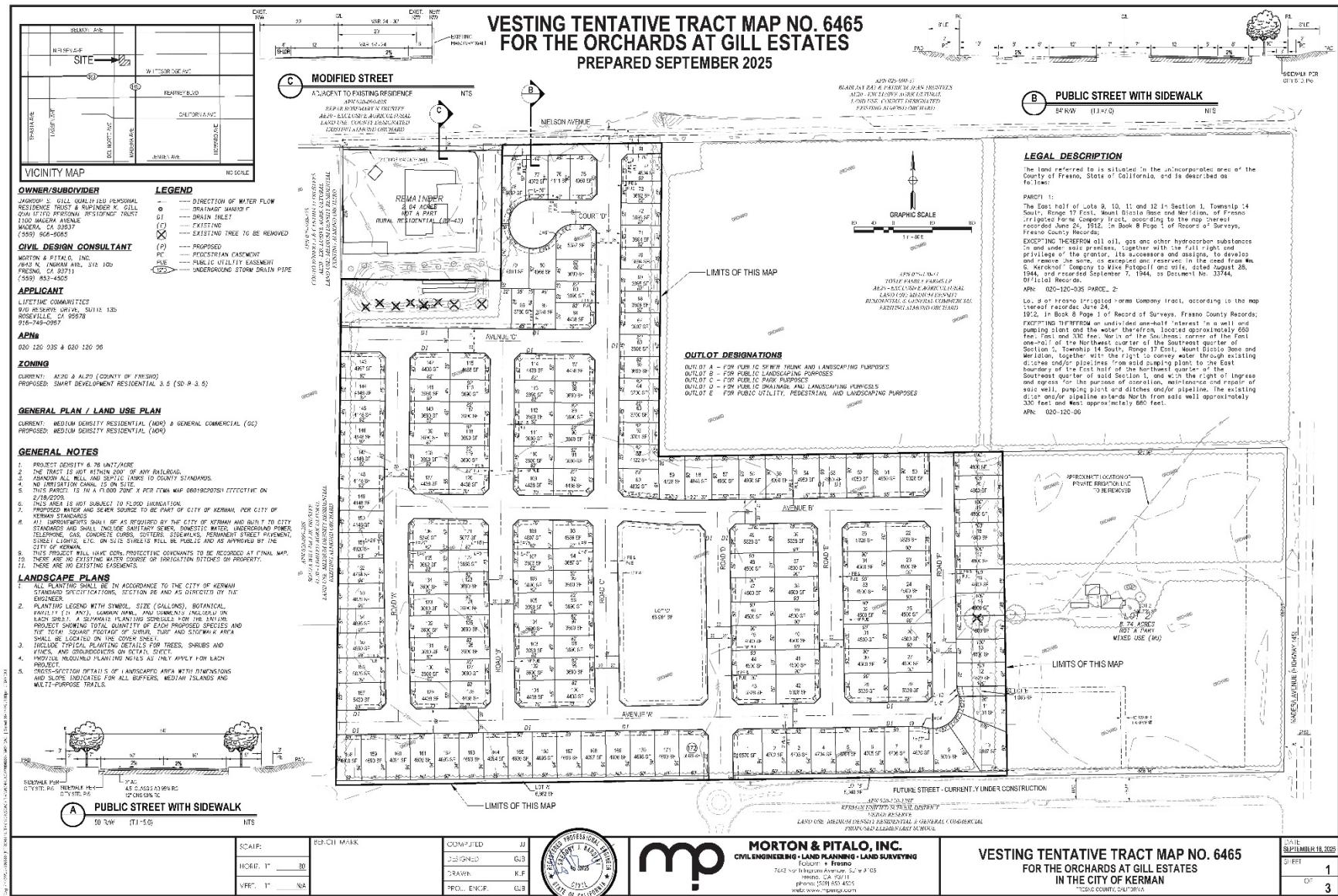


Exhibit 2
Conditions of Approval
Tentative Subdivision Map No. 2023-03
The Orchards at Gill Estates Residential Subdivision

Community Development Department Conditions of Approval

1. Project approval is conditioned upon applicant's acceptance of the conditions of approval contained herein.
2. The applicant shall obtain express written approval of the Community Development Director for a deferment, modification, or waiver of any conditions of approval.
3. The applicant shall relay all conditions of approval for this project to all subsequent purchasers of individual lots, if applicable, or to subsequent purchasers of this entire subdivision.
4. All conditions of approval shall be the sole financial responsibility of the applicant, except where otherwise specified in the conditions of approval listed herein, via a separate development agreement, or as mandated by statutes.
5. The applicant shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program prepared for this development.
6. It shall be the responsibility of the applicant to ensure that all required approvals, permits, and/or inspections from any entity having jurisdiction, are obtained prior to issuance of final occupancy for any lot.
7. For the lots designated for single-family within the smart development combining district, the applicant shall apply for a Development Plan Review Permit to ensure a comprehensive development of superior quality than which might otherwise occur from more traditional development. The Development Plan Review Permit shall be approved prior to the issuance of any building permit.
8. For the lot designated for mixed-use, any proposed development will be required to go through the development review process and obtain approvals for development separately.
9. The applicant shall obtain City approval in advance for any temporary or permanent subdivision signs through the sign review process, in accordance with the City's Zoning Code.

