



# County of Fresno

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

## Planning Commission Staff Report Consent Agenda Item No. 1 April 11, 2019

**SUBJECT:** Tentative Tract Map No. 5415 - Time Extension

Grant a two-year discretionary time extension to exercise Tentative Tract Map No. 5415, which authorizes the creation of a 24-lot subdivision with community water system with a minimum lot size of two acres from five existing parcels totaling 55-acres in the RR (Rural Residential, two-acre minimum parcel size) Zone District.

**LOCATION:** The subject property is located approximately 600 feet south of E. Shaw Avenue between N. Nelson and N. Academy Avenues, approximately 3.5 miles east of the nearest city limits of the City of Clovis (SUP. DIST. 5) (APNs 308-150-05, 18, 20, 37S & 38S).

**OWNER/  
APPLICANT:** Apkhar Avedian

**STAFF CONTACT:** Ejaz Ahmad, Planner  
(559) 600-4207

Marianne Mollring, Senior Planner  
(559) 600-4569

### RECOMMENDATION:

- Approve a two-year discretionary time extension for Tentative Tract Map No. 5415; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**EXHIBITS:**

1. Location Map
2. Existing Land Use Map
3. Existing Zoning Map
4. Board of Supervisors Approval dated March 3, 2009 and Staff Report dated October 2, 2008 (including the approved Tentative Tract Map)
5. Applicant's letter requesting a time extension

**ENVIRONMENTAL DETERMINATION:**

A Mitigated Negative Declaration prepared for Initial Study Application No. 5497 was approved by the Fresno County Board of Supervisors on March 3, 2009 in accordance with the California Environmental Quality Act (CEQA) with the approval of Tentative Tract No. 5415. 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 60 property owners within 1,320 feet of the subject property, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**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 six separate Bills to give subdividers time extensions for Tentative Maps that met certain criteria. These Bills are: a) Senate Bill (SB) 1185 (approved 2008; Map Act Section 66452.21) which granted an automatic one-year time extension; b) Assembly Bill (AB) 333 (approved 2009; Map Act Section 66452.22) which granted an automatic two-year time extension; c) Assembly Bill (AB) 208 (approved 2011; Map

Act Section 66452.23) which granted an automatic two-year time extension; d) Assembly Bill (AB) 116 (approved 2013; Map Act Section 66452.24) which granted an automatic two-year time extension; e) Assembly Bill (AB) 1303 (approved 2015; Map Act Section 66452.25) which granted an automatic two-year time extension; and f) Assembly Bill (AB) 2973 (approved 2018; Map Act Section 66452.26) which 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.

### **BACKGROUND INFORMATION:**

On March 3, 2009, the Fresno County Board of Supervisors approved Tentative Tract Map No. 5415 authorizing the development of a 55-acre residential subdivision consisting of 24 single-family residential lots with a community water system.

The project was originally heard by the Planning Commission on October 2, 2008 and was denied based on the water supply evaluation. The project was proposed to be served by individual wells and septic systems. The County Board of Supervisors heard the project on November 4, 2008 on an appeal and directed the staff to investigate the possibility of allowing a community water system to serve the subject 24-lot rural residential subdivision. Based on the staff research indicating that the project can be accommodated with a community water system, the Board approved the project on March 3, 2009.

Prior to staff's determination that the Tentative Map would expire on March 3, 2019, a series of legislative time extension were passed, approving automatic time extensions as noted above in "Procedural Considerations" for the Tentative Map, resulting in a new expiration date of March 3, 2019. The subject request is to allow a two-year discretionary time extension, pursuant to Map Act Section 66462.26 through the consideration of the Planning Commission. Approval of this request will allow the Tract Map No. 5415 to expire on March 3, 2021. The Applicant filed the subject request on January 24, 2019.

### **ANALYSIS/DISCUSSION:**

Tentative Tract Map No. 5415 was approved on March 3, 2009 by the Fresno County Board of Supervisors. Attached is a copy of the original Staff Report and the Board of Supervisor's Approval dated March 3, 2009 (Exhibit 4).

According to a letter submitted by the Applicant (Exhibit 5), filing of the subject request to allow for additional time to complete the project was necessary due to sluggish economy in Fresno County and an uncertain market for the type of residential development proposed by Tentative Tract Map (TT) No. 5415. The subject Time Extension will allow the Applicant until March 3, 2021 to begin substantial development of the project.

The current time extension request was routed to all the agencies who reviewed the original project in 2007. 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. However, per the comments received from the Resources Division of the Fresno County Department of Public Works and Planning, and Fresno County Fire Protection District, Project Notes as mandatory requirements have been included requiring the Applicant to: 1) annex the property into County Service Area (CSA) 35 CL; 2) have a Homeowners' Association (HOA) or an equivalent entity maintain the interior roads within the tract; 3) annex the property into Community Facilities District No. 2010-1 of the Fire Protection District; and 4) have the project development comply with the California Code of Regulations, Title 14 Natural Resources 12720. Based on the comments received, the Applicant has been advised to consult with the Resources Division and the Fresno County Fire Protection District.

**PUBLIC COMMENT:**

None.

**CONCLUSION:**

Staff believes this two-year discretionary time extension for Tentative Tract Map No. 5415 should be approved, based on the factors cited in the analysis above. Approval of this time extension will extend the expiration date to March 3, 2021.

**PLANNING COMMISSION MOTIONS:**

**Recommended Motion** (Approval Action)

- Move to approve the two-year discretionary time extension for Tentative Tract Map No. 5415; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**Alternative Motion** (Denial Action)

- Move to deny the two-year discretionary time extension request for Tentative Tract Map No. 5415 (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 in order to comply with State or Federal law); and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

**NOTES:**

**The following Notes reference mandatory requirements of Fresno County or other agencies, and are provided as information to the project Applicant:**

1. The property shall be annexed into County Service Area (CSA) 35 CL, and a Homeowners' Association (HOA) or an equivalent entity shall maintain all interior roads within Tract No. 5415.

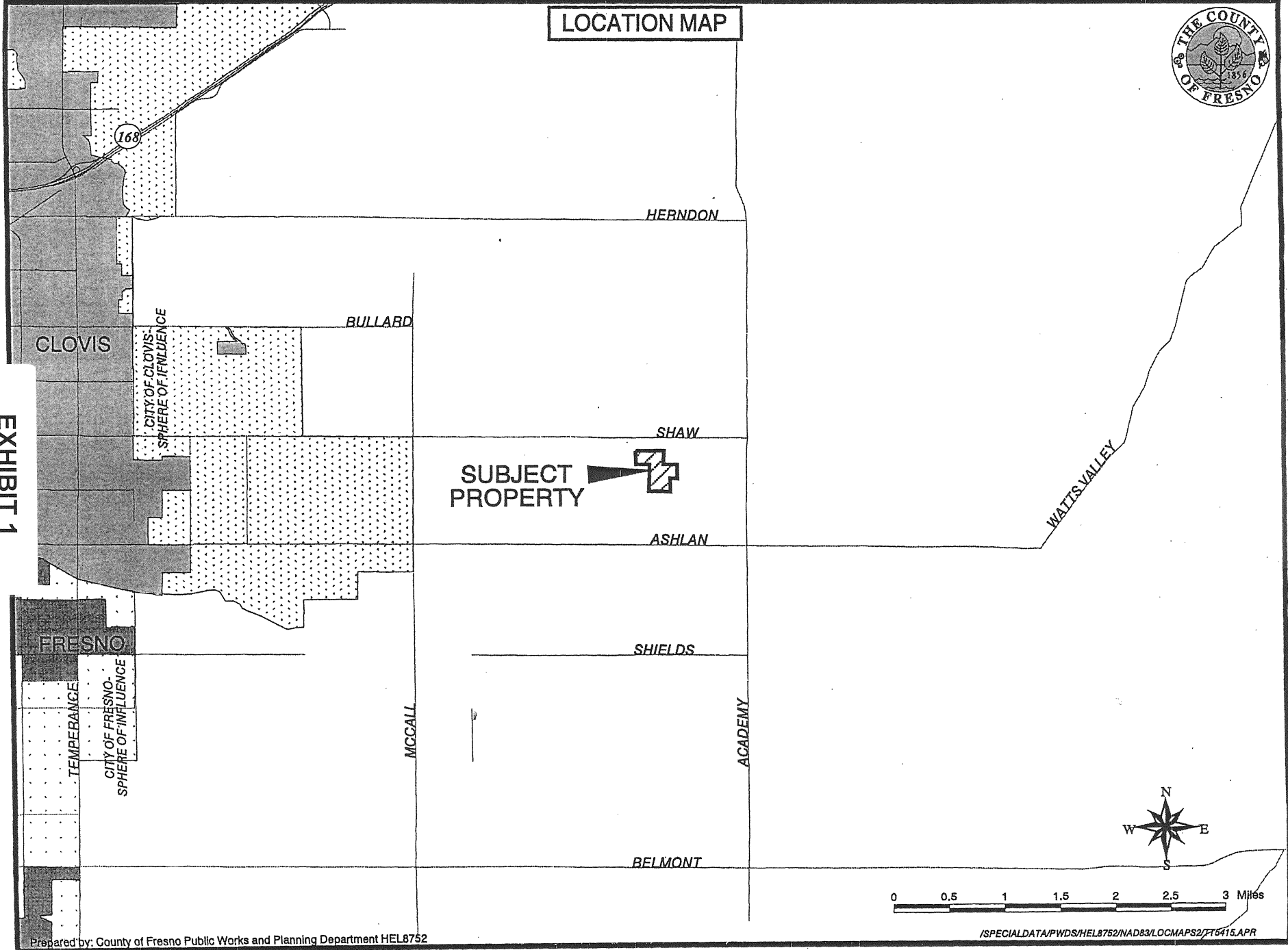
2. The property shall be annexed into Community Facilities District No. 2010-1 of the Fresno County Fire Protection District and the project shall be developed in compliance with California Code of Regulations, Title 14 Natural Resources 12720.

EA:

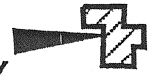
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EXHIBIT 1

LOCATION MAP



SUBJECT PROPERTY



FRESNO

CLOVIS

HERNDON

BULLARD

SHAW

ASHLAN

SHIELDS

BELMONT

MCCALL

ACADEMY

WATTS VALLEY

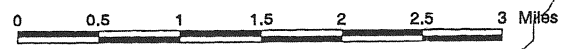
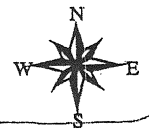
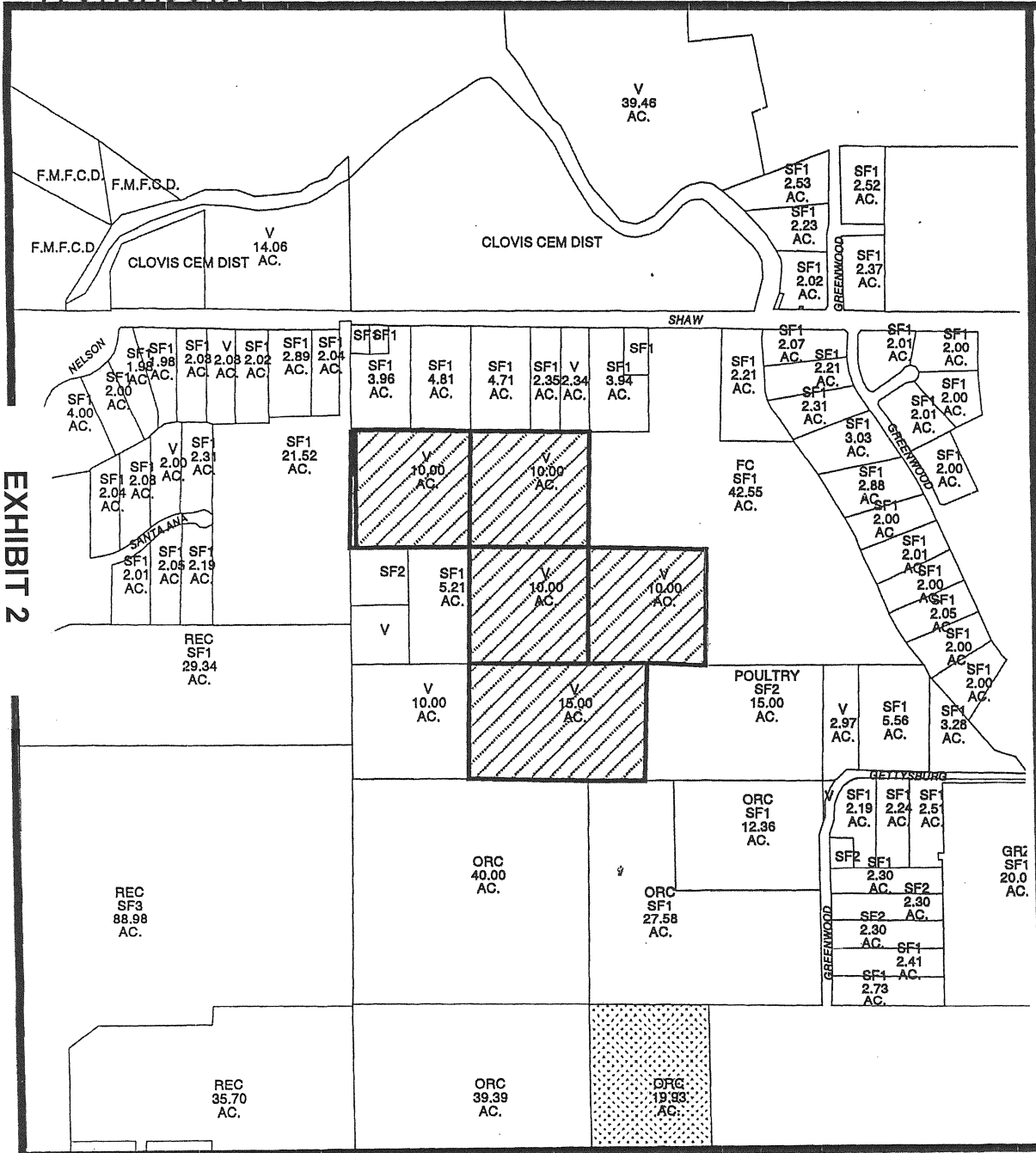
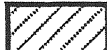



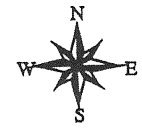
EXHIBIT 1

# EXISTING LAND USE MAP



Legend	
FC	- FIELD CROP
GRZ	- GRAZING
ORC	- ORCHARD
REC	- RECREATION
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

 Subject Property  
 Ag Contract Land



300 0 300 600 900 Feet

EXHIBIT 2

## EXHIBIT 2

# EXISTING ZONING MAP

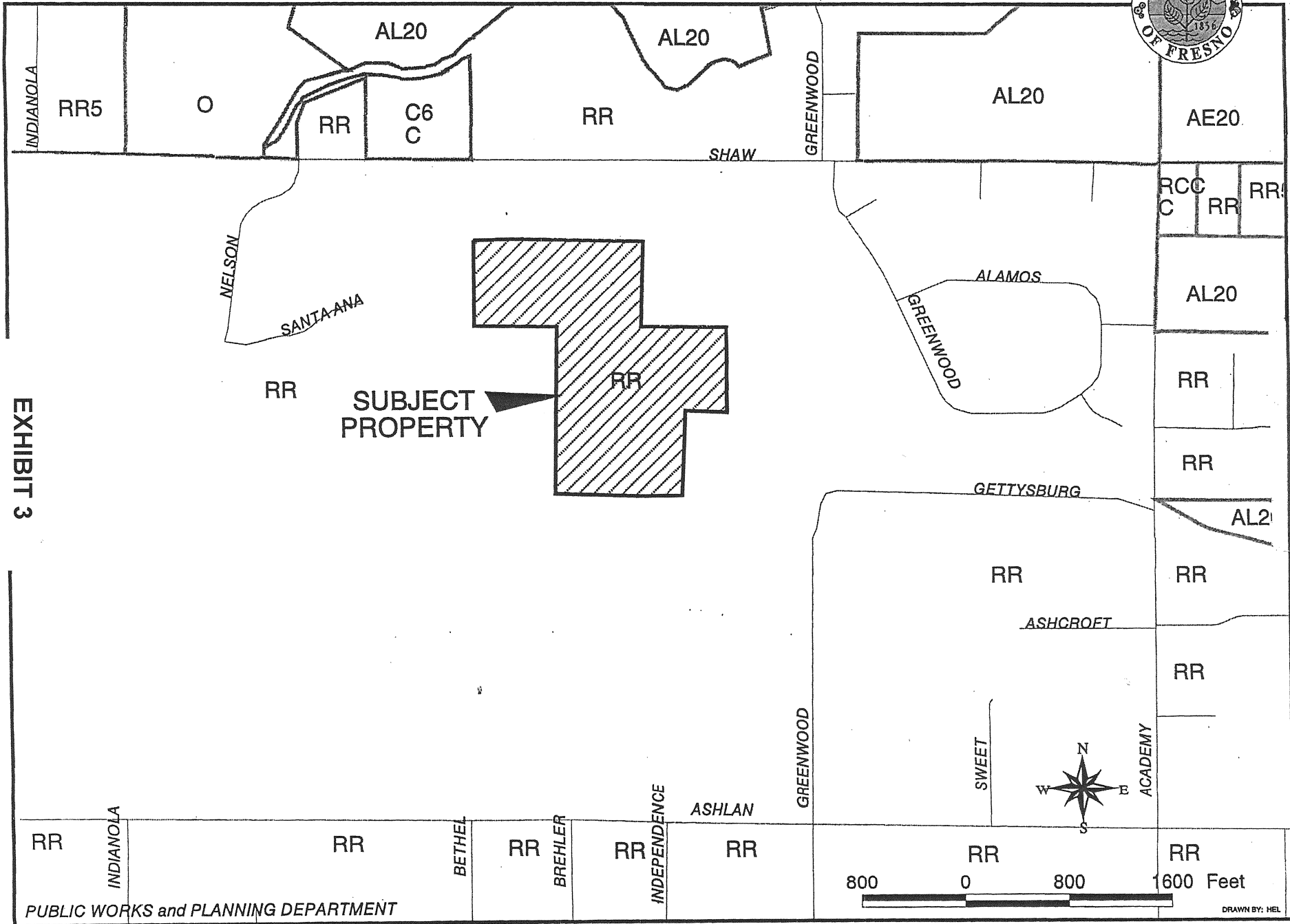


EXHIBIT 3

EXHIBIT 3



## Inter Office Memo



DATE: March 3, 2009

TO: Board of Supervisors

FROM: Alan Weaver, Director *Alan Weaver*  
Department of Public Works and Planning

SUBJECT: Initial Study Application No. 5497 and Tentative Tract Application No. 5415  
(Amal Avedian)

RECOMMENDED ACTION

**Consider and take action on appeal filed by Amal Avedian of the Planning Commission's denial of Tentative Tract Map Application No. 5415 to allow creation of a 24-lot subdivision with a minimum lot size of two acres from five existing parcels totaling 55 acres in the RR (Rural Residential, two-acre minimum parcel size) District and consider provision of water services to said Tract by a community water system. The project is located approximately 600 feet south of E. Shaw Avenue between N. Nelson and N. Academy Avenues, approximately 3.5 miles east of the nearest city limits of the City of Clovis (SUP. DIST: 5) (APN: 308-150-05, 18, 20, 37S & 38S).**

BACKGROUND / DISCUSSION

This item returns to your Board pursuant to your Board's vote to continue the item on November 4, 2008 to a future date to evaluate the proposal with a community water system.

On October 2, 2008, the Planning Commission considered the subject project filed by the Applicant. After considering the information in the Staff Report, staff's presentation, and public testimony from the Applicant's Representative, the Commission voted six to two to adopt Resolution No. 12124 denying Tentative Tract Application No. 5415. The Planning Commission stated that one or more of the findings, as outlined in the Subdivision Review Committee Report, cannot be made due to the project not addressing broader water supply needs for the region and the County, and thus deferring the comprehensive assessment of possible water impacts, as related to rural residential development, to subsequent approvals.

An appeal was filed on October 7, 2008 to your Board for consideration.

At your regularly scheduled November 4, 2008 hearing, your Board considered the appeal of the Planning Commission's denial of the subject project. As originally proposed, this project was to be served by individual wells and septic systems.

At that hearing, upon considering public testimony from the Applicant's Representative and Consulting Engineer related to the project's impact on area-wide water via the use of individual water wells, your Board directed staff to investigate the possibility of allowing a

community water system to serve the subject 24-lot rural residential subdivision and provide a report to your Board within 90 days.

As permitting for community water systems in Fresno County requires review, approval and permit by the State of California Department of Public Health (CDPH), coordination with that agency for review of existing water testing information (both quantity and quality) was necessary prior to returning to your Board. It was also necessary to engage with staff of our Resources Division, who would be maintaining and operating the community water system, for review and additional conditioning to insure the system could be adequately maintained and meet County General Policies for water conservation and metered rates.

