



County of Fresno

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

Planning Commission Staff Report Agenda Item No. 1 April 22, 2021

SUBJECT: Tentative Tract Map. 5415 – Time Extension

Grant a one year 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: Jack Avedian

STAFF CONTACT: Ethan Davis, Planner
(559) 600-9669

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Approve a first one-year 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
5. Applicant's letter requesting a time extension

ENVIRONMENTAL ANALYSIS:

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 57 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:

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. The Planning Commission's discretion is limited to questions of time and that there are no changed environmental issues. 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.

DISCUSSION:

Approval of a Time Extension request for Tentative Tract Map No. 5415 is appropriate if circumstances beyond the control of the Applicant have caused delays which do not permit compliance within the one-year time limit established by the Zoning Ordinance. It should be noted that the Planning Commission's jurisdiction in evaluating this request is limited to determining that the environmental documents are still appropriate and whether the Applicant should be granted an additional year to exercise the Tentative Tract Map.

According to the Applicant's request letter (Exhibit 5), the Covid19 pandemic has slowed down the economic growth in Fresno County and has made the market for development uncertain.

It is reasonable to find that this delay was beyond the control of the applicant, as they cannot control the timing of economic impacts from the Covid19 pandemic.

PUBLIC COMMENT: None

CONCLUSION:

Staff recommends that the first one-year Time Extension for Tentative Tract No. 5415 should be approved based on factors cited in the analysis above. Approval of this Time Extension will extend the expiration date to March 3, 2022.

PLANNING COMMISSION MOTIONS:

Recommended Motion (approval action)

- Move to approve the first one-year 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 first one-year Time Extension request for Tentative Tract Map No. 5415 (state reason for denial); and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

