



## STAFF REPORT

**MEETING DATE:** November 12, 2025

**PRESENTER:** Bonique Emerson, Contract Planner

**SUBJECT:** The Orchards at Gill Estates Project: 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) (BE)

**RECOMMENDATION:**

Council consider the second reading of the ordinance, adoption of the Tentative Subdivision Map Resolution, Tentative Parcel Map Resolution, and Annexation Initiation Resolution; deliberate; and by motion:

1. Waive the full reading and adopt an Ordinance of the City Council of the City of Kerman amending the official zoning map 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.
2. Adopt a Resolution of the City Council of the City of Kerman approving Tentative Parcel Map 2024-01 for 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; and
3. Adopt a Resolution of the City Council of the City of Kerman approving Tentative Subdivision Map 2023-03 for 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; and
4. Adopt a Resolution of the City Council of the City of Kerman initiating 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:**

The Council conducted a duly noticed public hearing on October 22, 2025, on The Orchards at Gill Estates Project which is described in the subject line above. At the conclusion of the public hearing and after deliberations, the Council approved the resolution adopting and certifying the Mitigated Negative Declaration and amending the General Plan for the Project and introduced the ordinance that amends the Zoning Map. The related tentative parcel map, tentative subdivision map, and annexation initiation were also presented at the meeting; however, Council did not take action on those matters. At this meeting, the Council is asked to (i) conduct second reading and adopt the ordinance, (ii) adopt the resolution approving the tentative parcel map, (iii) adopt the resolution approving the tentative subdivision map, and (iv) adopt the resolution initiating annexation as noted in the Recommendation above.

#### **BACKGROUND:**

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  $\pm 9.64$  acres, an amendment to the official zoning map of the City of Kerman for  $\pm 40$  acres, a split of  $\pm 40$  acres into two (2) parcels and a remainder, and the subdivision of  $\pm 28.35$  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. The General Plan Amendment and associated Mitigated Negative Declaration were adopted by the City Council on October 22, 2025.

#### **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.

#### **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
<b>Total</b>	<b>30.19</b>	<b>9.64</b>

#### 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 'K'**.

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 amended 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 resulted 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 was made for the parcel identified as APN 020-120-03S, the parcel remains MDR as it currently exists.

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

General Plan Land Use Designation	Existing Acreages	Amended 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 'H'**. 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 ‘I’**).

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 'J').** 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 City Council 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 included a General Plan Amendment, approved by the City Council on October 22, 2025, to amend the planned land use designations for APN 020-120-06, the MU planned portion of the site is concentrated along North Madera Avenue, replacing the current GC planned portion. Future residential development of the portions of the site planned for residential use will 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, were analyzed in accordance with the California Environmental Quality Act (CEQA). An Initial Study (IS) and Mitigated Negative Declaration (MND) was prepared and adopted by the City Council on October 22, 2025 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 is 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 include right-of-way dedications and off-site improvements along Nielsen Avenue, including, but not limited to, curb and gutter, sidewalks, ADA curb ramps, streetlights, landscaped median islands, irrigation, and permanent paving. Along the development frontage, the Project will dedicate sufficient right-of-way to achieve a half-width of 42 feet south of the center of Nielsen Avenue, in accordance with City Standard P-1. On the north side of Nielsen Avenue, opposite the project frontage, a half-width landscaped median island and a 12-foot westbound travel lane will be constructed. Along the frontage of the Remainder Parcel (TPM 2024-01), the Project will dedicate sufficient right-of-way to achieve a half-width varying between 24 to 30 feet south of centerline. On the north side of Nielsen Avenue, a 12' travel lane and 4' paved shoulder will be constructed. The Project will also re-construct Nielsen from the east end of development to State Route 145, to provide a 12' travel lane and 4' paved shoulders in each direction.

**Street Transitions:** Transitional paving will be constructed at the eastern and western ends of the project frontage to tie into existing roadway conditions and ensure smooth, safe travel. Additionally, Nielsen Avenue will be reconstructed from the eastern edge of the subdivision to State Route 145 to provide a consistent section with one 12-foot travel lane and 4-foot paved shoulder in each direction, per City requirements.

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 are necessary to support the implementation of the project as well as to accommodate other traffic increases expected in the study area in 2046 scenarios. Future improvements identified in the study include three (3) intersections: State Route 145/Harvest Elementary Road, Siskiyou Avenue/State Route 180, and Del Norte Avenue/State Route 180. 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:**

The City Council adopted the Initial Study and Mitigation Negative Declaration for the proposed project following the public hearing on October 22, 2025.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, the City, as the Lead Agency, analyzed the proposed project and 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 'G'**.

#### 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 an 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 10 days before the hearing.