A synopsis of this review and subsequent conditions by staff is as follows:

Pursuant to Policy PF-C.17 of the County General Plan, a Hydro-Geologic Evaluation Report prepared for the project by BSK Engineering, dated January 30, 2006 and January 25, 2008, related to water supply evaluation were submitted to and reviewed by the County Water-Geology Unit, County Resources Division - Special Districts Section, and CDPH Drinking Water Program staff. This re-evaluation was conducted at the level of a community system.

After their review, it was concluded that the proposed water usage and data contained in the reports demonstrated that the project met the necessary water supply requirements of the State of California and the Fresno County General Plan regarding adequacy, sustainability, quality and impacts to nearby wells. As noted by the County's Resources Division, the community water system will include a minimum of two primary wells and one back-up well.

According to the Applicant, and accepted by County Water-Geology Unit and CDPH, all three wells will provide for 50-foot seals and will be re-tested for water quality prior to the recordation of a Final Map. Also, a Water Supply Permit shall be obtained prior to occupancy.

As a community water system located within the vicinity of an existing County Service Area (CSA No. 10 Cumorah Knolls), the County Resources Division - Special Districts Section indicated possible options for establishing a CSA to serve the proposed Tract. These options include creation of a new CSA, or expanding CSA No. 10, which provides water services to an existing 47-lot rural residential tract at Shaw and Greenwood Avenues, by creating a Zone of Benefit within CSA No. 10. In either event, it will be necessary for the Applicant to engage with staff of the County Department of Public Works and Planning, Local Area Formation Commission (LAFCO), and CDPH prior to approval of a Final Map to determine the most acceptable option.

Based on the above-described review, a series of additional Conditions and Mitigation Measures were generated to be applied to the Tentative Tract Map as necessary for a community water system. Specific Mitigation Measures have also been included in the revised environmental document prepared for this project. Recirculation of this document occurred on January 30, 2009. Mitigation Measures and Conditions of Approval for this Tract, as modified for consideration of a community water system, are attached (see Attachment 1).

Board of Supervisors  
March 3, 2009  
Page 3

Staff believes that the project can accommodate a community water system to serve the subject 24-lot rural residential subdivision based upon the additional review conducted by the State of California and the County, and the added recommended Mitigation Measures and Conditions of Approval noted in Attachment 1. Staff therefore recommends approval of Tentative Tract Map No. 5415 subject to the recommended amended Mitigation Measures and additional Conditions of Approval as attached.

If your Board determines that the project can be served by a community water system operated and maintained by the County of Fresno, a motion to approve Tentative Tract Map Application No. 5415 subject to the recommended Mitigation Measures and Conditions of Approval stated above would be appropriate.

If your Board determines that the project cannot be approved and upholds the Planning Commission's denial of the project, a simple denial motion would be appropriate.

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Agenda Item

DATE: March 3, 2009

TO: Board of Supervisors

FROM: Alan Weaver, Director *Alan Weaver*  
Department of Public Works and Planning

SUBJECT: Initial Study Application No. 5497 and Tentative Tract Application No. 5415  
(Amal Avedian)

RECOMMENDED ACTION:

Consider and take action on appeal filed by Amal Avedian of the Planning Commission's denial of Tentative Tract Map Application No. 5415 to allow creation of a 24-lot subdivision with a minimum lot size of two acres from five existing parcels totaling 55 acres in the RR (Rural Residential, two-acre minimum parcel size) District and consider provision of water services to said Tract by a community water system. The project is located approximately 600 feet south of E. Shaw Avenue between N. Nelson and N. Academy Avenues, approximately 3.5 miles east of the nearest city limits of the City of Clovis (SUP. DIST: 5) (APN: 308-150-05, 18, 20, 37s & 38s). Continued from November 4, 2008.

This item was continued from the February 24, 2009 Board hearing at the request of the applicant and returns to your Board pursuant to your Board's vote to continue the item on November 4, 2008 to a future date to evaluate the proposal with a community water system in lieu of individual wells as originally proposed.

Staff's re-evaluation of the project determined that the 24-lot rural residential subdivision can be accommodated by a community water system. This determination was made based upon the additional review conducted in conjunction with State of California Department of Public Health (CDPH) and the County, and the added recommended Mitigation Measures and Conditions of Approval noted in Attachment 1. Note that revised and additional mitigation measures and conditions are in bold type. Staff therefore recommends approval of Tentative Tract Map No. 5415 subject to the recommended amended Mitigation Measures and additional Conditions of Approval as attached.

If your Board chooses to approve the project with the inclusion of a community water system operated and maintained by the County of Fresno, a motion to approve Tentative Tract Map Application No. 5415 subject to the recommended Mitigation Measures and Conditions of Approval stated above would be appropriate.

ADMINISTRATIVE OFFICE REVIEW *Bruno Orta* Page 1 of 89  
BOARD DATE March 3, 2009 APPROVED AS RECOMMENDED  OTHER



CONDUCTED PUBLIC HEARING; RECEIVED PUBLIC TESTIMONY; CLOSED HEARING;  
APPROVED APPEAL APPROVING INITIAL STUDY APPLICATION NO. 5497 AND  
TENTATIVE TRACT MAP APPLICATION NO. 5415, SUBJECT TO CONDITIONS

UNANIMOUS \_\_\_\_\_ ANDERSON Aye CASE No LARSON Aye PEREA Aye POCHIGIAN Aye

ALTERNATIVE ACTION(s):

If your Board determines that the project cannot be approved with the inclusion of a community water system and upholds the Planning Commission's denial of the project, a simple denial motion would be appropriate.

FISCAL IMPACT:

Approval or denial of the recommended action should have no fiscal impact to the County. Operation and maintenance of a community water system through a County Service Area (CSA) must occur as a self-funded activity paid for by property owners via the CSA for the services received.

IMPACTS ON JOB CREATION:

Approval or denial of the recommended action should have minimal impact on job creation in Fresno County. Housing construction, design and construction activity related to a community water system, and other improvement activities associated with approval of this application may provide for some short-term job opportunities.

DISCUSSION:

This item returns to your Board pursuant to your Board's vote to continue the item on November 4, 2008 to a future date to evaluate the proposal with a community water system.

On October 2, 2008, the Planning Commission considered the subject project filed by the Applicant. After considering the information in the Staff Report, staff's presentation, and public testimony from the Applicant's Representative, the Commission voted six to two to adopt Resolution No. 12124 denying Tentative Tract Application No. 5415. The Planning Commission stated that one or more of the findings, as outlined in the Subdivision Review Committee Report, cannot be made due to the project not addressing broader water supply needs for the region and the County, and thus deferring the comprehensive assessment of possible water impacts, as related to rural residential development, to subsequent approvals.

An appeal was filed on October 7, 2008 to your Board for consideration.

At your regularly scheduled November 4, 2008 hearing, your Board considered the appeal of the Planning Commission's denial of the subject project. As originally proposed, this project was to be served by individual wells and septic systems.

At that hearing, upon considering public testimony from the Applicant's Representative and Consulting Engineer related to the project's impact on area-wide water via the use of individual water wells, your Board directed staff re-evaluate the project with the inclusion of a community water system to serve the subject 24-lot rural residential subdivision and provide a report to your Board within 90 days.

As permitting for community water systems in Fresno County requires review, approval and permit by the State of California Department of Public Health (CDPH), coordination with that agency for review of existing water testing information (both quantity and quality) was necessary prior to returning to your Board. It was also necessary to engage with staff of our Resources Division, who would be maintaining and operating the community water system, for review and additional conditioning to insure the system could be adequately maintained and meet County General Policies for water conservation and metered rates.

A synopsis of this review and subsequent conditions by staff is as follows:

Pursuant to Policy PF-C.17 of the County General Plan, a Hydro-Geologic Evaluation Report prepared for the project by BSK Engineering, dated January 30, 2006 and January 25, 2008, related to water supply evaluation were submitted to and reviewed by the County Water-Geology Unit, County Resources Division - Special Districts Section, and CDPH Drinking Water Program staff. This re-evaluation was conducted at the level of a community system.

After their review, it was concluded that the proposed water usage and data contained in the reports demonstrated that the project met the necessary water supply requirements of the State of California and the Fresno County General Plan regarding adequacy, sustainability, quality and impacts to nearby wells. As noted by the County's Resources Division, the community water system will include a minimum of two primary wells and one back-up well.

According to the Applicant, and accepted by County Water-Geology Unit and CDPH, all three wells will provide for 50-foot seals and will be re-tested for water quality prior to the recordation of a Final Map. Also, a Water Supply Permit shall be obtained prior to occupancy.

As a community water system located within the vicinity of an existing County Service Area (CSA No. 10 Cumorah Knolls), the County Resources Division - Special Districts Section indicated possible options for establishing a CSA to serve the proposed Tract. These options include creation of a new CSA, or expanding CSA No. 10, which provides water services to an existing 47-lot rural residential tract at Shaw and Greenwood Avenues, by creating a Zone of Benefit within CSA No. 10. In either event, it will be necessary for the Applicant to engage with the Department, Local Agency Formation Commission (LAFCO), and CDPH prior to approval of a Final Map to determine the most acceptable option.

Based on the above-described review, a series of additional Conditions and Mitigation Measures were generated to be applied to the Tentative Tract Map as necessary for a community water system. Specific Mitigation Measures have also been included in the revised environmental document prepared for this project. Recirculation of Initial Study Application No. 5497 (Mitigated Negative Declaration) occurred on January 30, 2009. Mitigation Measures and Conditions of Approval for this Tract, as modified for consideration of a community water system, are attached (see Attachment 1).

Staff believes that the project can accommodate a community water system to serve the subject 24-lot rural residential subdivision based upon the additional review conducted by the State of California and the County, and the added recommended Mitigation Measures and Conditions of Approval (bold type) noted in Attachment 1. Staff therefore recommends approval of Tentative Tract Map No. 5415 subject to the recommended amended Mitigation Measures and additional Conditions of Approval as attached.

#### OTHER REVIEWING AGENCIES:

As stated above, CDPH reviewed the Hydro-Geologic Evaluation Report prepared for this proposal and determined that the evaluation has proved adequate for a community water system.

## ATTACHMENT 1

### Conditions of Approval

Initial Study Application No. 5497  
Tentative Tract Map Application No. 5415

#### A. BETHEL AVENUE:

1. Is not a County maintained road; however it is a public road. Bethel Avenue has recently been constructed as part of PM 7918 as a 24-foot wide paved roadway within a 60-foot wide easement. Bethel Avenue along the frontage of this tentative map shall be widened to provide a stabilized shoulder on each side to comply the Air Board requirement for PM-10 within the 60-foot easement.
2. Thirty feet by thirty feet corner cutoffs shall be provided at the intersection of Bethel Avenue and proposed interior road connection.
3. Direct access rights from proposed Lot 1 and Lot 24 to Bethel Avenue shall be relinquished. A non-access barrier acceptable to the Director of the Department of Public Works and Planning shall be provided.

#### B. INTERIOR STREETS:

1. Shall be constructed to a 25 M.P.H. public road standard in accordance with County Improvement Standard A-1, Case A-1-b (24 feet of base and pavement) within 60 feet of right-of-way.
2. The alignment of the interior road connection to Bethel Avenue shall be placed no less than 120 feet north of the center line of Santa Ana Avenue west of Bethel Avenue.
3. Twenty by twenty feet corner cutoff shall be provided at all the right angle intersections.
4. The interior roads shall be named. The subdivider shall submit names to the Street Name Committee for review and approval prior to final map approval.
5. Stub roads shall be provided at the end of the easterly roads proposed at Lot 9/10 & Lot 14/15 because the length of the roads exceeds 500 feet.
6. Shall be provided with Standard B-2 Rural Residential cul-de-sacs at the end of the roads with a 1 foot restricted access strip at the east property line.
7. Those portions of the cul-de-sac- bulbs lying outside of the standard right-of-way shall be contained in easements to be extinguished upon extension of the roads.

C. DRAINAGE AND EROSION CONTROL:

1. Provisions shall be made to maintain natural drainage throughout the development in a manner that will not significantly change the existing drainage characteristics of those parcels adjacent to the development.
2. Provisions shall be made to retain all runoff generated from the developed portion of this tract within one or more drainage ponds or other facility acceptable to the Director of Public Works. The required storage capacity of the pond shall be based on the formula,  $S=0.5 CA$  (C is the coefficient of runoff and A is the drainage area). Recorded covenant shall be required with the final map for the maintenance of the ponding basin.
3. A grading and drainage plan shall be prepared and submitted to the County Development Engineering Section for review and approval. Individual lot grading plans may be required where lying within known flood zones as determined in the most recent FIRM available from FEMA.
4. A portion of the property is in Zone A, an area determined to be within the 100-year floodplain per FEMA Firm Panel 1615 F. A flood study to establish the Base Flood Elevation and the limits of inundation for a 100-year storm shall be conducted on the property. The limits of inundation shall be shown on the additional map sheet. [The limit of flood study shown on FEMA map ends within the subdivision boundary.
5. Hydrologic and hydraulic analysis shall be provided to determine the sizes and locations of culvert crossings and/or relocated drainage channels. The analysis shall also address the provision in Section 17.48.230 of the Fresno County Ordinance pertaining to development of land subject to flooding.
6. The applicant shall obtain an NPDES permit prior to construction or grading activities. A Notice of Intent (NOI) shall be filed with the Regional Water Quality Control Board. A copy of this Notice shall be provided to the County prior to commencing of construction activities.
7. The applicant shall develop a Storm Water Pollution Prevention Plan (SWPPP) and incorporate the plan into the construction improvement plans.
8. This area is within the Fresno Metropolitan Flood Control District. (FMFCD). All district requirements shall be met and made a part of the improvement plans including all engineering related studies and channel improvements.
9. A building pad for Lot 12 shall be constructed above the flood limits prior to recordation of the final map.



D. MAINTENANCE:

1. A Zone of Benefit in a County Service Area or other method acceptable to the Director of Public Works shall be provided for the maintenance of all interior roads.
2. A maintenance entity acceptable to the Director of Public Works shall be established if a community fire protection system is proposed.
3. The subdivider will be required to secure the maintenance of the new roads for a period of one year after the acceptance thereof.

E. UTILITIES:

1. All new utilities shall be placed underground in accordance with the provisions of the Subdivision Ordinance.
2. The existing easement through Lot 6 shall be extinguished or the easement rerouted to be coterminous with the proposed lot line. Failure to extinguish or reroute the easement shall require the redesign of the lots so that the lot boundary is coterminous with the easement.

F. FIRE PROTECTION:

1. 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 recommendations of the fire district having jurisdiction of the area.
2. The project shall comply with all the applicable California Code of Regulations Title 24 – Fire Code 2007, which were agreed upon between the applicant and Fire District and signed by the applicant on August 13, 2008.
3. Mandatory fire requirements from the Fresno County Fire Protection District (Cal Fire) as listed for this project in Item 10 of “Notes” shall be considered at the time of the recordation of the final map.
4. Maintenance of all required community fire protection facilities shall be the responsibility of the Homeowners Association (HOA) or other property owner entity acceptable to the Fresno County Fire Protection District (District) and/or the County of Fresno that will function as an HOA with respect to the community fire protection facilities. All fire protection facilities shall be inspected by a qualified inspector possessing a C-16 Fire Protection Contractor classification on an annual basis (or more frequently as stipulated by the District or County of Fresno), and the results of said inspection shall be

submitted to the District for approval. The Developer or HOA shall be responsible for all costs associated with the District's review of any plans, maintenance/inspection records, or any other work performed by the District associated with maintenance of these systems. Prior to any annual inspection provided by a C-16 Fire Protection Contractor a Facility Fire Protection Permit shall be applied for by the C-16 Fire Protection Contractor. The permit shall be issued by Fresno County Fire Protection District prior to any inspection being conducted.

Any work performed on the Fire Protection Facility as a result of the annual inspection will require a field inspection and clearance by the District. Any corrective work shall be completed as required by the California Fire Code by a qualified contractor possessing a C-16 Fire Protection Contractor classification. All work performed on the Fire Protection Facility will be inspected and approved by the District.

Prior to recordation of the final map, an estimate shall be prepared by developer and approved by the District and/or the County of Fresno demonstrating adequate funding to complete the annual inspection/maintenance. The developer must also provide executed agreements that identify a source(s) and provide for perpetual funding for the annual inspections and system operational costs. Said agreements shall explicitly identify the developer as responsible for funding of the annual inspections and system operational costs until such time as the HOA can viably fund these functions. The developer/applicant shall post a one year electrical and mechanical bond from acceptance of the work that would cover defects in the materials or workmanship for the construction of the facilities. The aforementioned requirements shall be included in the CC&R's recorded for the subdivision which shall be recorded in conjunction with the recordation of the Final Map.

#### **G. WATER AND SEWER:**

- 1. Prior to Final Map recordation, a Master Plan shall be submitted to Resources Division which includes plans and specifications for the community water system. The improvement plans shall include site plans, well construction data, telemetry information, current water quality data (Title 22), CEQA, and the well hydrology report.**
- 2. Prior to recordation of Final Map, the developer shall adhere to any water conservation guidelines/ordinances adopted by the County of Fresno.**
- 3. Prior to recordation of the final map, all proposed wells shall be constructed, permitted, tested, and accepted by the County.**
- 4. Water facilities to serve the proposed community water system shall be designed and installed in accordance with County Improvement**

**Standards. 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 Resources Division, Special Districts for review and comment prior to recordation of a Final Map. A fee shall be required to review water facility plans.**

- 5. The intended use of the subdivided parcels will determine the GPM per EDU required.**
- 6. A permanent chlorination system must be designed into the system.**
- 7. Funding for a telemetry monitoring system shall be provided for future installation.**
- 8. The location and construction of the proposed wells must be in compliance with the California Well Standards Bulletin 74-81 and 74-90.**
- 9. The developer shall construct the well site in such a manner as to minimize noise from equipment and aesthetically minimize the impact to residents within the near vicinity of the well site.**
- \*10. Prior to recordation of final map, the applicant shall submit water quality data from all three wells after a 50 foot seal has been installed to the California Department of Public Health (CDPH), Drinking Water Program. Contact the Fresno District Engineer at (559) 447-3300 for information.**
- \*11. Prior to occupancy, the property owner shall obtain approval for the issuance of a Public Water Supply Permit by submitting an application for the permit and supporting documentation, in the form of a technical report, to the California Department of Public Health (CDPH), Drinking Water Program. The documentation shall include a demonstration of Technical, Managerial, and Financial (TMF) Capacity as well as documentation of the services of a State-Certified Water Distribution Operator. Contact the Fresno District Engineer at (559) 447-3300 for information.**
- \*12. Prior to the recordation of the Final Map, the Governing Board of the CSA serving the project shall adopt a tiered rate schedule for domestic and irrigation use service for the annexed area. The rate for irrigation services shall be tiered to discourage the over use of irrigation water. The tiered rate structure shall include the procedures indicating when water meters shall be read, payment of fees, and notification of over use.**
- \*13. Prior to the recordation of the Final Map, a groundwater monitoring program acceptable to the County Geologist and to be performed by the CSA shall be adopted by the CSA Governing Board. The cost of the**

ongoing monitoring program shall be included within the rate schedule approved by the CSA.

- \*14. A minimum of two wells are required. It is recommended that the system include a backup water well that could be used if the primary well becomes contaminated or runs dry. Each well must be capable of serving all of the proposed parcels as a standalone well and must meet the maximum day demand while minimizing the likelihood of contamination.**
- \*15. All onsite wells shall be equipped with a pressure transducer and a data logger shall be provided by the developer.**
- \*16. All rights to groundwater beneath the proposed tract shall be dedicated to the County of Fresno. Private property owners shall be prohibited from digging wells within tract boundaries. This requirement shall be recorded as a covenant running with the land and shall be noted on the Final Map.**
- \*17. Each lot shall be required to have two (2) meters. This requirement shall be recorded as a covenant running with the land and shall be noted on the Final Map. One meter shall serve the residence and the second meter shall serve landscape irrigation needs. Water meters shall be equipped with remote sensors so that homeowners may monitor their water usage. Water meters shall be installed only after permits are issued for a proposed residence. A water meter installation fee shall be due prior to installation of water meters. Resources Division shall install or contract to install meters for each lot.**
- \*18. The developer/representative shall contact the Department of Public Works and Planning's Design Division, Formations Section and LAFCO, to initiate the process of formation and annexation of a Zone of Benefit for the proposed lots into a CSA. The developer/representative shall be required to prepare an Engineer's Report justifying service rates.**
- \*19. The developer /representative shall be required to negotiate a financing agreement for the funding of water service operations until such time as that the CSA becomes self-sufficient. The Service/Financing Plan must explain; the type of service to be provided, the depth and scope of each service, the frequency of each service, any special vendors and/or contractors that may be needed for each service, the projected annual operating costs for each service, and the method of financing for each service.**
- \*20. All wells must have a minimum of a 50 foot seal and shall not be drilled using the Tubex drilling method because of additional monitoring requirements imposed by the California Department of Public Health. Also, water quality must be reviewed by the State Health Department to**

**determine if treatment is required and if the water source is acceptable. In addition, the proposed water system must provide a minimum of 1,000 gpm for two-hours for fire protection.**

- \*21. If the County of Fresno is designated to administer and maintain the proposed water system's budget and facilities respectively, than all water facilities and associated property shall be deeded to the CSA.**
- \*22. Engineered individual sewage disposal system will be required for each lot in this tract as per the conclusions and recommendations made by Norbert W. Larsen & Associates, Inc, on April 4, 2006 which were based upon a previous study submitted by the firm on December 10, 1990 or as otherwise approved by the Fresno County Department of Public Health, Environmental Health Division and shall be recorded as a covenant with the property upon recording of the Final Map and be noted on an additional map sheet.**
- \*23. All existing wells that are either unpermitted and/or abandoned within the subdivision shall be destroyed in an approved manner as authorized by a permit for water well destruction issued by the Fresno County Department of Public Health, Environmental Health Division (Health Department) prior to recordation of the final map.**

**G. OTHER CONDITIONS:**

- \*1. All outdoor lighting shall be hooded and directed so as not to shine toward public roads or the surrounding properties and be noted on an additional map sheet.**
- \*2. 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's protection services to achieve a ratio of 2.0 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.**
- \*3. To mitigate potential impacts to the County maintained roads, a pro-rata share for future off-site improvements is required as defined in item a and b below. This fee shall either be paid prior to recordation of the map or a covenant shall be recorded on each lot providing notice that issuance of a building permit is subject to payment of a Public Facilities fee. If the applicant 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.**
  - a. Road widening to four (4) lanes of the 0.7 mile road segment of Shaw Avenue between McCall Avenue and Quail Lake Drive. The project's maximum share for the 2025 scenario is 2.98% or \$ 22,848.00**

- b. **Signalization at the intersection of Shaw Avenue and McCall Avenue.**  
The project's maximum share for the 2025 scenario is 1.31 % or \$5,482.00.

