



County of Fresno

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

Planning Commission Staff Report Consent Agenda Item No. 5 March 23, 2023

SUBJECT: Vesting Tentative Tract Map No. 5991 - Time Extension No. 4

Grant a fourth one-year time extension to exercise Tentative Tract Map No. 5991, which authorized a 68-lot planned residential development in the R-1-C (Single-Family Residential, 9,000 square-foot minimum parcel size) Zone District.

LOCATION: The subject property is located on the north side of Shaver Forest Road, approximately 530 feet northeast of its intersection with State Route 168 (Tollhouse Road), within the unincorporated community of Shaver Lake (APN: 130-031-39) (Sup. Dist. 5).

OWNER Shaver Forest Development Inc.

APPLICANT: Jeffrey Roberts

STAFF CONTACT: Alyce Alvarez, Planner
(559) 600-9669

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Approve the fourth one-year time extension for Vesting Tentative Tract Map No. 5991; and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

EXHIBITS:

1. Location Map
2. Land Use Map
3. Zoning Map
4. Tentative Tract Map No. 5991
5. Planning Commission Resolution dated April 12, 2012 (Complete Staff Report available at the following link: www.co.fresno.ca.us/PlanningCommission).
6. Time Extension Request Letter

ENVIRONMENTAL DETERMINATION:

The subject property is located within the boundaries of the Sierra North Regional Plan, the Shaver Community Plan, and the Lake Shaver Lake Forest Specific Plan. An Environmental Impact Report (EIR) and Mitigation Measures & Monitoring Program Matrix was certified as having been prepared and considered by the decision-making body in accordance with the California Environmental Quality Act (CEQA) when the Specific Plan was adopted in 1984. Several additional environmental studies have been prepared in the interim.

An Environmental Assessment (Initial Study No. 6405) was prepared for Tentative Tract Map Application No. 5991 under the provisions of CEQA, resulting in the determination that the Mitigated Negative Declaration was appropriate. Section 15162(b) of the CEQA Guidelines states that once an EIR and/or Mitigated Negative Declaration has been certified for a project, no subsequent EIR or Mitigated Negative Declaration shall be prepared unless:

- 1) substantial changes are proposed to the project;
- 2) substantial changes occur with respect to the circumstances under which the project is undertaken; or
- 3) new information of substantial importance is presented which was not known and could not have been known at the time the previous Mitigated Negative Declaration was adopted.

Staff has not received any comments or information that the circumstances noted in the above Conditions are present. Therefore, it has been determined that no further CEQA documentation is required for the subject proposal.

PUBLIC NOTICE:

Notices were sent to 88 property owners within 600 feet of the subject property, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

PUBLIC COMMENT:

No public comment was received as of the date of preparation of this report.

PROCEDURAL CONSIDERATIONS:

The State Subdivision Map Act provides that prior to the expiration of a Tentative Map, a subdivider is entitled to file a "Final Map" for recording with the County if it conforms to the approved Tentative Map and certain mandatory requirements. Except for special circumstances specified in the Map Act, a Tentative Map expires two years after its approval unless extensions are granted by the local agency. Such extensions may not exceed a total of six years. Under the terms of the Fresno County Subdivision Ordinance, time extensions may be granted by the Planning Commission upon application by the subdivider prior to the expiration date. Starting in 2008, the State of California passed five separate Bills to give subdividers time extensions for Tentative Maps that met certain criteria.

These Bills are:

- 1) Senate Bill (SB) 1185 approved 2008, Map Act Section 66452.21, granted an automatic one-year time extension.
- 2) Assembly Bill (AB) 333 approved 2009, Map Act Section 66452.22, granted an automatic two-year time extension.
- 3) Assembly Bill (AB) 208 approved 2011, Map Act Section 66452.23, granted an automatic two-year time extension.
- 4) Assembly Bill (AB) 116 approved 2013, Map Act Section 66452.24, granted an automatic two-year time extension.
- 5) Assembly Bill (AB) 1303 approved 2015, Map Act Section 66452.25, granted an automatic two-year time extension.
- 6) Assembly Bill (AB) 2973 approved 2018, Map Act Section 66452.26, granted a discretionary two-year time extension provided the project meets the requirements related to project approval date and time extension filing date according to Section 66452.25 of the Subdivision Map Act.

Granting an extension of a Tentative Map is discretionary, although the Planning Commission's discretion is limited to questions of time. The Commission cannot condition the grant of extension unless the Applicant agrees to such additional conditions. If the Applicant does not agree to such additional conditions, the Commission may deny the extension if it finds, based on the evidence, that the project will be injurious to public health, safety, or general welfare if the additional conditions are not imposed.

If the time extension is approved, then the applicant has the opportunity to file for a limit of three additional one-year- time extensions.

BACKGROUND INFORMATION:

On April 12, 2012, the Planning Commission approved Vesting Tentative Tract Map No. 5991, Classified Conditional Use Permit No. 3326, and Initial Study Application No.6405, authorizing a planned residential development consisting of 68 lots with a minimum lot size of 9,000 square feet.

Prior to the April 12, 2014 expiration date, Assembly Bill (AB) 116, effective July 11, 2013, granted an automatic two-year time extension for the Tentative Map, resulting in a new expiration date of April 12, 2016. AB 1303, effective October 10, 2015, granted another automatic two-year time extension for the Tentative Map, resulting in a new expiration date of April 12, 2018. On March 29, 2018, the Planning Commission granted a first one-year discretionary time extension extending the expiration date to April 12, 2019. Subsequently, the Board of Supervisors granted a two-year discretionary time extension under the provisions of Map Act Section 66452.26 (AB2973), resulting in an expiration date of April 12, 2021. The applicant applied for and was granted a secondary time extension request extending the expiration date to April 12th, 2022. The applicant applied for and was granted a third time extension request extending the expiration date to April 12, 2023. The current application is to allow the fourth discretionary one-year time extension which was filed on January 24, 2023, prior to expiration of the map.

Action	Approval Date	Usable Life	Expiration Date
Tentative Map Approved	4/12/2012	2	4/12/2014
AB 116 (effective July 11, 2013)	Auto	+2	4/12/2016
AB 1303 (effective October 10, 2015)	Auto	+2	4/12/2018
1st PC Time Extension	3/29/2018	+1	4/12/2019
AB 2973 (required Board action)	8/6/2019	+2	4/12/2021
2nd PC Time Extension	6/24/2021	+1	4/12/2022
3d PC Time Extension	4/14/2022	+1	4/12/2023

ANALYSIS/DISCUSSION:

Tentative Tract Map No. 5991 was approved April 12, 2012, authorizing a planned unit development. According to the Applicant, the subject request is necessary to allow additional time to assess the effects of events in recent years in the Shaver Lake area and their impact on subdivision design plans.

The current time extension request was routed to the same agencies that reviewed the original project. None of those agencies identified any change in circumstances or the need for additional conditions and did not express any concerns with the proposed extension of time.

CONCLUSION:

Staff believes the fourth one-year time extension for Vesting Tentative Tract Map No. 5991 should be approved, based on the factors cited in the analysis above. Approval of this time extension will extend the expiration date to April 12, 2024.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to approve the third one-year time extension for Vesting Tentative Tract Map No. 5991; and
- Direct the Secretary to prepare a Resolution documenting the Commission’s action.

Alternative Motion (Denial Action)

- Move to deny the fourth one-year time extension request for Vesting Tentative Tract Map No. 5991 (state reasons how approval of the time extension request would pose a health and safety issue to the residents of the subdivision or the immediate community, or both; or state how denial of the time extension request is required to comply with State or Federal law); and
- Direct the Secretary to prepare a Resolution documenting the Commission’s action.