10. No more than two of the same unit type (floor layout and exterior materials package) shall be repeated side by side. When two of the same units are repeated side by side, they shall be different colors. These identical provisions may be waived by the Community Development Director on a specific lot basis within the project when the size or configuration of a lot would otherwise prevent compliance with the above requirements or any other siting or setback/yard requirements. If such a waiver is requested, the applicant and the Community Development Director shall work together to ensure that any siting of units not in compliance with the above requirements shall be of different materials and elevations in order to minimize any adverse visual impacts.
11. A right-to-farm covenant, approved as to legal form by the City Attorney, shall be recorded prior to the recording of the Final Map. The covenant shall be disclosed to all future homebuyers.
12. All landscaping (public planter/park strips, open space areas, outlots, typical lot plans, etc.) shall conform to the California Model Water Efficient Landscape Ordinance (MWELO) and all other applicable City standards. Preliminary landscape plans for all landscape areas shall be submitted for review and approval by the Community Development Department prior to the submittal of construction documents for review and approval.
13. All residential lots shall provide an all-weather surface and path for the movement and storage of trash toters. The path shall lead from the street to within the fenced side yard of each lot.
14. The applicant shall dedicate an approximately 1.54-acre neighborhood park (Outlot 'C') for public purposes. The park shall be developed with landscaping (trees and shrubs), spacious turf area, shade structure to accommodate a minimum of four (4) picnic tables, ADA compliant amenities, and a playground area for children. The development of the park will require a conditional use permit. A site plan, landscaping plan, and information on all structures, equipment, and materials to be provided shall be submitted for review and approval by the Parks and Recreation Department as part of the conditional use permit approval process.

Engineering Division Conditions of Approval

The conditions of development approval set forth herein include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Section 66020(d) of the Government Code, these conditions constitute written notice of such fees, and a description of the dedications, reservations and other exactions. The applicant is hereby notified that the 90-day protest period commences from the date of approval of the development. If the applicant fails to file a protest regarding any of the fees, dedication requirements, reservation requirements or other exactions contained in this notice, complying with all the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

A. General

1. Obtain express written approval of the City Engineer for a deferment, modification, or waiver of any engineering conditions of approval.
2. The conditions given herein are for the entire development. Additional requirements for individual phases may be necessary pending review by the City Engineer.
3. Comply with all applicable conditions set forth in Title 16 of the Kerman Municipal Code (Subdivisions).
4. Pay all applicable development impact fees (DIFs) prior to final inspection or certificate of occupancy, whichever comes first. The City may require payment of DIFs at an earlier time if it is determined that any of the provisions of Government Code Section 66007(b)(1) are satisfied. DIF rates shall be those in effect at the time of final map approval. If all development impact fees are not paid within two years of the date the final map is recorded, then those outstanding fees will have to be paid at the rate in effect at the time of collection. The applicant may be eligible for fee credits or fee reimbursements for over-sizing of facilities or construction of other eligible facilities included in the City of Kerman's Impact Fee Study. The City Engineer will determine the type and extent of improvements that are eligible for fee credits or reimbursements. For any improvements deemed eligible for fee credits or reimbursements, the applicant shall submit itemized quantity and unit costs for each item, including backup documentation (i.e. contracts, invoices, payments, etc.), for review and approval by the City Engineer prior to acceptance of the improvements by the City.
5. Provide security in a sum to be determined by the City Engineer, prior to release of development permits, for the guarantee of improvements construction and against claims that may arise from contractors and material vendors.

6. Provide security in a sum to be determined by the City Engineer, prior to final acceptance of the off-site improvements by the City, for the guarantee and warranty of the improvements for a period of one (1) year following the completion and acceptance thereof by the City Council.
7. Provide a soils report or a waiver of soils report for approval by the City Engineer with the first submittal of the improvement plans.
8. Obtain and comply with encroachment permits from affected jurisdictions for all work performed within their rights-of-way and easements.
9. Comply with all the requirements of the local utility, gas, electric, telephone, cable, and other communication companies (Utilities). It shall be the responsibility of the applicant to notify Utilities to remove or relocate poles where necessary. The City will not accept first submittal of improvement plans without proof that the applicant has provided the improvement plans to the Utilities.
10. Underground all existing overhead and any new utility facilities located along the frontage of the development.
11. Contact the United States Postal Service and address all requirements for the location and type of mailboxes to be installed. The location of the facilities shall be approved by the City Engineer prior to approval of improvement plans or any construction. Applicant shall submit a copy of the Method of Delivery Agreement (MODA) to the City.
12. Install all improvements within public right-of-way and easements in accordance with affected jurisdictions standards, specifications, master plans, and record drawings.
13. Provide and pay for all compaction testing required by the City Engineer. Compaction test locations and depths shall be established by the City Engineer. Compaction test results shall be submitted in a format acceptable to the City Engineer, for review and approval.
14. Maintain the construction site, and any public streets fronting the site, clear of any construction or landscaping debris. The site shall not be used as a storage area for equipment, materials, or other items.
15. Remove all existing structures, trees, shrubs, etc., that are within or encroaching on existing or proposed rights-of-way or easements. Existing street improvements shall be preserved, at the discretion of the City Engineer.

