



County of Fresno

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

Planning Commission Staff Report Consent Agenda Item No. 1 October 14, 2021

SUBJECT: Tentative Tract Map No. 5050 and Classified Conditional Use Permit No. 3084 - Time Extension

Grant a sixth one-year time extension for Tentative Tract Map No. 5050 and Classified Conditional Use Permit No. 3084 which authorized a 50 lot Planned Residential Development consisting of the division of a 22.84-acre parcel into 50 single-family residential lots (in conjunction with a Planned Residential Development) with a minimum lot size of 2,262 square feet, in the R-1-B(c) (Single-Family Residential, 12,500 square-foot minimum parcel size, Conditional) Zone District.

LOCATION: The subject property is located on the west side of State Route 168 (Tollhouse Road) between Hillcrest Road and Sunset Vista Lane, within the unincorporated community of Shaver Lake (APN 130-031-46) (Sup. Dist. 5).

OWNER/APPLICANT: Jaime Bratton

STAFF CONTACT: Jeremy Shaw, Planner
(559) 600-4207

David Randall, Senior Planner
(559) 600-4052

RECOMMENDATION:

- Approve the sixth and final one-year time extension request for Tentative Tract Map No. 5050 and CUP 3084; and
- Direct the Secretary to prepare a resolution documenting the Commission's action.

EXHIBITS:

1. Location Map
2. Land Use Map
3. Zoning Map
4. Planning Commission Resolution No.11907 dated May 26, 2005
5. Applicant's letter requesting the time extension

ENVIRONMENTAL DETERMINATION:

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

An Environmental Assessment (Initial Study No. 5124) was prepared for Classified Conditional Use Permit No. 3084 and Tentative Tract Map Application No. 5050 under the provisions of CEQA, resulting in the determination that the Mitigated Negative Declaration was appropriate.

Section 15162(b) of the CEQA Guidelines states that once an EIR and/or Mitigated Negative Declaration has been certified for a project, no subsequent EIR or Mitigated Negative Declaration shall be prepared unless: 1) substantial changes are proposed to the project; 2) substantial changes occur with respect to the circumstances under which the project is undertaken; or 3) new information of substantial importance is presented which was not known and could not have been known at the time the previous Mitigated Negative Declaration was adopted.

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

PUBLIC NOTICE:

Notices were sent to 90 property owners within 600 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 original approval unless extensions are granted by the local agency. Such extensions may not exceed a total of six years. Under the terms of the Fresno County Subdivision Ordinance, time extensions may be granted by the Planning Commission upon application by the subdivider prior to the expiration date.

Starting in 2008, the State of California passed five separate Bills to give subdividers time extensions for Tentative Maps that met certain criteria. These Bills are:

- 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; and,
- e) Assembly Bill (AB) 1303 (approved 2015; Map Act Section 66452.25) which granted a discretionary two-year time extension provided the project meets the requirements related to project approval date and time extension filing date.

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 an Applicant agrees to such additional conditions. If an 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 or safety if the additional conditions are not imposed.

BACKGROUND INFORMATION:

On May 26, 2005, the Planning Commission approved Vesting Tentative Tract Map No. 5050, Classified Conditional Use Permit No. 3084, and adopted the Mitigated Negative Declaration prepared based on Initial Study No. 5124, to allow a 50-unit Planned Residential Development consisting of single family lots on a 22.84-acre parcel.

Subsequently, the life of this Map was extended as listed below based on five-time extension applications approved by the Commission and five State legislative acts that automatically extended the life of previously approved tentative maps meeting certain criteria.

	Basis for Extensions	Approved on	Expires on
PC	2 years original Approval	5/26/2005	5/26/2007
PC	1st 1 year Ext.	8/9/2007	5/26/2008
PC	2nd 1 year Ext. I	102/2008	5/26/2009
SB 1185	1-year Extension	Automatic	5/26/2010
AB 333	2-year Extension	Automatic	5/26/2012
AB 208	2-year Extension	Automatic	5/26/2014
AB 116	2-year Extension	Automatic	5/26/2016
Ab 1303	2-year Extension	Automatic	5/26/2018
PC	3rd 1 year Ext.	8/13/2018	5/26/2019
PC	4 th 1 year Ext.	8/8/2019	5/26/2020
PC	5 th 1 year Ext.	7/23/2020	5/26/2021

The current request is to allow the sixth and final discretionary one-year time extension through the consideration of the Planning Commission, which extends the Tentative Tract Map No.5050

and CUP 3084 to May 26, 2022. The Applicant filed the subject request on May 19, 2021, prior to the expiration of the map.