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EXHIBIT 1
LOCATION MAP

TT 5991 EXT 4

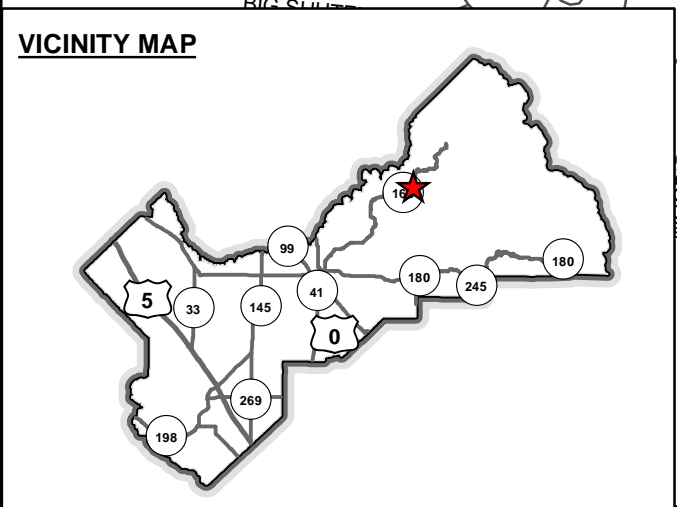
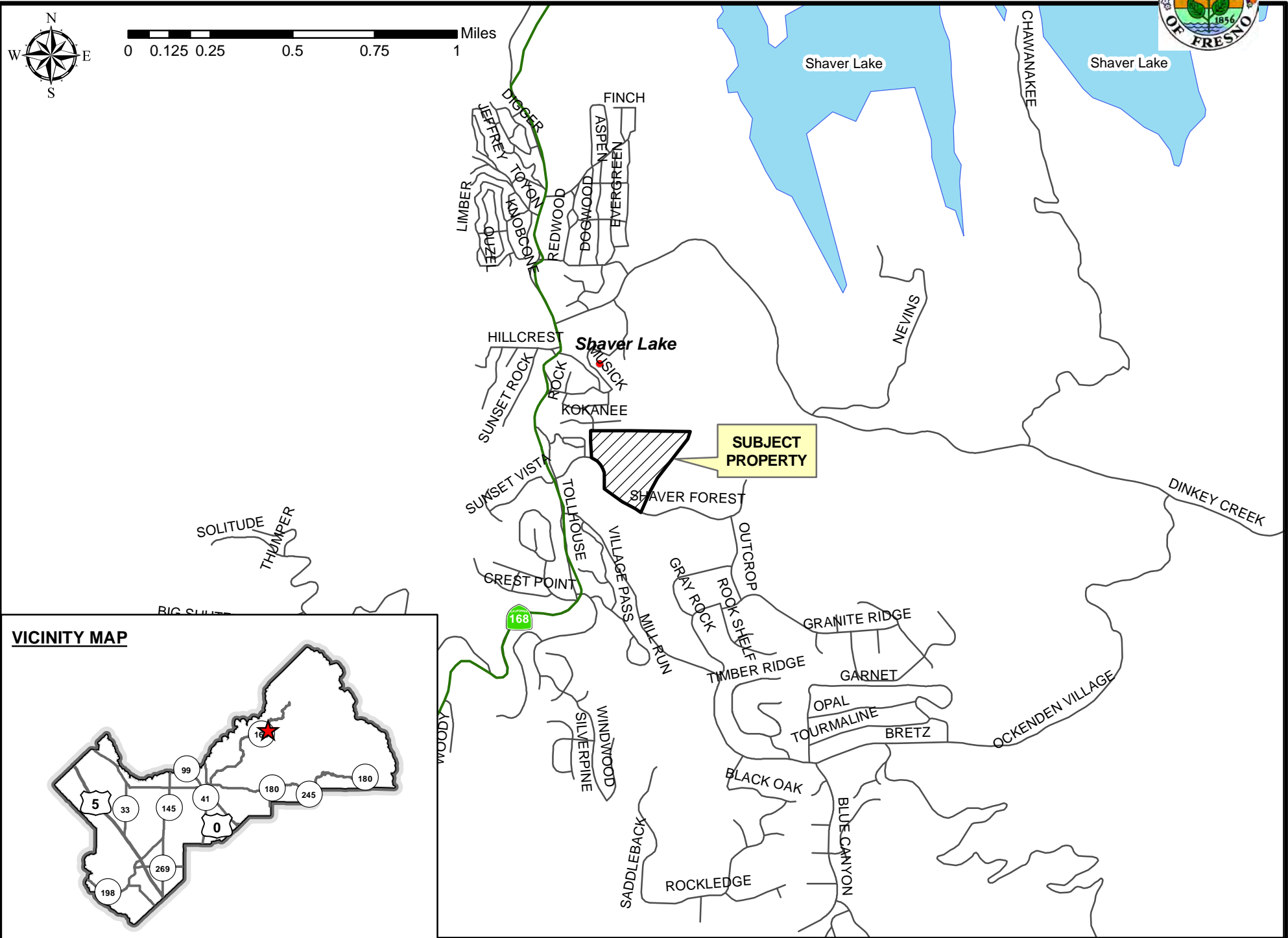
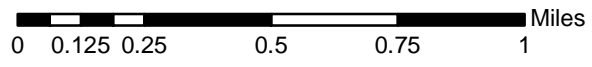
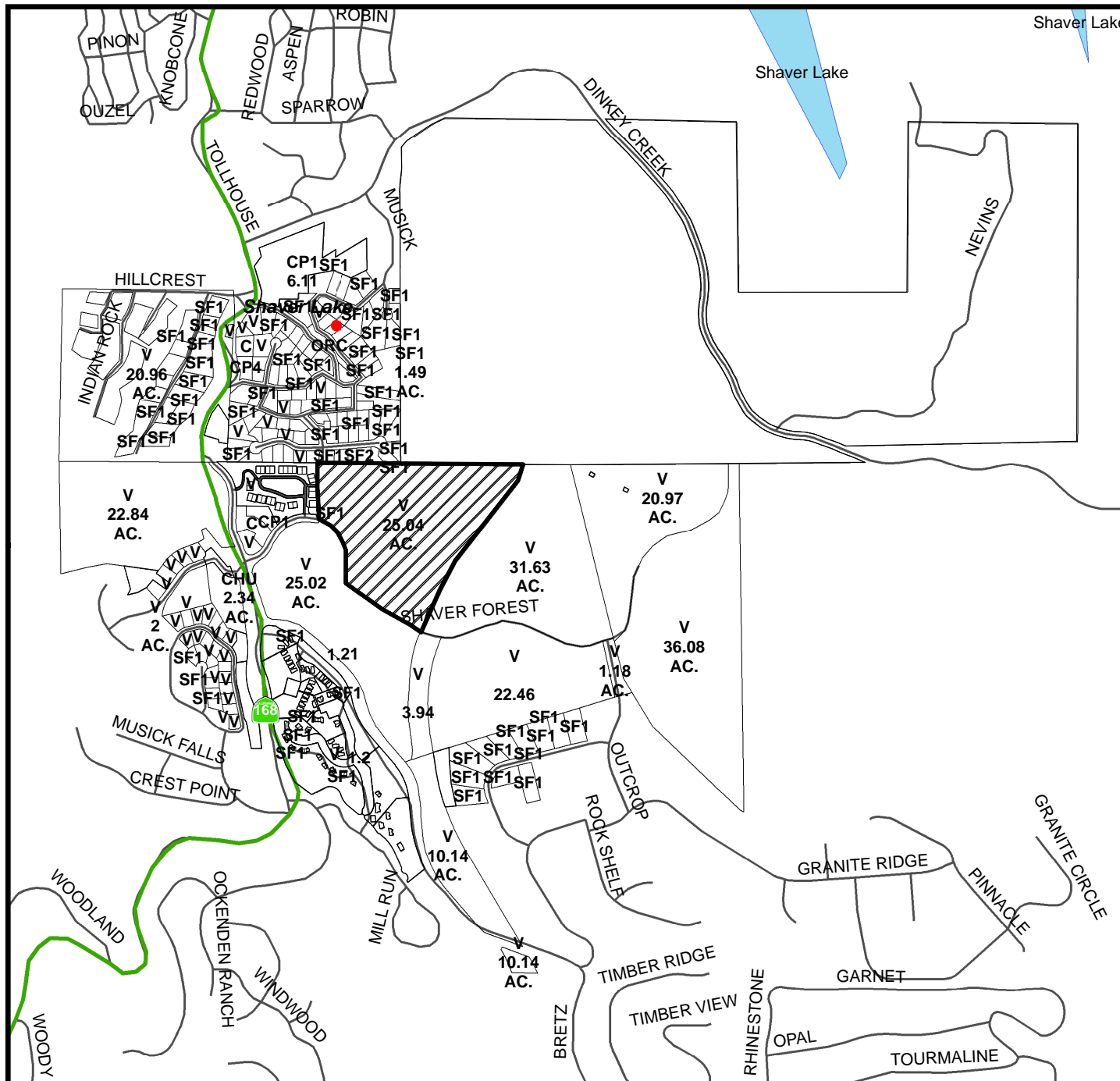


