



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
STEVEN E. WHITE, DIRECTOR

DATE: March 10, 2026

TO: Department of Public Works and Planning, Attn: Steven E. White, Director  
Department of Public Works and Planning, Attn: Bernard Jimenez,  
Planning and Resource Management Officer  
Development Services and Capital Projects, Attn: William M. Kettler,  
Deputy Director of Planning  
Development Services and Capital Projects, Attn: Chris Motta, Division Manager  
Development Services and Capital Projects, Attn: Tawanda Mtunga,  
Principal Planner  
Development Services and Capital Projects, Attn: Attn: James Anders,  
Principal Planner  
Development Services and Capital Projects, Current/Environmental  
Planning, Attn: Tawanda Mtunga, Principal Planner  
Development Services and Capital Projects, Policy Planning, Attn:  
Tawanda Mtunga, Principal Planner  
Development Services and Capital Projects, Zoning & Permit Review,  
Attn: Daniel Gutierrez, Senior Planner  
Development Services and Capital Projects, Development Engineering,  
Attn: Laurie Kennedy, Office Assistant III  
Water and Natural Resources Division, Attn: Augustine Ramirez, Division  
Manager  
Water and Natural Resources Division, Attn: Roy Jimenez, Senior Planner  
Water and Natural Resources Division, Transportation Planning, Attn:  
Hector Luna, Senior Planner/Darren Findley, Senior Engineering  
Technician/Brody Hines, Planner  
Water and Natural Resources Division, Community Development, Attn:  
Yvette Quiroga, Principal Planner  
Design Division, Attn: Mohammad Alimi, Division Manager;  
Erin Haagenson, Program Manager  
Resources Division, Attn: Daniel Amann, Division Manger  
Resources Division, Special Districts, Attn: Christopher Bump, Special Districts  
Manager  
Road Maintenance and Operations Division, Attn: Mohamoud Mohamed,  
Supervising Engineer  
Department of Public Health, Environmental Health Division, Attn: Deep  
Sidhu, Supervising Environmental Health Specialist; Kevin Tsuda,  
Environmental Health Specialist;  
Fresno County Department of Agriculture, Attn: Melissa Cregan  
Fresno County Fire Protection District, Attn: Diane Rodriguez, [FKU.Prevention-  
Planing@fire.ca.gov](mailto:FKU.Prevention-Planing@fire.ca.gov)

FROM: Oscar Gake, Planner  
Development Services and Capital Projects Division

SUBJECT: Variance Application No. 4203, Environmental Review No. 8876

APPLICANT: Kay Semoes [4 Creeks]

DUE DATE: **March 20, 2026**

The Department of Public Works and Planning, Development Services and Capital Projects Division is reviewing the subject Variance Application to allow a 21.72' street side yard setback [35' required] along S. Tiburcio Ave. for as-built structures on a 402.8-acre parcel with 3 APNs. The subject property is located within the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District.

The subject parcels are located on the south side of Mount Whitney Ave. approximately 2-miles west of the unincorporated community of Laton. (APNs: 057-051-02s, 057-051-01s and 057-051-39s) (Sup. Dist. 4).

We must have your comments by **March 20, 2026**. Any comments received after this date may not be used.

**If you do not have comments, please provide a “NO COMMENT” response to our office by the above deadline (e-mail is also acceptable; see email address below).**

Please address any correspondence or questions related to environmental and/or policy/design issues to me, Oscar Gake, Planner, Development Services and Capital Projects Division, Fresno County Department of Public Works and Planning, 2220 Tulare Street, Sixth Floor, Fresno, CA 93721, or call (559) 600-4224, or email [ogake@fresnocountyca.gov](mailto:ogake@fresnocountyca.gov)

OG

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*Activity Code (Internal Review): 2376*

Enclosures



**Development Services  
and  
Capital Projects  
Division**

**Pre-Application Review**

**Department of Public Works and Planning**

NUMBER: 25-016477  
 APPLICANT: Kay Semoes  
 PHONE: 559-802-3052

PROPERTY LOCATION: 3621 E MOUNT WHITNEY AVE LATON, California, 93242, LATON COMMUNITY USA  
 APN(s): 057-051-02s & 01s & -39s [one parcel] ALCC: No Yes # 7796 VIOLATION NO. 22-009762  
 CNEL: No Yes (level) LOW WATER: No Yes WITHIN 1/2 MILE OF CITY: No Yes  
 ZONE DISTRICT: AE-20; SRA: No Yes HOMESITE DECLARATION REQ'D.: No Yes  
 LOT STATUS:

Zoning: ( ) Conforms; ( ) Legal Non-Conforming lot; ( ) Deed Review Req'd (see Form #236)  
 Merger: May be subject to merger: No Yes ZM# Initiated In process  
 Map Act: ( ) Lot of Rec. Map; ( ) On '72 rolls; ( ) Other; ( ) Deeds Req'd (see Form #236)

SCHOOL FEES: No Yes DISTRICT: PERMIT JACKET: No Yes  
 FMFCD FEE AREA: ( ) Inside / ( ) Outside District No.: FLOOD PRONE: No Yes

PROPOSAL PRE-APPLICATION REVIEW FOR A VARIANCE TO ALLOW A 21.72' STREET SIDE YARD SETBACK [35' REQUIRE FOR (P) AS-BUILT STRUCTURES [PC 22-1001] ON A 402.8 AC PARCEL [3 APNS] IN THE AE-20 ZONE DISTRICT. REDUCED SETBACK WILL BE ALONG 'S TIBURCIO AVE.' & UCUP TO ALLOW THE INSTALLATION OF A DAIRY DIGESTER TO PRODUCE ENERGY ON EXISTING DAIRY FARM

ORD. SECTION(S): 808.2.040 Table 2-3 BY: G SANDERS DATE: 12/22/25

**GENERAL PLAN POLICIES:**

LAND USE DESIGNATION: ( )  
 COMMUNITY PLAN: ( )  
 REGIONAL PLAN: ( )  
 SPECIFIC PLAN: ( )  
 SPECIAL POLICIES: ( )  
 SPHERE OF INFLUENCE: ( )  
 ANNEX REFERRAL (LU-G17/MOU): ( )