ED:im

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LOCATION MAP

TT 5415

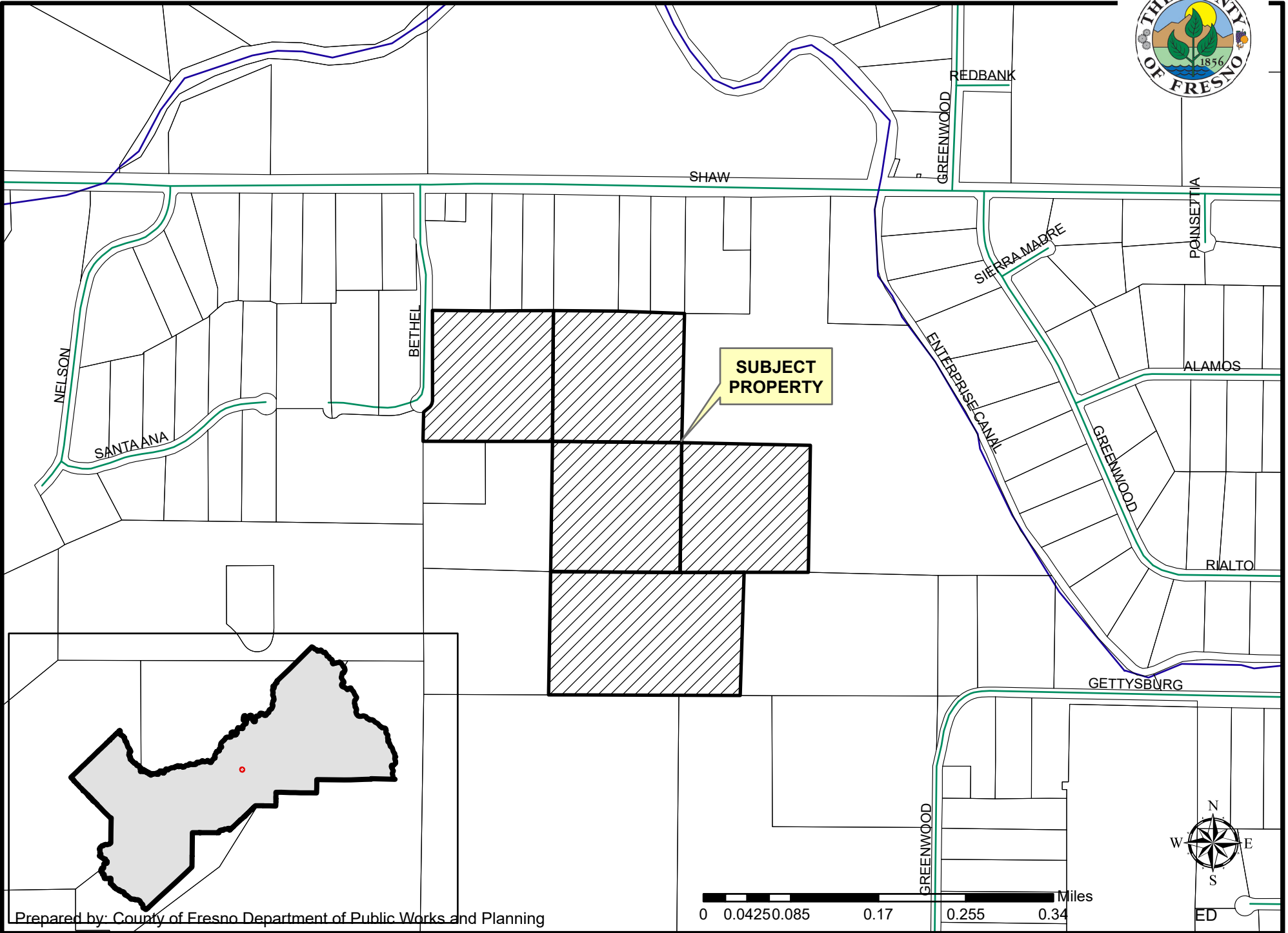
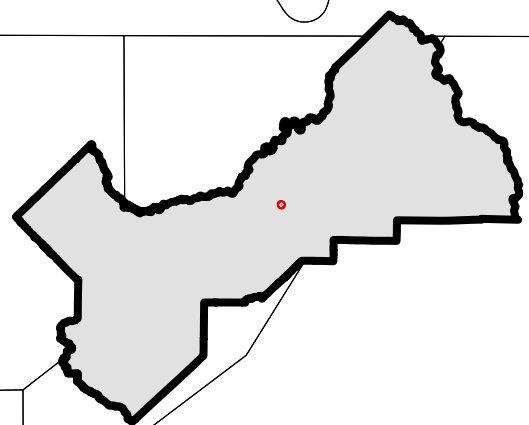