**PLANNING COMMISSION REVIEW:**

The Planning Commission held a public hearing to consider the project at a special meeting on September 22, 2025. At the Planning Commission, questions were asked regarding the infrastructure required of the project and there was a discussion of the projects compliance with the Subdivision Map Act. All items were clarified at the hearing. One member of the public spoke, but was not in opposition. He made a request to include his land in the annexation. Given that this project is far along on the process, it would be difficult to include this adjacent property in the current annexation application for the subject project.

On a 5-0 vote, the Planning Commission adopted Resolution No. 2025-05(GPA 2023-02 and SCH No. 2025060904), Resolution No. 2025-06 (REZ 2023-03), Resolution No. 2025-07 (TPM 2024-01), Resolution No. 2025-08 (TSM 2023-03) and Resolution No. 2025-09 (ANX 2023-03), recommending that the City Council approve GPA 2023-02, REZ 2023-03, TPM 2024-01, and TSM 2023-03, initiate ANX 2023-03, and certify the IS/MND. The Planning Commission Resolutions are provided in **Attachment 'F'**.

**CITY COUNCIL FINDINGS:**

Rezone 2023-03

To approve the proposed Rezone 2023-03, the City Council 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 'H'**).

### Tentative Parcel Map 2024-01

To approve the proposed Tentative Parcel Map 2024-01, the City Council 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 'I'**).

### Tentative Subdivision Map 2023-03

To approve the proposed Tentative Subdivision Map 2023-03, the City Council 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 'J'**).

Annexation 2023-03

To approve the proposed Annexation 2023-03, the City Council 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.

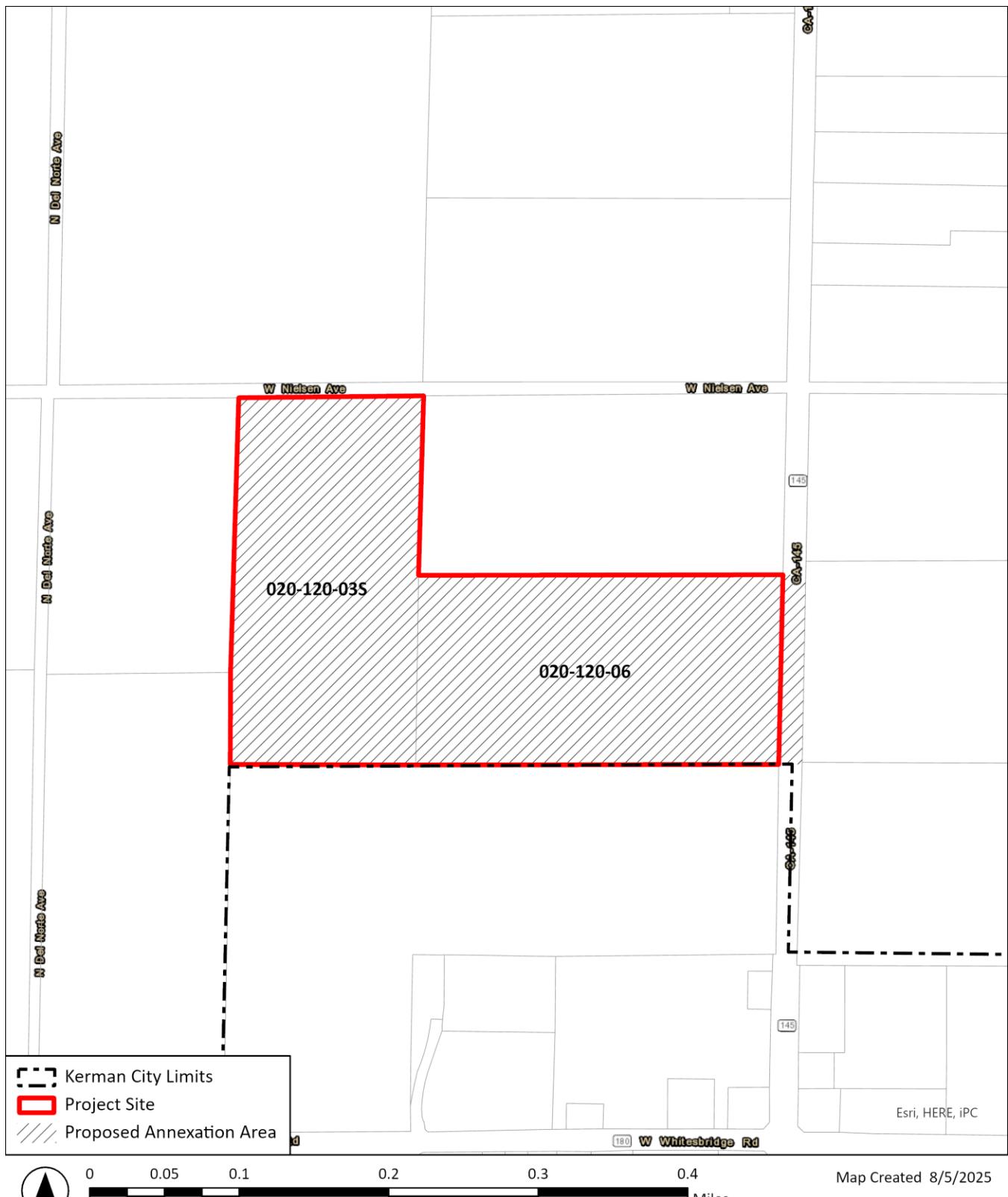
Findings regarding each of these items are set forth in the proposed Resolution (**Attachment 'K'**).