**PROCEDURES AND FEES:**

( ) GPA: ( ) MINOR VA:  
 ( ) AA: ( ) HD: \$365.00  
 ( ) CUP: ( ) AG COMM: \$34.00  
 ( ) DRA: ( ) ALCC:  
 ( ) VA: \$3,501.10 ( ) IS/PER\*: \$283.02  
 ( ) AT: ( ) Viol. (35%): \$1,464.09  
 ( ) TT: ( ) Other:  
 ( ) PLA: Filing Fee: \$  
 ( ) TPM: Pre-Application Fee: - \$269.90  
 ( ) TPMW: Total County Filing Fee: \$5,377.31

**FILING REQUIREMENTS:**

- ( ) Land Use Applications and Fees
- ( ) This Pre-Application Review form
- ( ) Copy of Deed / Legal Description
- ( ) Photographs
- ( ) Letter Verifying Deed Review
- ( ) IS Application and Fees\* \* Upon review of project materials, an Initial Study (IS) with fees may be required.
- ( ) Site Plans - One (1) Copy (folded to 8.5"x11") \*PDF COPY PREFERRED
- ( ) Floor Plan & Elevations - 4 copies (folded to 8.5"x11") + 1 - 8.5"x11" reduction
- ( ) Project Description / Operational Statement (Typed)
- ( ) Statement of Variance Findings
- ( ) Statement of Intended Use (ALCC)
- ( ) Dependency Relationship Statement
- ( ) Resolution/Letter of Release from City of \_\_\_\_\_
- ( ) Nitrogen Loading Analysis or RWQCB supplemental treatment

**OTHER FILING FEES:**

- ( ) Archaeological Inventory Fee: \$75 at time of filing (Separate check to CSU Bakersfield)
- ( ) CA Dept. of Fish & Wildlife (CDFW): (\$50+\$2,968.75) (Separate check to Fresno County Clerk for pass-thru to CDFW. Must be paid prior to IS closure and prior to setting hearing date.)

BY: Oscar Gake DATE: 2/12/26  
 PHONE NUMBER: (559) 600 - 4224

**NOTE: THE FOLLOWING REQUIREMENTS MAY ALSO APPLY:**

- ( ) COVENANT
- ( ) MAP CERTIFICATE
- ( ) PARCEL MAP
- ( ) FINAL MAP
- ( ) FMFCD FEES
- ( ) ALUC or ALCC
- ( ) SITE PLAN REVIEW
- ( ) BUILDING PLANS
- ( ) BUILDING PERMITS
- ( ) WASTE FACILITIES PERMIT
- ( ) SCHOOL FEES
- ( ) OTHER (see reverse side)

PLU # 113 Fee: \$269.90  
 Note: This fee will apply to the application fee if the application is submitted within six (6) months of the date on this receipt.

OVER.....



Fresno County Department of Public Works and Planning

Date Received: [ ] (Application No.)

MAILING ADDRESS: Department of Public Works and Planning Development Services Division 2220 Tulare St., 6th Floor Fresno, Ca. 93721

LOCATION: Southwest corner of Tulare & "M" Streets, Suite A Street Level Fresno Phone: (559) 600-4497 Toll Free: 1-800-742-1011 Ext. 0-4497

APPLICATION FOR:

- Pre-Application (Type) Variance
Amendment Application
Amendment to Text
Conditional Use Permit
Variance (Class )/Minor Variance
Site Plan Review/Occupancy Permit
No Shoot/Dog Leash Law Boundary
General Plan Amendment/Specific Plan/SP Amendment
Time Extension for
Director Review and Approval for 2nd Residence
Determination of Merger
Agreements
ALCC/RLCC
Other

DESCRIPTION OF PROPOSED USE OR REQUEST:

To allow reduction of side street setback for structures from 35 feet to 21.72 feet along Tiburcio Avenue ROW on APN 057-051-02S. The structures on the east side of the facility do not maintain required 35 foot setback as listed in the County zoning ordinance (see attached site plan).

CEQA DOCUMENTATION: Initial Study PER N/A

PLEASE USE FILL-IN FORM OR PRINT IN BLACK INK. Answer all questions completely. Attach required site plans, forms, statements, and deeds as specified on the Pre-Application Review. Attach Copy of Deed, including Legal Description.

LOCATION OF PROPERTY: West side of Tiburcio Avenue between Mt. Whitney Avenue and E. Wood Avenue Street address: 3621 E. Mt. Whitney Avenue

APN: 057-051-02S Parcel size: 388 acres Section(s)-Twp/Rg: S 30 - T 17 S/R 21 E

ADDITIONAL APN(s):

I, [Signature] (signature), declare that I am the owner, or authorized representative of the owner, of the above described property and that the application and attached documents are in all respects true and correct to the best of my knowledge. The foregoing declaration is made under penalty of perjury.

Table with 5 columns: Name, Address, City, Zip, Phone. Rows for Owner (Andra Tommewell), Applicant (Kay Semoes), and Representative.

CONTACT EMAIL: kays@4-creeks.com

OFFICE USE ONLY (PRINT FORM ON GREEN PAPER)

Application Type / No.: Fee: \$
Application Type / No.: Fee: \$
Application Type / No.: Fee: \$
Application Type / No.: Fee: \$
PER/Initial Study No.: Fee: \$
Ag Department Review: Fee: \$
Health Department Review: Fee: \$
Received By: Invoice No.: TOTAL: \$

UTILITIES AVAILABLE:

WATER: Yes [ ] / No [ ]
Agency:
SEWER: Yes [ ] / No [ ]
Agency:

STAFF DETERMINATION: This permit is sought under Ordinance Section:

Sect-Twp/Rg: - T - S/R - E
APN # - - -
APN # - - -
APN # - - -
APN # - - -

Related Application(s):
Zone District:
Parcel Size:



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
STEVEN E. WHITE, DIRECTOR

## AGENT AUTHORIZATION

### AUTHORIZATION OF AGENT TO ACT ON BEHALF OF PROPERTY OWNER

The Agent Authorization form is required whenever a property owner grants authority to an individual to submit and/or pursue a land use entitlement application on their behalf. This form must be completed by the property owner and submitted with the land use entitlement application to confirm that the property owner has granted authority to a representative to sign application forms on their behalf and represent them in matters related to a land use entitlement application.