ANALYSIS/DISCUSSION:

Tentative Tract Map No. 5050 and Classified Conditional Use Permit No. 3084 were approved May 26, 2005 based on a determination that the required CUP findings and required Tentative Tract Map findings could be made. A copy of the original Subdivision Review Committee Report, Staff Report, and Planning Commission Resolution is attached as Exhibit 5.

According to the Applicant, the current request is necessary to allow additional time due to an economic downturn affecting residential development, and a reduction in demand for and a surplus of housing in the Shaver Lake area.

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

PUBLIC COMMENT:

None.

CONCLUSION:

Staff believes the sixth and final one-year time extension for Tentative Tract Map No. 5050 and CUP 3084 could be approved, based on the factors cited above. Approval of this time extension will extend the expiration date of the Tract Map and Conditional Use Permit to May 26, 2022.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

- Move to approve the sixth and final one-year time extension for Tentative Tract Map No. 5050 and CUP 3084; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motion (Denial Action)

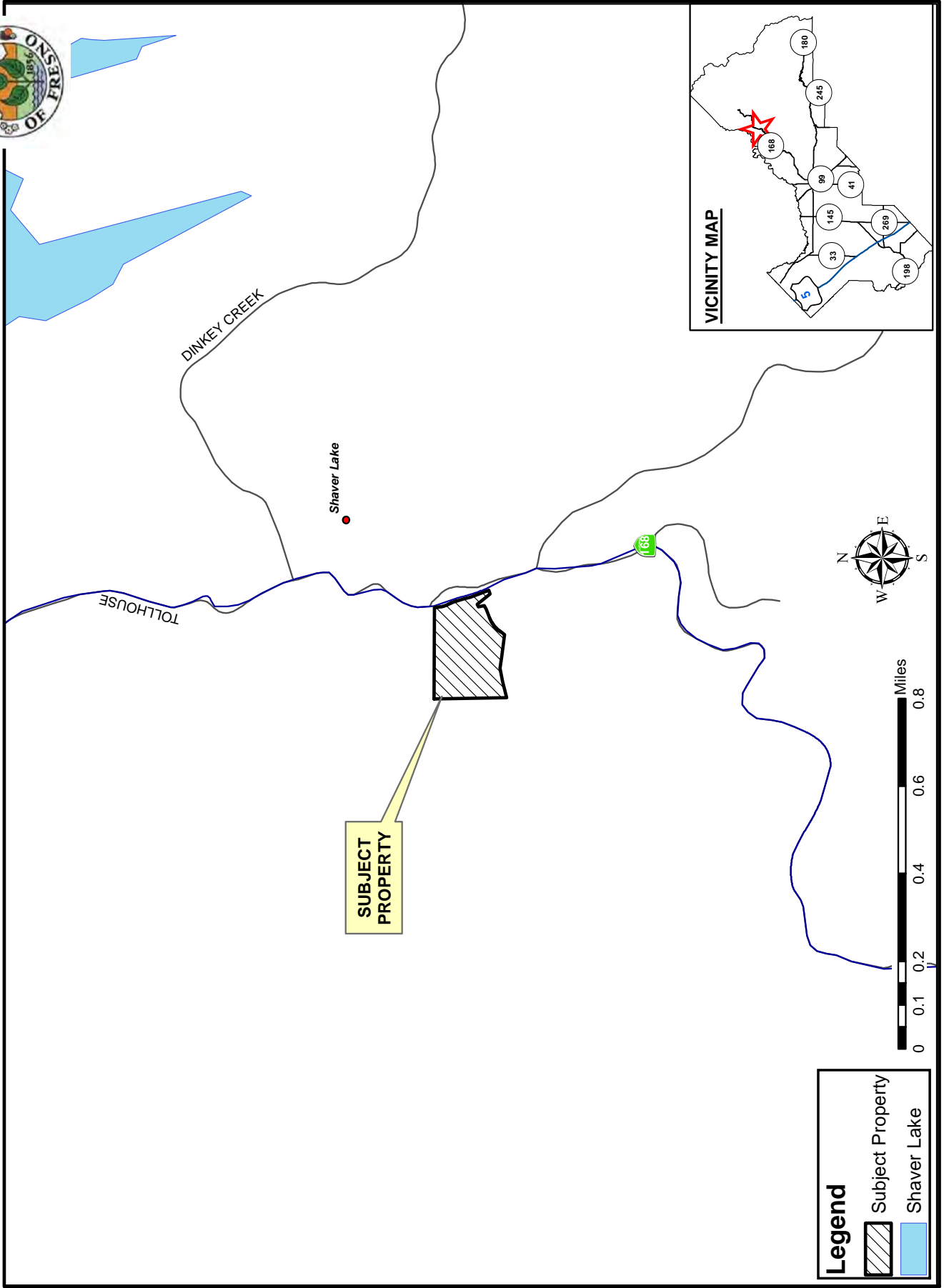
- Move to deny the sixth one-year time extension request for Tentative Tract Map No. 5050 and CUP 3084 and state basis for the denial; and
- Direct the Secretary to prepare a Resolution documenting the Commission's action.