**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' – Planning Commission Resolutions
  - 1. Resolution No. 2025-05 regarding General Plan Amendment 2023-02 and Mitigated Negative Declaration (SCH No. 2025060904)
  - 2. Resolution No. 2025-06 regarding Rezone 2023-03
  - 3. Resolution No. 2025-07 regarding Tentative Parcel Map 2024-01
  - 4. Resolution No. 2025-08 regarding Tentative Subdivision Map 2023-03
  - 5. Resolution No. 2025-09 regarding Annexation 2023-03
- G. Attachment 'G' – Resolution No. 25-79 Approving 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
- H. Attachment 'H' – Rezone 2023-03
  - 1. Exhibit 1 – Rezone 2023-03
- I. Attachment 'I' – Resolution regarding 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
- J. Attachment 'J' – Resolution regarding 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
- K. Attachment 'K' – Resolution regarding Annexation 2023-03
  - 1. Exhibit 1 – Annexation 2023-03

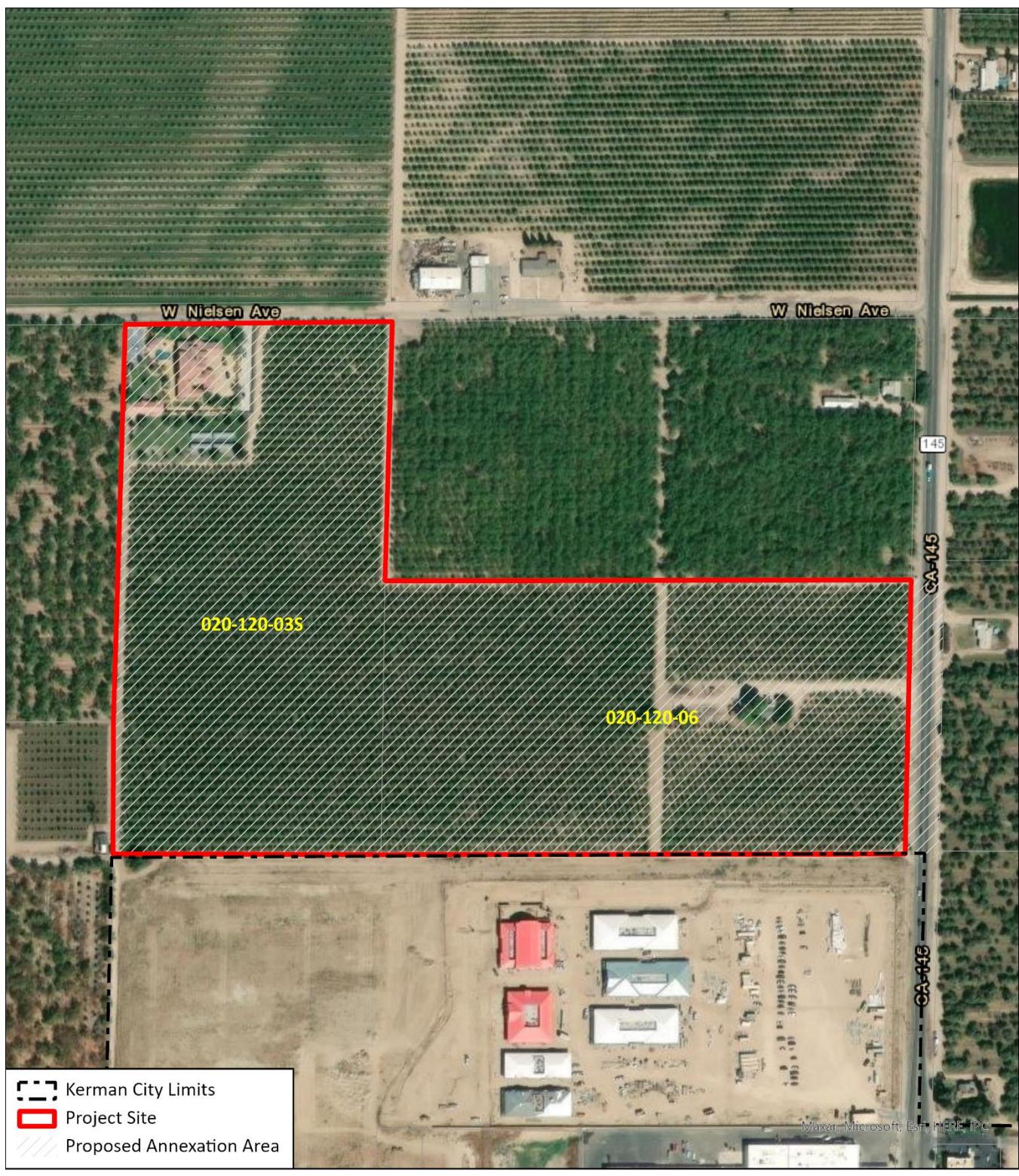
## **ATTACHMENT 'A'**

### Project Vicinity Map

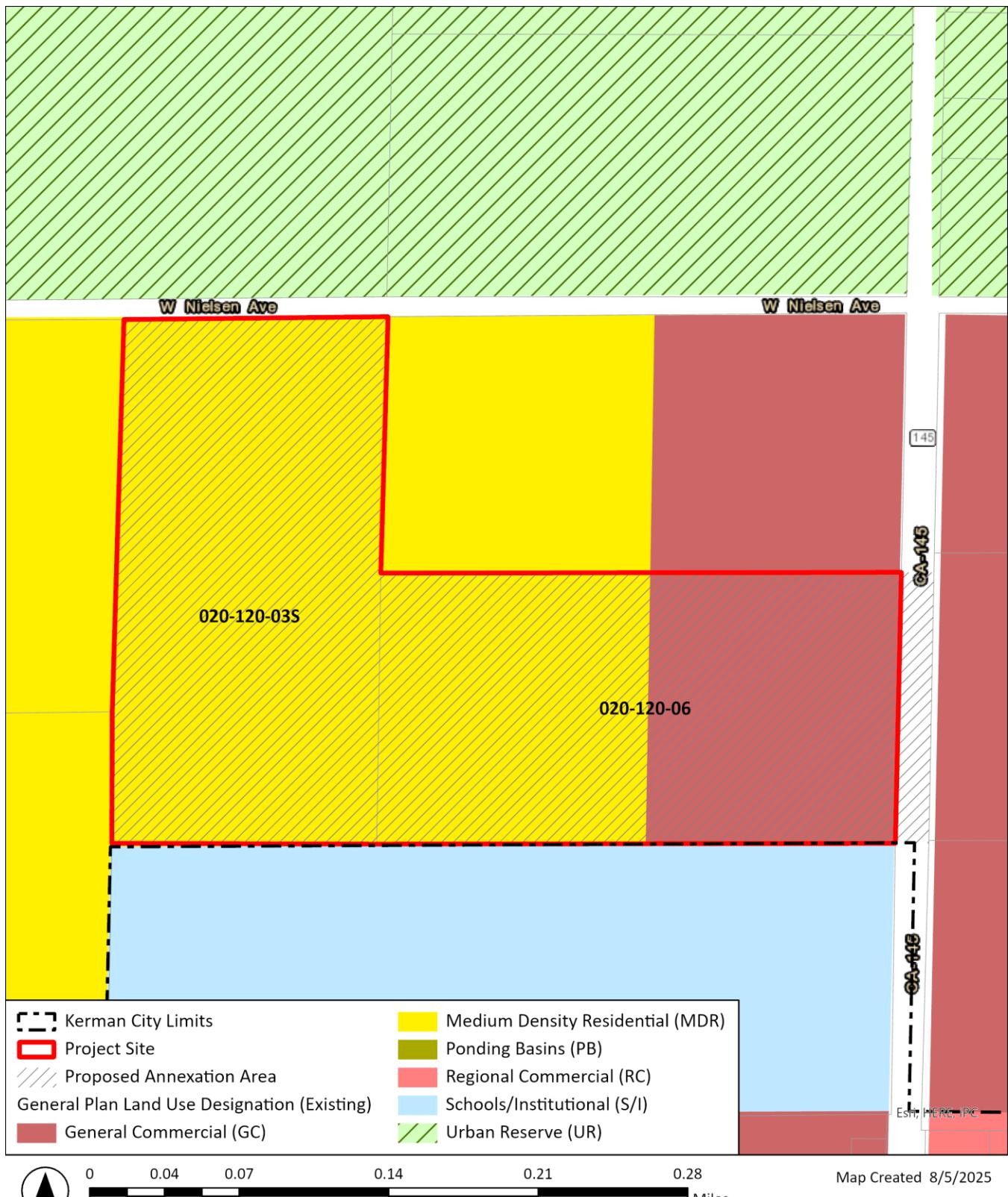


CITY OF KERMAN - GILL ORCHARDS ESTATES

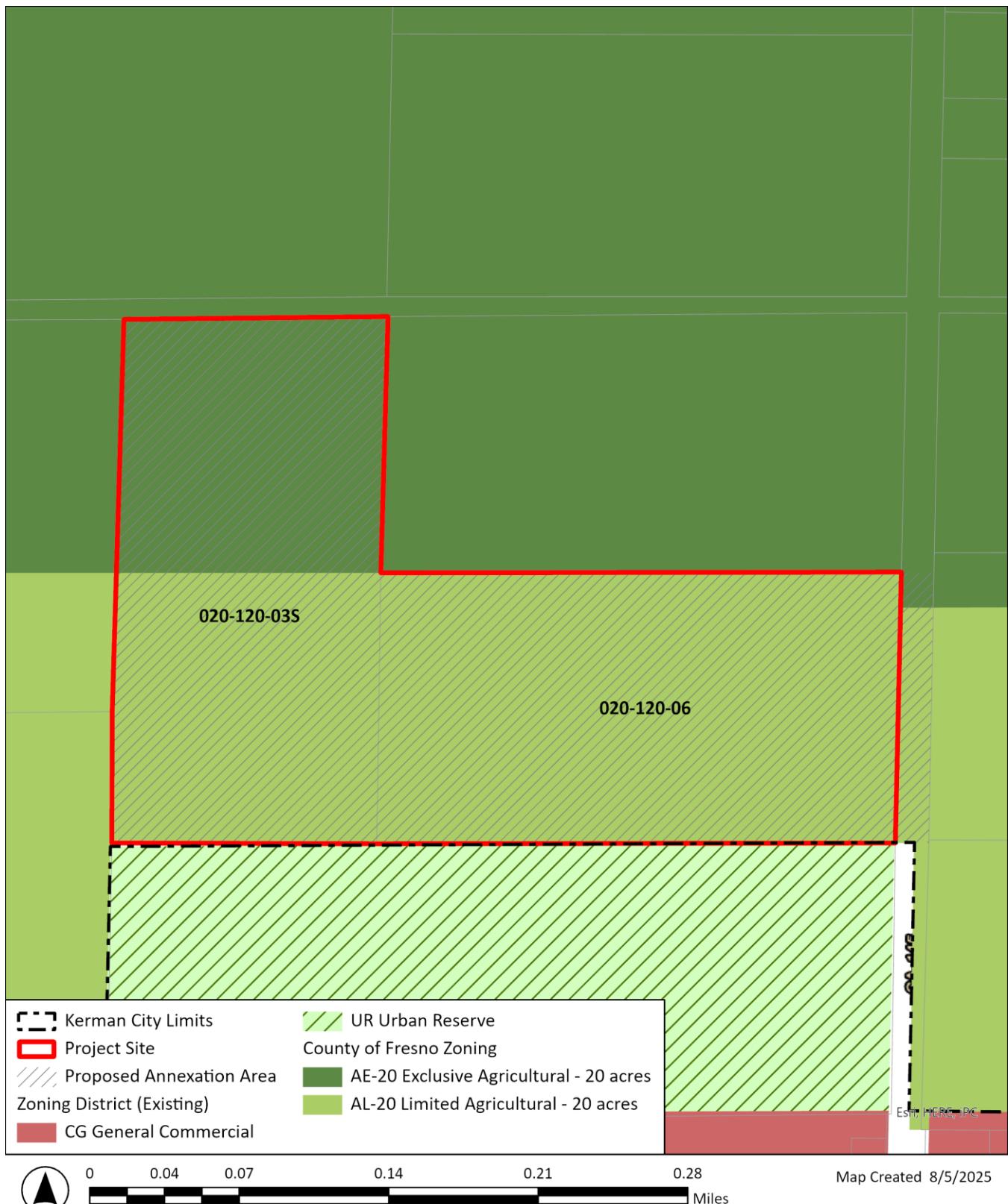
**ATTACHMENT 'B'**  
Aerial Map of the Project Site



**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

**ATTACHMENT 'F'**  
Planning Commission Resolutions

**ATTACHMENT 'G'**

Resolution No. 25-79 Approving General Plan Amendment 2023-02 and Mitigated Negative Declaration  
(SCH No. 2025060904)

**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 special 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 October 22, 2025 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), prezoning 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 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 City Council previously certified 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 IS/MND was recently certified at the public hearing regarding the project. The City Council further finds 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 City Council finds 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 22<sup>nd</sup> day of October, 2025, and passed and adopted at a regular meeting of the City Council on the 12<sup>th</sup> day of November, 2025, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

The foregoing ordinance is hereby approved.