***The below named person is hereby authorized to act on my behalf as agent in matters related to land use entitlement applications associated with the property listed below.***

Kay Semoes, Permitting Coordinator  
Agent Name (Print or Type)

4Creeks  
Company Name (Print or Type)

324 S. Santa Fe St., Ste. A  
Mailing Address

Visalia, CA 93292  
City / State / Zip Code

(559) 802-3052  
Phone Number

kays@4-creeks.com  
Email Address

055-340-10S  
Project APN

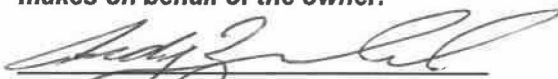
3621 E. Mt. Whitney Ave, Laton, CA 93242  
Project Street Address

A list consisting of \_\_\_\_ additional properties is attached (include the APN for each property).

Project Description (Print or Type):

To allow reduction of side street setback for structures from 35 feet to 21.72 feet  
along Tiburcio Avenue ROW on APN 057-051-02S.

***The undersigned declares under penalty of perjury that they own, possess, control or manage the property referenced in this authorization and that they have the authority to designate an agent to act on behalf of all the owners of said property. The undersigned acknowledges delegation of authority to the designated agent and retains full responsibility for any and all actions this agent makes on behalf of the owner.***

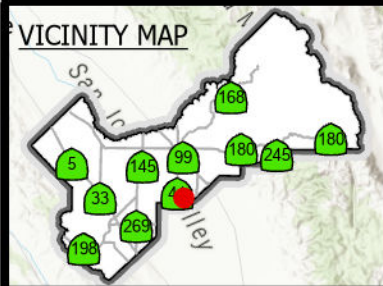
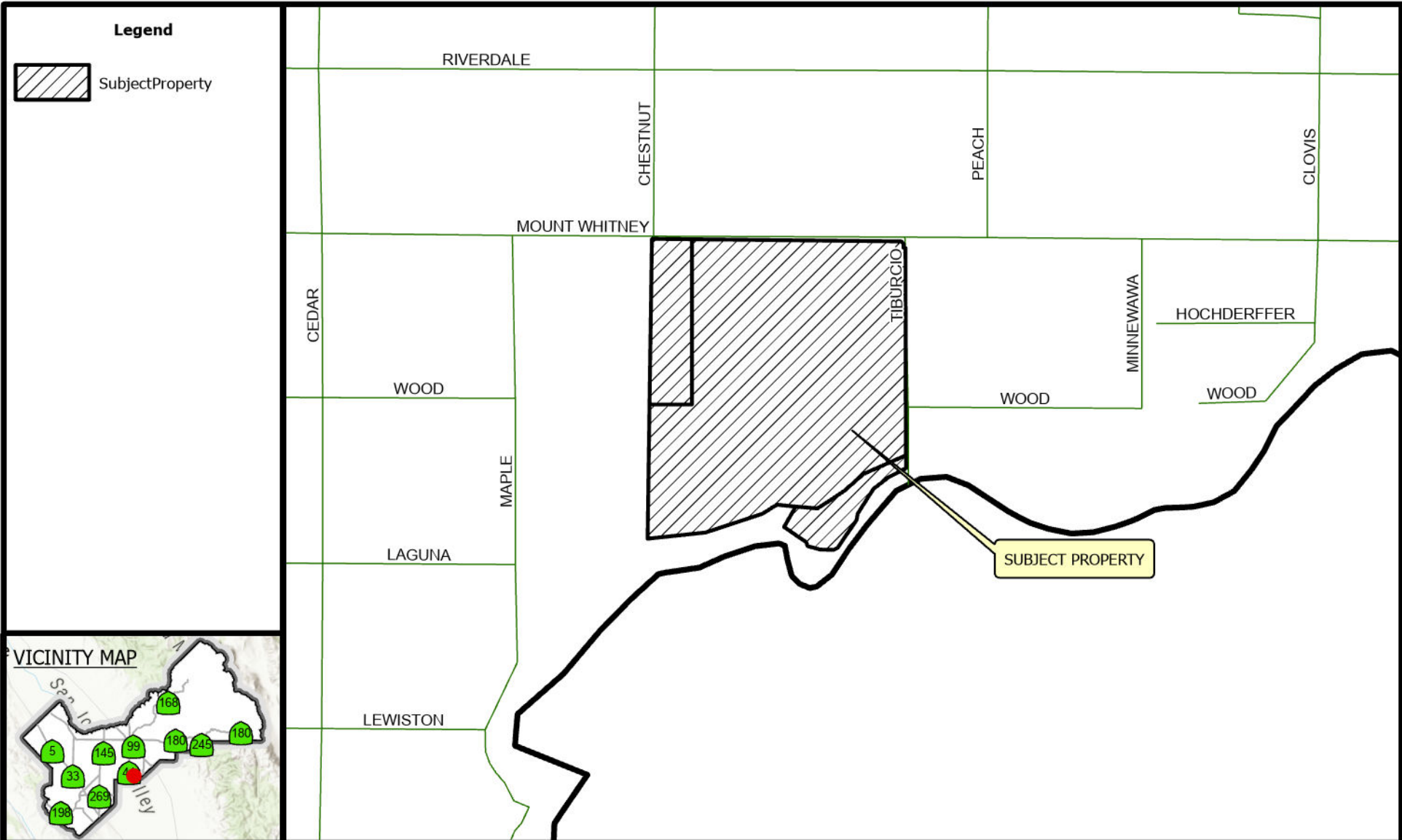
  
Owner Signature

1-23-2026  
Date

Andrew Forrevel  
Owner Name (Print or Type)      Phone Number      Email Address

*\* If the legal owner of the property is a corporation, company, partnership or LLC, provide a copy of a legal document with this authorization form showing that the individual signing this authorization form is a duly authorized partner, officer or owner of said corporation, company, partnership or LLC.*