EXHIBIT 1



EXISTING LAND USE MAP

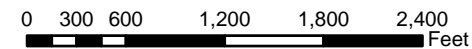
TT 5991 EXT 4



LEGEND	
AP1	- APARTMENT
C	- COMMERCIAL
CHU	- CHURCH
CP#	- OFFICE COMM./PROF
ORC	- ORCHARD
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

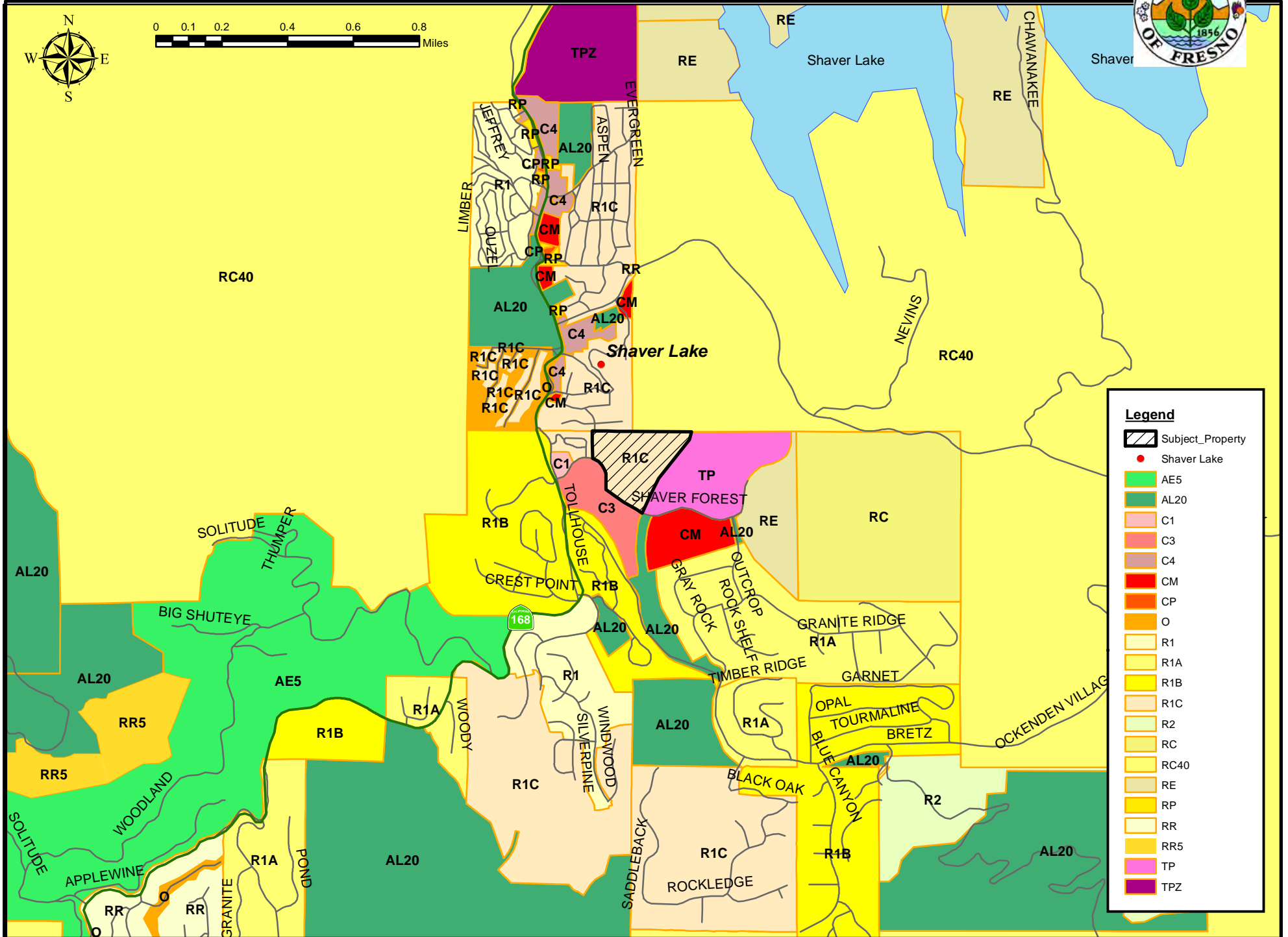
LEGEND:

-  Subject Property
-  Shaver Lake



Department of Public Works and Planning
Development Services Division

EXHIBIT 3 EXISTING ZONING MAP



Legend

- Subject Property
- Shaver Lake
- AE5
- AL20
- C1
- C3
- C4
- CM
- CP
- O
- R1
- R1A
- R1B
- R1C
- R2
- RC
- RC40
- RE
- RP
- RR
- RR5
- TP
- TPZ

EXHIBIT 3

EXHIBIT 4

TENTATIVE TRACT MAP No. 5991

NOTES:

1. THERE ARE NO EXISTING IMPROVEMENTS ON THE PROPERTY.
2. THE MAP DESIGN PROVIDES, TO THE EXTENT FEASIBLE, THROUGH PRESERVATION OF TREE COVER, FOR PASSIVE AND NATURAL COOLING OPPORTUNITIES.

TRACT 1982
VOL. 22, PG. 57
OF PLATS, F.C.R.

SECTION CORNER, T. 10S, R. 24E,
M.D.B. & M. - FOUND 1 1/2" I.P. W/
BRASS CAP L.S. 2931' 6" UP IN
ROCK MOUND - CORNER RECORD
2576 ON FILE W/ FRESNO
COUNTY SURVEYOR

UNSUBDIVIDED

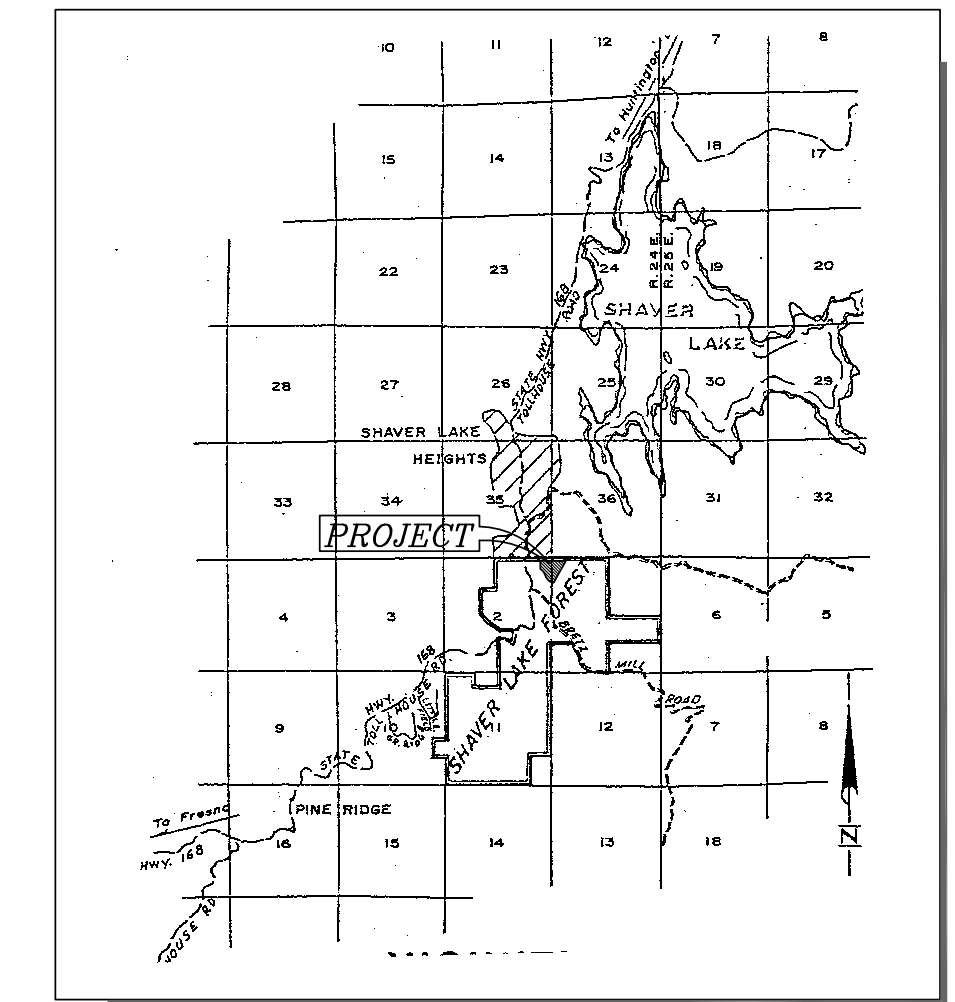
SILVERTIP VILLAGE
SUBDIVISION
TRACT NO. 3714