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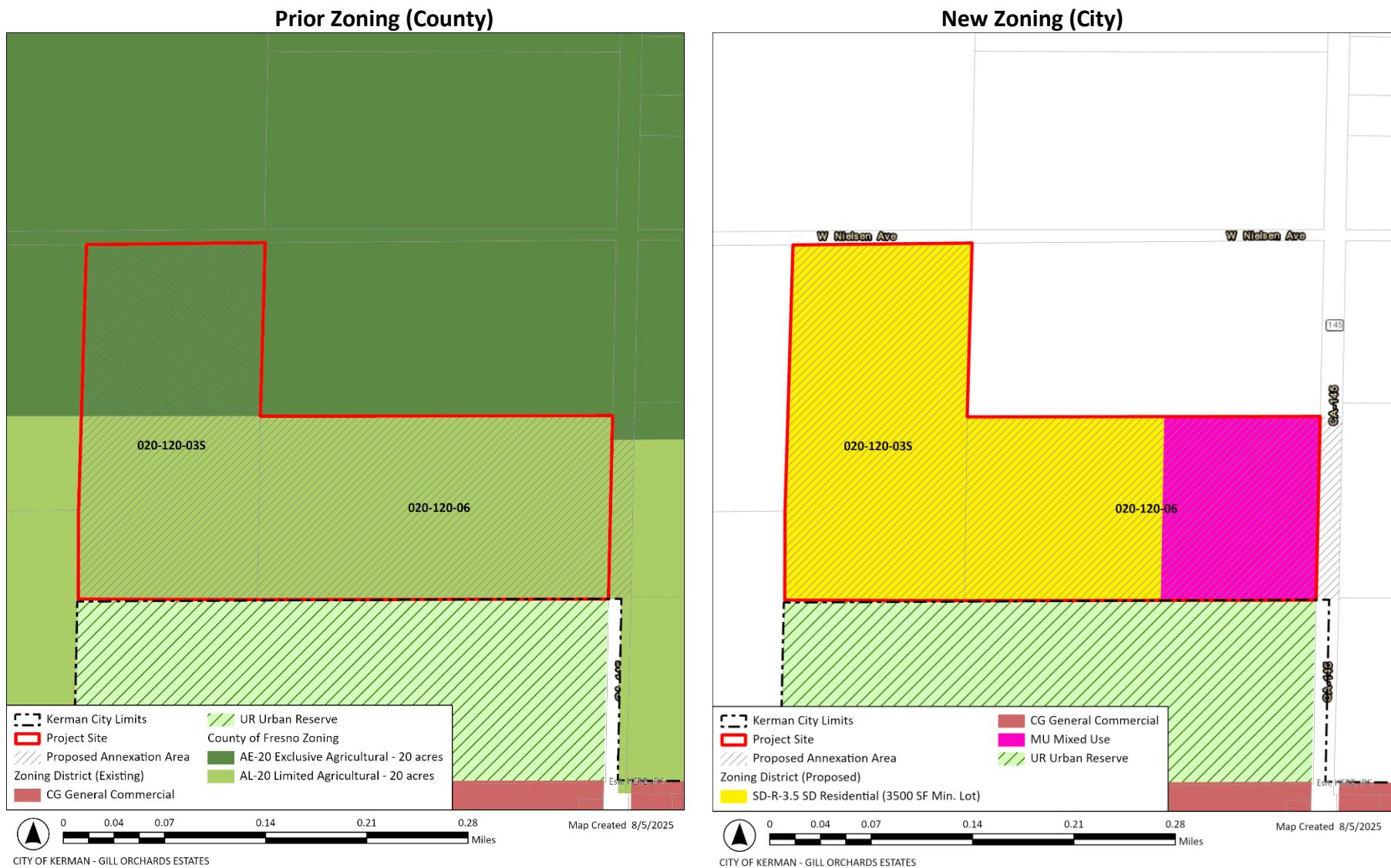
Maria Pacheco  
Mayor

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Josie Camacho  
City Clerk

Exhibit '1': Rezone 2023-03

**Exhibit '1'**  
**Rezone 2023-03**



**Attachment 'I'**

**RESOLUTION NO. 2025-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN APPROVING 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 at a special meeting on September 22, 2025, and adopted a resolution with a recommendation to the City Council to approve Tentative Parcel Map 2024-01; and

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

NOW, THEREFORE, the City Council 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 City Council concurrently certified 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 City Council certified the IS/MND for this project. The City Council further finds 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 City Council finds that Tentative Parcel Map 2024-01 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 City Council 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 City Council finds, 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. Approved with Conditions. Based on the aforementioned findings, the City Council adopts 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 after the City Council approves Rezone 2023-03 and said ordinance adopting the same then becomes effective.

The foregoing resolution was approved by the City Council of the City of Kerman at a regular meeting held the 12<sup>th</sup> day of November 2025, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

The foregoing resolution is hereby approved.