G:\4360Devs&Pin\FORMS\F410 Agent Authorization 8-14-19.doc

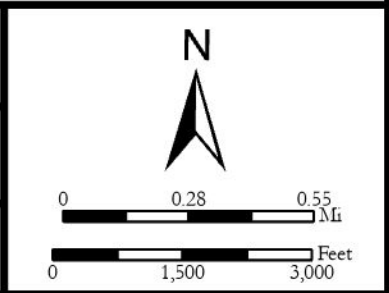


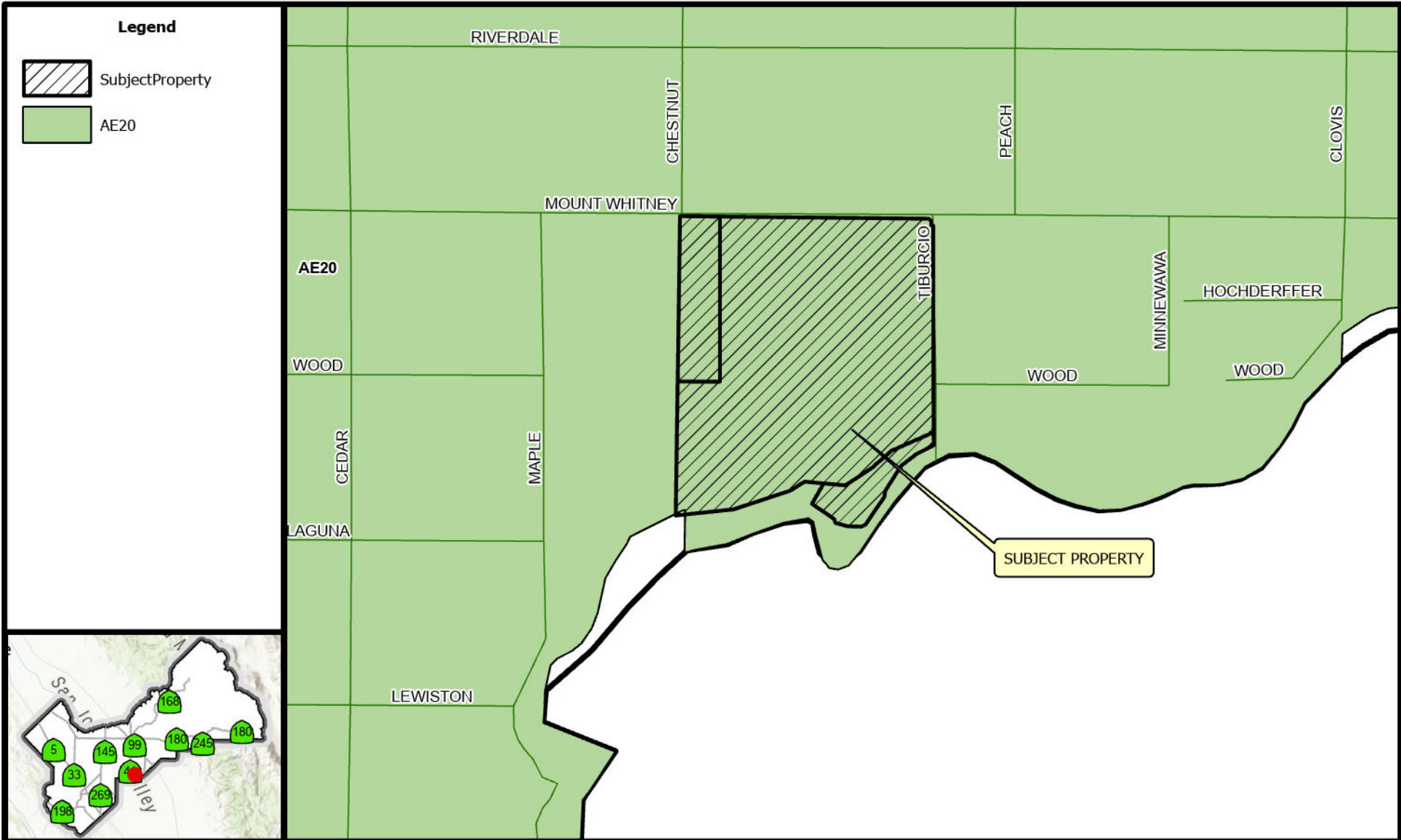
# LOCATION MAP

## VA4203

## 2026

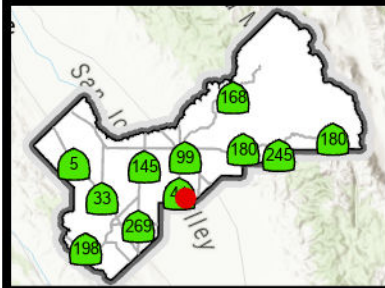
Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division  
 Person Prepared by : mdo  
 On Date : 3/2/2026