EXHIBIT 1



EXISTING LAND USE MAP

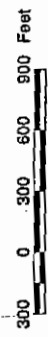
TT 5415, IS 5497



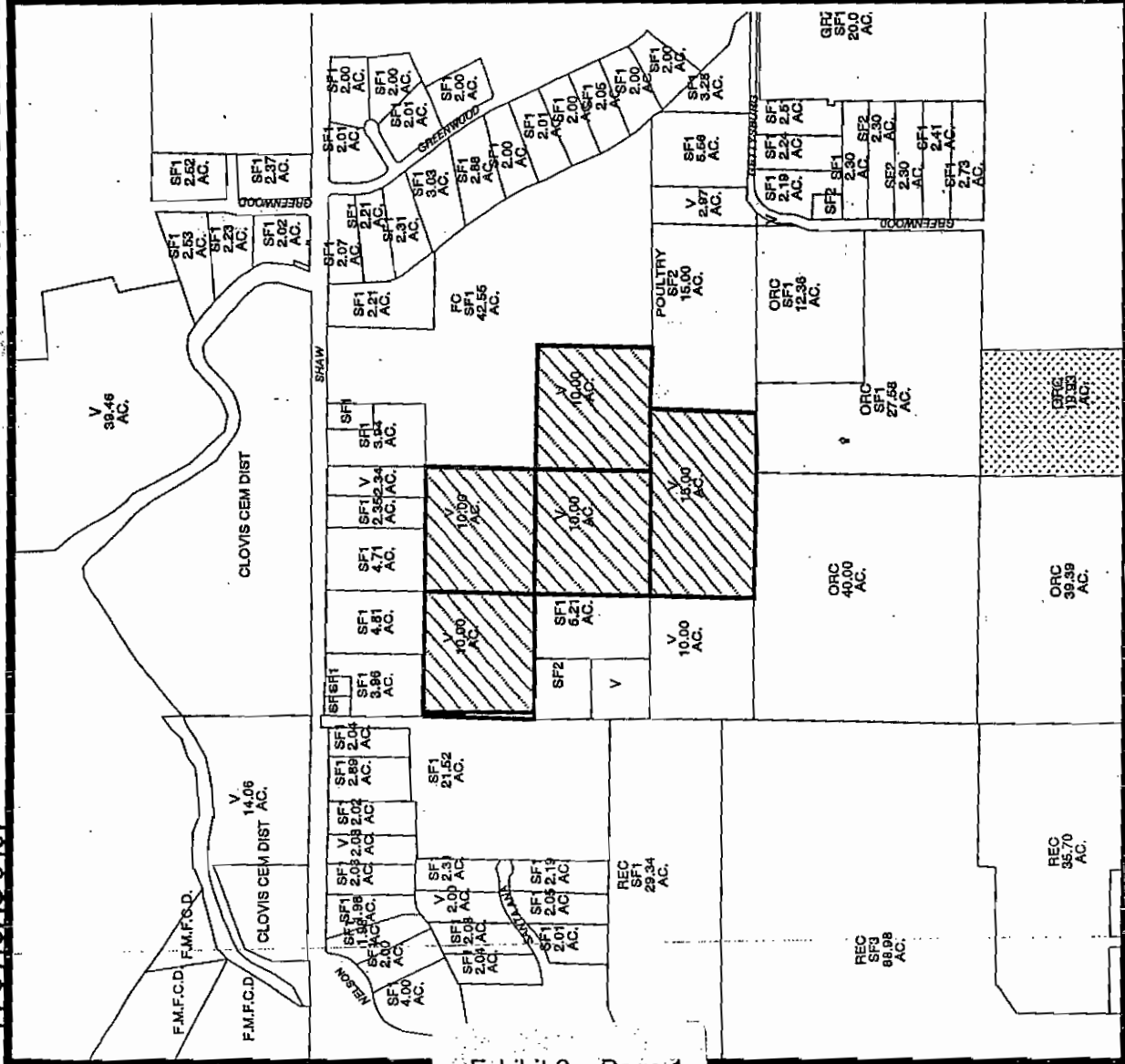
EXHIBIT 2

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

Subject Property
 Ag Contract Land



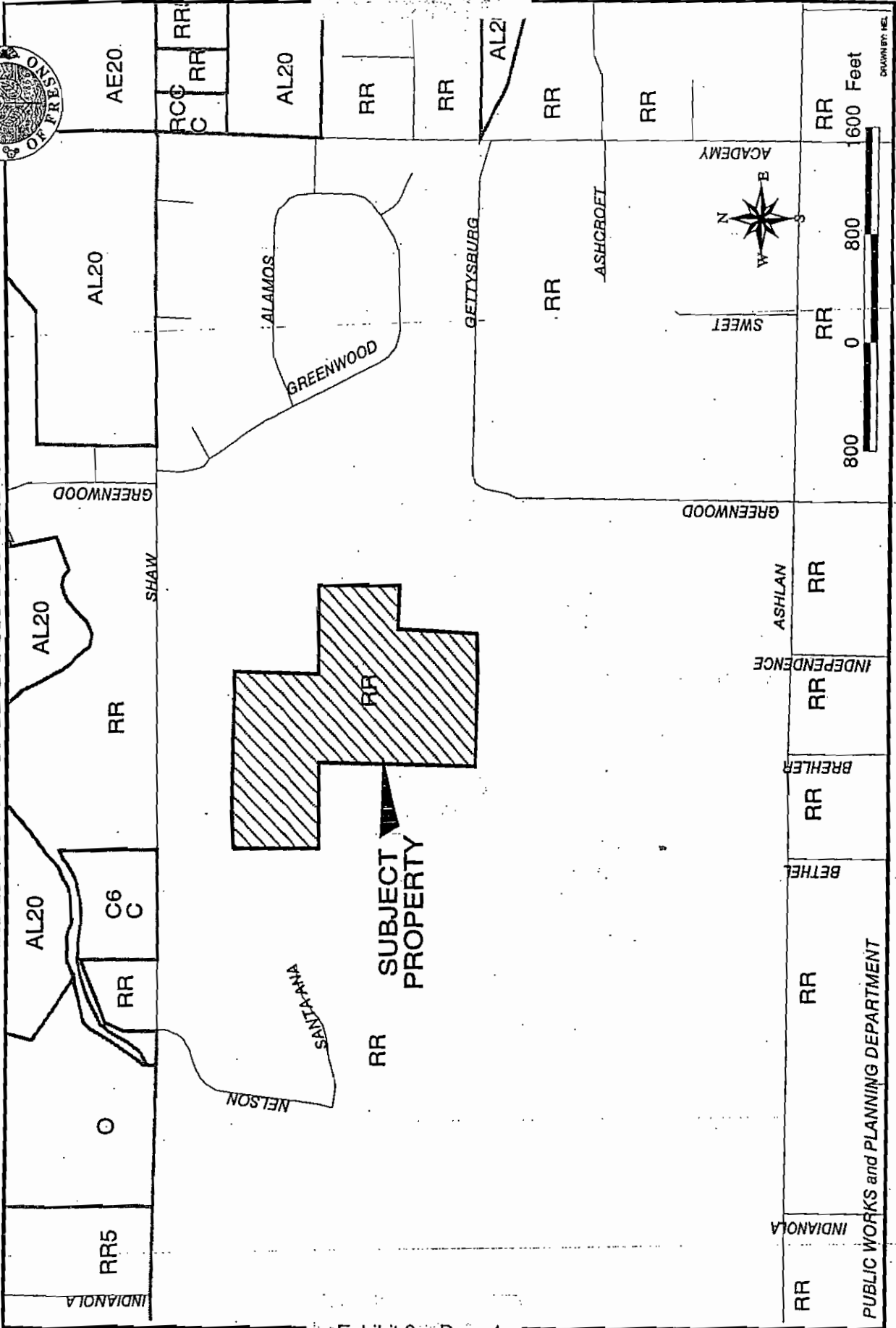
Prepared by: County of Fresno The Department of Public Works and Planning HELB752



EXISTING ZONING MAP

EXHIBIT 3

TT 5415, IS 5497
TRS 13/22 - 15





Agenda Item

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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

Georgia Dumbar

BOARD ACTION: DATE

November 4, 2008

APPROVED AS RECOMMENDED

Page

1 of 4

OTHER



Official Action of Board of Supervisors

SEE PAGE 3 FOR ACTION

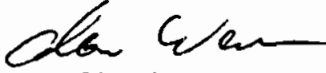
IN ANIMOUS _____ ANDERSON _____ CASE _____ LARSON _____ PEREA _____ WATERSTON _____

Inter Office Memo



DATE: March 3, 2009

TO: Board of Supervisors

FROM: Alan Weaver, Director 
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 *Brandi Orth* Page 1 of 89
BOARD ACTION 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.

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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.

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EXHIBIT 5

January 21, 2021

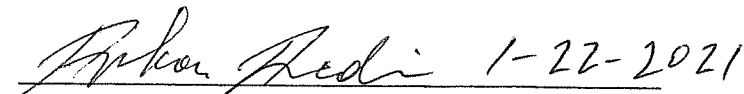
Chris Motta, Senior Planner
Development Services Division
Fresno County Department of Public Works and Planning

Re: Tentative Tract Map No. 5415 (Avedian)

Dear Mr. Motta,

Currently, with the most recent legislative time extension this map will expire March 3rd 2021. Unfortunately, with the COVID19 pandemic, the economy is still slow in Fresno County and there is an uncertain market for this type of residential development. Therefore, we would like to apply for a discretionary time extension of two or more years.

Sincerely,


Apkar "Jack" Avedian