TRACT 3214
VOL. 35, PG. 93
OF PLATS, F.C.R.

LOT 1
TRACT NO. 3616

FUTURE MANUFACTURED
HOMES DEVELOPMENT

Outlot	Proposed Usage
A	Open Space & Walking Trails
B	Open Space
C	Open Space
D	Open Space
E	Open Space
F	Open Space
G	Roadways



VICINITY MAP
N.T.S.

Legal Description

Lot 1 of Tract 3615, Shaver Lake Forest No. 8, as recorded in Volume 41 of Plats at Pages 93-94, Fresno County Records.

Excepting therefrom a strip of land 170.00 feet wide lying along the Easterly boundary of said lot 1.

Also excepting therefrom Tract 3714 as recorded in Volume 48 of Plats at Pages 14-17, Fresno County Records.

SUBDIVIDER'S STATEMENT

TO: Fresno County Planning Commission
2220 Tulare St., 6th Floor
Fresno, California 93721

Tract No. 5991
Date 9-7-2011

Gentlemen:

I hereby apply for approval of the attached Tentative Tract Map.

The acreage of this tract is 25.73. There will be 68 lots in this tract with a minimum lot size of 9,000.00 square feet.

The existing use of this property is Forest - Residential Reserve.

The proposed use of this property is Single Family Residential.

The existing zoning on this property is R-1C.

The proposed zoning on this property is R-1C.

The existing structures on this property include None these structures will None.

The existing easements on this property include None.

All improvements will conform to County standards with the following exceptions: None.

Type of street trees to be planted are None (Forest setting to remain).
The intervals of these trees will be None feet.

The proposed drainage, flood control measures and methods of storm water disposal is: Channelization to existing natural drainage courses.

The proposed fire hydrant and water flow will conform to County Standards. Fire hydrants will be installed at intervals of not more than 500 feet.

The proposed source of water supply is Community System - FCWWD No. 41.

The proposed method of sewage disposal is Community System - FCWWD No. 41.

The following utilities are to be provided: Electrical, Telephone arrangements (have) (have not) been made with utility companies serving this area.

There is attached hereto a copy of the restrictive covenants to be recorded.

There is attached hereto sufficient Log of Borings and Percolation tests to permit the Health Department to make a determination regarding lot size and design. (Not applicable when sewers are proposed).

Signature of Subdivider: [Signature] Name: Strahm Family, L.P.
Address: 5100 N. Sixth St. #117 City: Fresno Phone: 227-9690

Signature of Engineer: [Signature] Name: Strahm Engineering Associates, Inc.
Address: 5100 N. Sixth St. # 117 City: Fresno Phone: (559) 227-9690

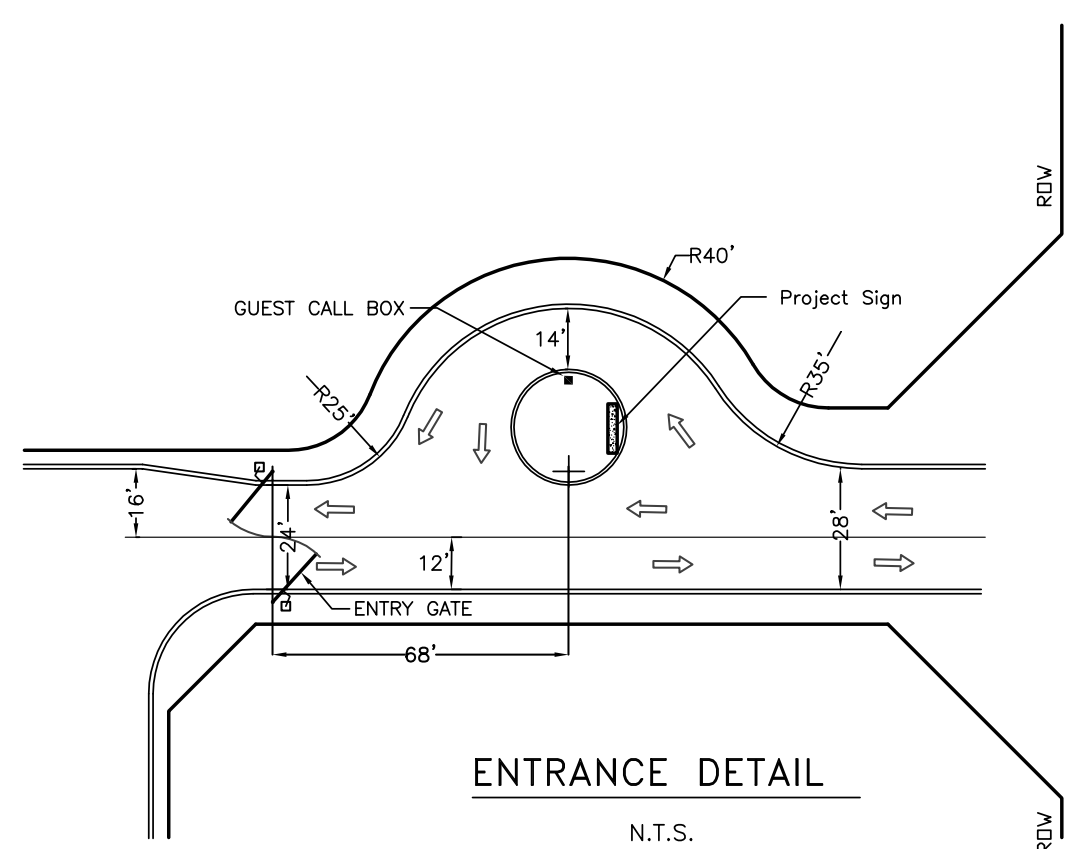
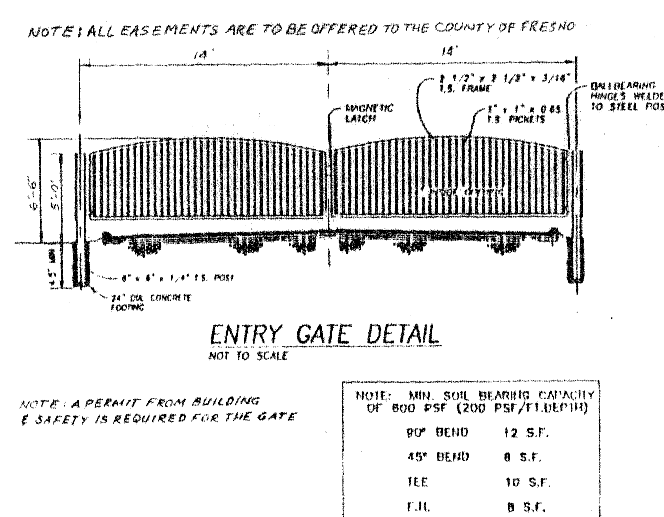
OWNER'S CERTIFICATE

[Signature], hereby certify that I (am the record owner of) (have an option or contract to purchase) the property shown on the Tentative Map of Tract No. 5991, that I have examined the map and consent to its submission to the Fresno County Planning Commission for consideration.