16. Provide clean-up, street sweeping, and dust control during the construction of the development to the satisfaction of the City Engineer and Public Works Director. A deposit of \$5,000.00 shall be submitted to the City to guarantee compliance. At any time, applicant is deemed to be non-compliant by the City Engineer or Public Works Director, the City may draw from said deposit to pay for necessary activities to bring the site into compliance.
17. Maintain pedestrian and vehicular access to all surrounding properties and buildings to the satisfaction of the City of Kerman Police Department, North Central Fire Protection District, and City Engineer. For developments occurring in phases, the applicant shall submit a schedule showing the sequence of development within the area covered by the tentative map.
18. Assume responsibility for all contractor's actions during the course of any work occurring on the site. Designate, in writing before starting work, an authorized representative who shall have complete authority to represent and to act for the applicant. Said authorized representative shall be present while work is in progress. During periods when work is suspended, arrangements acceptable to the City Engineer shall be made for any emergency work which may be required. When the applicant or his authorized representative is not present for any part of the work where it may be necessary to give directions, orders may be given by the City Engineer which shall be received and obeyed by the person(s) in charge of the particular work in reference to which the orders are given. Whenever orders are given to the applicant's representative or superintendent or foreman to do work required for the convenience and safety of the general public, such work shall be done at the applicant's expense.
19. Install monuments at all section corners, quarter section corners, all street centerline intersection points, angle points, and beginning of curves and end of curves on streets adjacent to or within the development prior to final acceptance of the development. Any existing section corner or property corner monuments damaged or destroyed by the development shall be reset to the satisfaction of the City Engineer. A licensed land surveyor or civil engineer licensed to perform land surveying shall certify the placement of all required monumentation prior to final acceptance. Within five days after the final setting of all monuments has been completed, the engineer or surveyor shall give written notice to the City Engineer that the final monuments have been set. Upon payment to the engineer or surveyor for setting the final monuments, the applicant shall present the City Engineer evidence of the payment and receipt thereof by the engineer or surveyor.

B. Maps and Plans

1. Contact the City Engineer to set up a Pre-Submittal Meeting prior to the initial submittal of the improvement plans. The Applicant's engineer is required to attend.
2. Comply with the City's Final Map and Improvement Plans Checklists in preparation of final map(s) and construction documents.
3. Submit a 18" x 26" final map, prepared by a registered civil engineer or licensed land surveyor, and adhering to Subdivision Map Act requirements and City of Kerman Municipal Code. The final map shall be drawn at a scale of 1"=100' and include the current filing fee, closure calculations, preliminary title report dated within 90 days of submittal, legal descriptions and drawings of required dedications. Upon approval of the final map, applicant shall submit a reproducible/electronic copy (PDF) to the City Engineer.
4. Submit a set of 24" x 36" construction plans prepared by a licensed Civil Engineer for review and approval of all required improvements prior to the release of any development permits. The plans shall include a site grading and drainage plan, landscaping and irrigation plans, and on-site and off-site utilities plan, if applicable, showing locations and sizes of storm drain, sewer and water mains, laterals, manholes, meters, valves, hydrants, etc.
5. Submit a reproducible/electronic copy (PDF) and two (2) black line copies of the approved set of construction plans, and two (2) bound sets of the approved construction specifications, if any, prior to beginning any construction, or within ten (10) calendar days of approval.
6. Submit Pad Certification(s) prior to issuance of building permits.
7. Submit a PDF file of the approved set of construction plans revised to reflect all field revisions and marked "AS-BUILT" prior to City acceptance of the improvements.
8. Submit a copy of the recorded map to the County Surveyor's Office pursuant to Section 66466(f) of the Subdivision Map Act and Section 8774.5(a) of the Professional Land Surveyors Act

C. Dedications and Street Improvements

1. Provide right-of-way acquisition or dedicate free and clear of all encumbrances and improve the following streets to City standards:
 - a) Nielsen Avenue

- i) Dedicate right-of-way and easements, along development frontage, in accordance with City Standard P-1, to achieve a Collector street half width of 42' south of center/section.
- ii) Dedicate right-of-way and easements, along Remainder Parcel (TPM 2024-01) frontage, to achieve a modified street half width varying from 24' to 30' south of center/section.
- iii) Relinquish all direct vehicular access from all single-family residential lots backing or siding onto this street.
- iv) Construct improvements south of center/section line, along development frontage, in accordance with City Standard P-1 for a Collector Street. Improvements shall include, but not be limited to, curb and gutter, sidewalk, curb ramps, streetlights, landscaped median island, landscaping, irrigation, and permanent paving. North of center/section line, construct half-width landscaped median island, and 12' westbound travel lane.
- v) Construct improvements south of center/section line along the Remainder Parcel (TPM 2024-01) frontage. Improvements shall include, but not be limited to, curb and gutter, sidewalk, curb ramps, streetlights, median island (geometry and construction to be approved by the City Engineer during improvement plan review process), and permanent paving. North of center/section line, construct 12' travel lane and 4' paved shoulder.
- vi) Re-construct Nielsen, from the east end of the development to State Route 145, to provide one 12' travel lane and 4' paved shoulders in each direction.
- vii) Construct transitional paving as required.

b) East-West Street adjacent to the South

- i) Relinquish all direct vehicular access from all single-family residential lots backing or siding onto this street.

c) 50' Interior Residential Streets

- i) Dedicate right-of-way and easements, in accordance with City Standard P-1.
- ii) Construct improvements including curb and gutter, sidewalk, drive approaches, curb ramps, streetlights, landscaping and irrigation, and permanent paving.
- iii) Relinquish vehicular access to future mixed-use development east of the proposed development (Lot 2 of TPM 2024-01).

d) Madera Avenue (State Route 145)

- i) Harvest Elementary Road (east-west street along southern boundary of the development) Intersection: Complete the Intersection Safety and Operational Assessment Process (ISOAP) process in accordance with Caltrans comment letter dated March 27, 2025. For any improvements required as a result of the ISOAP, comply with the developments Fair Share contribution recommendation included in the Traffic Impact Analysis dated May 21, 2025.
- ii) For information, the future development of the mixed-use lot to the east of the proposed development (Lot 2 of TPM 2024-01) will be required to construct frontage improvements along Madera Avenue (SR 145). Lane configuration, shoulder, curb and gutter, sidewalk, lighting, etc. should match the roadway configuration directly to the south. Improvement requirements will be included in the conditions of approval for future entitlements for development of the mixed-use lot.