**Legend**

-  SubjectProperty
-  AE20

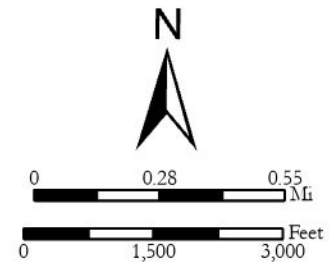


# Existing Zoning Map



VA4203  
STR 30 - 17S / 21E

2026

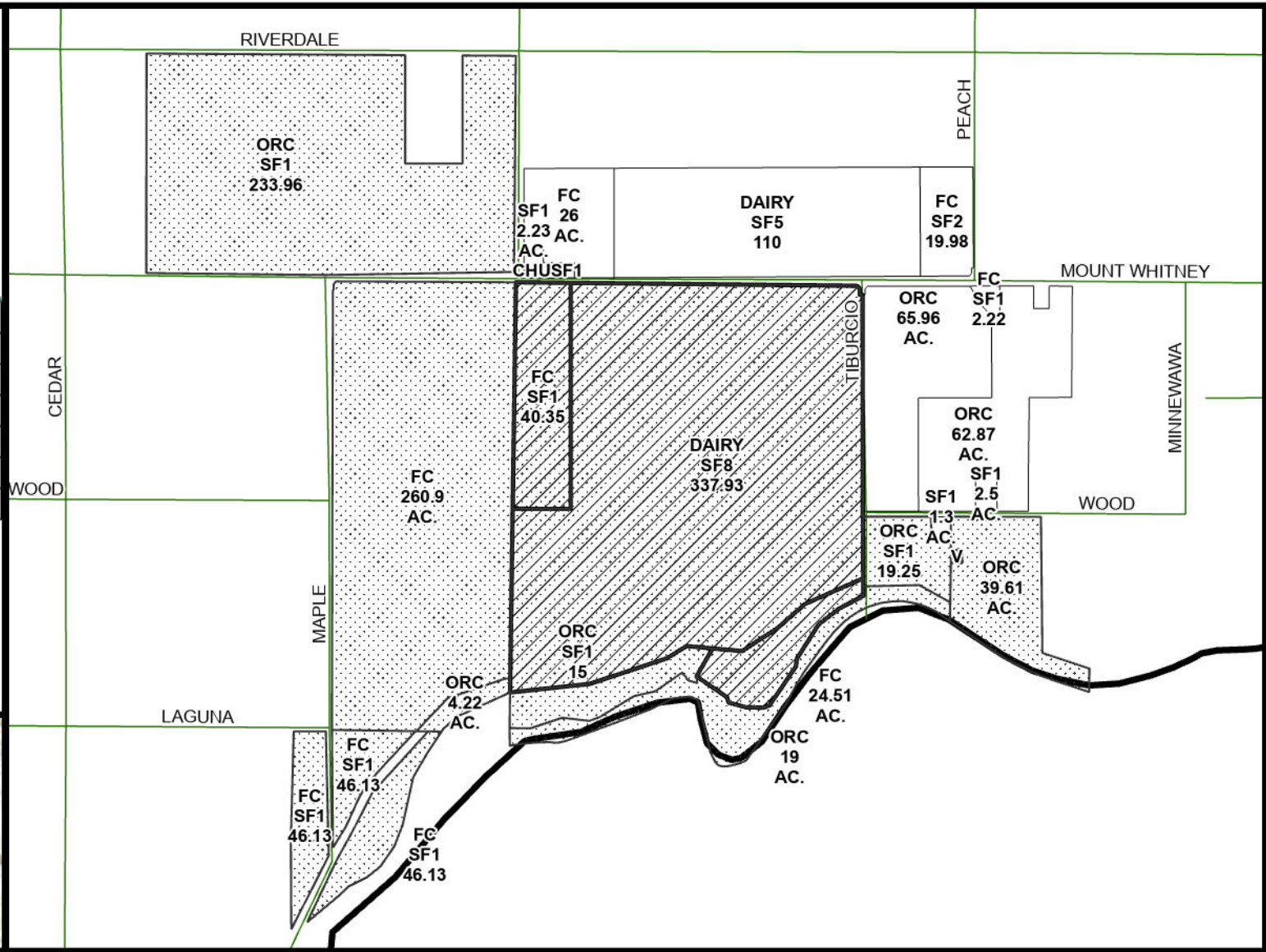
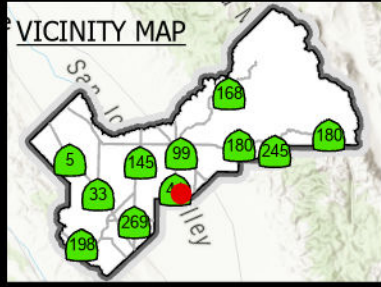
Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division  
 Person Prepared by : mdo  
 On Date : 3/2/2026



**LEGEND:**

-  Subject Property
-  Ag Contract Land

<b>LEGEND</b>
FC - FIELD CROP
ORC - ORCHARD
SF#- SINGLE FAMILY RESIDENCE
CHU - CHURCH
DAIRY
V - VACANT

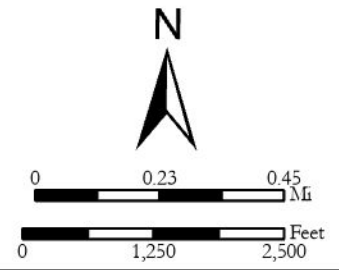


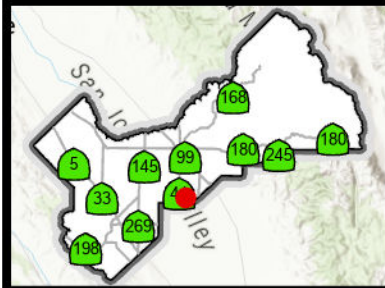
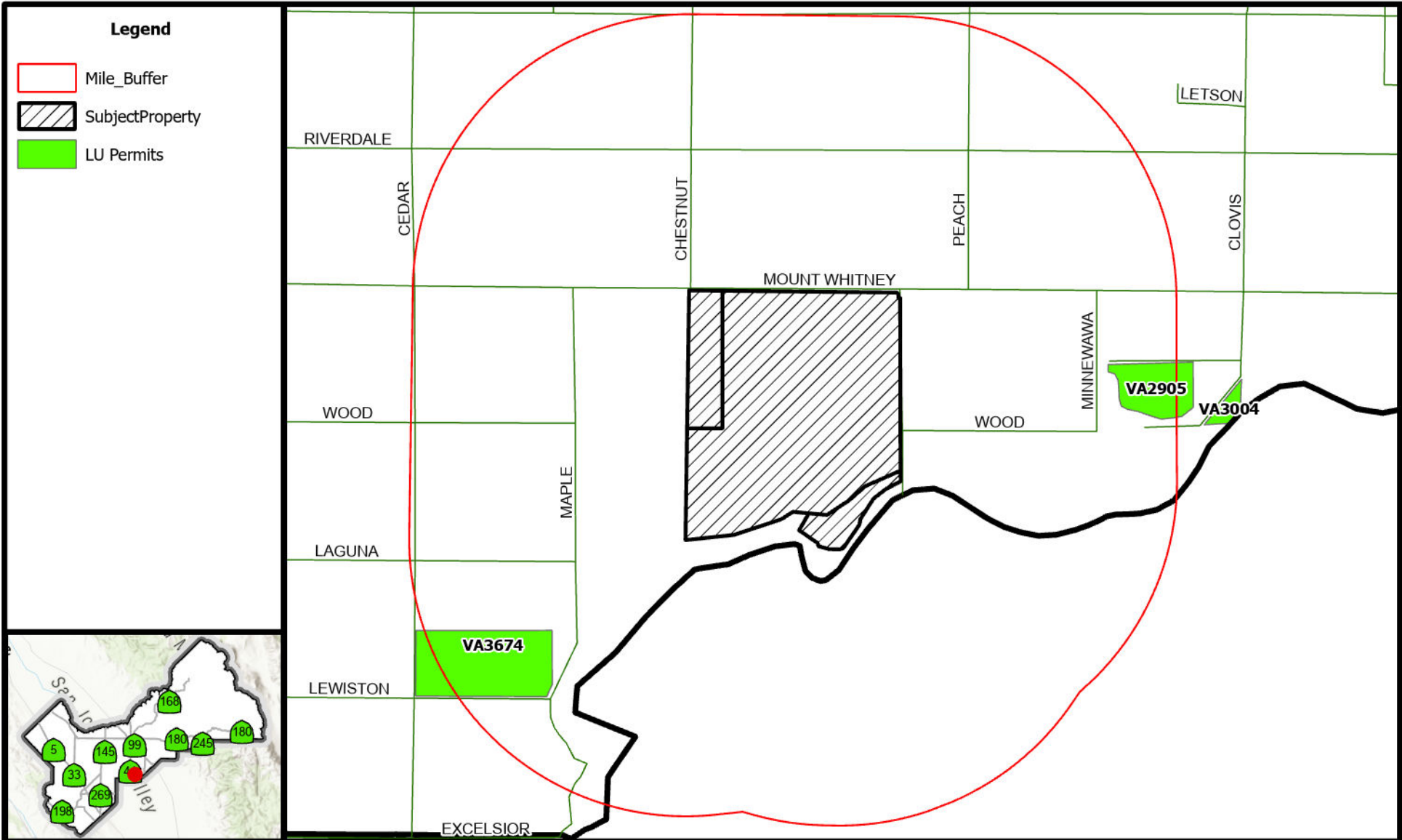
**Existing Land Use Map**

