



STAFF REPORT

MEETING DATE: August 13, 2025

PRESENTER: Jesus A. Gonzalez, City Engineer

SUBJECT: Resolution Approving Final Map, Subdivision Agreement, Right-to-Farm Covenant, Landscape and Lighting District Covenant, Temporary Storm Drainage Basin Covenant and Accepting Dedication of Right-of-Way for Public Street and Utility Purposes for Tract No. 6430 (JG)

RECOMMENDATION: Council by motion adopt resolution pertaining to Tract No. 6430 as follows:

1. Approving Final Map and Subdivision Agreement
2. Approving Covenant Acknowledging Right To Farm Law
3. Approving Covenant Accepting Annexation into Landscape and Lighting District No. 1
4. Approving Covenant and Agreement for Temporary Storm Drainage Basin Use
5. Accepting Dedication of Right-of-Way for Public Street and Utility Purposes over a portion of APN 020-160-18S
6. Authorizing the Mayor and City Manager to sign the Subdivision Agreement and Covenants as appropriate.

EXECUTIVE SUMMARY:

WFK Holdings, LLC (WFK), submitted Tentative Subdivision Map No. 2023-01 (TSM 2023-01), proposing to subdivide approximately 21.89 acres located at the southeast corner of the California and Modoc Avenues alignments intersection. TSM 2023-01 consists of one hundred and eighteen (118) single-family residential lots and one (1) lot for future development of fifty-four multi-family residential units. TSM 2023-01 was approved by the Planning Commission on July 15, 2024, and City Council on September 25, 2024.

In the time since approval of TSM 2023-01, WFK has submitted Final Map No. 6430 (FM 6430) improvement plans, and required supplemental technical documents for the subdivision as well as undergone the Fresno Local Agency Formation Commission's annexation process for expanding the City of Kerman's (the City) limits to encompass the subdivision. The final map and plans have been reviewed and deemed technically correct by City Staff. Staff recommends Council approve the final map and accept its dedications for public use.

In order for the FM 6430 to be approved and subsequently recorded, WFK is required to enter into a subdivision agreement with the City. The subdivision agreement requires WFK to post improvement and warranty securities in favor of the City, as required by Government Code Section 66462, to ensure completion of the improvements. The basis for these securities is the

total estimated cost for all public improvements required to be completed by the developer to satisfy the conditions of approval for TSM 2023-01. In addition, the subdivision agreement specifies the development impact fees to be paid by WFK and the timing of collection by the City. Substantial completion (i.e. all utilities completed and tested, streets paved, street lighting installed, and any other improvements necessary to protect public health, safety, and welfare) of the improvements is required by December 31, 2026. No certificates of occupancy for homes within the subdivision will be granted until the improvements are deemed substantially complete by the City Engineer.

A policy of the City of Kerman is to preserve, protect and encourage development of its agricultural land and industries. Consistent with its policy, FM 6430 is subject to a condition of approval for recordation of a Right-to-Farm covenant. The covenant ensures FM 6430 is not developed, used, or maintained in such a way as to adversely affect adjoining properties. Additionally, it serves as disclosure to future buyers of inconveniences and discomforts resulting from normal farming activities affecting properties adjoining FM 6430. Approval of the covenant will result in its recordation for running parallel with FM 6430.

FM 6430 is subject to conditions of approval for installation of streetlights, landscaping and irrigation (improvements) in the California Avenue landscape strip and street median islands right-of-way. The City's Landscaping and Lighting District (LLD) No. 1 maintains said improvements and pays for electrical costs related to their operations. As such, the conditions of approval also require WFK to annex the subdivision into LLD No. 1. The LLD annexation underwent an initiation process, approved by Council on July 9, 2025, for establishing improvements maintenance costs to each lot within FM 6430. The next LLD annexation step is for Council, by way of a separate agenda item, to confirm the costs and order FM 6430 annexation into LLD No. 1. FM 6430 is subject to a condition of approval for recordation of a LLD covenant. The covenant ensures FM 6430 is annexed into LLD No. 1 per the LLD annexation process, and serves as disclosure to future buyers of said requirements. Approval of the covenant will result in its recordation for running parallel with FM 6430.

Currently, there is no master-planned storm drainage basin or pipeline (drainage facilities) to serve FM 6430. As such, the conditions of approval require WFK to construct a temporary storm drainage basin (temporary basin) for storage of its run-off. When future development constructs drainage facilities, FM 6430 storm drain pipelines will connect to said facilities. When this occurs, the temporary basin will no longer be necessary. To ensure that the temporary basin is backfilled at that time, and maintained in the interim, WFK is required to enter into a basin covenant and agreement with the City. Lum Family Enterprises (Lum) is an additional party to the basin covenant and agreement as the owner of the APN 020-160-18S portion of land over which the temporary basin will be situated. Approval of the covenant will result in its recordation for running parallel with FM 6430.

The subdivision's location at the southwest corner of the city limits requires it be solely served from the east by California Avenue until future development of Modoc Avenue. As such, the conditions of approval require WFK to construct California Avenue to city collector street standards. The improvements will exclude sidewalk, ADA ramps, landscape, irrigation, and block wall behind the California Avenue northside curb alignment. The required improvements

extend beyond the limits of FM 6430 and therefore necessitate additional right-of-way dedication. WFK has coordinated with Lum and obtained agreement on dedication of a 33.28 foot-wide portion of APN 020-160-18S, adjacent to and spanning the northern limits of FM 6430. Acceptance of the right-of-way dedication will allow for construction of necessary California Avenue improvements and future maintenance by the City upon taking ownership once final acceptance is issued to WFK.

FISCAL IMPACT:

Permit fees will be collected prior to issuance of grading permit. Development impact fees due for each residential unit constructed will be collected at the date of certificate of occupancy issuance for each unit. TSM 2023-01 was approved as a Tentative Subdivision Map, not a Vesting Map. For that reason FM 6430 development impact fees may be adjusted and will be paid at the rate in effect at the time of collection. All other fees will be paid prior to recordation of the Final Map.

ATTACHMENTS:

- A. Final Map No. 6430
- B. Resolution