2. Dedicate a 10' public utility easement along all streets and all other locations requested by utility companies. Alternate widths must be approved in writing by all utility companies and a copy of said written approval shall be submitted to the City Engineer.
3. Obtain "R Value" tests in quantity sufficient to represent all street areas, and have street structural sections designed by a registered civil engineer based on these "R Value" tests. These designs shall be compared to the minimum section given below and approved by the City Engineer.

Street Designation	Minimum Section
Residential Street	2" HMA/4" AB, CL II/6" CNS
Collector Street	3" HMA/6" AB, CL II/6" CNS

4. Install standard barricades with reflectors at ends of streets abutting undeveloped property and any other locations to be specified by the City Engineer.
5. Install 2"x6" redwood header boards prior to street paving, at the end of any permanent pavement abutting undeveloped property.
6. Install temporary paved cul-de-sacs at the end of any dead-end streets, planned for future extension, longer than 150'. A 40' radius shall be provided to allow turnaround of emergency equipment.
7. Provide for all striping, stenciling, pavement markers, delineators and signage required of all street improvements within the development. All traffic signs and street name signs shall be installed in accordance with City Standards and the CA MUTCD (latest edition). A striping

and signage plan shall be included with the construction plans and submitted for review and approval by the City Engineer.

8. Provide corner cut-offs at all street intersections. Corner cut-offs shall be sufficient to provide for sight distances and accommodate curb ramps.
9. Repair/replace any broken or buckled curb, gutter, and/or sidewalk along the site frontage in kind to the satisfaction of the Public Works Department.
10. Provide street names consistent with existing street alignments, where applicable. Where existing street alignments do not exist, proposed street names shall be submitted for review by the Community Development Director. Names matching existing county roads or city streets must maintain the current suffix. When deemed practical, entry streets, cul-de-sacs, and courts should utilize the name of the nearest street. All street names shall be approved by the Community Development Director.
11. Subdivision signage shall comply with applicable Building & Fire Code and Section 17.30.070 of the Kerman Municipal Code.

D. Sanitary Sewer

1. Identify and abandon all existing septic systems per City Standards and any other governing regulations.
2. Dedicate a minimum 15' wide easement for all onsite sewer mains not located in dedicated rights-of-way. Wider easements may be required for sewer mains that are oversize, trunk, deep, or any other condition per the discretion of the City Engineer.
3. Dedicate Outlot A for public sewer purposes. Surface with crushed rock or other material per City Engineer's requirements.
4. Connect to the nearest 18" sanitary sewer main available to serve the development, located at the northern dead end of First Street at the intersection with Harvest Elementary Road (east-west street adjacent to the southern boundary of the development). The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Any alternative routing of sewer service must be approved by the City Engineer and supported by appropriate calculations.

5. Install sanitary sewer mains of the size and in the locations indicated below. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements.
 - a) Interior Streets: Minimum of 8" sewer mains throughout development.
 - b) Avenue 'B' and Roads 'C' and 'D': Install "12" sewer main alignment between Nielsen Avenue and the northern dead end of First Street at the intersection with Harvest Elementary Road (east-west street adjacent to the southern boundary of the development).
6. Install one (1) 4" sewer service house branch to each lot within the development in accordance with City Standards. Additionally, install sanitary sewer main services to existing parcels' property lines, not currently served, and fronting the proposed sanitary sewer main improvements.

E. Water

1. Identify and abandon all existing water wells per City Standards and any other governing regulations.
2. Dedicate a 10' wide easement for all onsite water mains, hydrants, blow-offs, and water meters not located in dedicated rights-of-way. Alternative easement widths may be required at the discretion of the City Engineer.
3. Connect to the nearest 12" water main available to serve the development, located at the northern dead end of First Street at the intersection with Harvest Elementary Road (east-west street adjacent to the southern boundary of the development). Connect to the water main in Harvest Elementary Road (east-west street adjacent to the southern boundary of the development) as a second point of connection. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements.
4. Install water mains of the sizes and in the locations indicated below and provide an adequately looped water system, consisting of at minimum two connection points. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements.
 - a) Nielsen Avenue: 12" water main along the development and Remainder Parcel (Tentative Parcel Map 2024-01) frontage.
 - b) Interior Streets: Minimum of 8" water mains throughout development.

- c) Mixed-use Lot: Install 8" water main within easement on the mixed-use lot (Lot 2 of TPM 2024-01) along eastern side of development, west through Outlot E, and connect to water main in Road 'F'.
- 5. Install water services, size as necessary, to each lot within the development in accordance with City Standards. Water services shall be grouped at property lines. Additionally, install water services to existing parcels' property lines, not currently served and fronting the proposed water main improvements.
- 6. Install landscape water service(s), size as necessary to each public landscape area within the development in accordance with City Standards.
- 7. Install one (1) water sampling station in accordance with City Standards. The location shall be determined by the City Engineer.
- 8. Install fire services in accordance with North Central Fire Protection District requirements and City Standards. Fire services shall include a detector check.
- 9. Install fire hydrants at locations approved by the North Central Fire Protection District (NCFPD). Fire hydrants and curbs shall be painted as directed by the NCFPD. Documentation of NCFPD approval of fire hydrant locations must be submitted prior to approval of the improvement plans.
- 10. Do not perform water service connection to the City of Kerman water system until a bacteriological report has been accepted by the City Engineer.