**VA4203**

**2026**

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division  
 Person Prepared by : mdo  
 On Date : 3/2/2026



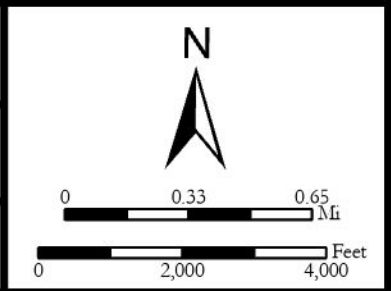


# Proximity Map

## VA4203

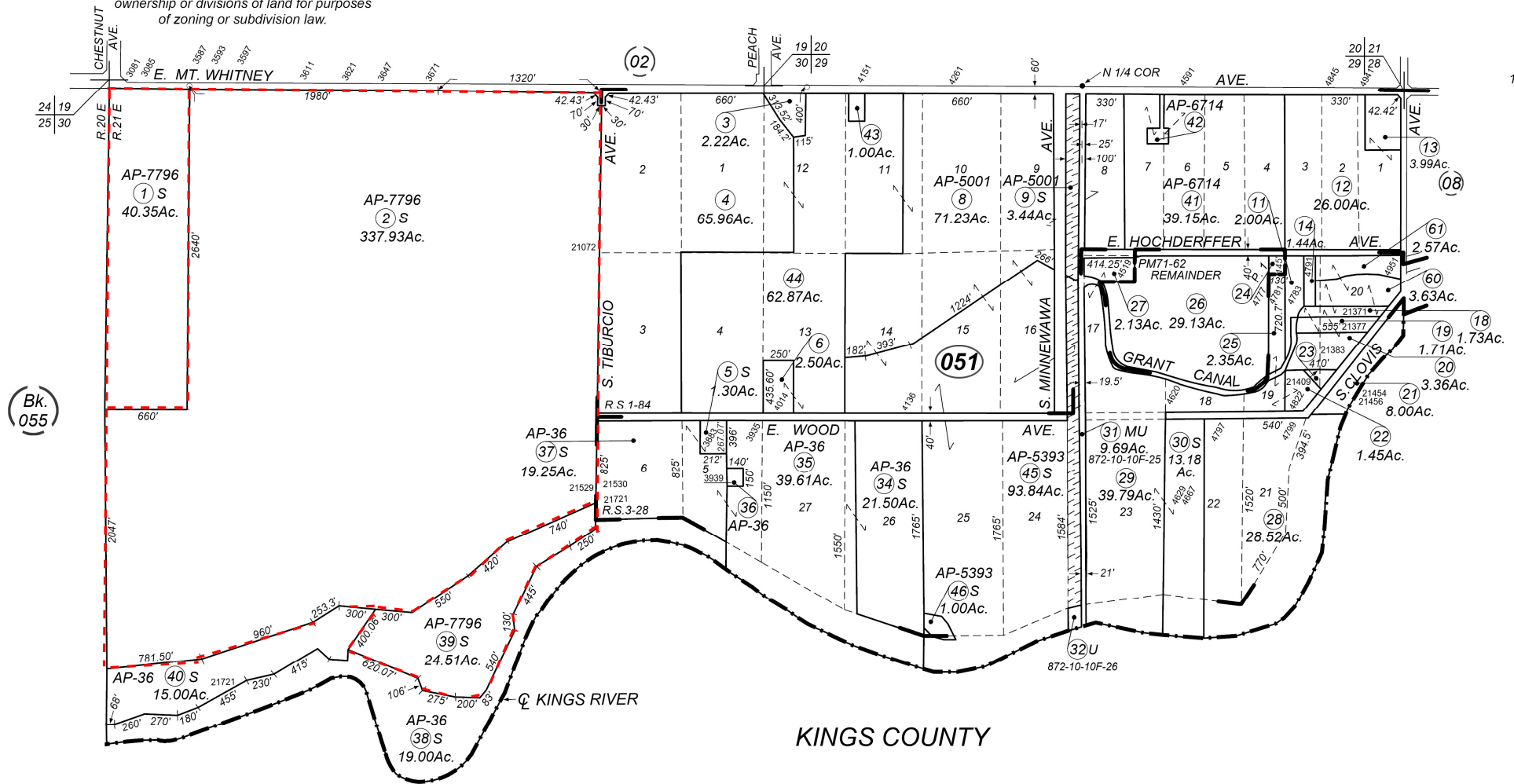
## 2026

Prepared by : County of Fresno, Department of Public Works and Planning, Development Services Division  
 Person Prepared by : mdo  
 On Date : 3/2/2026



-NOTE-

This map is for Assessment purposes only.  
It is not to be construed as portraying legal  
ownership or divisions of land for purposes  
of zoning or subdivision law.