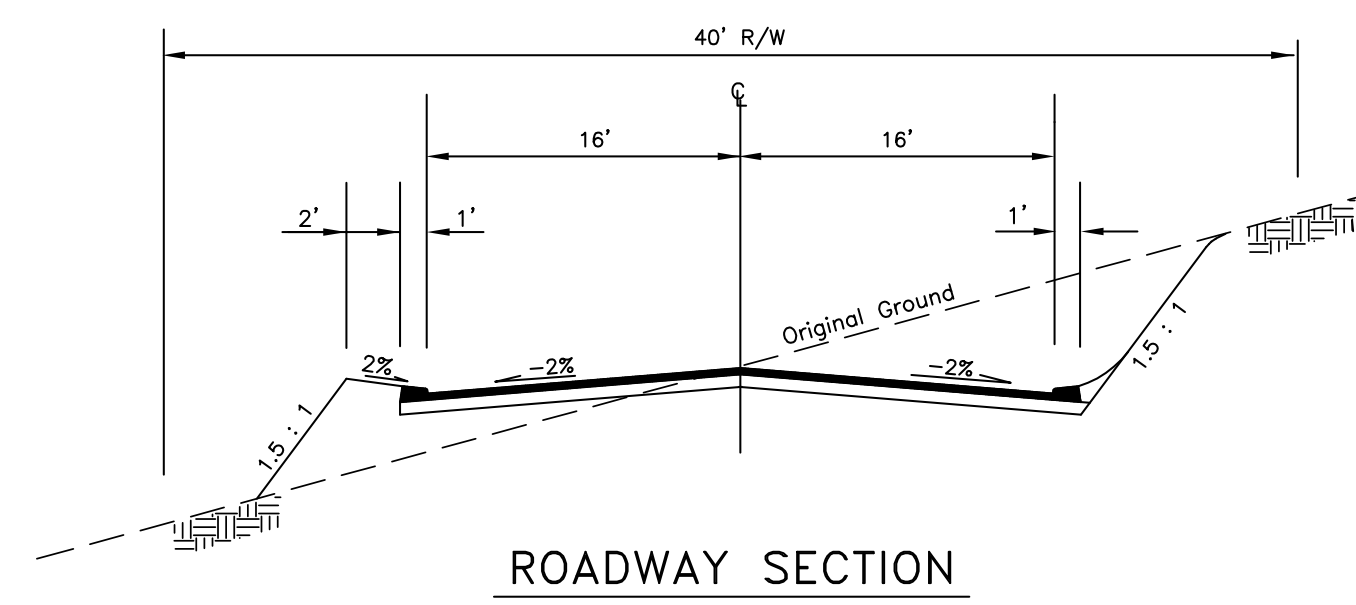
Signature: [Signature] Name: Strahm Family, L.P.
Address: 5100 N. Sixth St. # 117 City: Fresno phone 227-9690

PREPARED FOR :
STRAHM FAMILY, L.P.
5100 N. Sixth St. # 117
Fresno, CA 93710
Ph. (559)227-9690 Fax (559)227-9860

PREPARED BY:
STRAHM ENGINEERING ASSOCIATES, INC.
5100 N. Sixth St. # 117, FRESNO CA. 93710
PH. (559) 227-9690 FAX (559) 227-9860



Shaver Forest Road



ROADWAY SECTION
N. T. S.

Inter Office Memo



DATE: April 12, 2012

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12291 - INITIAL STUDY APPLICATION NO. 6405,
TENTATIVE TRACT MAP APPLICATION NO. 5991, CLASSIFIED
CONDITIONAL USE PERMIT APPLICATION NO. 3326

APPLICANT: Strahm Family, LP
OWNER: Strahm Family, LP

REQUEST: Allow a planned residential development consisting of 68 lots with a minimum parcel size of 9,000 square feet served by private roads and a gated entry. The project site is located on a 25.04-acre parcel in the R-1-C (Single-Family Residential, 9,000 square-foot minimum parcel size) Zone District.

LOCATION: The project site is located on the north side of Shaver Forest Road, approximately 530 feet northeast of its intersection with State Route 168 (Tollhouse Road), within the unincorporated community of Shaver (Sup. Dist.: 5) (APN: 130-031-39).

PLANNING COMMISSION ACTION:

At its hearing of April 12, 2012, the Commission considered the Staff Report and testimony (summarized in Exhibit "A").

A motion was made by Commissioner Ferguson and seconded by Commissioner Borba to adopt the Mitigated Negative Declaration prepared for the project; adopt the recommended Findings of Fact in the Staff Report; and approve Tentative Tract Map Application No. 5991 and Classified Conditional Use Permit Application No. 3326, subject to the Conditions listed in the Staff Report (Attached as Exhibit "B").

This motion passed on the following vote:

VOTING: Yes: Commissioners Ferguson, Borba, Bath, Goodman, Mendes, Niswander, Riojas, Rocca, Yates

No: None

Absent: None

Abstain: None

ALAN WEAVER, DIRECTOR
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By: 

Bernard Jimenez, Manager
Development Services Division

DC:mac

G:\4360Devs&Pln\PROJSEC\PROJDOCS\TT\5991\TT5991_CUP3326_Resolution.doc

- NOTES:
1. The approval of Classified Conditional Use Permit No. 3326 is tied to Tentative Tract Map No. 5991 and will expire upon expiration of the Tentative Tract Map. A provision is made that the Classified Conditional Use Permit may be extended in conjunction with an extension request of the Tentative Tract Map.
 2. The approval of this project will expire two years from the date of approval unless a Final Map is recorded. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Tentative Tract Map.

Attachments

EXHIBIT "A"

Initial Study Application No. 6405
Tentative Tract Map Application No. 5991
Classified Conditional Use Permit Application No. 3326

- Staff: The Fresno County Planning Commission considered the Staff Report dated April 12, 2012, and heard a summary presentation by staff.
- Applicant: The Applicant's representative concurred with the Staff Report and the recommended Conditions. He described the project and offered the following information to clarify the intended use:
- The proposed development will have its own Homeowner's Association responsible for maintaining the surfaces of the private roads.
 - Other Homeowner's Associations have obtained professional management with as few as 24 units providing funding.
 - There will be an open space corridor and walking trails within the proposed development.
- Others: One individual spoke generally in favor of the project but expressed some concerns about the water source and the provision of an open space buffer along the northern perimeter of the development; however, these concerns were addressed during the Hearing. No one spoke in opposition to the project.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

**Mitigation Monitoring and Reporting Program
(Including Conditions of Approval and Project Notes)**

Initial Study Application No. 6405, Classified Conditional Use Permit Application No. 3326,
Tentative Tract Map Application No. 5991

Mitigation Measures					
Mitigation Measure No.	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
*1.	Aesthetics	All outdoor lighting shall be hooded and directed as to not shine towards adjacent properties and public streets.	Applicant	Applicant/Fresno County	Once; during Construction Phase
*2.	Biological	<p>The following shall be implemented by the Applicant/subdivider and shall be recorded as a Covenant and Agreement, subject to a \$243.50 Document Preparation Fee, running with the land prior to recordation of any subsequent Parcel Map associated with the subject property and included on an additional map sheet of any subsequent Parcel Map to address potential impacts to sensitive species:</p> <ol style="list-style-type: none"> a. Removal of existing trees and snags shall be avoided to the extent possible with consideration given to necessary hazard and fire protection fuel reduction. b. The use of impenetrable fencing on individual parcels, excluding home yard areas, shall be avoided to not unduly restrict wildlife movement across the properties. Any fencing, excluding home yard fencing, shall comply with the "wildlife friendly" specifications of the California Department of Fish and Game (CDFG) which generally means no fences greater than 42 inches in height. The bottom of the fence shall be no less than 18 inches from the ground (if using wire, it shall be smooth), and if using wire, the distance between the top two wires shall be no less than 14 inches to prevent deer entanglement. Fence height and spacing will need to be 	Applicant	Applicant/CA Dept. of Fish and Game/US Fish and Wildlife	Once; during specified Mitigation Phase