F. Grading and Drainage

- 1. Provide a temporary on-site retention basin for storm water disposal. The size and design shall be in accordance with the requirements of the City Engineer and may change based on design calculations and access requirements for maintenance. Sizing calculations shall be provided on the grading plan. The owner of the property on which the temporary basin is to be constructed shall be responsible for maintenance, unless otherwise approved via the required temporary basin covenant. The temporary basin is solely for the convenience of the development.
- 2. Backfill the temporary basin within ninety (90) days after notice by the City that the permanent facility is available, and the temporary basin is no longer needed. In the event the owner fails to backfill said basin, the City may cause the basin to be backfilled. A lien to

cover the cost of work will be placed on the property on which the basin is located. A covenant stating these requirements shall be prepared and recorded, as a condition precedent to the recordation of the final map, on the lot on which the basin is to be located.

3. Install storm drain pipes of the sizes and in the locations indicated below. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements.
 - a) Interior Streets: The minimum size of storm drain pipes shall be 15" diameter. Pipe sizing shall be supported by the required H&H calculations.
 - b) Avenue 'C' and Road 'C': 30" storm drain in accordance with the City's Storm Drain Master Plan.
4. Submit hydrologic and hydraulic calculations (H&H) for any proposed storm drain system and submit with the grading plan for review and approval by the City Engineer. Form of H&H calculations shall be approved by the City Engineer prior to submittal.
5. Install masonry block walls in accordance with City Standards, with a minimum height of 6 feet above finished grade on the high side, and of a design, material, and color approved by the Community Development Director at the following locations:
 - a) Nielsen Avenue: along the development frontage.
 - b) South Property Line: from the western limit to the eastern limit of the subdivision.
 - c) East Property Line Abutting Mixed-Use Lot (Lot 2 of TPM 2024-01): from the southern limit to the northern limit of the subdivision.
6. Masonry block walls that retain more than 12" and/or are taller than 6 feet shall be designed by a registered civil engineer.
7. Show grade differentials between lots and adjacent properties and address in conformance with City Standards. Any retaining walls required shall be concrete/masonry construction. All retaining walls shall be designed by a registered civil engineer.
8. Submit a copy of Storm Water Pollution Prevention Plan with Notice of Intent, or Construction Rainfall Erosivity Waiver, if applicable, prior to issuance of Grading Permit. The City is not a designated MS4 area and is regulated under the Construction General Permit Order 2022-0057-DWQ (CGP). Comply with all requirements of the NPDES General Permit, if applicable. Plans for these requirements shall be included in the construction plan set and shall be submitted to and approved by the City Engineer.

9. Submit a copy of the San Joaquin Valley Air Pollution Control District (SJVAPCD) Dust Control Plan or Construction Notification Form, if applicable, prior to issuance of a grading permit. The Project shall comply with all rules, regulations and conditions of approval imposed by the District. The applicant shall maintain a program of dust control to prevent air pollution as well as discomfort or damage to adjacent and surrounding properties. The applicant shall follow all requirements and recommendations made by the San Joaquin Valley Air Pollution Control District for dust and emission reduction.

G. Landscaping and Irrigation

1. Provide landscaping and irrigation as required herein. The landscaping and irrigation shall be installed in public right-of-way, easements, and all other areas reserved for public landscaping. Plans for the required landscaping and irrigation systems shall be prepared by an appropriately qualified professional and conform to the City of Kerman Standard Drawings and Specifications, Street Median Landscape Master Plan and the California Model Water Efficiency Ordinance. A preliminary landscape plan for all public areas shall be submitted to the Community Development Department for review and approval prior to submittal of construction documents. Public landscaping and irrigation shall be installed in the following locations:
 - a) Nielsen Avenue: along the development frontage from back of curb to masonry wall.
 - b) Outlots B, D, and E
2. Install all landscape improvements prior to final inspection of 50% of the development's building permits.
3. Request annexation to the City's Landscaping and Lighting District (LLD). The property owner acknowledges and agrees that such request serves as a petition pursuant to California State Proposition 218 and no further election will be required for the establishment of the initial assessment. The assessment for each lot must be obtained from the City for the tax year following the recordation of the final map. The property owner shall consent to the first-year assessment and annual increases per the provisions of the LLD. The property owner/applicant shall notify all potential lot buyers before they actually purchase a lot that this subdivision is a part of a LLD. Said notification shall be in a manner approved by the City. The property owner/applicant shall supply all necessary assessment diagrams and other pertinent materials for the LLD, as requested by the City.

H. Agricultural Irrigation/Surface Water Conveyance Facilities

1. Contact and comply with all requirements of the Fresno Irrigation District (FID). This may include, but not be limited to, dedicating easements, piping or relocating any existing FID canals or ditches, replacing any existing irrigation piping, concrete lining or improving any existing canals, construction or reconstruction of any canals, culverts, and bridge crossings. Plans for these requirements and improvements shall be included in the previously required set of construction plans and submitted to and approved by FID prior to the release of any development permits or recording of the final map. If an FID or private irrigation line is to be abandoned, the applicant shall provide waivers from all downstream users.
2. Identify all existing onsite agricultural irrigation systems either onsite or within public rights-of-way, whether FID or privately owned prior to any construction activity on the site. Service to all downstream users of irrigation water shall be maintained at all times through preservation of existing facilities or, if the existing facilities are required to be relocated, the relocation and replacement of the existing facilities. It is the intent that downstream users not bear any burden as a result of the development. Therefore, the applicant shall bear all costs related to modification, relocation, or repair of any existing irrigation facilities resulting from or necessitated by the development. The applicant shall identify on the construction plans all existing irrigation systems and their disposition (abandonment, repair, relocation, and or piping) for approval by the City Engineer. The applicant shall consult with the FID for any additional requirements for lines to be abandoned, relocated, or piped. The applicant shall provide waivers from all users in order to abandon or modify any irrigation systems or for any service interruptions resulting from development activities.
3. Indicate on construction drawings the depth, location and type of material of any existing FID or privately owned irrigation lines along the proposed or existing street rights-of-way or onsite. Any existing canals or ditches shall be piped. The material of the existing pipe shall be upgraded to the proper class of rubber gasket pipe at all locations unless otherwise approved by FID and the City Engineer.