The County shall update cost estimates for the above specified improvements prior to execution of the agreement. The Board of Supervisors pursuant to Ordinance Code Section 17.88 shall adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.

- 4. A zone of benefit within CSA 35 for the purposes of road maintenance shall be established.**
- 5. A Homeowner's Association or other entity shall be required for maintenance of storm water basins serving this tract.**

\*MITIGATION MEASURE – Measures specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. A change in the condition may affect the validity of the current environmental document, and a new or amended environmental document may be required.



DEPARTMENT OF PUBLIC WORKS AND PLANNING  
**ALAN WEAVER**  
DIRECTOR

**EVALUATION OF ENVIRONMENTAL IMPACTS  
(Revised Initial Study)**

- APPLICANT:** Amal Avedian
- APPLICATION NOS:** Initial Study Application No. 5497 and Tentative Tract Map Application No. 5415
- DESCRIPTION:** Allow creation of a 24-lot subdivision to be served by a community water system with a minimum lot size of two acres from five existing parcels totaling 55 acres in the RR (Rural Residential, two-acre minimum parcel size) District.
- LOCATION:** The subject property is located approximately 600 feet south of E. Shaw Avenue between N. Nelson and N. Academy Avenues, approximately 3.5 miles east of the nearest city limits of the City of Clovis (SUP. DIST: 5) (APN: 308-150-05, 18, 20, 37S & 38S).

**I. AESTHETICS**

- A. Would the project have a substantial adverse effect on a scenic vista;**
- B. Would the project substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway;**
- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings; or**

**FINDING:** NO IMPACT:

*The project site is located within designated rural residential area of the County approximately 600 feet south of E. Shaw Avenue between N. Nelson and N. Academy Avenues, approximately 3.5 miles east of the City of Clovis. There are no scenic vistas, historic buildings or scenic resources within the area that would be adversely impacted by the project. The topography of the site and surrounding area is flat and most of the surrounding parcels are developed with residential and agricultural uses. The proposed project is similar to the existing development in the area,*

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thus, the project will not impact the visual character or quality of the site and its surroundings.

- D. **Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

*The project would generate new sources of light and glare in the form of residential lighting (exterior and interior) and vehicular headlights. However, the increase in light and glare is not considered significant because the type of light generated is expected to be similar to that of existing home sites in the area on rural residential properties. To mitigate light and glare impacts on the adjacent properties, the following mitigation measure will be incorporated into the project:*

**\*Mitigation Measure**

1. *All outdoor lighting shall be hooded and directed so as not to shine toward public roads or the surrounding properties and be noted on an additional map sheet.*

**II. AGRICULTURAL RESOURCES**

- A. **Would the project convert prime or unique farmlands or farmland of statewide importance to non-agricultural use;**
- B. **Would the project conflict with existing agricultural zoning or Williamson Act contracts; or**
- C. **Would the project involve other environmental changes which, due to their location or nature, could result in conversion of farmland to non-agricultural use?**

FINDING: NO IMPACT:

*The project will not convert prime or unique farmlands to non-agricultural uses. The project site is classified as Farmland of Local Importance on the Fresno County Important Farmland Map 2002, suited for pasture, dry land farming, confined livestock and grazing. It is vacant and is not subject to Williamson Act Contract. Majority of the adjoining lands to the north and east are designated as Farmland of Local Importance. Parcels to the south are designated as Farmland of State Wide Importance and to the west are designated as Urban and Built-up Land.*



**III. AIR QUALITY**

- A. Would the project conflict with or obstruct implementation of the applicable air quality plan?**
- B. Would the project isolate any air quality standard or contribute to an existing or projected air quality violation;**
- C. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a federal or state ambient air quality standard; or**
- D. Would the project expose sensitive receptors to substantial pollutant concentrations?**

**FINDING: LESS THAN SIGNIFICANT IMPACT:**

*The San Joaquin Valley Air Pollution Control District (Air District) reviewed the project and indicated that the project is expected to have no significant adverse impact on air quality. Also, at full build-out, the project would be less than 50 residential units and would not be subject to District Rule 9510 (Indirect Source Review). However, the Air District indicates that the project may be subject to several District rules that can be incorporated into the design of the project to reduce the project's overall level of emissions to reduce emissions throughout the San Joaquin Valley. These rules include: District Regulation VIII – Fugitive Dust Rules, to address impacts related to PM-10, Rule 4102 (Nuisance), to address any source operation that emits air contaminants or other materials, Rule 4601 (Architectural coatings), Rule 4641 (Cutback, Slow, Cure, and emulsified Asphalt, Paving and Maintenance Operations), and Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters). Also, Rule 4002 (National Emission Standards for Hazardous Air Pollutants) would apply in case an existing structure on the property is renovated. These requirements will be included as project notes.*

*Adherence to the regulations noted above would reduce air-related impacts to a less than significance level.*

- E. Would the project create objectionable odors affecting a substantial number of people?**

**FINDING: NO IMPACT:**

*As proposed, the single family residential development will not create objectionable odors.*

#### IV. BIOLOGICAL RESOURCES

- A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species?
- B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFG or USFWS?

FINDING: NO IMPACT:

*The subject 55-acre property is located in a rural residential area of the County located east of City of Clovis and west of the Friant Kern canal. According to Fresno County Assessor's record, up until 1967 the property was a fig orchard. At present, it is vacant with a little or no vegetation and is dominated by native or non-native up-land grasses.*

*A biological report titled "Bethel Avenue Parcels Biological Assessment Report" was prepared by ESR, Inc., dated December 13, 2005, and reviewed by the California Department of Fish & Game (F&G). Amid F&G concerns that project site be surveyed during the appropriate time of the year to determine the location and extent of possible vernal pool habitat and the presence of the special status species, a supplemental "Hydrologic Monitoring and Habitat Assessment Report" was prepared by ESR, Inc., dated June 4, 2007. This supplemental report concluded that the subject property does not contain necessary parameters to qualify as vernal pools or habitat that would be conducive for use by vernal pool fairy shrimp, California tiger salamander or San Joaquin adobe sunburst. The reports finding are as follows:*

- 1. The soil analysis including the data interpretation and the filed sampling program did not identify any soils that were able to support wetland or vernal pool conditions.*
- 2. No clay soils were identified that would serve as habitat for the San Joaquin adobe sunburst.*
- 3. The site does not contain the necessary parameters to qualify as vernal pools or habitat that would be conducive for use by vernal pool fairy shrimp, California tiger salamander or San Joaquin adobe sunburst.*

*The California Department of Fish and Game (F&G) reviewed the report and accepted its findings as noted above and did not request for additional information.*

*The United States Fish and Wildlife Service (F&WL) also reviewed the project and indicated that based upon the information available to the Service, at least 12 federally and state-listed species of plants and animals have been reported for the area, including 3 reported in the immediate area California tiger salamander, vernal pool fairy shrimp and San Joaquin adobe sunburst. The F&WL recommended that parcel-specific biological surveys be conducted by a qualified biologist to determine the presence of federally-listed species at the site. The "Hydrologic Monitoring and Habitat Assessment Report" prepared by ESR, Inc., dated June 4, 2007, along with Department of Fish & Game response to the project was routed to the Service on October 25, 2007 for review and comments. A follow-up letter for response was sent on November 27, 2007, followed by a second letter sent on December 18, 2007. No concerns were subsequently expressed in reference to the information provided to the Service.*

- C. Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means?**

**FINDING: NO IMPACT:**

*According to the analysis made in Hydrologic Monitoring and Habitat Assessment Report," the site does not meet wetland characteristics as per the wetland definition established by Army Corps of Engineers (ACOE). The project was routed to ACOE who indicated that in case jurisdictional Waters of United States is found on the property, a 404 permit from ACOE would be required. This will be included as project note.*

- D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

**FINDING: NO IMPACT:**

*See discussion above in Section IV, A. B. The project site does not have or will impact migratory fish or wildlife species.*

- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

- F. Would the project Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local regional, or state habitat conservation plan?**

**FINDING: NO IMPACT:**

*The project will not conflict with any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.*

**V. CULTURAL RESOURCES**

- A. Would the project cause a substantial adverse change in the significant of a historical resource as defined in Section 15064.5?**
- B. Would the project cause of substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5?**
- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**
- D. Would the project disturb any human remains, including those interred outside of formal cemeteries?**

**FINDING: NO IMPACT:**

*No impacts to cultural resources were identified in the project analysis. The subject site is not located within an archeological sensitivity area or near any areas of known archaeological or historical activities.*

**VI. GEOLOGY AND SOILS**

- A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:**
- 1. Rupture of a known earthquake?**
    - a) Strong seismic ground shaking?**
    - b) Seismic-related ground failure, including liquefaction?**
    - c) Landslides?**

**FINDING: NO IMPACT:**

*The site is not located within a fault zone or area/topography that is subject to landslides. No agency expressed concerns or complaints related to ground shaking, ground failure, liquefaction, or landslides.*

**B. Would the project result in substantial erosion or loss of topsoil?**

FINDING: LESS THAN SIGNIFICANT IMPACT:

*The project could result in minor changes in absorption rates, drainage patterns and the rate and amount of surface run-off, in the form of drainage from grading activities. These effects are not considered significant because the applicant will be required to adhere to the Grading and Drainage Sections of the County Ordinance Code.*

**C. Would the project result on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

**D. Would the project be located on expansive soils creating substantial risks to life or property?**

FINDING: NO IMPACT:

*The project is not located within an area of known risk for landslides, lateral spreading, subsidence, liquefaction, or collapse, or within an area of known expansive soils.*

**E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative disposal systems where sewers are not available for wastewater disposal?**

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

*The Fresno County Department of Public Health, Environmental Health Division (Health Department) reviewed this application and required that a sewage feasibility study be prepared for the site to indicate its potential to support septic systems for the development. A Geology & Sewage disposal Feasibility Study was prepared by Norbert W. Larsen, dated April 4, 2006, which was based on a previous study, dated December 10, 1990. The Health Department reviewed the Feasibility Study and concluded that engineered septic systems consistent with the variable geologic conditions on each lot should be required for this tract at the time of housing construction and recommends that the following mitigation measure be included in the approval of the project in order to address potential impacts related to the use of specific systems.*

**\*Mitigation Measures**

1. *Engineered individual sewage disposal systems will be required for each lot in this tract as per the conclusions and recommendations made by Norbert W. Larsen & Associates, Inc, on April 4, 2006 which were based upon a previous study submitted by the firm on December 10, 1990 or as otherwise approved by the Fresno County Department of Public Health, Environmental Health Division and shall be recorded as a covenant with the property upon recording of the Final Map and be noted on an additional map sheet.*

**VII. HAZARDS AND HAZARDOUS MATERIALS**

- A. Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials?**
- B. Would the project create a significant hazard involving accidental release of hazardous materials into the environment?**
- C. Would the project emit hazardous materials within ¼ mile of a school?**

FINDING: NO IMPACT:

*No impacts relating to hazardous materials were identified in the project review process. The nature of a proposed rural residential subdivision will not generate or involve the transport of quantities of hazardous materials with the potential to impact surrounding property owners or the environment. No hazardous materials sites were identified within the project area by the Department of Community Health, Environmental Health Division.*

- D. Would the project be located on a hazardous materials site?**

FINDING: NO IMPACT:

*The project is not located on a hazardous materials site.*

- E. Would a project located within an airport land use plan or, absent such a plan, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area?**
- F. Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area?**

FINDING: NO IMPACT:

*The project is not located within an airport land use plan or within two miles of a public use airport or in the vicinity of a private airstrip.*

- G. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

FINDING: NO IMPACT:

*The project will not impair implementation or physically interfere with an adopted emergency response plan.*

- H. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

FINDING: NO IMPACT:

*The proposal is not located in a wildland fire area and therefore will not expose people or structures to such hazards.*

## **VIII. HYDROLOGY AND WATER QUALITY**

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality?**
- B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?**

FINDING: LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED:

*The project will utilize three on site wells to provide for community water systems meeting all water quality and quantity standards required by the County and the State of California.*

*Engineered individual sewage disposal systems will be utilized for wastewater discharge for each lot in the tract. Since such systems provide much more control on groundwater contamination over non-engineered individual sewage disposal systems, the project will not degrade groundwater quality.*

Hydro-Geologic Evaluation Reports, dated January 30, 2006 and January 25, 2008 respectively, were prepared for the project by BSK Engineering. The report, which contained information for three production wells pumped at 24gpm, 21.5gpm and 22.2gpm (gallon per minute), were reviewed by the County Water-Geology Unit and California Department of Public Health (CDPH), Drinking Water Program described as per a community water system. Given the proposed water usage and data contained in the reports, the project meets water supply requirements of the State of California and Fresno County General Plan regarding adequacy, sustainability and impacts to nearby wells. As noted by Resources Division, the community water system shall include a minimum of two primary wells and one back-up well. On a similar note, CDPH indicated that only two wells are required to be developed with 50 foot seals and be tested for both water quality and quantity in order to serve the community system. However, if all three wells are to be developed to community standards with 50 foot seals, then only water quality test is required. According to the applicant, and accepted by County Water-Geology Unit and CDPH, all three wells at 50 feet will be sealed and retested for water quality prior to the recordation of final map. Also, a water supply permit shall be obtained prior to occupancy. These requirements have been included as mitigation measures and are as follows:

**\*Mitigation Measures:**

- \*1. Prior to recordation of final map, the applicant shall submit water quality data from all three wells after a 50 foot seal has been installed to the California Department of Public Health (CDPH), Drinking Water Program. Contact the Fresno District Engineer at (559) 447-3300 for information.
- \*2. Prior to occupancy, the property owner shall obtain approval for the issuance of a Public Water Supply Permit by submitting an application for the permit and supporting documentation, in the form of a technical report, to the California Department of Public Health (CDPH), Drinking Water Program. The documentation shall include a demonstration of Technical, Managerial, and Financial (TMF) Capacity as well as documentation of the services of a State-Certified Water Distribution Operator. Contact the Fresno District Engineer at (559) 447-3300 for information.
- \*3. Prior to recordation of the final map, all existing wells that are either unpermitted and/or abandoned, within the subdivision shall be destroyed in an approved manner as authorized by a permit for water well destruction issued by the Fresno County Department of Public Health, Environmental Health Division.



As a community water system located within the vicinity of an existing County Service Area providing community water (CSA No. 10 Cumorah Knolls), the County Resources Division-Special Districts Section indicated various options for establishing a CSA to serve the proposed tract. These options include creation of a new CSA or expanding CSA No. 10 by creating a zone of benefit within CSA No. 10. The water system will be owned and operated by the County of Fresno and per the Resources Division, will be required the following included as mitigation measures:

- \*4. *Prior to the recordation of the Final Map, the Governing Board of the CSA serving the project shall adopt a tiered rate schedule for domestic and irrigation use service for the annexed area. The rate for irrigation services shall be tiered to discourage the over use of irrigation water. The tiered rate structure shall include the procedures indicating when water meters shall be read, payment of fees, and notification of over use.*
- \*5. *Prior to the recordation of the Final Map, a groundwater monitoring program acceptable to the County Geologist and to be performed by the CSA shall be adopted by the CSA Governing Board. The cost of the ongoing monitoring program shall be included within the rate schedule approved by the CSA.*
- \*6. *A minimum of two wells are required. It is recommended that the system include a backup water well that could be used if the primary well becomes contaminated or runs dry. Each well must be capable of serving all of the proposed parcels as a standalone well and must meet the maximum day demand.*
- \*7. *All onsite wells shall be equipped with a pressure transducer and a data logger shall be provided by the developer.*
- \*8. *All rights to groundwater beneath the proposed tract shall be dedicated to the County of Fresno. Private property owners shall be prohibited from digging wells within tract boundaries. This requirement shall be recorded as a covenant running with the land and shall be noted on the Final Map.*
- \*9. *Each lot shall be required to have two (2) meters. This requirement shall be recorded as a covenant running with the land and shall be noted on the Final Map. One meter shall serve the residence and the second meter shall serve landscape irrigation needs. Water meters shall be equipped with remote sensors so that homeowners may monitor their water usage. Water meters shall be installed only after permits are issued for a proposed residence. A water meter installation fee shall be due prior to installation of water*

meters. Resources Division shall install or contract to install meters for each lot.

- \*10. *The developer/representative shall contact the County of Fresno Design Division, Formations Section and LAFCO, to initiate the process of formation and annexation of a Zone of Benefit for the proposed lots into a CSA. The developer/representative shall be required to prepare an Engineer's Report justifying service rates.*
- \*11. *The developer /representative shall be required to negotiate a financing agreement for the funding of water service operations until such time as that the CSA becomes self-sufficient. The Service/Financing Plan must explain; the type of service to be provided, the depth and scope of each service, the frequency of each service, any special vendors and/or contractors that may be needed for each service, the projected annual operating costs for each service, and the method of financing for each service.*
- \*12. *All wells must have a minimum of a 50 foot seal and shall not be drilled using the Tubex drilling method because of additional monitoring requirements imposed by the California Department of Public Health. Also, water quality must be reviewed by the State Health Department to determine if treatment is required and if the water source is acceptable. In addition, the proposed water system must provide a minimum of 1,000 gpm for two-hours for fire protection.*
- \*13. *If the County of Fresno is designated to administer and maintain the proposed water system's budget and facilities respectively, than all water facilities and associated property shall be deeded to the CSA.*

*Additional requirements from Resources Division requires that the project shall: (1) submit plans and specification for the community system, (2) adopt water conservation practices, (3) be designed and installed in accordance with County Improvement Standards and accepted by the County, (3) maintain acceptable distance between wells and nearest septic system, and (4) be provided with permanent chlorination and funding for a telemetry monitoring system. These requirements have been included as conditions of approval.*

- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site?**

- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off-site?**

FINDING: LESS THAN SIGNIFICANT IMPACT:

*According to FEMA Map Panel 1615F, a portion of the property lies within the 100-year flood plain. The Development Engineering Section of the Department of Public Works and Planning reviewed the project and indicated that a flood study to establish the base flood elevation and the limits of inundation for 100-year storm shall be conducted on the property and be shown on the map.*

*The Fresno Metropolitan Flood Control District (FMFCD) also reviewed the project and indicated that the existing stream course within the property is an FMFCD Master Plan channel and that District requires approval and design of a relocated channel prior to approval of the tract, dedication of easements as requested, and construction of culverts to accommodate Master Plan flows. To address District's concerns, the Development Engineering Unit, in agreement with the District, has recommended that since the property located within the FMFCD boundary; all District requirements shall be met and be made a part of improvement plans including engineering related studies and channel improvements. Required studies include a flood study to establish base flood elevation and the limits of inundation for a 100-year storm and hydraulic analysis to determine the sizes and locations of culvert crossings and/or relocated drainage channels to address the provisions in the Section 17.48.230 of the Fresno County Ordinance pertaining to development of land subject to flooding. These will be included as conditions of approval for the project. In addition, a condition of approval will be added requiring that a building pad for Lot 12 shall be constructed above the flood limits prior to the recording of the final map.*

- E. Would the project create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?**

FINDING: LESS THAN SIGNIFICANT IMPACT:

*As mentioned earlier, the project could cause changes in absorption rates, drainage patterns, and an increase in the rate and amount of surface runoff. This potential impact would result from construction and paving activities, which would compact and over cover the soil, thereby reducing the area available for infiltration of storm water.*