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Maria Pacheco  
Mayor

Attest:

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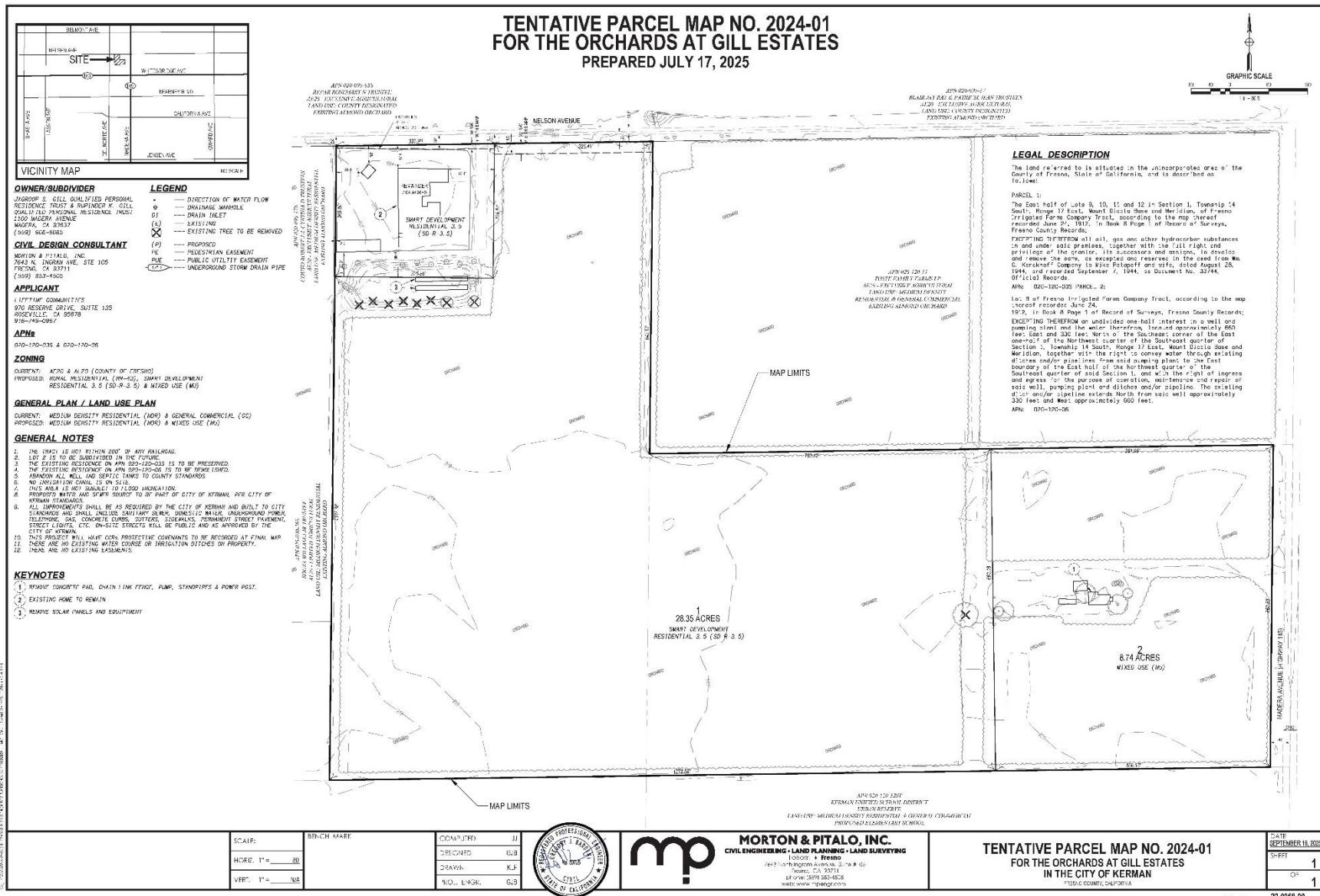
Josie Camacho  
City Clerk

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 'J'**

**RESOLUTION NO. 2025-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN APPROVING 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 at a special meeting on September 22, 2025, and adopted a resolution with a recommendation to the City council to approve Tentative Subdivision Map 2023-03; and

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

NOW, THEREFORE, the City Council 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 City Council concurrently certified 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 City Council certified the IS/MND for this project. The City Council further

finds 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 City Council finds that Tentative Subdivision 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.

3. **Subdivision Findings.** The City Council 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 City Council finds, 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.

4. Approved with Conditions. Based on the aforementioned findings, the City Council adopts 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.
5. Effective Date of Resolution. This Resolution shall become effective immediately after the City Council approves Rezone 2023-03 and said ordinance adopting the same then becomes effective.

The foregoing resolution was approved by the City Council of the City of Kerman at a regular meeting held on the 12<sup>th</sup> day of November 2025, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

The foregoing resolution is hereby approved.