Agricultural Preserve  
Laguna De Tache Grant - R.S. Bk. 1, Pg. 84  
Laguna De Tache Grant - R.S. Bk. 3, Pg. 28  
Parcel Map No. 8078 - Bk. 71, Pgs. 62 - 63

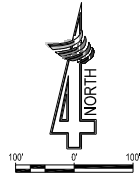
Assessor's Map Bk. 057 - Pg. 05  
County of Fresno, Calif.

Note - Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles

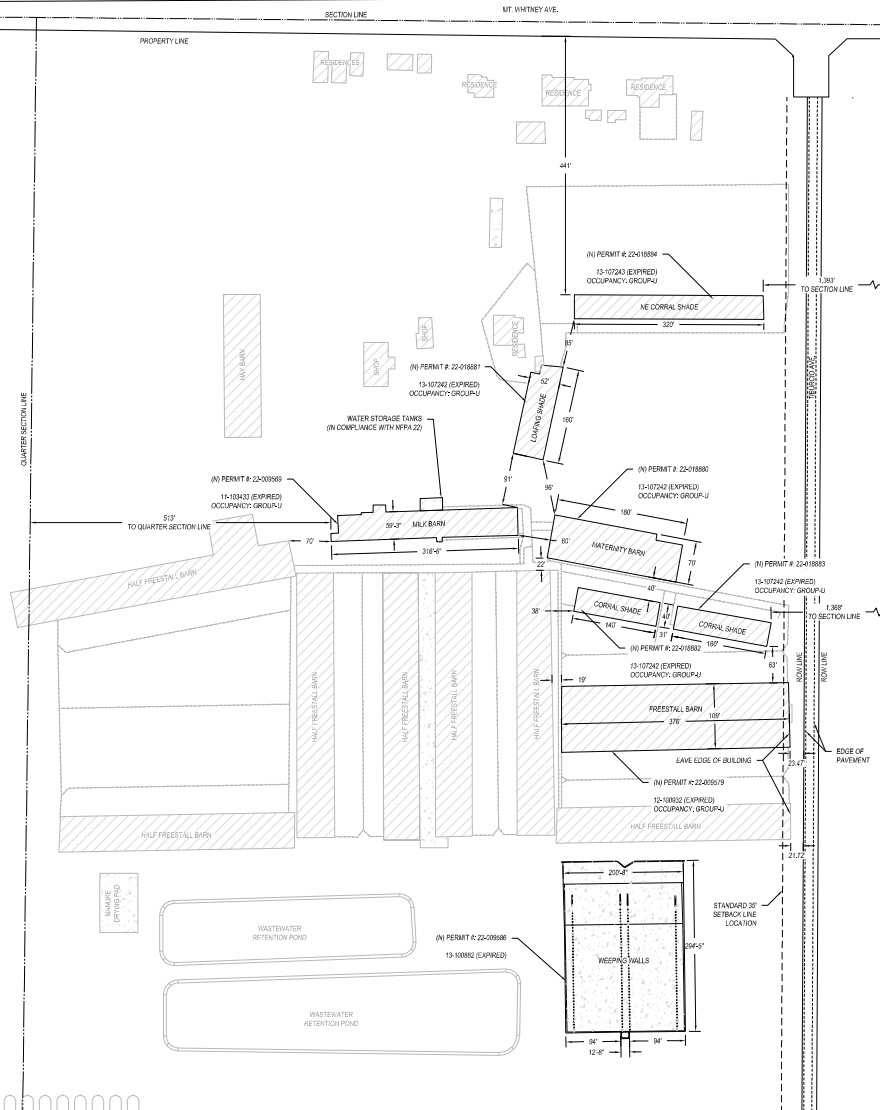


Know what's below.  
Call before you dig.

# RIVER OAKS DAIRY AS-BUILT PLAN SET - UNPERMITTED STRUCTURES



- LEGEND**
- PROPERTY LINE
  - SECTION LINE
  - QUARTER SECTION LINE
  - EXISTING FENCELINE
  - CONCRETE
  - EXISTING CONCRETE STRUCTURE TO BE PERMITTED
  - SHADE STRUCTURE
  - EXISTING SHADE STRUCTURE TO BE PERMITTED

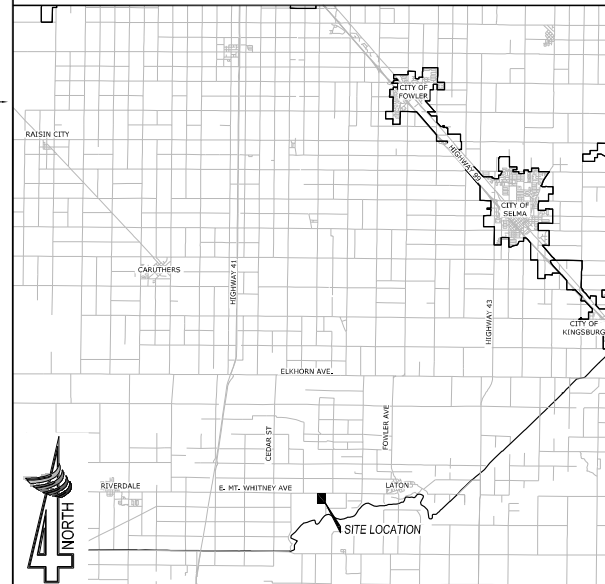


**APPLICANT** RIVER OAKS DAIRY  
**OWNER** ZONNEVELD DAIRIES INC.  
**PROJECT ADDRESS** 3621 MT. WHITNEY AVE  
 LATON, CA 93242

**COUNTY** FRESNO COUNTY

**A.P.N.** 057-051-01S, 057-051-02S, 057-051-39S

## SITE DATA



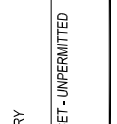
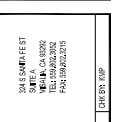
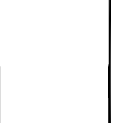
**FACILITY SITE PLAN**