Mitigation Measures					
Mitigation Measure No.	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
		<p>adjusted depending on the slope of the ground.</p> <p>c. All outdoor lighting shall be hooded to reduce glare and the frightening of wildlife. Such hooding shall comply with the CDFG recommended standards.</p> <p>d. To the extent feasible, landscaping shall consist of native plant varieties.</p> <p>e. An informational brochure developed for purchasers and potential purchasers of property shall be distributed by the developer/Applicant containing the following information:</p> <ul style="list-style-type: none"> i. Suggested suitable native plant varieties for landscaping. ii. Potential conflicts between domesticated canine and feline species and sensitive wildlife and steps property owners may consider to avoid such conflicts. iii. Appropriate fencing type for wildlife friendly fencing. <p>The brochure shall be submitted to and approved by the Mapping Section of the Fresno County Department of Public Works and Planning, Development Services Division, prior to recordation of the Final Map.</p> <p>If project-related activities occur during the bird breeding season (February through September 15), prior to starting such activities each year, a qualified Biologist shall conduct surveys to determine the location of bird nests. Active bird nests shall be protected with a no-disturbance buffer that is clearly delineated on the ground until the young have fledged and are no longer reliant on the nest or parental care for survival. No-disturbance buffers shall be one half-mile around nests of listed species, 500 feet around nests of non-listed raptor species,</p>			

Mitigation Measures

Mitigation Measure No.	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
		250 feet around nests of migratory birds, and 150 feet around other bird species.			
*3.	Cultural Resources	In the event that cultural resources are unearthed during grading or construction activity, all work shall be halted in the area of the find, and an Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are Native American, the Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/Fresno County Coroner/Native American Commission	Once; during specified Mitigation Phase
*4.	Hydrology and Water Quality	Water facilities to serve the proposed community water system shall be designed and installed in accordance with County Improvement Standards and meet all state and federal regulations for a community water system. An Engineer's evaluation must demonstrate acceptable operations parameters and capacity based upon the proposed development. Two copies of Engineered Plans for these facilities shall be submitted to the Development Engineering Section of the Fresno County Department of Public Works and Planning, Development Services Division, for review and approval.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase
*5.	Hydrology and Water Quality	All water facilities and associated property shall be deeded to Fresno County Water Works District (WWD) No. 41. All well sites shall meet a 50-foot radius control zone as required in Title 22 California Code of Regulations (CCR) 64560.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase
*6.	Hydrology and Water Quality	All irrigation shall comply with State and County water conservation regulations and efficient landscape requirements. This	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase

Mitigation Measures					
Mitigation Measure No.	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
		requirement shall be recorded as a Covenant running with the land and shall be noted on the Final Map.			
*7.	Hydrology and Water Quality	All rights to groundwater beneath the proposed tract shall be dedicated to the County of Fresno.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase
*8.	Hydrology and Water Quality	All on-site wells serving the development shall be equipped with supervisory control and data acquisition (SCADA) controls as required by the County, or funding for the SCADA controls may be deposited with the County for future installation.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase
*9.	Hydrology and Water Quality	The developer shall construct well sites in such a manner as to minimize noise from equipment and aesthetically minimize the impact to residents within the vicinity of the well sites.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase
*10.	Hydrology and Water Quality	Fifty-one Equivalent Dwelling Units (EDUs) of water are being transferred from Site Plan Review (SPR) No. 7175 which was previously counted towards the 2,000 EDU limit in Township 10. As such, this proposal is not required to acquire its EDUs upon recordation of the Final Map. As SPR No. 7175 will transfer entitlement of 119 EDUs to this proposal and Tentative Tract (TT) Map Application No. 5990, SPR No. 7175 cannot develop until an alternative water source is provided.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase
*11.	Hydrology and Water Quality	Based upon the hydrology report dated July 2010, Timberwine (T) wells T-19 (25 EDUs), T-24 (7 EDUs) and T-30 (30 EDUs) are being considered for use with this proposed subdivision. Further, based upon a hydrology report dated January 2006, Timberline (T) well T-31 (6 EDUs) is also being considered for use with this proposed	Applicant	Applicant/Fresno County	Applicant/Fresno County

Mitigation Measures

Mitigation Measure No.	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
		subdivision. The Fresno County Department of Public Works and Planning has been in contact with the California Department of Public Health (CDPH) regarding a revision of the CDPH permit issued to Fresno County Water Works District (WWD) No. 41 which requires all new developments to have 0.5 gallons per minute per EDU. Should CDPH not change this requirement, the Applicant shall provide an additional water source or re-allocate additional EDUs.			
*12.	Hydrology and Water Quality	Any variation on the allocation of T wells shall require written approval from the Fresno County Department of Public Works and Planning prior to any re-allocation of EDUs to other projects.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase
*13.	Hydrology and Water Quality	Water quality data must pass State Health requirements referenced within Title 22 or additional tests required by the State Department of Public Health in order for the County of Fresno to accept the wells into the Fresno County WWD No. 41 distribution system. If the State requires any treatment of the water source, the Applicant shall fund the necessary improvements.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase
*14.	Hydrology and Water Quality	All wells must have a minimum 50-foot seal. The existing water wells have been constructed using the Tubex method which does not meet State requirements. Additional monitoring will be required by the State to ensure the source is not influenced by surface water. The County will require a three-year agreement with the developer to ensure that if the source is influenced by surface water during the term of the agreement that an alternative source or treatment be provided at the developer's cost. Any additional monitoring costs as included in the Project Implementation	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase

Mitigation Measures					
Mitigation Measure No.	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
		Agreement, due to the Tubex method being used, will be borne by the developer during the three-year term.			
*15.	Hydrology and Water Quality	Access roads to well sites shall be built to County Standards by the Applicant and must be approved by the County prior to approval of the Final Map.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase
*16.	Hydrology and Water Quality	A Project Implementation Agreement shall be entered into by the Applicant to fund the review of the Water/Wastewater Facility Plans, coordination of any approvals with the State on the well source, and other coordination activities to process, finalize and approve the proposed water/wastewater connections. The Applicant has executed a Project Implementation Agreement and provided an initial deposit of funds (\$1,000.00). The Applicant shall provide future deposits for all actual costs.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase
*17.	Hydrology and Water Quality	The Applicant's Engineer shall provide the Design and Improvement Plans for all elements of the sewer system to the County for review and approval.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase
*18.	Hydrology and Water Quality	All proposed sewer facility improvements shall be constructed in accordance with Fresno County Improvement Standards and the Shaver Lake Sewer and Water Master Plan requirements. If a sewer lift station is required, backup power supply shall be provided with automatic transfer of power in the event of disruption of electrical service.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase
*19.	Hydrology and Water Quality	Currently there is no permanent sewer capacity available. Accordingly, the Applicant shall expand sewer treatment and disposal capacity for units within TT No. 5991 or by the next reasonable increment. If at some time excess capacity is determined, the	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase

Mitigation Measures

Mitigation Measure No.	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
		Applicant shall pay applicable costs as determined by the County.			
*20.		Prior to Final Map approval, the Applicant shall provide an Engineering Study evaluating the collection system for capacity issues from additional flows anticipated by this and future developments within this collection area. The potential ultimate loading shall be addressed with consideration of the other planned developments and of the Shaver Lake Sewer and Water Master Plan. Estimated sewer flow shall be calculated at 220 gallons per day per single-family residence.	Applicant	Applicant/Fresno County	Once; during specified Mitigation Phase
*21.	Noise	All noise generating construction activities shall be limited to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday.	Applicant	Applicant/Fresno County Department of Public Health	Once; during specified Mitigation Phase
*22.	Public Services	Prior to recordation of a Final Map, a funding mechanism shall be established through a Community Facilities District or Districts under the Mello-Roos Community Facilities Act of 1982, or other appropriate funding mechanism to be determined by the County, to support cost for Sheriff protection services to achieve a ratio of two sworn officers per 1,000 residents for the affected properties. In addition, the project proponents shall pay for any cost associated with the establishment of the referenced funding mechanism.	Applicant	Applicant/Fresno County Department of Public Works and Planning/Fresno County Sheriff	Prior to Recordation of Final Map
*23.	Traffic	To mitigate potential impacts to the County maintained roads, a pro-rata share of cost in the amount of \$102,062.00 shall be required as defined in items 'a' through 'd' below. This fee shall either be paid prior to recordation of the final map or a Covenant shall be recorded on each lot providing notice that issuance of building permits is subject to	Applicant	Applicant/Fresno County	Prior to Issuance of Building Permit