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Maria Pacheco  
Mayor

Attest:

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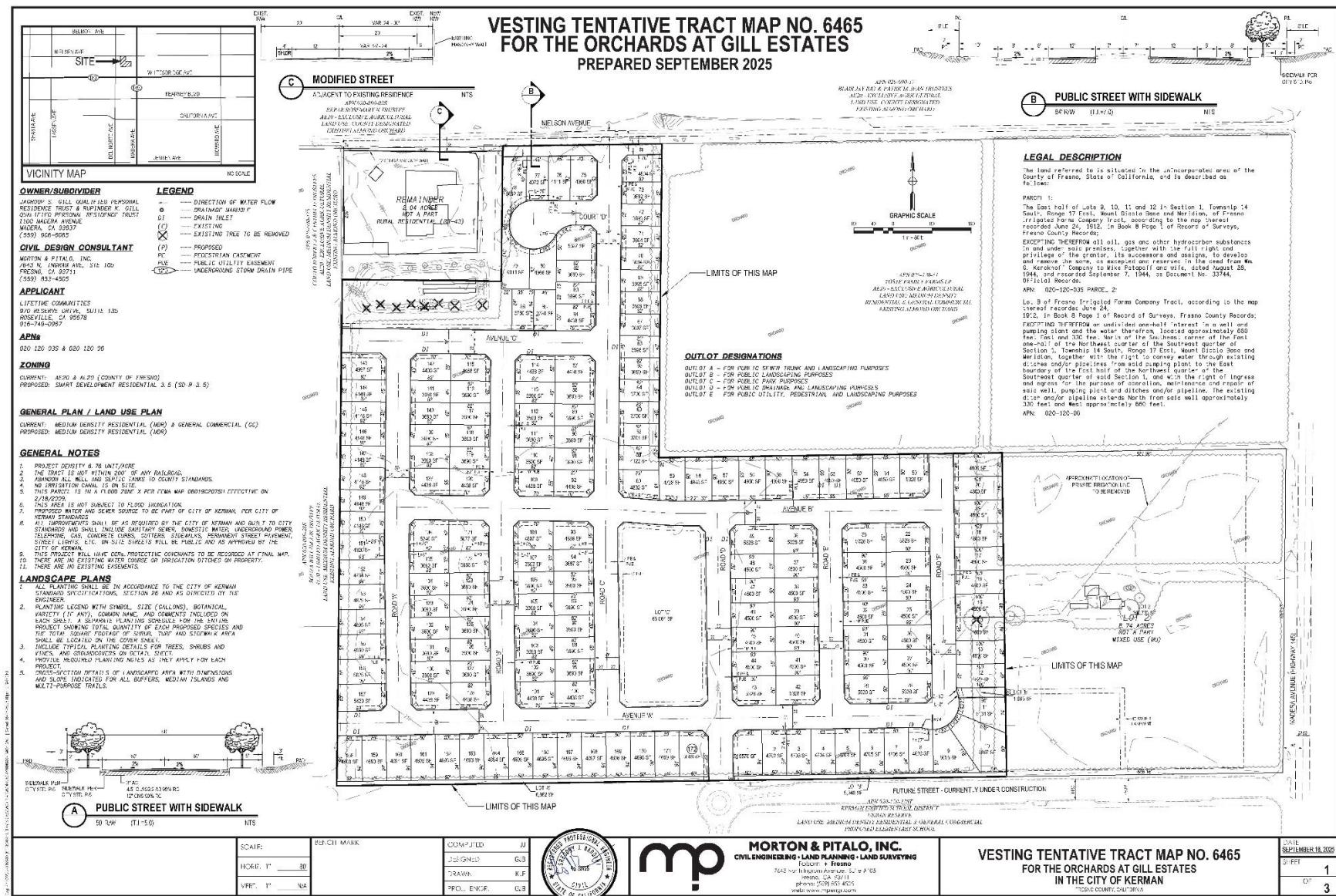
Josie Camacho  
City Clerk

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](http://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 'K'**  
**RESOLUTION NO. 25-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN INITIATING 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 2023-03, 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, 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 at a special meeting on September 22, 2025, and adopted a resolution with a recommendation to the City Council to initiate Annexation 2023-03; 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 City Council now desires to adopt this Resolution to initiate annexation proceedings for the affected territory as set forth in **Exhibit '1'**.

NOW, THEREFORE, the City Council 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 City Council concurrently certified 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 City Council certified the IS/MND for this project. The City Council further finds 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 City Council finds Annexation 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 City Council 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 City Council 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 City Council finds, 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 6<sup>th</sup> 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 City Council of the City of Kerman approves 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 City Council authorizes and directs 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 after the City Council approves of Rezone 2023-03 and said ordinance adopting the same then becomes effective. If said ordinance does not become effective within 65 days of the adoption of this Resolution, or the ordinance is not otherwise adopted by the City Council, then Annexation 2023-03 shall be returned to the City Council for further consideration and a final decision.

The foregoing resolution was approved by the City Council of the City of Kerman at a regular meeting held on the 12<sup>th</sup> day of November 2025, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

The foregoing resolution is hereby approved.

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Maria Pacheco  
Mayor

Attest:

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Josie Camacho  
City Clerk

Exhibit '1': Annexation 2023-03

**Exhibit '1'**  
Annexation 2023-03