*Potential runoff, flooding erosion, and situation effects are not considered significant because future development shall be required to adhere to mandatory construction practices contained in the Building, Grading and Drainage Sections of the County Ordinance Code. According to the Development Engineering Section of the Department of Public Works and Planning, this proposal will require all storm water runoff generated from the developed portion of this tract be retained on site. Also, as indicated by Resources Division of the Department of Public Works and Planning, Homeowner's Association (HOA) or other entity will be required for maintaining storm water basin. This will be included as a condition of approval.*

*Adhering to these requirements will reduce project impact related to drainage and flooding to a less than significant level.*

**F. Would the project otherwise substantially degrade water quality?**

**FINDING: LESS THAN SIGNIFICANT IMPACT:**

*As mentioned above in Section VI. E., engineered individual sewage disposal system will be used on the property. This system is required by Fresno County Department of Public Health, Environmental Health Division (Health Department) and will safeguard underground water quality more than an individual non-engineered septic system can.*

*In addition, the applicant will be required to obtain NPDES permit prior to construction and grading activities, file a Notice of Intent (NOI) with the Regional Water Quality Control Board, and develop a Storm Water Pollution Prevention Plan (SWPPP) and incorporate it into the construction improvement plans. Adherence to these requirements will reduce the project impact on ground water quality to less than significant.*

**G. Would the project place housing within a 100-year floodplain?**

**H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows?**

**FINDING: LESS THAN SIGNIFICANT IMPACT:**

*See discussion above in VIII. C. D.*

**I. Would the project expose persons or structures to levee or dam failure?**

**J. Would the project inundation by seiche, tsunami or mudflow?**

FINDING: NO IMPACT:

*No levee or dam is upstream of the site and no inundation hazards were identified in the analysis.*

**IX. LAND USE AND PLANNING**

**A. Will the project physically divide an established community?**

FINDING: NO IMPACT:

*The project is located in a rural residential area and will not physically divide any established community. The project site is located approximately 3 ½ miles east of the incorporated City of Clovis.*

**B. Will the project conflict with any land use plan, policy or regulation of an agency with jurisdiction over the project?**

FINDING: NO IMPACT:

*The project will not conflict with any land use plan, policy or regulation of any agency with jurisdiction over the project. The subject property is designated for Rural Residential use on the Fresno County General Plan.*

**C. Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?**

FINDING: NO IMPACT:

*The project will not conflict with any habitat or natural community conservation plan.*

**X. MINERAL RESOURCES**

**A. Would the project result in the loss of availability of a known mineral resource?**

**B. Would the project result in the loss of availability of a locally-important mineral resource recovery site designated on a general plan?**

FINDING: NO IMPACT:

*The project site is not located in a mineral resource zone, as identified in the General Plan (Figure 7-8 and 7-9). The proposal will not extract and excavate minerals and would not result in the loss of a locally-important mineral resource recovery sites.*

## **XI. NOISE**

- A. Would the project result in exposure of people to severe noise levels?**
- B. Would the project result in ground borne vibration?**
- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity?**
- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?**

**FINDING: LESS THAN SIGNIFICANT IMPACT:**

*The project would result in an increase in noise levels associated with the development of 24 residential units. However, Fresno County Department of Public Health, Environmental Health Division, who enforces the county noise ordinance, has indicated that given the location of existing residential development in the surrounding areas and the distance of such development from the proposed, site noise impact would be less than significant. Construction noise is considered exempt from compliance with the Fresno County Noise Ordinance provided construction activities occur between the hours of 6:00 a.m. to 9:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday. Noise impacts associated with construction are expected to be short-term.*

- E. Would the project expose people to excessive noise levels associated with a location near an airport, or a private airstrip?**
- F. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**

**FINDING: NO IMPACT:**

*The project site is not in the vicinity of an airport or private airstrip and therefore is not impacted by airport noise.*

## **XII. POPULATION AND HOUSING**

- A. Would the project induce substantial population growth either directly or indirectly?**
- B. Would the project displace substantial numbers of existing housing?**
- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?**

**FINDING: LESS THAN SIGNIFICANT IMPACT:**

*The project would result in the construction of a maximum of 24 single-family residences on a 55-acre site in an area planned for Rural Residential development. The population growth resulting from the project is not considered significant based upon the County's adopted plan and policies.*

## **XIII. PUBLIC SERVICES**

- A. Would the project result in physical impacts associated with the provision of new public services in the following areas:**

- 1. Fire protection**

**FINDING: NO IMPACT:**

*Based upon the initial review of the project, the Fresno County Fire Protection District did not identify any significant concerns with the proposal. In their letter dated July 21, 2008, the Fire District indicated that the project shall comply with California Code of Regulations Title 24 – Fire Code 2007. The applicable Fire Codes were discussed and agreed upon between the applicant and Fire District to comply with and were signed by the applicant on August 13, 2008. The Fire district also requires that the project shall be provided with a 180, 000 gallon water storage tank on the property or a 90,000 gallon water storage tank with each house having sprinkler system installed. This will be reflected in covenant and agreement to be recorded with the final map. In addition, 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 & Planning after consideration of the recommendations of the fire district having jurisdiction of the area. These requirements will be included as a condition of approval of the project.*

**2. Police protection**

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

*The Board of Supervisors has directed that a funding mechanism be established to provide for minimum level manning of Sheriff's services in areas experiencing new residential growth. This is consistent with General Plan Policy PF-G.2, which states that the County shall strive to maintain a staffing ratio of two sworn officers per 1,000 residents served. A mitigation measure has, therefore, been included requiring creation of a Community Facilities District or other appropriate funding mechanism to provide for police protection at a ratio of two sworn officers per 1,000 residents. The applicant has agreed to the following condition:*

**\*Mitigation Measure**

1. *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's protection services to achieve a ratio of 2.0 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.*

**2. Schools**

FINDING: LESS THAN SIGNIFICANT IMPACT:

*The project is located within the Sanger Unified School District boundaries. The District has adopted an ordinance requiring payment of a construction fee. Payment will be required prior to issuance of building permits.*

**4. Parks**

**5. Other public facilities?**

FINDING: NO IMPACT:

*No impact on parks or other public facilities were identified in the analysis.*



#### XIV. RECREATION

- A. Would the project increase the use of existing neighborhood and regional parks?
- B. Would the project require expansion of recreational facilities?

FINDING: NO IMPACT:

*No such impacts were identified in the analysis. However, an established recreational facility is located to the west within a quarter mile of the subject site.*

#### XV. TRANSPORTATION/CIRCULATION

- A. Would the project result in increased vehicle or traffic congestion?
- B. Would the project exceed the established level of service standards?

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

*The Design Division of the Fresno County Department of Public Works and Planning identified potential impacts to the existing transportation system from traffic generated by the proposed project and determined that a Traffic Impact Study (TIS) was required in order to determine the full extent of traffic impacts. The applicant provided a TIS prepared by Peters Engineering Group dated, June 2, 2006. The traffic impact study concluded that the existing road network is adequate to accommodate the proposed project based upon opening day conditions and near-term conditions. The TIS recommended a project share for future construction cost for signalization of the intersection of Shaw and McCall Avenues and widening of Shaw Avenue to four lanes between McCall Avenue and Quail Lake Drive. The Design Division accepted the recommendations as outlined in TIS and has determined that the project shall pay its fare share for these improvements. These recommendations will be included as project mitigation measures and are as follows:*

**\*Mitigation Measure**

1. *To mitigate potential impacts to the County maintained roads, a pro-rata share for future off-site improvements is required as defined in item a and b below. This fee shall either be paid prior to recordation of the map or a covenant shall be recorded on each lot providing notice that issuance of a building permit is subject to payment of a Public Facilities fee. If the applicant 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.*

- i. Road widening to four (4) lanes of the 0.7 mile road segment of Shaw Avenue between McCall Avenue and Quail Lake Drive. The project's maximum share for the 2025 scenario is 2.98% or \$ 22,848.00*
- ii. Signalization at the intersection of Shaw Avenue and McCall Avenue. The project's maximum share for the 2025 scenario is 1.31 % or \$5,482.00.*

*The County shall update cost estimates for the above specified improvements prior to execution of the agreement. The Board of Supervisors pursuant to Ordinance Code Section 17.88 shall adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering News Record (ENR) 20 Cities Construction Cost Index.*

*The project was also reviewed by the Resources Division of the Department of Public Works and Planning who indicates that a zone of benefit within County Service Area (CSA) 35 for the purpose of road maintenance shall be established. This requirement will be included as a condition of approval.*

**C. Would the project result in a change in air traffic patterns?**

FINDING: NO IMPACT:

*The project will not change or alter air traffic patterns.*

**D. Would the project substantially increase traffic hazards due to design features?**

**E. Would the project result in inadequate emergency access?**

**F. Would the project result in inadequate parking capacity?**

FINDING: NO IMPACT:

*The project will not result in traffic hazards due to design features or in inadequate emergency access or parking capacity. All emergency access will be subject to approval by the Fresno County Fire Protection District prior to the completion of improvement plans/issuance of building permits.*

- G. Would the project conflict with adopted plans, policies or programs supporting alternative transportation?**

FINDING: NO IMPACT:

*The project will not conflict with any alternative transportation plans.*

## **XVI. UTILITIES AND SERVICE SYSTEMS**

- A. Would the project exceed wastewater treatment requirements?**
- B. Would the project require construction of new water or wastewater treatment facilities?**

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

*The project will be provided with community water and individual sewage disposal systems, and does not require construction of new water or wastewater treatment facilities. The project has been approved by the Fresno County Department of Public Health, Environmental Health Division (Health Department) for on site sewage disposal systems and Water-Geology Unit of the Department of Public Works and Planning and California Department of Public Health (CDPH) for community water system subject to recommended mitigation measures noted above in Section VI. E., Geology and Soils and Section VIII. A. B. Hydrology and Water Quality.*

- C. Would the project require construction of new storm water drainage facilities?**
- D. Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed?**
- E. Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand?**

FINDING: LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED:

*See discussion above in Section VI. E., Geology and Soils and Section VIII, A. B. E., Hydrology and Water Quality.*

- F. Would the project be served by a landfill with sufficient permitted capacity?**

- G. Would the project comply with federal, state and local statutes and regulations related to solid waste?**

FINDING: LESS THAN SIGNIFICANT IMPACT:

*The project site will be served by a local waste hauler designated to provide refuse and recyclable material removal as required by County Ordinance. The development of the proposal is not expected to significantly impact local area landfills.*

## **XVII. MANDATORY FINDINGS OF SIGNIFICANCE**

- A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California prehistory or history?**

FINDING: NO IMPACT:

*No impacts to biological resources were identified in the analysis.*

- B. Does the project have impacts that are individually limited, but cumulatively considerable?**

FINDING: LESS THAN SIGNIFICANT IMPACT:

*The San Joaquin Valley Air Pollution Control District (Air District) has reviewed the project and has commented that the entire San Joaquin Valley Air Basin is classified non-attainment for ozone and fine particulate matter (PM10). The project would contribute to the overall decline in air quality due to construction activity and an increase in traffic. The Air District indicated that the project is subject to several of its adopted mandatory rules and regulations designed to reduce emissions throughout the San Joaquin valley.*

- C. Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly?**

FINDING: NO IMPACT:

*No substantial adverse effects on human beings were identified in the analysis.*

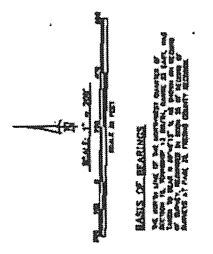
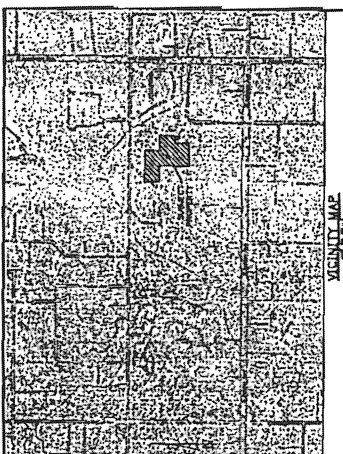
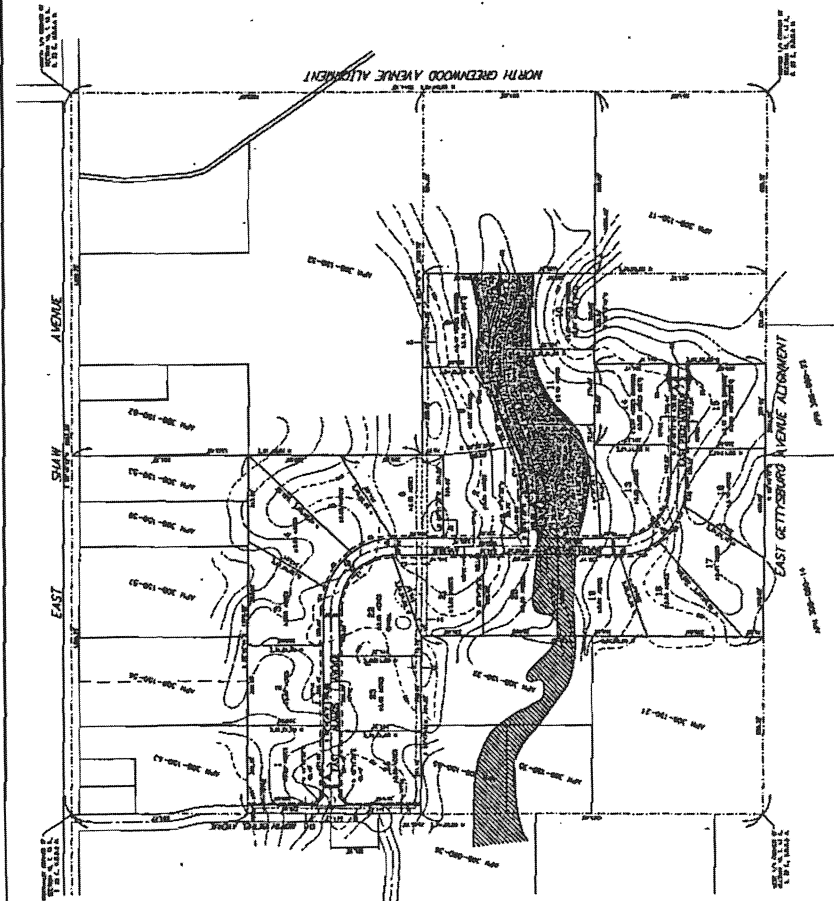
## **CONCLUSION/SUMMARY**

Based upon the revised Initial Study prepared for Tentative Tract Map No. 5415 to include a community water system, staff has concluded that the project will not have a significant effect on the environment. No potential impacts were identified related to agricultural resources, biological resources, cultural resources, hazards and hazardous materials, land use and planning, and mineral resources. Impacts related to population and housing, have been determined to be less than significant, including air quality and noise which have been determined to be less than significant with adherence to the provisions set forth by the San Joaquin Valley Air Pollution Control District and County Noise Ordinance.

Impacts related to aesthetics, geology and soils, hydrology and water quality, public services, transportation and circulation, and utilities and service systems have been determined to be less than significant with adherence to the proposed mitigation measures.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Ste. "A", Fresno, CA.

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**LEGEND**

1	Proposed
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**STATEMENT OF WORK**

1. The project is located at the intersection of East Avenue and North Greenwood Avenue in the City of Fresno, California.

2. The project consists of the construction of a new building and the improvement of the surrounding area.

3. The project is to be completed within a period of 12 months.

4. The project is to be completed within a budget of \$1,000,000.

5. The project is to be completed within a maximum of 100,000 square feet of floor area.

6. The project is to be completed within a maximum of 100,000 square feet of site area.

7. The project is to be completed within a maximum of 100,000 square feet of site area.

8. The project is to be completed within a maximum of 100,000 square feet of site area.

9. The project is to be completed within a maximum of 100,000 square feet of site area.

10. The project is to be completed within a maximum of 100,000 square feet of site area.

**LEGAL DESCRIPTION**

THE PART OF THE EAST AVENUE AND NORTH GREENWOOD AVENUE ALIGNED TO THE INTERSECTION OF EAST AVENUE AND NORTH GREENWOOD AVENUE IN THE CITY OF FRESNO, CALIFORNIA, AS SHOWN ON THE MAP ATTACHED TO THIS TENTATIVE MAP, AND THE INTERSECTION OF EAST AVENUE AND NORTH GREENWOOD AVENUE IN THE CITY OF FRESNO, CALIFORNIA, AS SHOWN ON THE MAP ATTACHED TO THIS TENTATIVE MAP.

APR. 2008-100-08

APR. 2008-100-11

APR. 2008-100-09

APR. 2008-100-07

APR. 2008-100-05

**TENTATIVE**

**TRACT MAP No. 5415**

**IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA**

**JACK & AMAL AVEDIAN**

**R. W. Greenwood Associates, Inc.**  
 PLANNING AND LANDSCAPE ARCHITECTURE  
 2000 E. Olive Ave., Fresno, California 93707  
 Phone: (559) 233-7477  
 Fax: (559) 233-7477  
 Project No. 4854-E



# Agenda Item

# 6

DATE: November 4, 2008  
 TO: Board of Supervisors  
 FROM: Planning Commission  
 SUBJECT: RESOLUTION NO. 12124 – TENTATIVE TRACT APPLICATION NO. 5415

APPLICANT: Amal Avedian  
 OWNER: Amal Avedian

REQUEST: Allow creation of a 24-lot subdivision with a minimum lot size of two acres from five existing parcels totaling 55 acres in the RR (Rural Residential, two-acre minimum parcel size) District.

LOCATION: The subject property is located approximately 600 feet south of E. Shaw Avenue between N. Nelson and N. Academy Avenues, approximately 3.5 miles east of the nearest city limits of the City of Clovis (SUP. DIST: 5) (APN: 308-150-05, 18, 20, 37S & 38S).

### PLANNING COMMISSION ACTION:

At its hearing of October 2, 2008, the Commission considered the Subdivision Review Committee Report and testimony (summarized in Exhibit "A").

A motion was made by Commissioner Milligan and seconded by Commissioner Gill to adopt the Mitigated Negative Declaration prepared for the project; adopt the recommended findings of fact in the Subdivision Review Committee Report; and approve Tentative Tract Map Application No. 5415, subject to the conditions listed in Subdivision Review Committee Report.

ADMINISTRATIVE OFFICE REVIEW

*Gandra Dumbao*

Page 1 of 4

BOARD ACTION: DATE November 4, 2008

APPROVED AS RECOMMENDED \_\_\_\_\_

OTHER X



Official Action of Board of Supervisors

Deputy

SEE PAGE 3 FOR ACTION

UNANIMOUS \_\_\_\_\_ ANDERSON \_\_\_\_\_ CASE \_\_\_\_\_ LARSON \_\_\_\_\_ PEREA \_\_\_\_\_ WATERSTON \_\_\_\_\_





CONDUCTED HEARING; RECEIVED PUBLIC TESTIMONY; CLOSED HEARING; MOTION, MADE BY SUPERVISOR WATERSTON, TO GRANT APPEAL FAILED FOR A LACK OF A SECOND

DIRECTED STAFF TO WORK WITH APPLICANT ON A COMMUNITY WATER SYSTEM AND RETURN TO THE BOARD NO LATER THAN 90 DAYS

ADOPTED by the following vote, to-wit:

AYES: Supervisors Anderson, Larson, Waterston

NOES: Supervisor Case

ABSENT: Supervisor Perea

EXHIBIT "A"

Tentative Tract Application No. 5415

Staff: The Fresno County Planning Commission considered the Staff Report dated October 2, 2008, and heard a summary presentation by staff.

Applicant: The Applicant's representative agreed with the Staff Report and staff's recommendation. The Applicant's representative described the project and offered the following information:

- We have worked closely with the staff for over four years and have completed a Hydrological and Sewage Disposal Study, both which have been approved for the project.
- We were not allowed to utilize a community water system for this project; instead we are proposing individual water systems (wells). Staff would have recommended the project for denial, if a community water system was proposed.
- We have done everything staff asked us to do and request the Commission to approve the project.
- The property is located downstream from the Enterprise Canal which supplies water to the area.
- One of the tributaries of the Red Bank Creek runs through the center of our property and supplies underground water.
- Wolf Lakes is located to the west of the subject property and also receives subsurface water from these sources.
- North of Wolf Lakes and northwest of the subject property is Red Bank Dam. This feature stores water and is another source of water supply to the area.
- We do not have a shortage of water in this particular area. If the subject property were planted in fruit trees and vines, more underground water would be pumped than a residential subdivision.

Others: No other individuals presented information in support of or in opposition to the project.

Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

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EXHIBIT "B"

ATTACHMENT  
TO  
AGENDA ITEM

FISCAL IMPACT STATEMENT

Tentative Tract Application No. 5415

Listed below are the fees collected for the land use applications involved in this Agenda Item:

Tentative Tract Application	\$ 11,468.00
Environmental Review:	\$ 2,895.00
Health Department Review:	<u>\$ 1,050.00</u>
<b>Total Fees Collected</b>	<b><u>\$ 15,413.00</u></b>



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
**ALAN WEAVER**  
DIRECTOR

## **Subdivision Review Committee Report Agenda Item No. 4 October 2, 2008**

**SUBJECT:** Initial Study Application No. 5497 and Tentative Tract Application No. 5415

Allow creation of a 24-lot subdivision with a minimum lot size of two acres from an existing 55-acre parcel of land in the RR (Rural Residential, two-acre minimum parcel size) District.