Other Agency and Department Conditions

A. Caltrans

1. Madera Avenue (SR 145) and Harvest Elementary Road (east-west street along southern boundary of the development) Intersection: Complete the Intersection Safety and Operational Assessment Process (ISOAP) to evaluate proposed traffic control and design geometrics.
2. Comply with alternative transportation policies:

- a) Pedestrian walkways should link this project to transit facilities, bicycle pathways, and other walkways in the surrounding area.
- b) Connections to local and regional bicycle pathways should be coordinated to encourage further use of bicycles for commuter and recreational purposes.

B. Fresno Irrigation District (FID)

- 1. For informational purposes, Houghton West No. 94 runs westerly along the north side of Nielsen Avenue, crosses Madera Avenue (SR 145) 1,300 feet northeast of the subject property, crosses Del Norte Avenue approximately 600 feet northwest of the subject property, and crosses Siskiyou Avenue approximately 1,900 feet northwest of the subject property. For any street and/or utility improvements along Nielsen Avenue and/or Madera Avenue (SR 145), or otherwise in the vicinity of the Houghton West No. 94, FID must review and approve the improvement plans.
- 2. For informational purposes, FID's Whitmore runs southwesterly approximately 250 feet northeast of the subject property. For any street and/or utility improvements in the vicinity of this pipeline, FID must review and approve the improvement plans.
- 3. For informational purposes, a private pipeline known as the Whitmore No. 346 runs southwesterly traversing the subject property. FID does not own, operate, or maintain this pipeline. FID's records indicate this line is active and shall need to be treated as such. FID can supply a list of known users upon request to obtain consent to abandon/remove the subject pipeline within the subject property.

C. Fresno Local Agency Formation Commission (LAFCo)

- 1. The applicant will be required to submit the appropriate application materials including fees to LAFCo for reorganization. These materials are enumerated on LAFCo's website (www.fresnolafco.org) through the Applications and Documents tab under "Items Necessary for a Complete Application". The current fee schedule for changes of organization/reorganization (annexation) of 21-40 acres is \$9,600.
- 2. Annexation of full rights of way contiguous to parcel boundaries should be presumed in the reorganization's legal description and map.

D. Kerman Unified School District (KUSD)

1. Pay applicable school fees at the rate in affect at the time of collection. School fees shall be paid prior to issuance of building permits and proof of such payment shall be submitted to the City of Kerman Building Division.

E. Mid Valley Disposal

1. Each single-family unit shall require three (3) carts, which must be stored in the garage or elsewhere on the property until service day.

F. North Central Fire Protection District (NCFPD)

1. The project shall comply with the requirements of the North Central Fire Protection District Operational Policy 403.002.
2. Provide all weather access to the development prior to the delivery of combustible material to the site and maintain during all phases of construction to the satisfaction of NCFPD. Alternative or phased fire access requires prior approval by NCFPD.

G. PG&E

1. The final map shall contain a statement setting forth dedications and offers to dedicate interests in real property for public utility purposes. If the offer of dedication has terminated, or the City declines to accept it, the applicant/developer may be required to provide an easement in gross satisfactory to PG&E. The following language is recommended to be expressly stated for the offer to dedicate Public Utility Easements (PUEs):

I/We the undersigned, as Owner(s) of the land shown hereon, do hereby state that I/we am/are the only person(s) whose consent is necessary to pass clear title to said land and do hereby consent to the preparation and recordation of this map and offer for dedication and do hereby dedicate for public uses the Public Utility Easements (PUEs) shown on this map for public utility purposes including electric, gas, communication facilities and all other public utility purposes; together with any and all appurtenances thereto, including the right from time to time to trim and to cut down and clear away or otherwise control any trees or brush. The PUEs hereby offered for dedication are to be kept open and free of buildings, structures and wells of any kind.

H. San Joaquin Valley Air Pollution Control District (SJVAPCD)

1. Prior to issuance of grading permits or commencement of construction activities, whichever comes first, the applicant/developer shall provide the City with evidence from the San Joaquin Valley Air Pollution Control District of an approved Dust Control Plan or Construction Notification form under Regulation VIII – Fugitive Dust PM10 Prohibitions. The development may be subject to other rules including, but not limited to, Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). The developer will be required to carry out measures of applicable SJVAPCD Rules and Regulations as noted in their comment letter dated March 26, 2024.