Mitigation Measures					
Mitigation Measure No.	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
		<p>payment of a Public Facilities Fee. If the Applicants opts for the latter, the fee shall be collected no later than the date of final inspection or the date of issuance of a certificate of occupancy, whichever comes first.</p> <p>a. Signalization at the intersection of Auberry Road and Millerton Road. The project's maximum share is 0.3% or \$845.00.</p> <p>b. Signalization at the intersection of Auberry Road and Copper Avenue. The project's maximum share is 0.2% or \$503.00.</p> <p>c. Signalization at the intersection of Auberry Road and Winchell Cove/Marina Drive. The project's maximum share is 0.2% or \$659.00.</p> <p>d. Road improvements for the road segment of Auberry Road between Copper Avenue and Millerton Road. The project's maximum share is 0.2% or \$100,055.00.</p>			
*24.	Utilities and Service Systems	The HOA shall provide the County with easements in proposed open space areas for the drilling of additional wells for use by a community water system.	Applicant	Applicant/Fresno County	Prior to Issuance of Building Permit
<p>*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document, Conditions reference recommended Conditions for the project, and project Notes reference mandatory requirements of Fresno County for the project.</p>					

Conditions of Approval	
1.	<p>Conditional Use Permit (CUP) No. 3326 shall be tied to Tentative Tract (TT) Map No. 5991; if the Tract is denied or expires, the CUP shall also expire.</p> <p>NOTE: In accordance with Section 873 – I of the Zoning Ordinance, a CUP to authorize a Tentative Subdivision Map automatically assumes the life span of the Tract Map.</p>

Conditions of Approval

2.	All Conditions of the Subdivision Review Committee Report for TT Map Application No. 5991 shall be complied with.
3.	All roads shall be developed in accordance with the Shaver Lake Forest Specific Plan and shall be constructed to appropriate County of Fresno Improvement Standards with an exception to permit a forty-foot right-of-way for interior roads.
4.	The proposed private roadway 32-foot width complies with the Standard for this density of development. The roadway structural section shall be that of public roads for this level of traffic, but shall not be less than two inches of Asphalt Concrete over four inches of Class II Aggregate Base. An Exception to Standards has been applied to enable use of 40-foot wide rights-of-way where 60 feet is required, with an additional 20-foot wide easement to be provided along each side for slope maintenance, utilities, snow storage and drainage facilities.
5.	All roadways shall be constructed to have drainage contained on the paved and diked roadway shoulders and directed to off-road drainage structures. There shall be no run-off flow across the roadways that could result in travel-way ice formation.
6.	The private roadways entrance gate call box shall be set back from Shaver Lake Forest Road a distance determined by statistical analysis using the "queuing theory" sufficient to ensure that there is a one percent or less chance of a waiting vehicle extending onto Shaver Lake Forest Road. A 25-foot length shall be provided for each such vehicle in determining the required setback.
7.	The gated entry shall be designed so that vehicles denied access are able to exit the entrance in a continuous forward motion.
8.	A Fresno County Improvement Standard B-2 rural residential cul-de-sac turn-around shall be provided at the end of all cul-de-sac roads.
9.	Roadway design speed shall be 25 miles per hour, except for intersections and corner turns.
10.	Twenty-by-twenty-foot corner cutoffs shall be provided for all intersections.
11.	Roadway intersections shall be as near as practicable to a right angle.
12.	Cul-de-sac streets, depending upon length for fire hydrant requirement, shall have either a fire hydrant or a blow off valve at the end.
13.	Street and regulatory signs and markings shall be included in the required work of improvement and shall comply with Fresno County Standards.
14.	Engineered Plans for the subdivision improvements shall be submitted to the County of Fresno for review and approval. The initial submittal shall include a Soils Report, which shall identify the soils R-value, which, together with the development determined Traffic Index, shall be used for the pavement structural section design to public road standard. Upon grading of the roadways, R-value shall be obtained for the verification of the roadway structural section design.
15.	As a gated community with private roads, a homeowner's association (HOA) shall provide maintenance for all interior streets.
16.	Provisions for parking are provided within the employed Roadway Standard (32-foot pavement width) and the Zone District requirement for off-street parking on each lot.
17.	Hydrologic and hydraulic analysis shall be prepared and submitted for approval, in accordance with standard engineering practices, to demonstrate that the proposed Tract will not result in any increase in flood levels or significantly change the existing drainage characteristics of

Conditions of Approval

	those parcels adjacent to the development. Sizes and locations for culverts and/or relocated drainage facilities shall be based upon this analysis.
18.	<p>Increased storm water runoff generated by the proposed development shall be retained on-site for metered release within drainage ponds to not cause greater stream flow rate than historically experienced (for a like precipitation event), or directed to other facilities acceptable to the Director of the Department of Public Works and Planning. Detention facilities proposed within stream courses will require review and approval of a Streambed Alteration Permit by the California Department of Fish and Game (CDFG).</p> <p>Note: A storm water metered release detention facility is proposed between Lots 17 and 48. The metered release detention basin shall be sized using the formula $V_s = 0.28CA$. Basins with water depth in excess of 18 inches shall be fenced with fencing type to be chain link or other form that would discourage public access.</p>
19.	A Grading and Drainage Plan shall be prepared and submitted to the Development Engineering Section of the Fresno County Department of Public Works and Planning, Development Services Division, for review and approval prior to commencement of the work of improvement. Easements for cut and fill slopes are provided for by the additional 20-foot easement width along each side of the roadways.
20.	Drainage courses (existing and additional) shall be maintained so as to not significantly change the existing drainage characteristics on parcels adjacent to the development.
21.	The centerline of any natural watercourses shall be shown and dimensioned at the lot lines on an additional map sheet.
22.	The Applicant shall obtain an National Pollutant Discharge Elimination System (NPDES) Permit prior to construction or grading activities. A Notice of Intent (NOI) shall be filed with the Regional Water Quality Control Board with a copy of the Notice provided to the County prior to commencement of any grading activity.
23.	The Applicant shall develop a Stormwater Pollution Prevention Plan (SWPPP) and incorporate the Plan into the construction Improvement Plans. The SWPPP shall be submitted to the County prior to commencement of any grading activity.
24.	All cut and fill slopes shall comply with the submitted Soils Report.
25.	Proposed graded pathways (Recreation Trails) must be identified with appropriate signage and appropriately constructed acceptable for pedestrian use (hiking/walking). A trail detail/cross-section shall be shown on the Improvement Plans.
26.	A HOA shall provide maintenance of the interior roadways (with snow removal), common open space, trails and drainage facilities. The HOA shall, proportionate to use, maintain Shaver Forest Road along the project frontage length including snow removal and shall contribute proportionately to snow removal costs for that length of Shaver Forest Road back to State Route 168 (Tollhouse Road). Upon extension of Shaver Forest Road to Dinkey Creek Road and acceptance into the County-maintained road system by the Board of Supervisors, the responsibility of the HOA may cease.
27.	The subdivider will be required to secure the maintenance of the new roads for two contiguous one-year maintenance periods after acceptance of construction (County inspection at one-year periods for subdivider directed maintenance performance).
28.	The design of the fire protection water system with location and number of fire hydrants, together with the size of the water mains, shall conform to County Standards and shall be approved by the Director of the Department of Public Works and Planning after consideration of the