**LOCATION:** The subject property is located approximately 600 feet south of E. Shaw Avenue between N. Nelson and N. Academy Avenues, approximately 3.5 miles east of the nearest city limits of the City of Clovis (SUP. DIST: 5) (APN: 308-150-05, 18, 20, 37S & 38S).

Applicant/Owner: Amal Avedian

**STAFF CONTACT:** Ejaz Ahmad, Planner  
(559) 262-4324

Chris Motta, Senior Planner  
(559) 262-4241

**RECOMMENDATION:**

- Adopt the Mitigated Negative Declaration prepared for Initial Study No. 5497; and
- Approve Tentative Tract Map Application No. 5415 with recommended findings and conditions; and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

**DEVELOPMENT SERVICES DIVISION**

## **IMPACTS ON JOB CREATION**

The commission's action will not have any substantial effect on the long-term objective of the creation of jobs in Fresno County. Housing construction and other improvement activities associated with approval of this application may provide for some short-term job opportunities.

### **EXHIBITS:**

1. Location Map
2. Existing Land Use Map
3. Existing Zoning Map
4. Tentative Tract Map No. 5415
5. Summary of Initial Study Application No. 5497

### **PROJECT DESCRIPTION AND SUMMARY:**

Listed below are key features of the project based on information contained in the application and tentative tract map (Exhibit 4).

#### **Proposed Use:**

- Allow creation of a 24-lot subdivision with a minimum lot size of two acres from a 55-acre parcel of land in the RR (Rural Residential, two-acre minimum parcel size) District. The subdivision is proposed to be served by individual septic systems and water wells.

#### **Project Site:**

- 55-acres

#### **Existing Improvements:**

- None

#### **Proposed Improvements:**

- Twenty-four single-family residential lots
- Interior road system
- Individual septic systems and water wells
- Fire protection improvements
- Drainage facilities

**ENVIRONMENTAL ANALYSIS:**

Initial Study Application No. 5497 was prepared for the project by County staff in conformance with the provisions of the California Environmental Quality Act (CEQA). Based on the Initial Study, staff has determined that a Mitigated Negative Declaration is appropriate. A summary of the Initial Study is included as Exhibit 5.

Notice of Intent to adopt a Mitigated Negative Declaration publication date: August 8, 2008.

**PUBLIC NOTICE:**

Notices were sent to 62 property owners within 1320 feet of the subject property, exceeding the minimum notification requirements prescribed by the California Government Code and County Zoning Ordinance.

**PROCEDURAL CONSIDERATIONS:**

A Tentative Tract Map Application may be approved only if five findings specified in the Subdivision Map Act are made. These findings are included in the body of the Subdivision Review Committee Report. Approval of the Tentative Tract Application is final unless appealed to the Board of Supervisors within 15 (fifteen days) of the approval action.

**BACKGROUND INFORMATION:**

Tentative Subdivision Map No. 4291/ Environmental Assessment No. 3713 was originally approved by Fresno County Planning Commission on August 8, 1991 to allow creation of 24-lot subdivision with a minimum lot size of two-acre. The approval required that a final map be submitted within two-years of the approval of the tentative subdivision map. Due to financial setbacks, the property owner(s) failed to either file final map within two-years or a request for time extension, which resulted in expiration of the tentative subdivision map. The subject tract map application was filed in October of 2005 by current property owner to restart the process.

**KEY INFORMATION PERTINENT TO STAFF ANALYSIS:**

- Date of Subdivision Review Committee Meeting: July 18, 2008
- Subdivider: Amal Avedian
- Engineer: R. W. Greenwood Assoc., Inc.

- Location: Located approximately 600 feet south of E. Shaw Avenue between N. Nelson and N. Academy Avenues,
- Nearest City Limits: The project site is located approximately 3.5 miles east of the nearest city limits of the City of Clovis
- Number of Acres: 55-acres
- Number of Lots: Twenty-four
- Minimum Lot Size: Two acre
- Proposed Source of Water: Individual wells
- Proposed Means of Sewage Disposal: Engineered individual sewage disposal systems
- Drainage: On-site drainage ponds or other facilities acceptable to the Director of the Department of Public Works & Planning
- Zoning on Subject Property: RR (Rural Residential, two-acre min. parcel size)
- Surrounding Zoning: RR, C-6, AL-20
- Proposed Use: Single Family Residential
- Land Use on Subject Property: Vacant
- Surrounding Land Use: Residential, grazing, recreation, vacant (See Existing Land Use Map, Exhibit 2)

#### **ANALYSIS / DISCUSSION:**

##### Finding 1: General Plan Consistency

The subject 55-acre site is designated Rural Residential in the County General Plan and is zoned RR District which is consistent with this designation.

The General Plan includes several countywide rural residential policy directives reflecting concern over the consumption of land for rural residential uses, the effect of rural residential uses on agricultural and grazing lands, on open space and on water consumption, and the supply of vacant rural residential parcels.

Policy LU-E.16 of the General Plan states that the County shall not designate additional land for Rural Residential except for unique circumstances to be determined by the Board of Supervisors. This policy is not a consideration for the current application because the subject property is located within an area currently designated Rural Residential in the General Plan. As noted above, the 55-acre project site is designated Rural Residential in the General Plan and is currently zoned RR District.

Policy LU-E.17 of the General Plan is applicable to the current request. This policy states that the County shall consider the current inventory of undeveloped parcels when reviewing rezoning and subdivision proposals involving lands currently designated Rural Residential and that such proposals shall generally not be considered appropriate until such time as at least sixty (60) percent of the available lots in the area have been developed.

The term "area" could be defined based on common topographic features, geographic location, common water supply issues, and/or related characteristics. In reviewing the current proposal, staff has defined "area" in the same manner as used in the review of other rural residential tracts within the same general vicinity (i.e. Tract 4977 laying 0.60 mile south of subject property was approved by the Planning Commission on August 9, 2001). The area includes land designated Rural Residential north and east of the Fresno/Clovis Metropolitan Area to the Friant-Kern Canal that forms the boundary of the Sierra-North Regional Plan. Within this area, there are 11 Rural Residential designated areas containing approximately 5,123 rural residential parcels (five acres or less). Of these parcels, approximately 79.42% of the parcels are developed with a residence.

Policy PF-C.17 of the General Plan states that the County shall, prior to any discretionary project related to land use, undertake a water supply evaluation that determines (a) whether the proposed water supply is adequate to meet the needs of the development, (b) the impact of the use of the proposed water supply will have on other water users, and (c) that the proposed water supply is sustainable. The subject tract proposes individual wells for each of the 24-lots. The County Water-Geology-Unit reviewed Hydro-geologic Evaluation Report prepared for the project by BSK Engineering, dated January 30, 2006 and January 25, 2008, respectively and indicates that given the proposed water usage and data contained in the reports, the water supply meets the requirements of Fresno County General Plan regarding adequacy, sustainability and impacts to nearby wells. However, ground water consumption shall be for domestic purposes only and not for irrigation.



Policy PF-H.2 of the General Plan states that new development in unincorporated areas of the County shall not be approved unless adequate fire protection facilities are provided. The Fresno County Fire Protection District reviewed the project and indicates that the project shall comply with all the applicable California Code of Regulations Title 24 – Fire Code 2007. Also, 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 recommendations of the fire district having jurisdiction of the area. In addition, maintenance of all required community fire protection facilities shall be the responsibility of the Homeowners Association (HOA) or other property owner entity acceptable to the Fresno County Fire Protection District (District) and/or the County of Fresno. All fire protection facilities will be inspected by a qualified fire protection inspector with a permit from and inspection results to be reviewed by the District, developer or HOA. Prior to recordation of the final map, a funding mechanism will be established through agreements and will require posting a bond on materials and workmanship. Included as a condition of approval, these requirements will be included in the CC&R's recorded for the subdivision in conjunction with the recordation of the Final Map.

Policy PF-I.8 of the General Plan states that the county and school districts should work closely to secure adequate funding for new school facilities. The policy also states that the County shall support the school districts efforts to obtain appropriate funding methods such as school impact fees. The subject property is located within the Sanger Unified School District, which has adopted a resolution requiring the payment of a construction fee. The County, in accordance with the State law that authorizes the fee, may not issue a building permit without certification from the school district that the fee has been paid.

Policy PF-G.2 of the General Plan states that the County shall strive to maintain a staffing ratio of two (2) sworn officers per 1,000 residents served. A mitigation measure has therefore been included requiring creation of a Community Facilities District, or other appropriate funding mechanism, to provide for police protection. The applicant has agreed that, 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 through 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.

Policy TR-A.5 of the General Plan states that the County shall require dedication of right-of-way and road improvements as necessary to ensure that roads will safely

serve expanding development. For this proposal, no additional road right-of-way is required as Bethel Avenue currently meets the local road width standard. Conditions recommended for this subdivision require that Bethel Avenue along the frontage of this tract shall be widened to comply with Case A-2b Improvement standard with 20 feet of pavement and an additional stabilized shoulder on each side within the 60-foot road right-of-way. In addition, direct access rights from proposed Lot 1 and Lot 24 shall be relinquished, all interior roads of the subdivision shall be constructed to a 25 MPH public road standard in accordance with County Improvement Standards A-1, Case A-1-b (24 feet of base and pavement) within 60 feet of right-of-way; cul-de-sacs shall be constructed in accordance with Improvement Standard B-2; corner cut-offs shall be provided at all the right angle intersections; stub road shall be provided at the end of easterly roads; the alignment of the interior road connection to Bethel Avenue shall be in accordance with the roads for the adjoining subdivision (Parcel Map No. 7918). These requirements have been included as conditions of approval of the project.

Policy TR-A.5 of the General Plan states that the County shall assess fees on new development sufficient to cover the fair share portion of that developments' impact on the local and regional transportation system. A Traffic Impact Study (TIS) prepared by Peters Engineering Group dated, June 2, 2006, concluded that the existing road network is adequate to accommodate the proposed project, and recommended project share of future construction cost for signalization of the intersection of Shaw and McCall Avenues and widening of Shaw Avenue to four lanes. The Design Division of the Department of Public Works and Planning accepted the recommendations as outlined in the TIS and determined that the project shall pay its fare share for these improvements. This has been included as project mitigation measure.

Based on information and findings provided above, staff believes that Finding 1 can be made.

#### Finding 2: Suitability of Site

The subject property is located approximately 600 feet south of E. Shaw Avenue between N. Nelson and N. Academy Avenues, approximately 3.5 miles east of the nearest city limits of the City of Clovis. The topography of the site is essentially flat, with virtually no vegetation. According to FEMA Map Panel 1615F, a portion of the property lies within the 100-year flood plain. A flood study to establish the base flood elevation and the limits of inundation for 100-year storm will be conducted on the property and will be shown on the additional map sheet.

The existing stream course within the property is a Fresno Metropolitan Flood Control District (FMFCD) Master Plan channel which requires District approval and design of a relocated channel prior to approval of final map, dedication of easements for the channel, and construction of culverts to accommodate Master

Plan flows, and on-site storm water retention per County standards. To address the District's concerns, the Development Engineering Section of the Department of Public Works and Planning in agreement with the District requires that all District requirements shall be met and be made a part of improvement plans including engineering related studies and channel improvements. Required studies include a flood study to establish base flood elevations and the limits of inundation for a 100-year storm event and hydraulic analysis to determine the sizes and locations of culvert crossings and/or relocated drainage channels to address the provisions in the Section 17.48.230 of the Fresno County Ordinance pertaining to development of land subject to flooding. In addition, a building pad for Lot 12 shall be constructed above the flood limits prior to recording the final map (dirt for building pad shall come from the area in tread of stream, or it must come from Lot 12 only after recordation of final map), all storm water runoff generated by this project shall be retained on site in a drainage basin, and a grading and drainage plan shall be prepared and approved by the Development Engineering Section. These will be included as conditions of approval of the project.

The proposal will use individual on-site sewage disposal systems for each of the 24 lots. A Geology & Sewage Disposal Feasibility Study by Norbert W. Larson, dated April 4, 2006, was prepared for the project. The Fresno County Department of Public Health, Environmental Health Division reviewed the report and concludes that engineered septic systems consistent with the variable geologic conditions on each lot should be required for this tract at the time of housing construction. This requirement has been incorporated into the project as a mitigation measure.

The applicant is proposing that the project be served by on-site individual wells for each of the 24 lots. As noted in Finding 1, County Water-Geology Unit has reviewed the proposal and concludes that the water supply meets the requirements of Fresno County General Plan. Concerning water quality, analysis provided by the applicant from two wells on the subject parcels to test all water quality constituents as required of community water systems in the California Domestic Water Quality and Monitoring Regulations, Title 22, California Code of Regulations were reviewed by the Fresno County Department of Public Health, Environmental Health Division (Health Department). The Health Department determined that all constituents and chemicals analyzed met the standards adopted by the California Department of Health Services for community public water systems.

In accordance with the requirements of the Subdivision Ordinance, the design of the subdivision (Exhibit 4) must be reviewed for conformance with the RR District property development standards. All lots in the proposed subdivision are required to be a minimum of two acres in size, exclusive of all road and canal rights-of-way, recreation easements, permanent water bodies, and public or quasi-public common use areas. The design of the proposed subdivision will result in all of the 24 lots being two net acres in size or greater.

Based on information and findings provided above, staff believes that Finding 2 can be made.

### Finding 3: Environmental Effects

The Subdivision Ordinance requires that a tentative map be denied if a finding is made that the design of the subdivision or proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The project is located in a rural residential setting with neighboring parcels ranging from 0.50-acre to 39.39-acres in size developed with residential and agricultural uses.

The Initial Study (Exhibit 5) has concluded that the project will not have a significant effect on the environment. It has been determined that there would be no impacts related to agricultural resources, biological resources, cultural resources, hazards and hazardous materials, land use and planning, and mineral resources. Potential impacts related to population and housing have been determined to be less than significant, including air quality and noise impacts which have been determined to be less than significant with adherence to the provisions set forth by the San Joaquin Valley Air Pollution Control District and County Noise Ordinance. Potential impacts related to aesthetics, geology and soils, hydrology and water quality, public services, and transportation and circulation have been determined to be less than significant with adherence to the proposed mitigation measures.

The San Joaquin Valley Air Pollution Control District (Air District) indicates that the project is expected to have no significant adverse impact on air quality. Also, it will not be subject to District Rule 9510 (Indirect Source Review) as upon full build out it would not meet the threshold of 50 residential units for ISR. However, the project may be subject to several District rules that can be incorporated into the design of the project to reduce the project's overall level of emissions to reduce emissions throughout the San Joaquin Valley and have been included as project notes.

The project would result in an increase in noise levels associated with the development of 24 residential units. However, Environmental Health, who regulates the county noise ordinance, has indicated that given the location of existing residential development in the surrounding areas and the distance of such development from the proposed, site noise impact would be less than significant. Noise impacts associated with construction are expected to be short-term and are exempt from County Noise Ordinance if construction activities occur between the hours of 6:00 a.m. to 9:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday.

As noted in Finding 1, the project will pay its fair share portion of development's impact on the county roadways and this has been included as a project mitigation measures.

The California Department of Fish and Game (F&G) has reviewed "Bethel Avenue Parcels Biological Assessment Report" dated December 13, 2005, and a supplemental "Hydrologic Monitoring and Habitat Assessment Report" dated June 4, 2007, prepared by ESR, Inc., for this project. The F&G accepted the findings of the supplemental report which states that: (a) the soil analysis including the data interpretation and the filed sampling program did not identify any soils that were able to support wetland or vernal pool conditions; (b) no clay soils were identified that would serve as habitat for the San Joaquin adobe sunburst; (c) The site does not contain the necessary parameters to qualify as vernal pools or habitat that would be conducive for use by vernal pool fairy shrimp, California tiger salamander or San Joaquin adobe sunburst and acknowledged report's conclusion that the subject property does not contain necessary parameters to qualify as vernal pools or habitat that would be conducive for use by vernal pool fairy shrimp, California tiger salamander or San Joaquin adobe sunburst, also a federally listed species of plant and animals. Review of these reports by U.S. Department of Fish & Wildlife did not generate any concerns with the proposal.

Based on above discussion, staff believes that the proposal is not likely to cause substantial environmental damage nor substantially injure fish or wildlife in their environment, and therefore Finding 3 can be made

#### Finding 4: Public Utilities and Easements

The subdivision design is required to accommodate any easements acquired by the public at large for access through or use of the property. In this case, there is an existing easement which goes through the Lot 6 of the proposed tract. A condition has been included requiring that this easement shall be extinguished or be rerouted to be coterminous with the proposed lot line. Failure to do so will require the redesign of the lots so that the lot boundary is coterminous with the easement.

All new utilities shall be placed underground in accordance with the provisions of the Subdivision Ordinance. The Pacific Gas and Electric Company (PG&E) has indicated that the existing gas or electric facility relocations necessitated by new street improvements shall be done at the expense of the developer, a Public Utility Easement (PUE) be incorporated within all access easements, and, the property owner shall provide PG & E with adequate rights-of-way for any existing pole line facility which crosses property lines and is not covered by an existing easement. The exact size and locations of the PUE's, together with the need for an easement, will be finalized during the final map review.

#### Finding 5: Public Health

Neither the design of the subdivision nor the type of improvements are likely to cause serious health problems. Each lot of the proposed subdivision will have its own engineered sewage disposal system and on-site well which has been approved by Fresno County Department of Public Health, Environmental Health Division, and Water-Geology Unit of the Department of Public Works and Planning.

According to Subdivision Ordinance of Fresno County, if a subdivision is at any point within 300 feet of an AE or AL Zone District, a "Right-to-Farm" Notice must be recorded as a condition of approval of the tentative and final subdivision map. The nearest AL zone property is located approximately 1,400 feet from the subject property. Recordation of a "Right-to-Farm" Notice is not required for this tract.

As noted in Finding 1, 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's protection services to achieve a ratio of two sworn officers per 1,000 residents for the affected properties. This has been included as a mitigation measure.

The Fresno County Fire Protection District has requested adequate facilities for fire fighting purposes as discussed in detail in Finding 1. These requirements have been included both as conditions of approval and project notes.

Based on information and findings provided above, the design of the subdivision and the type of improvements are not likely to cause serious health problems provided that the development complies with mitigation measures, conditions of approval and project notes staff believes that Finding 5 can be made.

## **CONCLUSION:**

Staff believes the required findings for granting Tentative Tract Map Application No. 5415 can be made based on the factors cited in the analysis and the recommended conditions and notes regarding mandatory requirements. Staff therefore recommends adoption of the Mitigated Negative Declaration prepared for Initial Study Application No. 5497 and recommends approval of Tentative Tract Map Application No. 5415, subject to the recommended conditions, mitigation measures, and mandatory project notes.

## **PLANNING COMMISSION MOTIONS:**

### **RECOMMENDED MOTION** (Approval Action)

- Move to adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 5497; and

- Adopt findings noted in the Subdivision Review Committee Report and approve Tentative Tract Map Application No. 5415, subject to conditions and notes as stated below; and
- Direct the secretary to prepare a resolution documenting the Commission's action.

**ALTERNATIVE MOTION** (Denial Action)

- Move to determine one or more of the required tract map findings cannot be made for the following reasons (state which finding(s) and reasons) and move to deny the project; and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

**CONDITIONS AND NOTES**

A. **BETHEL AVENUE:**

1. Is not a County maintained road; however it is a public road. Bethel Avenue has recently been constructed as part of PM 7918 as a 24-foot wide paved roadway within a 60-foot wide easement. Bethel Avenue along the frontage of this tentative map shall be widened to provide a stabilized shoulder on each side to comply the Air Board requirement for PM-10 within the 60-foot easement.
2. Thirty feet by thirty feet corner cutoffs shall be provided at the intersection of Bethel Avenue and proposed interior road connection.
3. Direct access rights from proposed Lot 1 and Lot 24 to Bethel Avenue shall be relinquished. A non-access barrier acceptable to the Director of the Department of Public Works and Planning shall be provided.

B. **INTERIOR STREETS:**

1. Shall be constructed to a 25 M.P.H. public road standard in accordance with County Improvement Standard A-1, Case A-1-b (24 feet of base and pavement) within 60 feet of right-of-way.
2. The alignment of the interior road connection to Bethel shall be placed no less than 120 feet north of the center line of Santa Ana Avenue west of Bethel Avenue..

3. Twenty by twenty feet corner cutoff shall be provided at all the right angle intersections.
4. The interior roads shall be named. The subdivider shall submit names to the Street Name Committee for review and approval prior to final map approval.
5. Stub roads shall be provided at the end of the easterly roads proposed at Lot 9/10 & Lot 14/15 because the length of the roads exceeds 500 feet.
6. Shall be provided with Standard B-2 Rural Residential cul-de-sacs at the end of the roads with a 1 foot restricted access strip at the east property line.
7. Those portions of the cul-de-sac- bulbs lying outside of the standard right-of-way shall be contained in easements to be extinguished upon extension of the roads.