ATTACHMENT J
Resolution No. 2025-

**A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL ADOPT A
RESOLUTION TO INITIATE ANNEXATION OF TWO (2) PARCELS IDENTIFIED AS ASSESSOR'S PARCEL
NUMBERS (APNS) 020-120-06 (19.82 ACRES) AND 020-120-03S (20 ACRES), TOTALING
APPROXIMATELY 40 ACRES LOCATED ON THE SOUTH SIDE OF WEST NIELSEN AVENUE BETWEEN
NORTH MADERA AVENUE AND NORTH DEL NORTE AVENUE (ANNEXATION 2023-03)**

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 into the City of Kerman and detachment from the County of Fresno and the Kings River Conservation District of the parcels identified as APNs 020-120-06 and 020-120-03S (“project site”); and

WHEREAS, a map of the boundaries of the territory is set forth in Exhibit ‘1’ attached hereto and by this reference incorporated herein; and

WHEREAS, the affected territory proposed to be changed is inhabited, and on this day contains 5 registered voters, according to information received from the County Elections Office; and

WHEREAS, the proposed annexation area is inside the Sphere of Influence 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 memorandum of understanding 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 facilitate future residential and commercial development; and

WHEREAS, approval of the project would require approval of General Plan Amendment 2023-02, Rezone 2023-03, Tentative Parcel Map 2024-01, Tentative Subdivision Map 2023-04, and Annexation 2023-04; and

WHEREAS, pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 (“CEQA”), the City, as the Lead Agency, has analyzed the proposed project, including the Rezone, General Plan Amendment, and Annexation, and Tentative Subdivision Map, and has

prepared an Initial Study and Mitigated Negative Declaration (SCH No. 2025060904) to evaluate the proposed Project and the project is in compliance with CEQA; and

WHEREAS, 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 completed its review of the Staff Report and documents submitted for the proposed project; and

WHEREAS, all prerequisites for the initiation of proceedings, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, have been met; and

WHEREAS, after due consideration of all the items before it, the Planning Commission now desires to adopt this Resolution to recommend the City Council to adopt a resolution to initiate annexation proceedings for the affected territory as set forth in Exhibit 1.

NOW, THEREFORE, Planning Commission of the City of Kerman resolves as follows:

1. Recitals. The City Council 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 certification of the IS/MND (SCH No. 2025060904) for the project. The IS/MND identified the annexation of the project site. The annexation does not change the environmental assessment of the IS/MND. Further, the Planning Commission recommended to the City Council certification of the IS/MND for this project. The Planning Commission further recommends findings that no subsequent review is required under CEQA Guidelines section 15162 as since that time no substantial changes have been proposed in the project which will require major revisions of the IS/MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Likewise, no substantial changes have occurred since that time with respect to the circumstances under which the project is undertaken which will require major revisions of the IS/MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is also no new information, which was not known and could not have been known at the time of the recommendation for certification that the project will have significant effect not discussed in the IS/MND. As such, the Planning Commission recommends the City Council find Rezone 2023-03 has already been fully assessed in accordance with CEQA, no subsequent review is required under CEQA Guidelines section 15162, and no further action or review is required under CEQA.
3. General Plan Consistency. The Planning Commission finds that the annexation is consistent with the goals, objectives, and policies of the City of Kerman 2040 General Plan, as amended by General Plan Amendment 2023-02. In this regard, the Planning Commission finds that public necessity, convenience, general welfare, or good zoning practices justify annexation of the project site. Specifically, the annexation and pre-zoning change is consistent with the General Plan goals and policies, any operative plan, or adopted policy including LU-3.2 Urban Form; LU-

3.3 Prevent Sprawl Development; and LU-3.4 Leapfrog Development as described below and implements the planned residential and commercial land uses for the project site.

- a. General Plan Policy LU-3.2 Urban Form: The project site is outside City limits but is within the City's Sphere of Influence. The project requires annexation and therefore would result in a change in City limits. The project as proposed would meet the considerations of General Plan Policy LU-3.2 Urban Form. Specifically, the project would facilitate future residential units which would help meet the city's residential housing needs such as affordable housing or a desire for a wider and more diverse range of housing. The project would also facilitate open space (Outlot C) and recreational facilities (pedestrian trail) meeting several community needs. The project would not result in obstacles to growth because future development would be able to connect to City services. The project would also result in infrastructure improvements, including roadway and circulation improvements. Lastly, the project would facilitate future commercial uses through mixed-uses which would serve the city's economic development needs. Lastly, the project would facilitate future commercial uses which would serve the city's economic development needs. Based on these considerations, the project as proposed maintains growth management controls and is consistent with General Plan Policy LU-3.2.
- b. General Plan Policy LU-3.3 Prevent Sprawl Development: The project site is contiguous to existing and approved development within City Limits. Thus, the project does not encourage sprawl and is therefore consistent with General Plan Policy LU-3-3.
- c. General Plan Policy LU-3.4 Leapfrog Development: The project site is contiguous to existing urban development and thus would not constitute leapfrog development.

4. 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. The project site is outside City limits but is within the City's Sphere of Influence. The project requires annexation and therefore would result in a change in City limits. The project as proposed would meet the considerations of General Plan Policy LU-3.2 Urban Form, which sets the City's growth management control measures. Specifically, the project would facilitate future residential units which would help meet the city's residential housing needs such as affordable housing or a desire for a wider and more diverse range of housing. The project would also facilitate open space (Outlot C) meeting community needs. The project would not result in obstacles to growth because future development would be able to connect to City services. The project would also result in infrastructure improvements, including roadway and circulation improvements. Lastly, the project would facilitate future commercial uses through mixed-use development which would serve the city's economic development needs. Based on these considerations, the project as proposed maintains growth management controls and is consistent with General Plan Policy LU-3.2.