Conditions of Approval

	recommendations of the fire district having jurisdiction of the area.
29.	Fire hydrants shall be installed with the bolted flange and break off ring approximately four inches above the top of the adjacent roadway dike. An asphalt concrete or Portland Cement concrete apron five feet wide shall be provided from the roadway dike to one-foot behind the fire hydrant and be at grade and slope to drain over the top of the roadway dike.
30.	Fire hydrants shall be located on the uphill side of the roadway wherever practicable for avoid fill slope stability and access issues. The fire hydrant valve shall be installed on the water main tee serving the fire hydrant for ease of location during snow conditions.
31.	A galvanized steel marker post acceptable to the fire district having jurisdiction for fire hydrant identification shall be installed with a concrete footer approximately one-foot behind the fire hydrant with a height of six feet above the apron slab with attached sign "Fire Hydrant" together with a blue reflector attached three inches below the pole top.
32.	Sewer service is to be provided by the community system of Fresno County Waterworks District (WWD) No. 41. The Applicant's Engineer shall provide the design and Improvement Plans for all elements of the system to the County for review and approval.
33.	All proposed sewer facility improvements shall be constructed in accordance with Fresno County Improvement Standards and the Shaver Lake Sewer and Water Master Plan requirements. If a sewer lift station is required, backup power supply shall be provided with automatic transfer of power in the event of disruption of electrical service.
34.	Currently there is no permanent sewer capacity available. Accordingly, the Applicant shall expand sewer treatment and disposal capacity for units within TT No. 5991 or by the next reasonable increment. If at some time excess capacity is determined, the Applicant shall pay applicable costs as determined by the County.
35.	Prior to Final Map approval, the Applicant shall provide an Engineering Study evaluating the collection system for capacity issues from additional flows anticipated by this and future developments within this collection area. The potential ultimate loading shall be addressed with consideration of the other planned developments and of the Shaver Lake Sewer and Water Master Plan. Estimated sewer flow shall be calculated at 220 gallons per day per single-family residence.
36.	The internal roads within the subdivision shall be named. The subdivider shall obtain approval of names from the Street Names Committee prior to Final Map approval. Street signs shall be paid for by the developer and installed by the County of Fresno.
37.	Emergency Access Roads shall be contained within emergency access easements and improved to a standard to provide traversability for emergency equipment, as determined by the Director of the Department of Public Works and Planning after consideration of the recommendations of the fire district having jurisdiction of the area.
38.	Crash gates shall be provided at both ends of the emergency access easement.
39.	A Soils Investigation Report prepared in accordance with the County's Improvement Standards (Section II-H) shall be required for the subdivision as a Condition of the Final Map.
40.	All utilities shall be placed underground in accordance with the provisions of the Subdivision Ordinance.

Conditions of Approval	
41.	All run-off generated from resultant development shall be retained on the subject site or other facility acceptable to the Director of the Department of Public Works and Planning. Areas designated for storm water retention shall be shown on the Final Map.
42.	Development of the subject Planned Residential Development shall be in substantial compliance with TT Map Application No. 5991 and the Operational Statement.
44.	<p>All existing property Development Standards of the R-1-C (Single-Family Residential, 9,000 square-foot minimum parcel size) Zone District listed in the Zoning Ordinance shall apply except for the following deviations:</p> <p><u>Minimum Lot Depth:</u> The minimum lot depth for any resultant parcel shall be 100 feet (minimum lot depth permitted: 110 feet).</p> <p><u>Minimum Cul-de-Sac Lot Depth:</u> The minimum cul-de-sac lot depth for any resultant parcel shall be 90 feet (minimum cul-de-sac lot depth permitted: 110 feet).</p> <p><u>Minimum Front Yard Setback:</u> The minimum front yard setback for any resultant parcel shall be 20 feet (minimum front yard setback permitted: 25 feet).</p> <p><u>Minimum Curve/Cul-de-Sac Lot Front Yard Setback:</u> The minimum curve/cul-de-sac lot front yard setback for any resultant parcel shall be 20 feet (minimum curve/cul-de-sac lot front yard setback permitted: 25 feet).</p> <p><u>Minimum Side Yard Setback:</u> The minimum side yard setback for any resultant parcel shall be five feet (minimum side yard setback permitted: seven feet).</p>

Notes	
1.	The Sierra Unified School District in which you are proposing construction has adopted a Resolution requiring the payment of a Construction Fee. The County, in accordance with State Law, which authorizes the Fee, may not issue a Building Permit without certification from the School District that the Fee has been paid. The County will provide an official Certification Form when application is made for a Building Permit.
2.	<p>The Applicant shall adhere to the following rules and regulations set by the San Joaquin Air Pollution District:</p> <ul style="list-style-type: none"> A. Regulation VIII – Fugitive PM10 Prohibitions B. Rule 4102 – Nuisance C. Rule 4601 – Architectural Coatings D. Rule 4641 – Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations E. Rule 4002 – National Emission Standards for Hazardous Air Pollutants
3.	The proposal shall comply with the 2007 California Code of Regulations Title 24 Fire Code. The Applicant shall submit three Site Plans, stamped "reviewed" or "approved" from the Fresno County Department of Public Works and Planning, to the Fresno County Fire Department for their review and approval. The Applicant shall submit evidence that their Plan was approved by the Fire Department, and all fire protection

Notes

	improvements shall be installed, prior to occupancy.
4.	The proposed development is located within Community Facility District (CFD) No. 1 and is listed as a Class 2 sewer participant in accordance with Fresno County Sewer Ordinance 85-020. As such, all development shall be consistent with the Shaver Lake Sewer and Water Master Plan.
5.	If construction associated with this proposal disturbs more than one-acre, compliance with the NPDES General Permit No. CAS000002 for Discharges of Storm Water Associated with Construction Activity shall be required. Before construction begins, the Applicant shall submit to the State Water Resources Control Board a Notice of Intent to comply with said Permit, a SWPPP, a Site Plan, and appropriate fees. The SWPPP shall contain all items listed in Section A of the General Permit, including descriptions of measures taken to prevent or eliminate unauthorized non-storm water discharges, and best management practices (BMP) implemented to prevent pollutants from discharging with storm water into waters of the United States.
6.	The approval of Classified Conditional Use Permit No. 3326 is tied to Tentative Tract Map No. 5991 and will expire upon expiration of the Tentative Tract Map. A provision is made that the Classified Conditional Use Permit may be extended in conjunction with an extension request of the Tentative Tract Map.
7.	The approval of this project will expire two years from the date of approval unless a Final Map is recorded. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Tentative Tract Map.



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
DIRECTOR

May 9, 2012

Rod Strahm
5100 N. Sixth Street, Suite 117
Fresno, CA 93710

Dear Mr. Strahm:

Subject: Resolution No. 12291 – Initial Study Application No. 6405, Tentative Tract Map Application No. 5991 and Classified Conditional Use Permit Application No. 3326

On April 12, 2012, the Fresno County Planning Commission approved your application with Conditions. A copy of the Planning Commission Resolution is enclosed.

Since no appeal was filed with the Clerk of the Board of Supervisors within 15 days, the Planning Commission's decision is final.

The approval of this project will expire two years from the date of approval unless a Final Map is recorded. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Tentative Tract Map.

The approval of Classified Conditional Use Permit No. 3326 is tied to Tentative Tract Map No. 5991 and will expire upon expiration of the Tentative Tract Map. A provision is made that the Classified Conditional Use Permit may be extended in conjunction with an extension request of the Tentative Tract Map.

If you have any questions regarding the information in this letter please contact me at dchambers@co.fresno.ca.us or (559) 600-4205.

Sincerely,

Derek Chambers, Planner
Development Services Division

DC:
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Enclosure

DEVELOPMENT SERVICES DIVISION

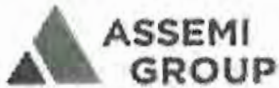
2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 600-4497 / 600-4022 / 600-4540 / FAX 600-4200
Equal Employment Opportunity • Affirmative Action • Disabled Employer

Jeff Roberts

Subject: Tentative Tract No. 5991

The applicant, Shaver Forest Development, is requesting a "Time Extension" for Tentative Tract No. 5991. The reasons for the request are as follows:

- The applicant is working with several engineers at some design modifications that might necessitate the realignment of the proposed streets. The potential changes would not increase the number of lots that were approved with the original map
- The applicant has been diligently working on the adjacent project (Tract 5990) to clean up fire damage and market the undamaged lots. This has taken the focus away from Tract 5991 for the past months
- The "market" in the Shaver Lake area has changed due to events in recent years (Covid, Creek Fire, Gas prices) and the improvement costs and marketing plan are being reanalyzed



Jeffrey T. Roberts | Entitlement Director

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