C. DRAINAGE AND EROSION CONTROL:

1. Provisions shall be made to maintain natural drainage throughout the development in a manner that will not significantly change the existing drainage characteristics of those parcels adjacent to the development.
2. Provisions shall be made to retain all runoff generated from the developed portion of this tract within one or more drainage ponds or other facility acceptable to the Director of Public Works. The required storage capacity of the pond shall be based on the formula,  $S=0.5 CA$  (C is the coefficient of runoff and A is the drainage area). Recorded covenant shall be required with the final map for the maintenance of the ponding basin.
3. A grading and drainage plan shall be prepared and submitted to the County Development Engineering Section for review and approval. Individual lot grading plans may be required where lying within known flood zones as determined in the most recent FIRM available from FEMA.
4. A portion of the property is in Zone A, an area determined to be within the 100-year floodplain per FEMA Firm Panel 1615 F. A flood study to establish the Base Flood Elevation and the limits of inundation for a 100-year storm shall be conducted on the property. The limits of inundation shall be shown on the additional map sheet. [The limit of flood study shown on FEMA map ends within the subdivision boundary.



5. Hydrologic and hydraulic analysis shall be provided to determine the sizes and locations of culvert crossings and/or relocated drainage channels. The analysis shall also address the provision in Section 17.48.230 of the Fresno County Ordinance pertaining to development of land subject to flooding.
6. The applicant shall obtain an NPDES permit prior to construction or grading activities. A Notice of Intent (NOI) shall be filed with the Regional Water Quality Control Board. A copy of this Notice shall be provided to the County prior to commencing of construction activities.
7. The applicant shall develop a Storm Water Pollution Prevention Plan (SWPPP) and incorporate the plan into the construction improvement plans.
8. This area is within the Fresno Metropolitan Flood Control District. (FMFCD). All district requirements shall be met and made a part of the improvement plans including all engineering related studies and channel improvements.
9. A building pad for Lot 12 shall be constructed above the flood limits prior to recordation of the final map.

D. MAINTENANCE:

1. A Zone of Benefit in a County Service Area or other method acceptable to the Director of Public Works shall be provided for the maintenance of all interior roads.
2. A maintenance entity acceptable to the Director of Public Works shall be established if a community fire protection system is proposed.
3. The subdivider will be required to secure the maintenance of the new roads for a period of one year after the acceptance thereof.

E. UTILITIES:

1. All new utilities shall be placed underground in accordance with the provisions of the Subdivision Ordinance.
2. The existing easement through Lot 6 shall be extinguished or the easement rerouted to be coterminous with the proposed lot line. Failure to extinguish or reroute the easement shall require the redesign of the lots so that the lot boundary is coterminous with the easement.

F. FIRE PROTECTION:

1. 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 recommendations of the fire district having jurisdiction of the area.
2. The project shall comply with all the applicable California Code of Regulations Title 24 – Fire Code 2007, which were agreed upon between the applicant and Fire District and signed by the applicant on August 13, 2008.
3. Mandatory fire requirements from the Fresno County Fire Protection District (Cal Fire) as listed for this project in Item 10 of “Notes” shall be considered at the time of the recordation of the final map.
4. Maintenance of all required community fire protection facilities shall be the responsibility of the Homeowners Association (HOA) or other property owner entity acceptable to the Fresno County Fire Protection District (District) and/or the County of Fresno that will function as an HOA with respect to the community fire protection facilities. All fire protection facilities shall be inspected by a qualified inspector possessing a C-16 Fire Protection Contractor classification on an annual basis (or more frequently as stipulated by the District or County of Fresno), and the results of said inspection shall be submitted to the District for approval. The Developer or HOA shall be responsible for all costs associated with the District’s review of any plans, maintenance/inspection records, or any other work performed by the District associated with maintenance of these systems. Prior to any annual inspection provided by a C-16 Fire Protection Contractor a Facility Fire Protection Permit shall be applied for by the C-16 Fire Protection Contractor. The permit shall be issued by Fresno County Fire Protection District prior to any inspection being conducted.

Any work performed on the Fire Protection Facility as a result of the annual inspection will require a field inspection and clearance by the District. Any corrective work shall be completed as required by the California Fire Code by a qualified contractor possessing a C-16 Fire Protection Contractor classification. All work performed on the Fire Protection Facility will be inspected and approved by the District.

Prior to recordation of the final map, an estimate shall be prepared by developer and approved by the District and/or the County of Fresno demonstrating adequate funding to complete the annual inspection/maintenance. The developer must also provide executed agreements that identify a source(s) and provide for perpetual funding for

the annual inspections and system operational costs. Said agreements shall explicitly identify the developer as responsible for funding of the annual inspections and system operational costs until such time as the HOA can viably fund these functions. The developer/applicant shall post a one year electrical and mechanical bond from acceptance of the work that would cover defects in the materials or workmanship for the construction of the facilities. The aforementioned requirements shall be included in the CC&R's recorded for the subdivision which shall be recorded in conjunction with the recordation of the Final Map.

G. OTHER CONDITIONS:

- \*1. All outdoor lighting shall be hooded and directed so as not to shine toward public roads or the surrounding properties and be noted on an additional map sheet.
- \*2. Engineered individual sewage disposal system will be required for each lot in this tract as per the conclusions and recommendations made by Norbert W. Larsen & Associates, Inc, on April 4, 2006 which were based upon a previous study submitted by the firm on December 10, 1990 or as otherwise approved by the Fresno County Department of Public Health, Environmental Health Division and shall be recorded as a covenant with the property upon recording of the Final Map and be noted on an additional map sheet.
- \*3. All existing wells that are either: unpermitted, abandoned, and/or are not to be utilized to serve an individual parcel within the subdivision shall be destroyed in an approved manner as authorized by a permit for water well destruction issued by the Fresno County Department of Public Health, Environmental Health Division (Health Department) prior to recordation of the final map unless express approval allowing a particular well to remain on site has been obtained from the Health Department.
- \*4. 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's protection services to achieve a ratio of 2.0 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.
- \*5. To mitigate potential impacts to the County maintained roads, a pro-rata share for future off-site improvements is required as defined in item a and b below. This fee shall either be paid prior to recordation of the map or a

covenant shall be recorded on each lot providing notice that issuance of a building permit is subject to payment of a Public Facilities fee. If the applicant 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.

- a. Road widening to four (4) lanes of the 0.7 mile road segment of Shaw Avenue between McCall Avenue and Quail Lake Drive. The project's maximum share for the 2025 scenario is 2.98% or \$ 22,848.00
- b. Signalization at the intersection of Shaw Avenue and McCall Avenue. The project's maximum share for the 2025 scenario is 1.31 % or \$5,482.00.

The County shall update cost estimates for the above specified improvements prior to execution of the agreement. The Board of Supervisors pursuant to Ordinance Code Section 17.88 shall adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering New Record (ENR) 20 Cities Construction Cost Index.

MITIGATION MEASURE – Measures specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. A change in the condition may affect the validity of the current environmental document, and a new or amended environmental document may be required.

## NOTES

**The following note(s) reference various mandatory requirements of Fresno County or other agencies and is provided as information to the project applicant if approved.**

1. Improvement plans shall be submitted for review and approval on all aspects of improvement to the Development Engineering Section and Planning Department and Road Maintenance & Operations Division of the County along with FMFCD prior to any construction on the site.
2. A soils report will be required for the subdivision.
3. Site specific grading plans, permits and elevation certificates will be required for individual; lots lying with Zone A. No import of material will be allowed in the Zone A area in Lots 8 through 12 and 19 & 20 without an analysis

indicating no adverse impacts on adjacent property.

4. Any relocation of existing channels shall require approval from FMFCD via Board action by the District.
5. The Sanger 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.
6. The proposed project will be subject to the San Joaquin Valley Air Pollution Control District's applicable rules and regulations in order to reduce emission in the San Joaquin Valley and are listed as follows:
  - a. Regulation VIII– Fugitive Dust Rules, to reduce PM-10 emissions (dust/dirt) generated by human activities, construction and demolition activities.
  - b. Rule 4102 (Nuisance), to address any source operation that emits air contaminants or other materials and creates public nuisance.
  - c. Rule 4601(Architectural coatings) to limit volatile organic compounds from architectural coatings.
  - d. Rule 4641 applies to manufacture and use of cutback asphalt, slow, cure asphalt for paving and maintenance operations)
  - e. Rule 4901(Wood Burning Fireplaces and Wood Burning Heaters) limits PM10 and PM 2.5 emissions from residential development.
7. The applicant shall obtain NPDES permit prior to construction and grading activities, file a Notice of Intent (NOI) with the Regional Water Quality Control Board, and develop a Storm Water Pollution Prevention Plan (SWPPP) and incorporate it into the construction improvement plans.
8. The applicant shall develop a Storm Water Pollution Prevention Plan (SWPPP) and incorporate the plan into the construction Improvement Plans. A Notice of Intent (NOI) shall be filed with the Regional Water Quality Control Board prior to the start of any grading work.
9. The applicant, or future property owner, will be required to apply for and obtain a Permit to Construct a Water Well from the Fresno County Department of Public Health, Environmental Health Division (Health Department). Please be advised that only those persons with a valid C-57

Contractor's license may construct wells. For more information, contact the Water Surveillance Program at (559) 445-3357.

10. The project shall comply with the following mandatory fire requirements of California Code of Regulations, Title 24, Fire Code 2007, required by the Fresno County Fire Protection District (Cal Fire):

a. California Fire Code 503.2.1: Fire Department Access

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm) except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

b. California Fire Code 503.2.3: Surfaces

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.

c. California Fire Code 503.4: Obstruction of Fire Apparatus Access Roads

Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicle. The minimum widths and clearances established in **Section 503.2.1** shall be maintained at all times.

d. California Fire Code 505.1: Premises Identification

New and existing buildings shall have approved address numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Number shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7).

e. California Fire Code 505.2: Street and road signs

Street and roads shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs.

f. California Fire Code 508.1: Required Water Supply

An approved water supply capable of supplying the required fire flow for fire protection shall be provided to promises upon which facilities, building or portions of the building are hereafter constructed or moved into or within the jurisdiction

g. California Fire Code 508.3: Fire Flow

Fire flow requirement for building or portions of buildings and facilities shall be determined by an approved method or *Appendix B*.

h. California Fire Code 508.5.5: Clear Space Around Hydrants

A 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved

i. California Fire Code 501.4: Timing of Installation

When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided. Temporary street signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles in accordance with **Section 505.2**

j. California Fire Code, 503.2.4: Turning radius

The required turning radius of a fire apparatus access road shall be determined by the fire code officer.

k. California Fire Code, 503.2.5: Dead Ends

Dead-end fire apparatus access roads in excess of 150 feet (45 720mm) in length shall be provided with an approved area for turning around fire apparatus.

l. California Fire Code, 503.4: Obstruction of Fire Apparatus Access Roads

Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicle. The minimum widths and clearances established in **Section 503.2.1** shall be maintained at all times.

m. California Fire Code, 508.5: Fire Hydrant Systems

Fire hydrant systems shall comply with **Sections 508.1 through 508.5.6 and Appendix C** or by an approved method.

n. California Fire Code, 901.2: Construction Documents

The fire code official shall have the authority to require construction documents and calculations for all fire protection systems and to require permits be issued for the installation, rehabilitation or modification of any fire protection system. Construction documents should be submitted and approved prior to system installation.

o. California Fire Code, 901.5: Installation Acceptance Testing

Fire detection and alarm systems, fire-extinguishing systems, fire hydrant systems for all fire protection systems and to require permits be issued for the installation, rehabilitation or modification of any fire protection system. Construction documents should be submitted and approved prior to system installation.

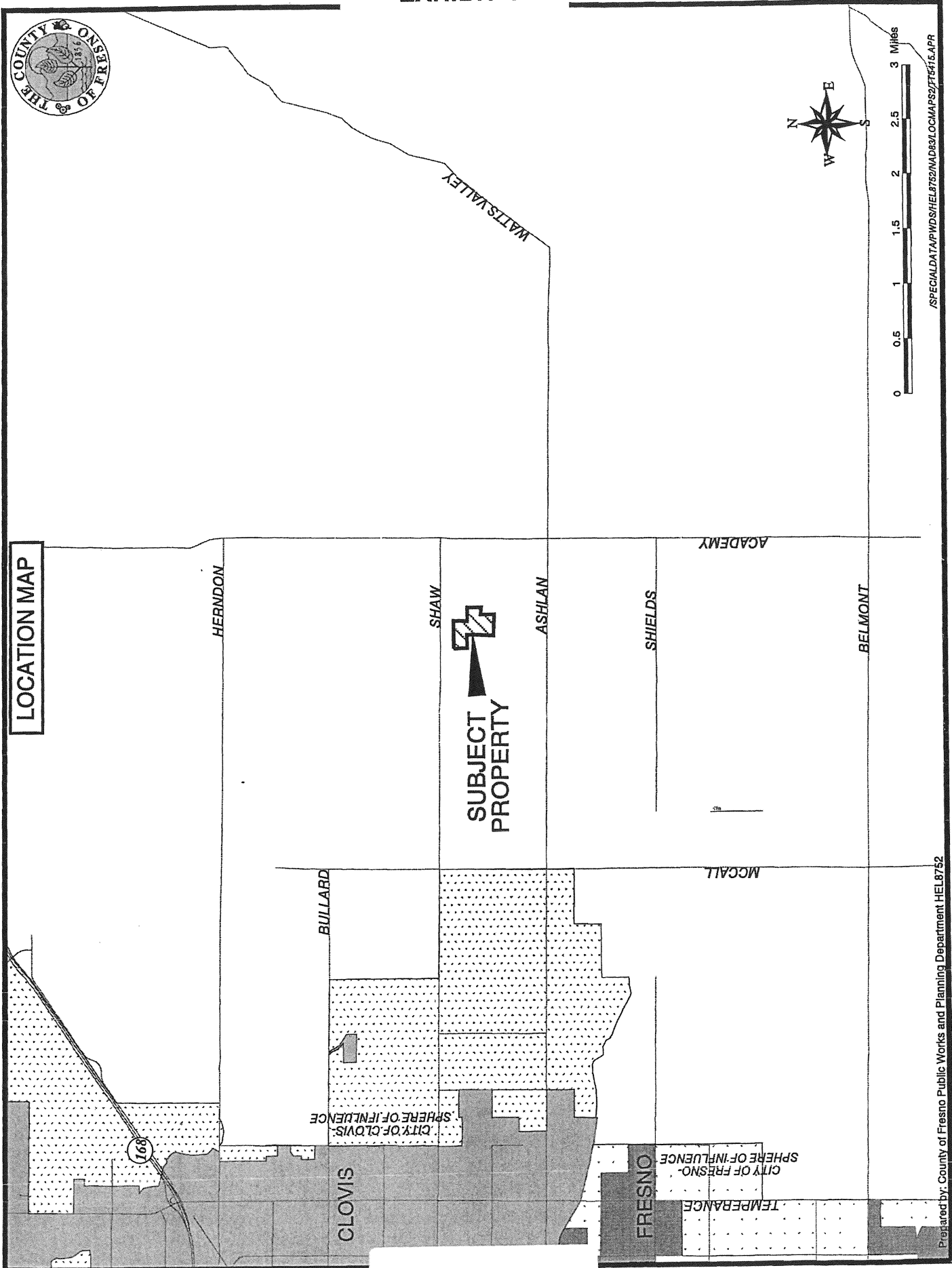
p. California Fire Code, 1103.2.4: Combustible Vegetation

Cut or uncut weeds, grass, vines, and other vegetation shall be removed.

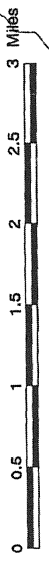
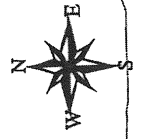
11. All address numbers shall be clearly marked and easily visible from the street.