- b. The proposal must be consistent with city general and specific plans, including adopted goals and policies. The project would facilitate future residential and commercial development within an area with existing and planned residential, commercial, recreational, and public institutional uses. Through compliance with applicable development standards, environmental mitigation measures, and conditions of approval, the project as proposed is consistent with General Plan Policies LU-1.4 (Limit Residential Development Along Highways), LU-1.6 (Agricultural Buffers), LU-3.2 (Urban Form), LU-3.3 (Prevent Sprawl Development), LU-3.4 (Leapfrog Development), LU-4.5 (Right-to-Farm Disclosure), and LU-5.4 (New Incompatible Land Uses). There are no specific plans applicable to the proposed project.
- 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. Pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 (“CEQA”), the City, as the Lead Agency, has analyzed the proposed project, including the Rezone, General Plan Amendment, and Annexation, Tentative Parcel Map, and Tentative Subdivision Map, and has prepared an Initial Study and Mitigated Negative Declaration (SCH No. 2025060904) to evaluate the proposed Project. It was determined that all impacts were either less than significant or could be mitigated to a less than significant level.
- 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 map for single-family use.
- 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 project would facilitate future residential uses which would assist the City with fulfilling the city's RHNA obligation 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.

5. Approval of Initiation of Reorganization. Based on the information provided above, the Planning Commission recommends the City Council of the City of Kerman approve a resolution to initiate annexation and reorganization of the project site 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 '1', in

the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The Planning Commission recommends that the City Council authorize and direct the City Manager to take all necessary steps to effectuate and initiate such reorganization proceedings, and to support Developer's processing of the same at Developer's sole cost and expense.

6. **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 City of Kerman Planning Commission on the 22nd day of September 2025, and was fully adopted at said meeting by the following vote:

Ayes:

Noes:

Absent:

Recused:

The foregoing resolution is hereby approved.

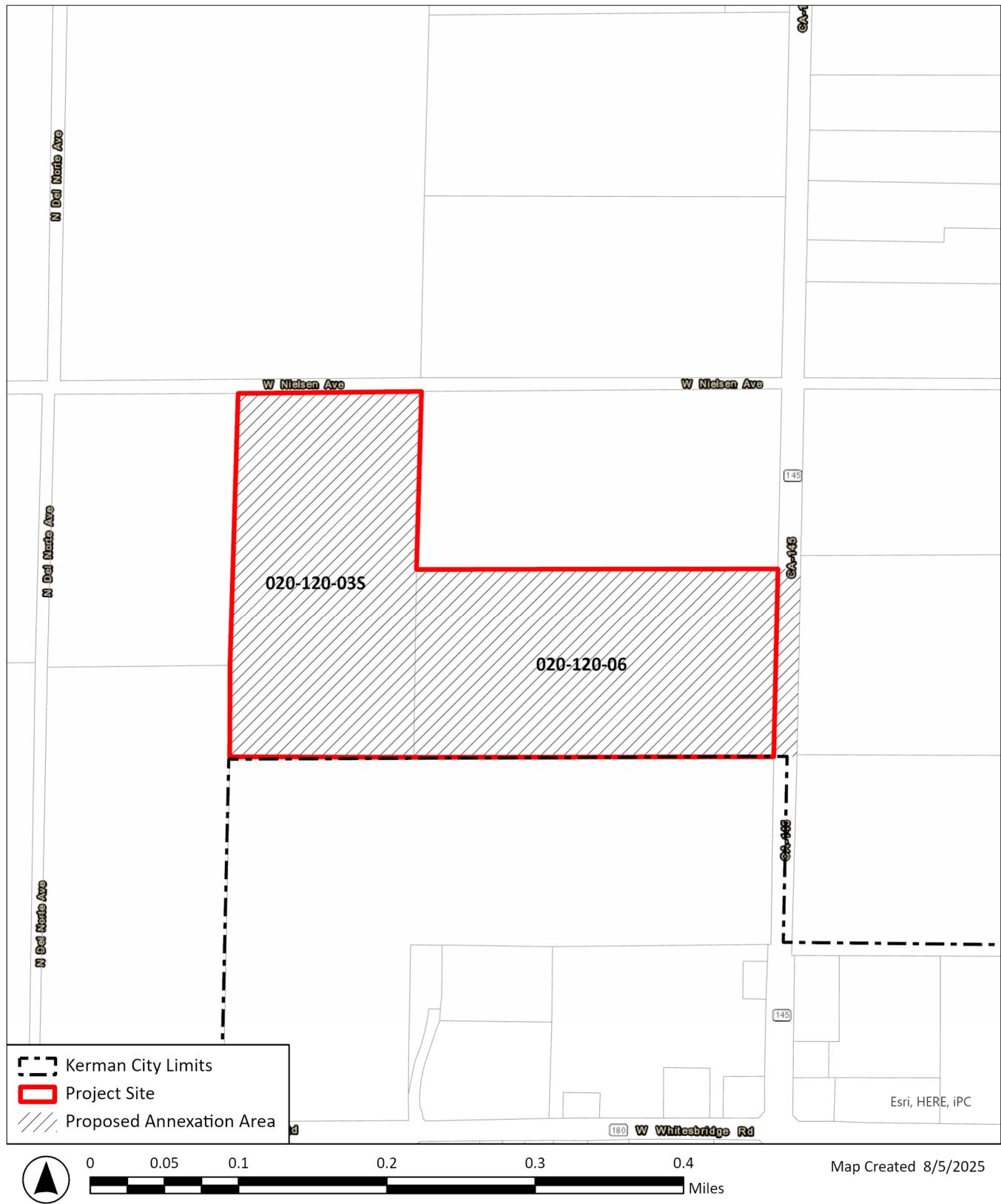
Scott Bishop, Chairperson

Attest:

Jerry Jones
Planning Commission Secretary

Exhibit '1': Annexation 2023-04

Exhibit 1



CITY OF KERMAN - GILL ORCHARDS ESTATES