**SCALE: 1" = 100'**

**VICINITY MAP**

**SCALE: 1" = 2 MI.**

REV	DATE	DESCRIPTION



AS-BUILT PLAN SET - UNPERMITTED STRUCTURES COVER SHEET

PLOT DATE: Feb 20, 2026  
 JOB NO.: 22947  
 FILE NAME: 22482 - COV - Varian  
 SCALE: AS SHOWN  
 SHEET NO: COV

**RIVER OAKS DAIRY  
OPERATIONAL STATEMENT:**

**1. Nature of the operation – what do you propose to do? Describe in detail.**

River Oaks Dairy (Facility) is an existing dairy facility located on the southwest corner of Mt. Whitney Avenue and Tiburcio Avenue. The owners of the facility have discovered that multiple structures on the facility did not undergo final inspection at the completion of the building permit process, thereby invalidating the building permits which were obtained by the previous facility owners. As new building permits have recently been pursued for the as-built structures, it has been determined that the setback along the east side of the property is not being maintained. The owners of the facility are seeking a variance of the 35 foot setback requirement (as specified in the zoning ordinance) to allow the continued use of the structures in their current location. The setback would be minimized to 21.72 feet according to the survey data obtained at the site.

**2. Operational time limits:**

All operating hours and periods of peak use are to remain consistent with existing operations / conditions.

**3. Number of customers or visitors:**

All operating hours and periods of peak use are to remain consistent with existing operations / conditions.

**4. Number of employees:**

The number of people on-site, including employees, will remain consistent with existing operations / conditions.

**5. Service and delivery vehicles:**

The number of trips to and from the facility will remain consistent with existing operations / conditions.

**6. Access to the site:**

Access to the site will remain consistent with current facility operation. No additional access will be required following completion of the project.

**7. Number of parking spaces for employees, customers, and service/delivery vehicles.**

The number of parking spaces on-site will remain consistent with the current facility operation. No additional parking spaces are needed because of the project.

**8. Are any goods to be sold on-site? If so, are these goods grown or produced on-site or at some other location?**

Milk is produced on-site and picked up by the local creamery. No changes to the facility operation are proposed as part of the project.

**9. What equipment is used?**

The dairy uses typical equipment for the feeding and milking of cows along with the typical equipment for manure management. No additional equipment will be used as a result of the project.

**10. What supplies or materials are used and how are they stored?**

Animal feed is stored on-site along with the equipment that is used for distributing feed to the animals.

Manure is stored on-site for composting and for drying prior to its distribution across adjacent farmland for fertilizer.

**11. Does the use cause an unsightly appearance?**

All infrastructure on the property is typical infrastructure used on dairy facilities. There is no infrastructure on-site that causes noise, glare, dust, or odor to an extent that is detrimental to nearby communities.

**12. List any solid or liquid wastes to be produced.**

Liquid and solid manure is produced on site from the bovine animals. All manure is processed through a solids separation system prior to its long term storage in wastewater lagoons for irrigation on adjacent farmland.



**13. Estimated volume of water to be used (gallons per day).**

The use of water is not proposed as an aspect of the project.

**14. Describe any proposed advertising including size, appearance, and placement.**

No advertising is proposed as an aspect of the project.

**15. Will existing buildings be used or will new buildings be constructed?**

No new buildings are proposed. All buildings in question are existing in nature.

**16. Explain which buildings or what portion of buildings will be used in the operation.**

All portions of all existing buildings will continue to be used on-site as part of the dairy operation. No new buildings are proposed.

**17. Will any outdoor lighting or an outdoor sound amplification system be used?**

No outdoor sound amplification system is used currently nor is it proposed as part of the project. All outdoor lighting that currently exists is hooded so as to prevent disruption to neighboring properties.

**18. Landscaping or fencing proposed?**

N/A.

**19. Any other information that will provide a clear understanding of the project or operation?**

N/A.

**20. Identify all Owners, Officers and/or Board Members for each application submitted; this may be accomplished by submitting a cover letter in addition to the information provided on the signed application forms.**

Please see attached documents.



**VISALIA**

324 S Santa Fe Suite A  
Visalia, CA 93292  
559-802-3052  
info@4-creeks.com

**HANFORD**

308 N. Irwin St.  
Hanford, CA 93230  
559-802-3052  
info@4-creeks.com

**FRESNO**

1444 Fulton St. Suite B11,  
Fresno, CA 93721  
559-802-3052  
info@4-creeks.com

**Required findings necessary for the granting of a variance application as specified in zoning ordinance section 877**

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.  
Structures on the east side of the facility were built in accordance with previously issued building permits, but expired before the contractor requested a final inspection. The Right-of-Way was not identified at time of construction. Variance is requested to allow operation of existing structures, as-built, with a reduced setback of 21.72 feet, opposed to the required 35 foot setback as listed in the County zoning ordinance.
2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.  
The variance is necessary for the continued operation of the dairy facility located on the subject parcel. The as-built structures are used for animal health and comfort on the existing dairy facility. Continued use of the structures is necessary for adequate prosperity of the dairy animals and the overall business.
3. The granting of a variance will not be materially detrimental to the public welfare or injurious to property and improvement in the vicinity in which the property is located.  
The granting of a variance will not be materially detrimental to the public welfare or injurious to property in the vicinity of the property. Despite the existing reduced setback of the structures, sufficient space for vehicle access along Tiburcio Avenue remains.
4. The granting of such variance will not be contrary to the objectives of the General Plan.  
The granting of such variance will not be contrary to the objectives of the General Plan as the structures in question fulfill their agricultural purpose within the Agriculture Land Use Designation of which they are located. Furthermore, the structures do not jeopardize the future of development in the vicinity of the property as no other properties located near or adjacent to the facility are affected by their location.





*Photo 1: Front of the River Oaks Dairy looking South from Mt. Whitney Avenue.*



*Photo 2: View looking West on Tiburcio Avenue showcasing a view of the east side of the dairy.*



*Photo 3: View looking from the southeast corner of the facility's production area towards the northwest.*



*Photo 4: View looking west from the south side of the facility. A wastewater retention pond can be seen, along with composting, and farmland beyond.*