# EXHIBIT 1



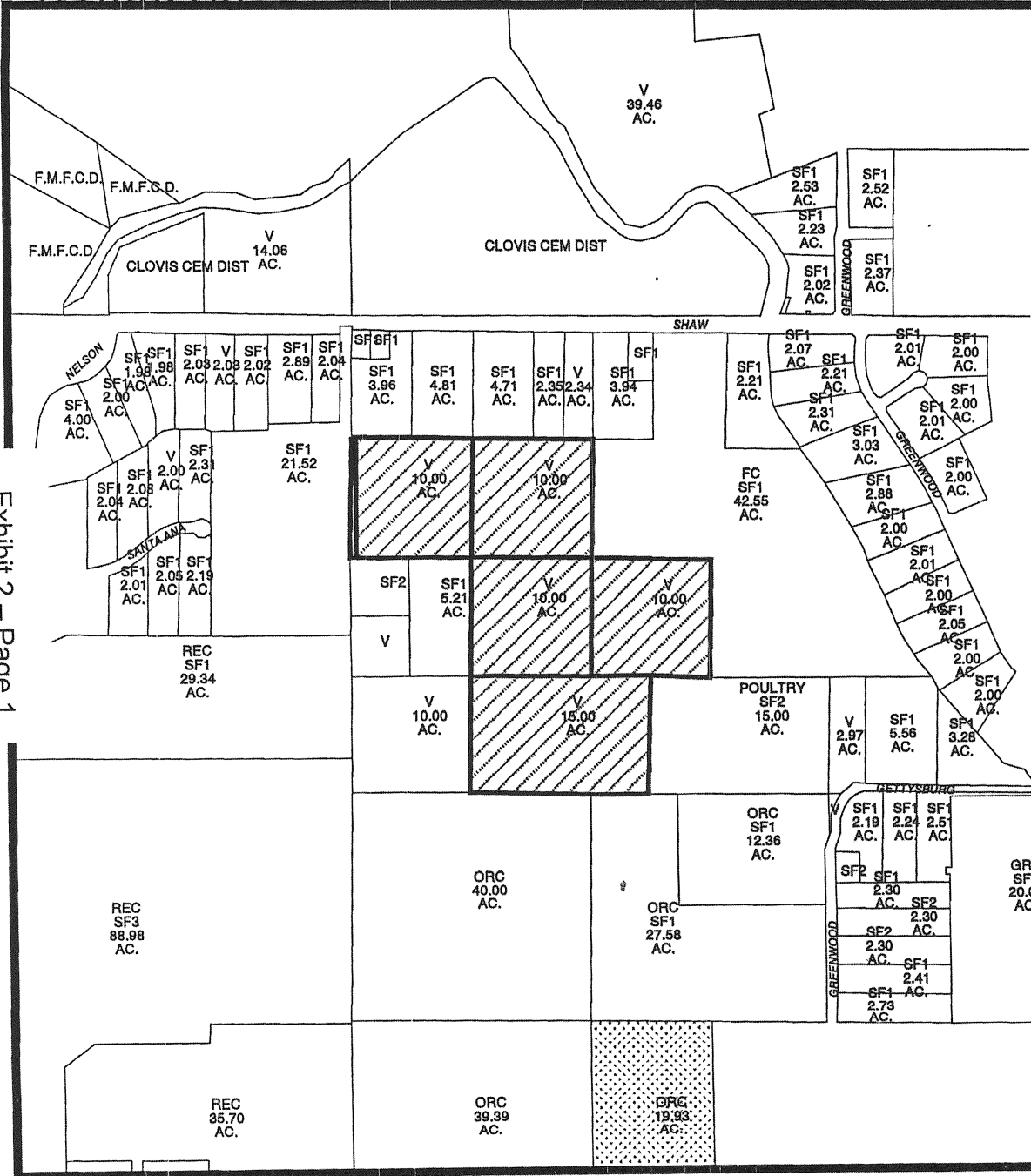
LOCATION MAP




/SPECIALDATA/PWDS/HEL/8752/INAD/83/LOCMAPS2/775415.APR


Prepared by: County of Fresno Public Works and Planning Department HEL8752

# EXISTING LAND USE MAP



Legend	
FC	- FIELD CROP
GRZ	- GRAZING
ORC	- ORCHARD
REC	- RECREATION
SF#	- SINGLE FAMILY RESIDENCE
V	- VACANT

 Subject Property

 Ag Contract Land



300 0 300 600 900 Feet

Exhibit 2 - Page 1

EXHIBIT 2

# EXISTING ZONING MAP

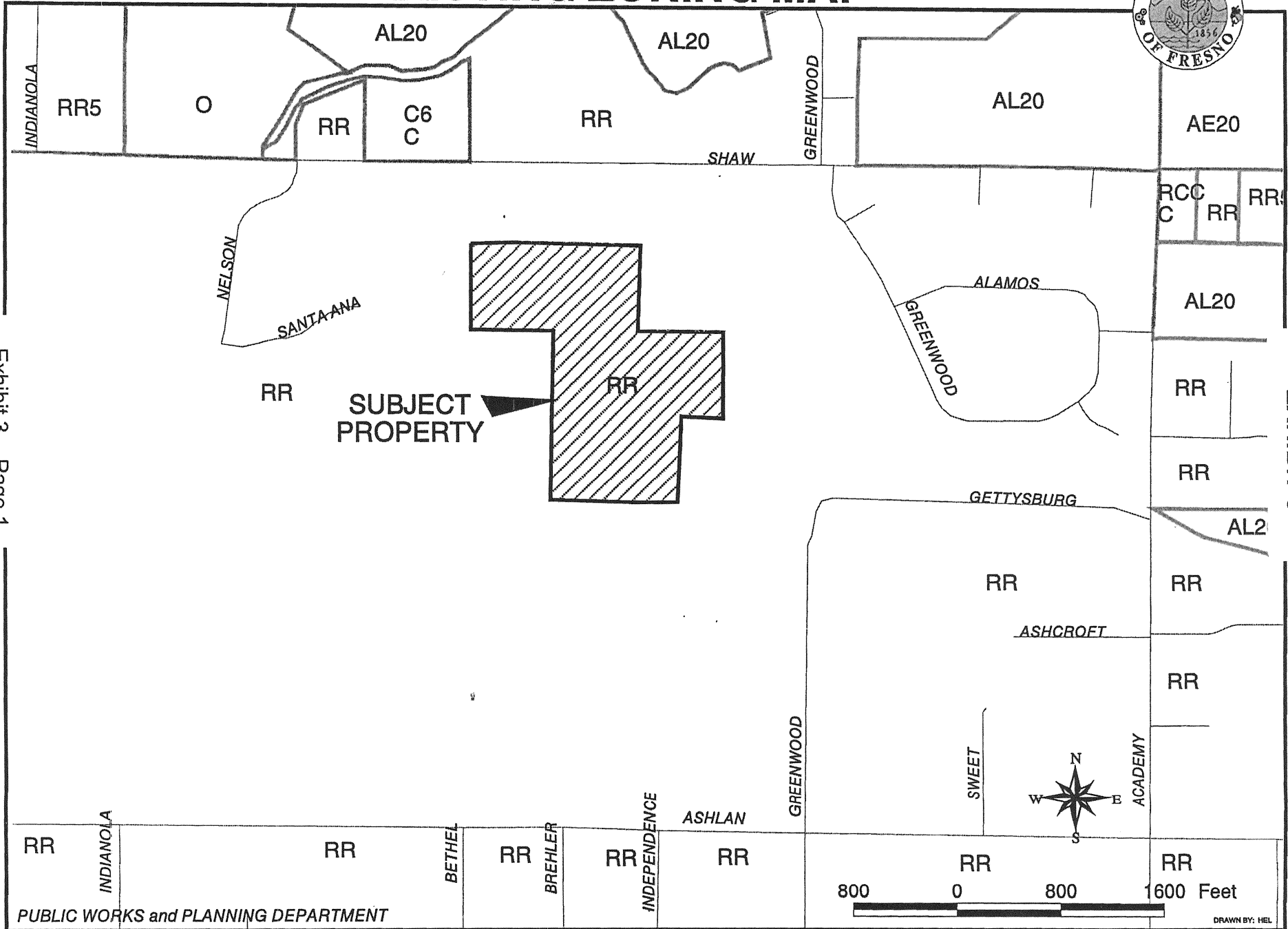
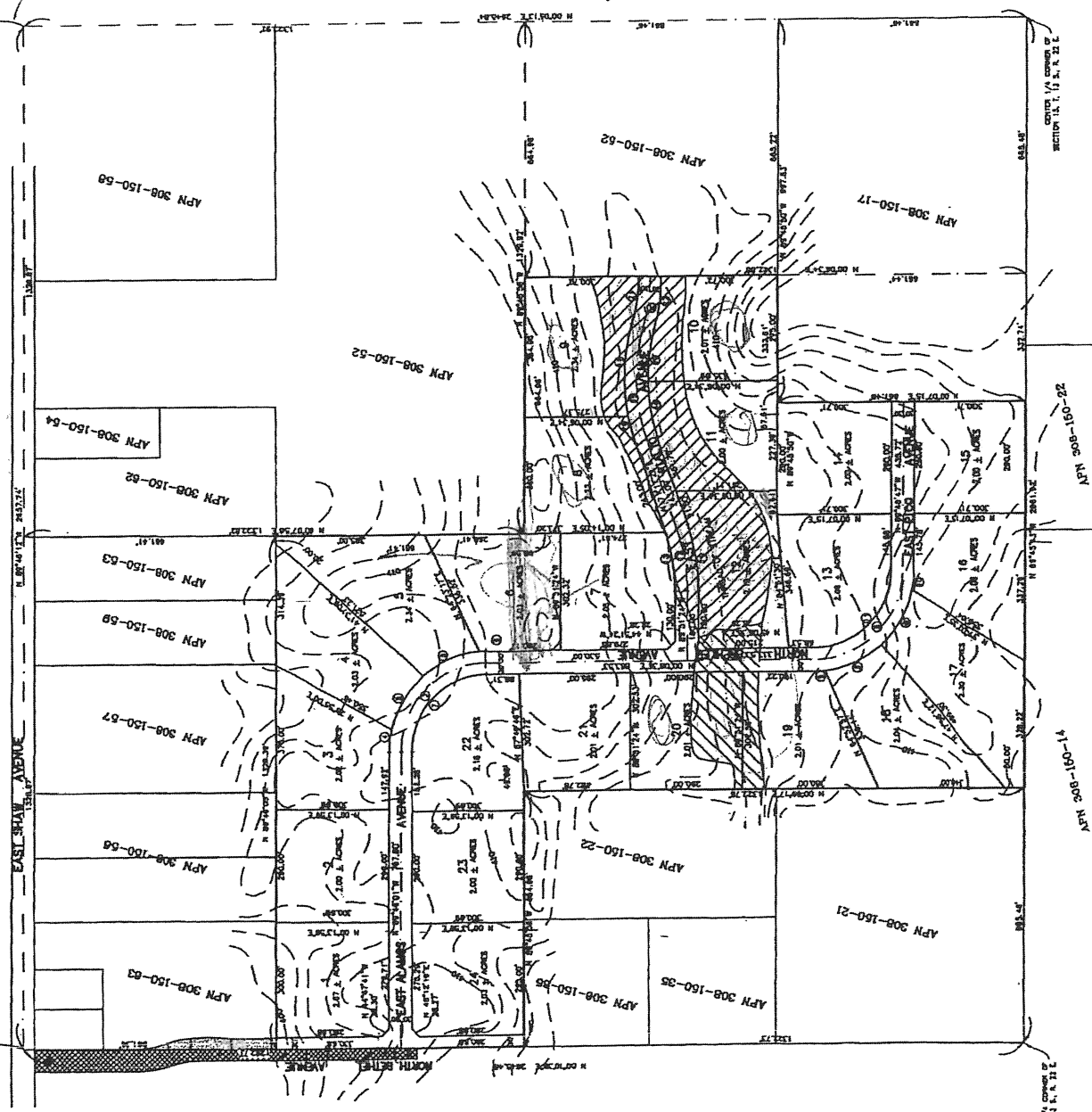


Exhibit 3 - Page 1

EXHIBIT 3



APN 308-150-50



**SUBDIVISOR'S STATEMENT**

Tract No. 5415  
 Date August 17, 2004

TO: Fresno County Planning Commission  
 Commission

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

The acreage of this tract is 50.042 acres. There will be 74 lots in this tract with a minimum lot size of 200 sq. ft.

The existing use of this property is residential

The proposed use of this property is single family residential

The proposed zoning on this property is R1

The existing structures on this property include NOISE

The existing improvements on this property include NOISE

All improvements will conform to County Standards with the following exceptions: NONE

Type of street front to be planned on the lot is NOISE

The proposed drainage, flood control measures and method of storm water disposal in County of Fresno is NOISE

The proposed fire hydrant and water line will conform to County Standards. Fire hydrants will be installed at intervals of 300 feet.

The proposed source of water supply is individual wells

The proposed method of sewage disposal is individual sewage disposal systems

The proposed utility lines to be provided are water, gas, electric, and telephone

There is attached hereto a copy of the respective comments to be reviewed.

There is attached hereto a copy of the respective comments to be reviewed.

There is attached hereto a copy of the respective comments to be reviewed.

Signature of Subdivisor: [Signature]  
 Signature of Engineer: [Signature]

Name: John Anderson Address: 3317 W. Belmont Ave., Fresno, CA 93706  
 City: Fresno Phone: 559-432-4342

Name: Kurt E. W. DeGennaro, Assoc. Inc. Address: 2308 E. 5th St., Fresno, CA 93703  
 City: Fresno Phone: 559-242-7831

**OWNER'S CERTIFICATE**

I, John Anderson, owner of the above described property, certify that I am the owner of the property shown on the Tentative Tract Map, and I have examined the map and consent to its submission to the Fresno County Planning Commission for consideration.

Signature: [Signature]  
 Name: John Anderson  
 Address: 3317 West Belmont Avenue  
 City: Fresno, CA 93706 Phone: 559-432-4342



DEPARTMENT OF PUBLIC WORKS AND PLANNING  
ALAN WEAVER  
DIRECTOR

**EVALUATION OF ENVIRONMENTAL IMPACTS**

- APPLICANT:** Amal Avedian
- APPLICATION NOS:** Initial Study Application No. 5497 and Tentative Tract Map Application No. 5415
- DESCRIPTION:** Allow creation of a 24-lot subdivision with a minimum lot size of two acres from an existing 55-acre parcel of land in the RR (Rural Residential, two-acre minimum parcel size) District.
- LOCATION:** The subject property is located approximately 600 feet south of E. Shaw Avenue between N. Nelson and N. Academy Avenues, approximately 3.5 miles east of the nearest city limits of the City of Clovis (SUP. DIST: 5) (APN: 308-150-05, 18, 20, 37S & 38S).

**I. AESTHETICS**

- A. Would the project have a substantial adverse effect on a scenic vista;**
- B. Would the project substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway;**
- C. Would the project substantially degrade the existing visual character or quality of the site and its surroundings; or**

**FINDING:** NO IMPACT:

*The project site is located within designated rural residential area of the County approximately 600 feet south of E. Shaw Avenue between N. Nelson and N. Academy Avenues, approximately 3.5 miles east of the City of Clovis. There are no scenic vistas, historic buildings or scenic resources within the area that would be adversely impacted by the project. The topography of the site and surrounding area is flat and most of the surrounding parcels are developed with residential and agricultural uses. The proposed project is similar to the existing development in the area, thus, the project will not impact the visual character or quality of the site and its surroundings.*

**DEVELOPMENT SERVICES DIVISION**

2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 262-4055 / 262-4302 / 262-4022 FAX 262-4893  
Equal Employment Opportunity • Affirmative Action • Disabled Employer

- D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

*The project would generate new sources of light and glare in the form of residential lighting (exterior and interior) and vehicular headlights. However, the increase in light and glare is not considered significant because the type of light generated is expected to be similar to that of existing home sites in the area on rural residential properties. To mitigate light and glare impacts on the adjacent properties, the following mitigation measure will be incorporated into the project:*

**\*Mitigation Measure**

- 1. All outdoor lighting shall be hooded and directed so as not to shine toward public roads or the surrounding properties and be noted on an additional map sheet.*

**II. AGRICULTURAL RESOURCES**

- A. Would the project convert prime or unique farmlands or farmland of statewide importance to non-agricultural use;**
- B. Would the project conflict with existing agricultural zoning or Williamson Act contracts; or**
- C. Would the project involve other environmental changes which, due to their location or nature, could result in conversion of farmland to non-agricultural use?**

FINDING: NO IMPACT:

*The project will not convert prime or unique farmlands to non-agricultural uses. The project site is classified as Farmland of Local Importance on the Fresno County Important Farmland Map 2002, suited for pasture, dry land farming, confined livestock and grazing. It is vacant and is not subject to Williamson Act Contract. Majority of the adjoining lands to the north and east are designated as Farmland of Local Importance. Parcels to the south are designated as Farmland of State Wide Importance and to the west are designated as Urban and Built-up Land.*

**III. AIR QUALITY**

- A. **Would the project conflict with or obstruct implementation of the applicable air quality plan?**
- B. **Would the project isolate any air quality standard or contribute to an existing or projected air quality violation;**
- C. **Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under a federal or state ambient air quality standard; or**
- D. **Would the project expose sensitive receptors to substantial pollutant concentrations?**

FINDING: LESS THAN SIGNIFICANT IMPACT:

*The San Joaquin Valley Air Pollution Control District (Air District) reviewed the project and indicated that the project is expected to have no significant adverse impact on air quality. Also, at full build-out, the project would be less than 50 residential units and would not be subject to District Rule 9510 (Indirect Source Review). However, the Air District indicates that the project may be subject to several District rules that can be incorporated into the design of the project to reduce the project's overall level of emissions to reduce emissions throughout the San Joaquin Valley. These rules include: District Regulation VIII – Fugitive Dust Rules, to address impacts related to PM-10, Rule 4102 (Nuisance), to address any source operation that emits air contaminants or other materials, Rule 4601 (Architectural coatings), Rule 4641 (Cutback, Slow, Cure, and emulsified Asphalt, Paving and Maintenance Operations), and Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters). Also, Rule 4002 (National Emission Standards for Hazardous Air Pollutants) would apply in case an existing structure on the property is renovated. These requirements will be included as project notes.*

*Adherence to the regulations noted above would reduce air-related impacts to a less than significance level.*

- E. **Would the project create objectionable odors affecting a substantial number of people?**

FINDING: NO IMPACT:

*As proposed, the single family residential development will not create objectionable odors.*

#### **IV. BIOLOGICAL RESOURCES**



- A. **Would the project have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special-status species?**
- B. **Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFG or USFWS?**

FINDING: NO IMPACT:

*The subject 55-acre property is located in a rural residential area of the County located east of City of Clovis and west of the Friant Kern canal. According to Fresno County Assessor's record, up until 1967 the property was a fig orchard. At present, it is vacant with a little or no vegetation and is dominated by native or non-native up-land grasses.*

*A biological report titled "Bethel Avenue Parcels Biological Assessment Report" was prepared by ESR, Inc., dated December 13, 2005, and reviewed by the California Department of Fish & Game (F&G). Amid F&G concerns that project site be surveyed during the appropriate time of the year to determine the location and extent of possible vernal pool habitat and the presence of the special status species, a supplemental "Hydrologic Monitoring and Habitat Assessment Report" was prepared by ESR, Inc., dated June 4, 2007. This supplemental report concluded that the subject property does not contain necessary parameters to qualify as vernal pools or habitat that would be conducive for use by vernal pool fairy shrimp, California tiger salamander or San Joaquin adobe sunburst. The reports finding are as follows:*

- 1. The soil analysis including the data interpretation and the filed sampling program did not identify any soils that were able to support wetland or vernal pool conditions.*
- 2. No clay soils were identified that would serve as habitat for the San Joaquin adobe sunburst.*
- 3. The site does not contain the necessary parameters to qualify as vernal pools or habitat that would be conducive for use by vernal pool fairy shrimp, California tiger salamander or San Joaquin adobe sunburst.*

*The California Department of Fish and Game (F&G) reviewed the report and accepted its findings as noted above and did not request for additional information.*

*The United States Fish and Wildlife Service (F&WL) also reviewed the project and indicated that based upon the information available to the*

*Service, at least 12 federally and state-listed species of plants and animals have been reported for the area, including 3 reported in the immediate area California tiger salamander, vernal pool fairy shrimp and San Joaquin adobe sunburst. The F&WL recommended that parcel-specific biological surveys be conducted by a qualified biologist to determine the presence of federally-listed species at the site. The "Hydrologic Monitoring and Habitat Assessment Report" prepared by ESR, Inc., dated June 4, 2007, along with Department of Fish & Game response to the project was routed to the Service on October 25, 2007 for review and comments. A follow-up letter for response was sent on November 27, 2007, followed by a second letter sent on December 18, 2007. No concerns were subsequently expressed in reference to the information provided to the Service.*

- C. Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption or other means?**

FINDING: NO IMPACT:

*According to the analysis made in Hydrologic Monitoring and Habitat Assessment Report," the site does not meet wetland characteristics as per the wetland definition established by Army Corps of Engineers (ACOE). The project was routed to ACOE who indicated that in case jurisdictional Waters of United States is found on the property, a 404 permit from ACOE would be required. This will be included as project note.*

- D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

FINDING: NO IMPACT:

*See discussion above in Section IV, A. B. The project site does not have or will impact migratory fish or wildlife species.*

- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**
- F. Would the project Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local regional, or state habitat conservation plan?**

FINDING: NO IMPACT:

*The project will not conflict with any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.*

## V. CULTURAL RESOURCES

- A. Would the project cause a substantial adverse change in the significant of a historical resource as defined in Section 15064.5?
- B. Would the project cause of substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5?
- C. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
- D. Would the project disturb any human remains, including those interred outside of formal cemeteries?

FINDING: NO IMPACT:

*No impacts to cultural resources were identified in the project analysis. The subject site is not located within an archeological sensitivity area or near any areas of known archaeological or historical activities.*

## VI. GEOLOGY AND SOILS

- A. Would the project expose people or structures to potential substantial adverse effects, including risk of loss, injury or death involving:
  - 1. Rupture of a known earthquake?
    - a) Strong seismic ground shaking?
    - b) Seismic-related ground failure, including liquefaction?
    - c) Landslides?

FINDING: NO IMPACT:

*The site is not located within a fault zone or area/topography that is subject to landslides. No agency expressed concerns or*

*complaints related to ground shaking, ground failure, liquefaction, or landslides.*

**B. Would the project result in substantial erosion or loss of topsoil?**

FINDING: LESS THAN SIGNIFICANT IMPACT:

*The project could result in minor changes in absorption rates, drainage patterns and the rate and amount of surface run-off, in the form of drainage from grading activities. These effects are not considered significant because the applicant will be required to adhere to the Grading and Drainage Sections of the County Ordinance Code.*

**C. Would the project result on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

**D. Would the project be located on expansive soils creating substantial risks to life or property?**

FINDING: NO IMPACT:

*The project is not located within an area of known risk for landslides, lateral spreading, subsidence, liquefaction, or collapse, or within an area of known expansive soils.*

**E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative disposal systems where sewers are not available for wastewater disposal?**

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

*The Fresno County Department of Public Health, Environmental Health Division (Health Department) reviewed this application and required that a sewage feasibility study be prepared for the site to indicate its potential to support septic systems for the development. A Geology & Sewage disposal Feasibility Study was prepared by Norbert W. Larsen, dated April 4, 2006, which was based on a previous study, dated December 10, 1990. The Health Department reviewed the Feasibility Study and concluded that engineered septic systems consistent with the variable geologic conditions on each lot should be required for this tract at the time of housing construction and recommends that the following mitigation measure be included in the approval of the project in order to address potential impacts related to the use of specific systems.*

**\*Mitigation Measures**

2. *Engineered individual sewage disposal systems will be required for each lot in this tract as per the conclusions and recommendations made by Norbert W. Larsen & Associates, Inc, on April 4, 2006 which were based upon a previous study submitted by the firm on December 10, 1990 or as otherwise approved by the Fresno County Department of Public Health, Environmental Health Division and shall be recorded as a covenant with the property upon recording of the Final Map and be noted on an additional map sheet.*

## VII. HAZARDS AND HAZARDOUS MATERIALS

- A. **Would the project create a significant public hazard through routine transport, use or disposal of hazardous materials?**
- B. **Would the project create a significant hazard involving accidental release of hazardous materials into the environment?**
- C. **Would the project emit hazardous materials within ¼ mile of a school?**

FINDING: NO IMPACT:

*No impacts relating to hazardous materials were identified in the project review process. The nature of a proposed rural residential subdivision will not generate or involve the transport of quantities of hazardous materials with the potential to impact surrounding property owners or the environment. No hazardous materials sites were identified within the project area by the Department of Community Health, Environmental Health Division.*

- D. **Would the project be located on a hazardous materials site?**

FINDING: NO IMPACT:

*The project is not located on a hazardous materials site.*

- E. **Would a project located within an airport land use plan or, absent such a plan, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area?**
- F. **Would a project located within the vicinity of a private airstrip result in a safety hazard for people residing or working in the project area?**

FINDING: NO IMPACT:

*The project is not located within an airport land use plan or within two miles of a public use airport or in the vicinity of a private airstrip.*

- G. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

FINDING: NO IMPACT:

*The project will not impair implementation or physically interfere with an adopted emergency response plan.*

- H. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

FINDING: NO IMPACT:

*The proposal is not located in a wildland fire area and therefore will not expose people or structures to such hazards.*

## **VIII. HYDROLOGY AND WATER QUALITY**

- A. Would the project violate any water quality standards or waste discharge requirements or otherwise degrade water quality?**
- B. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge so that there would be a net deficit in aquifer volume or a lowering of the local groundwater table?**

FINDING: LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED:

*The project will utilize individual water systems (wells) on the properties and will not violate any water quality standards or otherwise degrade water quality.*

*The Fresno County Department of Public Health, Environmental Health Division (Health Department) required the applicant to provide water quality information from two wells on the subject parcels to test all water quality constituents as required of community water systems in the California Domestic Water Quality and Monitoring Regulations, Title 22, California Code of Regulations. The Health Department reviewed water quality information provided by the applicant and determined that all constituents and chemicals analyzed meet the standards adopted by the*

California Department of Health Services for community public water systems.

As discussed above in Section VI. E. Geology and Soils, the proposal will use engineered individual sewage disposal systems for wastewater discharge for each lot in the tract. Such systems provide much more control on groundwater contamination over non-engineered individual sewage disposal systems. Therefore, the project will not degrade water quality.

The County Water-Geology Unit required that Hydro-geologic Evaluation Report be prepared for the project's impact on groundwater quantity. Hydro-Geologic Evaluation Reports were prepared by BSK Engineering, dated January 30, 2006 and January 25, 2008 respectively. The County Water-Geology Unit reviewed the reports and indicated that given the proposed water usage and data contained in the reports, it appears that the water supply meets the requirements of Fresno County General Plan regarding adequacy, sustainability and impacts to nearby wells. However, the Unit indicates that ground water consumption shall be for domestic purposes only and not for irrigation. Also, the property shall be surveyed for abandoned wells and any such well discovered must be properly destroyed prior to project approval. This will be included as a mitigation measure.

**\*Mitigation Measures:**

3. *All existing wells that are either: unpermitted, abandoned, and/or are not to be utilized to serve an individual parcel within the subdivision shall be destroyed in an approved manner as authorized by a permit for water well destruction issued by the Fresno County Department of Public Health, Environmental Health Division (Health Department) prior to recordation of the final map unless express approval allowing a particular well to remain on site has been obtained from the Health Department.*
- C. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site?**
- D. Would the project substantially alter existing drainage patterns, including alteration of the course of a stream or river, in a manner which would result in flooding on or off-site?**

FINDING: LESS THAN SIGNIFICANT IMPACT:

*According to FEMA Map Panel 1615F, a portion of the property lies within the 100-year flood plain. The Development Engineering Section of the Department of Public Works and Planning reviewed the project and indicated that a flood study to establish the base flood elevation and the limits of inundation for 100-year storm shall be conducted on the property and be shown on the map.*

*The Fresno Metropolitan Flood Control District (FMFCD) also reviewed the project and indicated that the existing stream course within the property is an FMFCD Master Plan channel and that District requires approval and design of a relocated channel prior to approval of the tract, dedication of easements as requested, and construction of culverts to accommodate Master Plan flows. To address District's concerns, the Development Engineering Unit, in agreement with the District, has recommended that since the property located within the FMFCD boundary; all District requirements shall be met and be made a part of improvement plans including engineering related studies and channel improvements. Required studies include a flood study to establish base flood elevation and the limits of inundation for a 100-year storm and hydraulic analysis to determine the sizes and locations of culvert crossings and/or relocated drainage channels to address the provisions in the Section 17.48.230 of the Fresno County Ordinance pertaining to development of land subject to flooding. These will be included as conditions of approval for the project. In addition, a condition of approval will be added requiring that a building pad for Lot 12 shall be constructed above the flood limits prior to the recording of the final map.*

**E. Would the project create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?**

FINDING: LESS THAN SIGNIFICANT IMPACT:

*As mentioned earlier, the project could cause changes in absorption rates, drainage patterns, and an increase in the rate and amount of surface runoff. This potential impact would result from construction and paving activities, which would compact and over cover the soil, thereby reducing the area available for infiltration of storm water.*

*Potential runoff, flooding erosion, and situation effects are not considered significant because future development shall be required to adhere to mandatory construction practices contained in the Building, Grading and Drainage Sections of the County Ordinance Code. According to the Development Engineering Section of the Department of Public Works and Planning, this proposal will require all storm water runoff generated from the developed portion of this tract be retained on site.*



*Adhering to this requirement will reduce project impact related to drainage and flooding to a less than significant level.*

**F. Would the project otherwise substantially degrade water quality?**

FINDING: LESS THAN SIGNIFICANT IMPACT:

*As mentioned above in Section VI. E., engineered individual sewage disposal system will be used on the property. This system is required by Fresno County Department of Public Health, Environmental Health Division (Health Department) and will safeguard underground water quality more than an individual non-engineered septic system can.*

*In addition, the applicant will be required to obtain NPDES permit prior to construction and grading activities, file a Notice of Intent (NOI) with the Regional Water Quality Control Board, and develop a Storm Water Pollution Prevention Plan (SWPPP) and incorporate it into the construction improvement plans. Adherence to these requirements will reduce the project impact on ground water quality to less than significant.*

**G. Would the project place housing within a 100-year floodplain?**

**H. Would the project place structures within a 100-year flood hazard area that would impede or redirect flood flows?**

FINDING: LESS THAN SIGNIFICANT IMPACT:

*See discussion above in VIII. C. D.*

**I. Would the project expose persons or structures to levee or dam failure?**

**J. Would the project inundation by seiche, tsunami or mudflow?**

FINDING: NO IMPACT:

*No levee or dam is upstream of the site and no inundation hazards were identified in the analysis.*

**IX. LAND USE AND PLANNING**

**A. Will the project physically divide an established community?**

FINDING: NO IMPACT:

*The project is located in a rural residential area and will not physically divide any established community. The project site is located approximately 3 ½ miles east of the incorporated City of Clovis.*

- B. Will the project conflict with any land use plan, policy or regulation of an agency with jurisdiction over the project?**

FINDING: NO IMPACT:

*The project will not conflict with any land use plan, policy or regulation of any agency with jurisdiction over the project. The subject property is designated for Rural Residential use on the Fresno County General Plan.*

- C. Will the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?**

FINDING: NO IMPACT:

*The project will not conflict with any habitat or natural community conservation plan.*

**X. MINERAL RESOURCES**

- A. Would the project result in the loss of availability of a known mineral resource?**
- B. Would the project result in the loss of availability of a locally-important mineral resource recovery site designated on a general plan?**

FINDING: NO IMPACT:

*The project site is not located in a mineral resource zone, as identified in the General Plan (Figure 7-8 and 7-9). The proposal will not extract and excavate minerals and would not result in the loss of a locally-important mineral resource recovery sites.*

**XI. NOISE**

- A. Would the project result in exposure of people to severe noise levels?**
- B. Would the project result in ground borne vibration?**
- C. Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity?**

- D. Would the project result in a substantial temporary or periodic increase in ambient noise levels?**

FINDING: LESS THAN SIGNIFICANT IMPACT:

*The project would result in an increase in noise levels associated with the development of 24 residential units. However, Fresno County Department of Public Health, Environmental Health Division, who enforces the county noise ordinance, has indicated that given the location of existing residential development in the surrounding areas and the distance of such development from the proposed, site noise impact would be less than significant. Construction noise is considered exempt from compliance with the Fresno County Noise Ordinance provided construction activities occur between the hours of 6:00 a.m. to 9:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. Saturday and Sunday. Noise impacts associated with construction are expected to be short-term.*

- E. Would the project expose people to excessive noise levels associated with a location near an airport, or a private airstrip?**
- F. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**

FINDING: NO IMPACT:

*The project site is not in the vicinity of an airport or private airstrip and therefore is not impacted by airport noise.*

## **XII. POPULATION AND HOUSING**

- A. Would the project induce substantial population growth either directly or indirectly?**
- B. Would the project displace substantial numbers of existing housing?**
- C. Would the project displace substantial numbers of people, necessitating the construction of housing elsewhere?**

FINDING: LESS THAN SIGNIFICANT IMPACT:

*The project would result in the construction of a maximum of 24 single-family residences on a 55-acre site in an area planned for Rural Residential development. The population growth resulting from the project is not considered significant based upon the County's adopted plan and policies.*

### **XIII. PUBLIC SERVICES**

#### **A. Would the project result in physical impacts associated with the provision of new public services in the following areas:**

##### **1. Fire protection**

FINDING: NO IMPACT:

*Based upon the initial review of the project, the Fresno County Fire Protection District did not identify any significant concerns with the proposal. In their letter dated July 21, 2008, the Fire District indicated that the project shall comply with California Code of Regulations Title 24 – Fire Code 2007. The applicable Fire Codes were discussed and agreed upon between the applicant and Fire District to comply with and were signed by the applicant on August 13, 2008. The Fire district also requires that the project shall be provided with a 180, 000 gallon water storage tank on the property or a 90,000 gallon water storage tank with each house having sprinkler system installed. This will be reflected in covenant and agreement to be recorded with the final map. In addition, 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 & Planning after consideration of the recommendations of the fire district having jurisdiction of the area. These requirements will be included as a condition of approval of the project.*

##### **2. Police protection**

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

*The Board of Supervisors has directed that a funding mechanism be established to provide for minimum level manning of Sheriff's services in areas experiencing new residential growth. This is consistent with General Plan Policy PF-G.2, which states that the County shall strive to maintain a staffing ratio of two sworn officers per 1,000 residents served. A mitigation measure has, therefore, been included requiring creation of a Community Facilities District or other appropriate funding mechanism to provide for police protection at a ratio of two sworn officers per 1,000 residents. The applicant has agreed to the following condition:*

**\*Mitigation Measure**

4. *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's protection services to achieve a ratio of 2.0 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.*

**5. Schools**

FINDING: LESS THAN SIGNIFICANT IMPACT:

*The project is located within the Sanger Unified School District boundaries. The District has adopted an ordinance requiring payment of a construction fee. Payment will be required prior to issuance of building permits.*

**4. Parks**

**5. Other public facilities?**

FINDING: NO IMPACT:

*No impact on parks or other public facilities were identified in the analysis.*

**XIV. RECREATION**

**A. Would the project increase the use of existing neighborhood and regional parks?**

**B. Would the project require expansion of recreational facilities?**

FINDING: NO IMPACT:

*No such impacts were identified in the analysis. However, an established recreational facility is located to the west within a quarter mile of the subject site.*

**XV. TRANSPORTATION/CIRCULATION**

**A. Would the project result in increased vehicle or traffic congestion?**

**B. Would the project exceed the established level of service standards?**

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

*The Design Division of the Fresno County Department of Public Works and Planning identified potential impacts to the existing transportation system from traffic generated by the proposed project and determined that a Traffic Impact Study (TIS) was required in order to determine the full extent of traffic impacts. The applicant provided a TIS prepared by Peters Engineering Group dated, June 2, 2006. The traffic impact study concluded that the existing road network is adequate to accommodate the proposed project based upon opening day conditions and near-term conditions. The TIS recommended a project share for future construction cost for signalization of the intersection of Shaw and McCall Avenues and widening of Shaw Avenue to four lanes between McCall Avenue and Quail Lake Drive. The Design Division accepted the recommendations as outlined in TIS and has determined that the project shall pay its fare share for these improvements. These recommendations will be included as project mitigation measures and are as follows:*

**\*Mitigation Measure**

5. *To mitigate potential impacts to the County maintained roads, a pro-rata share for future off-site improvements is required as defined in item a and b below. This fee shall either be paid prior to recordation of the map or a covenant shall be recorded on each lot providing notice that issuance of a building permit is subject to payment of a Public Facilities fee. If the applicant 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.*
  - a. *Road widening to four (4) lanes of the 0.7 mile road segment of Shaw Avenue between McCall Avenue and Quail Lake Drive. The project's maximum share for the 2025 scenario is 2.98% or \$ 22,848.00*
  - b. *Signalization at the intersection of Shaw Avenue and McCall Avenue. The project's maximum share for the 2025 scenario is 1.31 % or \$5,482.00.*

*The County shall update cost estimates for the above specified improvements prior to execution of the agreement. The Board of Supervisors pursuant to Ordinance Code Section 17.88 shall adopt a Public Facilities Fee addressing the updated pro-rata costs. The Public Facilities Fee shall be related to off-site road improvements, plus costs required for inflation based on the Engineering News Record (ENR) 20 Cities Construction Cost Index.*

**C. Would the project result in a change in air traffic patterns?**

FINDING: NO IMPACT:

*The project will not change or alter air traffic patterns.*

**D. Would the project substantially increase traffic hazards due to design features?**

**E. Would the project result in inadequate emergency access?**

**F. Would the project result in inadequate parking capacity?**

FINDING: NO IMPACT:

*The project will not result in traffic hazards due to design features or in inadequate emergency access or parking capacity. All emergency access will be subject to approval by the Fresno County Fire Protection District prior to the completion of improvement plans/issuance of building permits.*

**G. Would the project conflict with adopted plans, policies or programs supporting alternative transportation?**

FINDING: NO IMPACT:

*The project will not conflict with any alternative transportation plans.*

**XVI. UTILITIES AND SERVICE SYSTEMS**

**A. Would the project exceed wastewater treatment requirements?**

**B. Would the project require construction of new water or wastewater treatment facilities?**

FINDING: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED:

*As discussed above in Section VI. E., Geology and Soils and Section VIII. A. B. Hydrology and water Quality, the project will utilize individual on-site wells and engineered individual sewage disposal systems, and therefore, it does not require construction of new water or wastewater treatment facilities. The Fresno County Department of Public Health, Environmental Health Division (Health Department) and Water-Geology Unit of the Department of Public Works and Planning reviewed the project and approved it for water quality, quantity and on-site sewage disposal system.*

- C. **Would the project require construction of new storm water drainage facilities?**
- D. **Would the project have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed?**
- E. **Would the project result in a determination of inadequate wastewater treatment capacity to serve project demand?**

FINDING: LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED:

*See discussion above in Section VI. E., Geology and Soils and Section VIII, A. B. E., Hydrology and Water Quality.*

- F. **Would the project be served by a landfill with sufficient permitted capacity?**
- G. **Would the project comply with federal, state and local statutes and regulations related to solid waste?**

FINDING: LESS THAN SIGNIFICANT IMPACT:

*The project site will be served by a local waste hauler designated to provide refuse and recyclable material removal as required by County Ordinance. The development of a rural residential subdivision of the size and character proposed with this project will not significantly impact local area landfills.*

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE**

- A. **Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California prehistory or history?**

FINDING: NO IMPACT:

*No impacts to biological resources were identified in the analysis.*

- B. **Does the project have impacts that are individually limited, but cumulatively considerable?**



FINDING: LESS THAN SIGNIFICANT IMPACT:

*The San Joaquin Valley Air Pollution Control District (Air District) has reviewed the project and has commented that the entire San Joaquin Valley Air Basin is classified non-attainment for ozone and fine particulate matter (PM10). The project would contribute to the overall decline in air quality due to construction activity and an increase in traffic. The Air District indicated that the project is subject to several of its adopted mandatory rules and regulations designed to reduce emissions throughout the San Joaquin valley.*

**C. Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly?**

FINDING: NO IMPACT:

*No substantial adverse effects on human beings were identified in the analysis.*

**CONCLUSION/SUMMARY**

Based upon the Initial Study prepared for Tentative Tract Map No. 5415, staff has concluded that the project will not have a significant effect on the environment. No potential impacts were identified related to agricultural resources, biological resources, cultural resources, hazards and hazardous materials, land use and planning, and mineral resources. Impacts related to population and housing, have been determined to be less than significant, including air quality and noise which have been determined to be less than significant with adherence to the provisions set forth by the San Joaquin Valley Air Pollution Control District and County Noise Ordinance.

Impacts related to aesthetics, geology and soils, hydrology and water quality, public services, transportation and circulation, and utilities and service systems have been determined to be less than significant with adherence to the proposed mitigation measures.

A Mitigated Negative Declaration is recommended and is subject to approval by the decision-making body. The Initial Study is available for review at 2220 Tulare Street, Ste. "A", Fresno, CA.

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### AGENDA ITEM WORKSHEET

Agenda Date: 11/4/2008

Regular  Estimated Time: 10  
Consent  (Mins)

[Signature]  
Approved By:

Closed  Ejaz Ahmad/Bernard Jimenez  
Contact Person

2-4324/2-4497  
Phone

Submitting Dept. Public Works & Planning

CAO Analyst Sandra Dumlao

Presenter Ejaz Ahmad  
[Signature]  
(Name and Signature)

**TYPE ITEM DESCRIPTION AS IT IS TO APPEAR ON AGENDA:** (Should begin with verb, i.e., Approve, Adopt, Consider, Discuss, Authorize, Present, Proclaim, Receive, etc.) (Answer the 5W's - Who? What? Why? When? How much?) A brief general description of an item would not exceed 20 words. **If your agenda item has the description that you wish to use for the agenda, you do not have to type anything below. If your agenda item has multiple recommended actions, you must summarize below.**

Consider and take action on appeal filed by Amal Avedian of the Planning Commission's denial of Tentative Tract Application No. 5415 to allow creation of a 24-lot subdivision with a minimum lot size of two acres from an existing 55-acre parcel of land in the RR District located approx. 600 feet south of E. Shaw Avenue between N. Nelson and N. Academy Avenues (SUP. DIST: 5) (APN: 308-150-05, 18, 20, 37S & 38S).

Vote Required:  4/5  Majority  Receive and File

Review by: County Counsel:  Yes  N/A Auditor-Controller:  Yes  N/A

Other Information: Board Briefing Report \_\_\_\_\_ (Date) Advanced Agenda Material \_\_\_\_\_ (Date)

Documents that are not included in Board packet are: Agreements (unless agreement is referred to in the agenda item as an exhibit/attachment); Resolutions (unless the resolution is in support of legislation, non-budget or referred to in the agenda item as an exhibit/attachment); General Documents (unless it is referred to in the agenda item as an exhibit/attachment)

Please list Agenda Item and Supporting Documents	Qty.	Distribution Status	
		Distribute to Board. Scanned and Posted for Public Viewing	Do Not Distribute to Board. Scanned and Posted for Public Viewing Only
1. <u>Inter Office Memo</u>	<u>1</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. <u>Agenda Item w/Exhibits A-B</u>	<u>1</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. <u>Subdivision Review Comm Rpt. w/ Ex 1-5</u>	<u>1</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>
5. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>
6. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>
7. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>

**Special Instructions to Clerk Including Legal Publication, Notification & Posting Requirements:** Please e-mail Minute Order to Bernard Jimenez and Michele Carter.

<b>Rush Processing:</b> <input type="checkbox"/> Yes	Contact: Phone:
<b>Clerk Use Only</b>	Copies Sent To:



For Office Use Only	
Date received:	10/8/08
Copied to:	W. Kettler, C. Motta
Date copy sent:	10/8/08
Hearing set for:	11/4/08

**LAND USE APPEAL**

Date: 10/07/08

BERNICE E. SEIDEL, Clerk, Board of Supervisors  
Hall of Records, Room 301  
2281 Tulare  
Fresno, CA 93721

**APPEAL FEE: \$508.00**  
*(Fee must accompany appeal)*  
*(Fee not applicable if appeal is only on GPA with no concurrent applications)*

I wish to appeal the Planning Commission's/Director's decision to deny approve  
\*VA, CUP, (TT) AA, GPA, AT, DRA Application/s No/s. 5415 on 10/02/08  
(Circle Applicable Application/s) (PC Hearing Date)

for the following **specific reason/s** (Note: Disregard if GPA appeal): The decision was not correct because the denial of the map was based on the P.C. proposing a community water system when it is well known that community system is not allowed in the RR zone district. We have followed the requirements of the General Plan. The P.C. acted against the General Plan that they have sworn to uphold.

Please notify me of the date and time of the appeal hearing before the Board of Supervisors.

<u>Appellant</u>		<u>Agent (if applicable)</u>	
Jack Avedian		Ronald W. Greenwood	
(Name)		(Name)	
3317 W. Bullard	Fresno	2558 E. Olive Ave.	Fresno
(Address)	(City)	(Address)	(City)
93711	559/681-0510	93701	559/268-7831
(Zip Code)	(Daytime Phone No.)	(Zip Code)	(Daytime Phone No.)

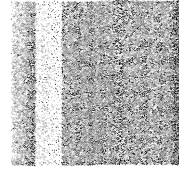
If appellant is not the applicant, please provide: Applicants Name: \_\_\_\_\_

*Amal Aeppli*  
(Signature)

\*Fresno County Zoning Ordinance § 877(c) requires that any appellant, other than the applicant, County Department Director, or Board of Supervisors member, must be a property owner within a certain distance from the Variance application property. The Department of Public Works and Planning will verify that the ordinance requirements are met. If the requirements are not met, the appeal fee will be returned and no date for appeal hearing before the Board of Supervisors will be set.

Apkar "Jack" Avedian

4146 W. Ellery Way, Fresno, CA 93722  
(559) 681-0510 avedianlulu@yahoo.com



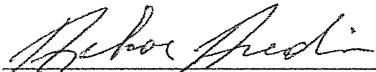
January 10, 2019

Chris Motta, Senior Planner  
Development Services Division  
Fresno County Department of Public Works and Planning  
Re: Tentative Tract Map No. 5415 (Avedian)

Dear Mr. Motta,

Currently, with the most recent legislative time extensions this map will expire March 3<sup>rd</sup> 2019. Unfortunately the economy is still sluggish in Fresno County and there is an uncertain market for this type of residential development. Therefore, we would like to request an extension for this subdivision.

Warm regards,

x   
\_\_\_\_\_  
Apkar "Jack" Avedian