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EXHIBIT 1

LOCATION MAP

TT 5050 EXT 6



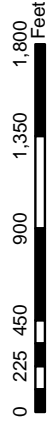
EXISTING LAND USE MAP

TT 5050 EXT 6

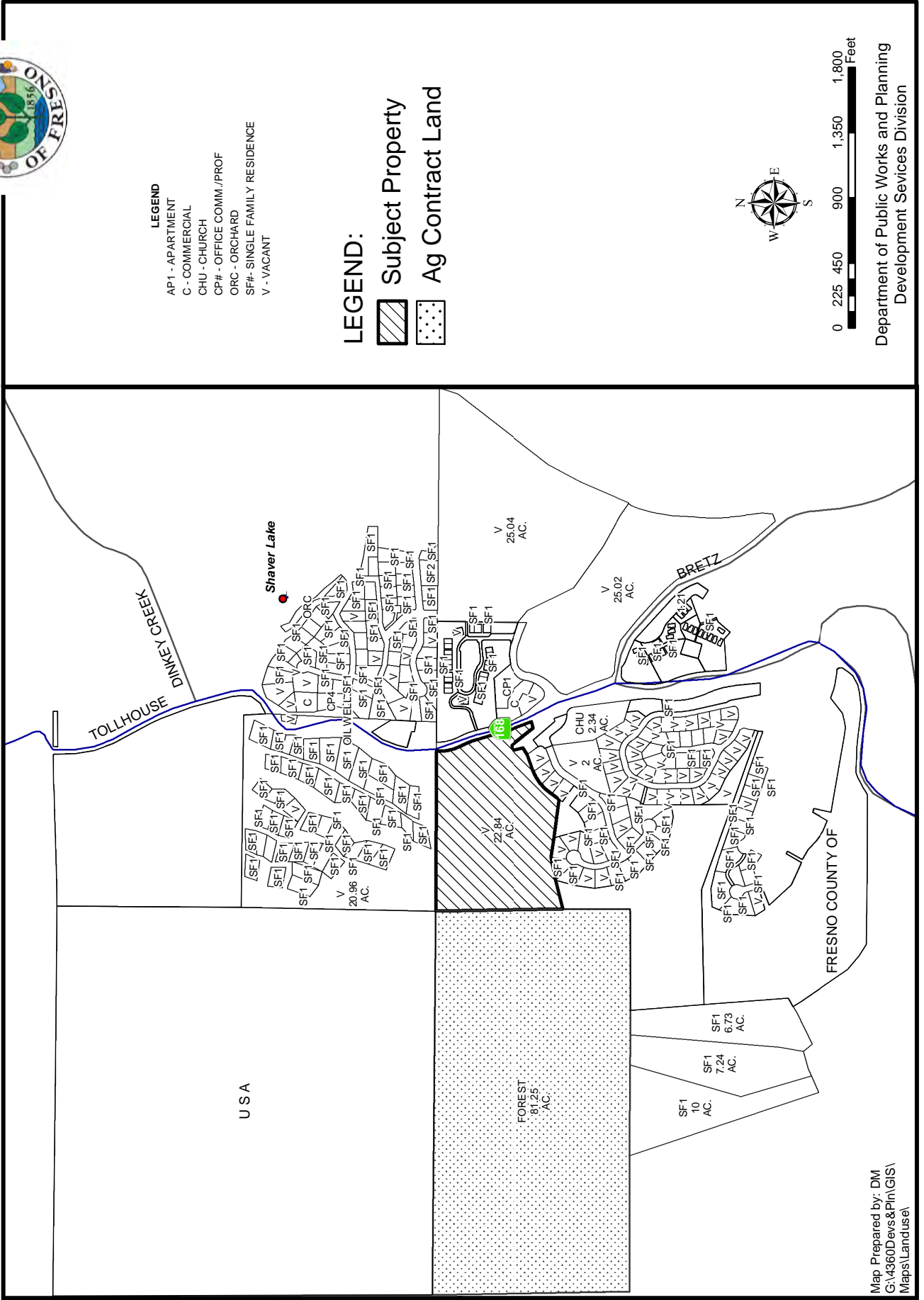


- LEGEND**
- AP1 - APARTMENT
 - C - COMMERCIAL
 - CHU - CHURCH
 - CP# - OFFICE COMM./PROF
 - ORC - ORCHARD
 - SF# - SINGLE FAMILY RESIDENCE
 - V - VACANT

- LEGEND:**
-  Subject Property
 -  Ag Contract Land



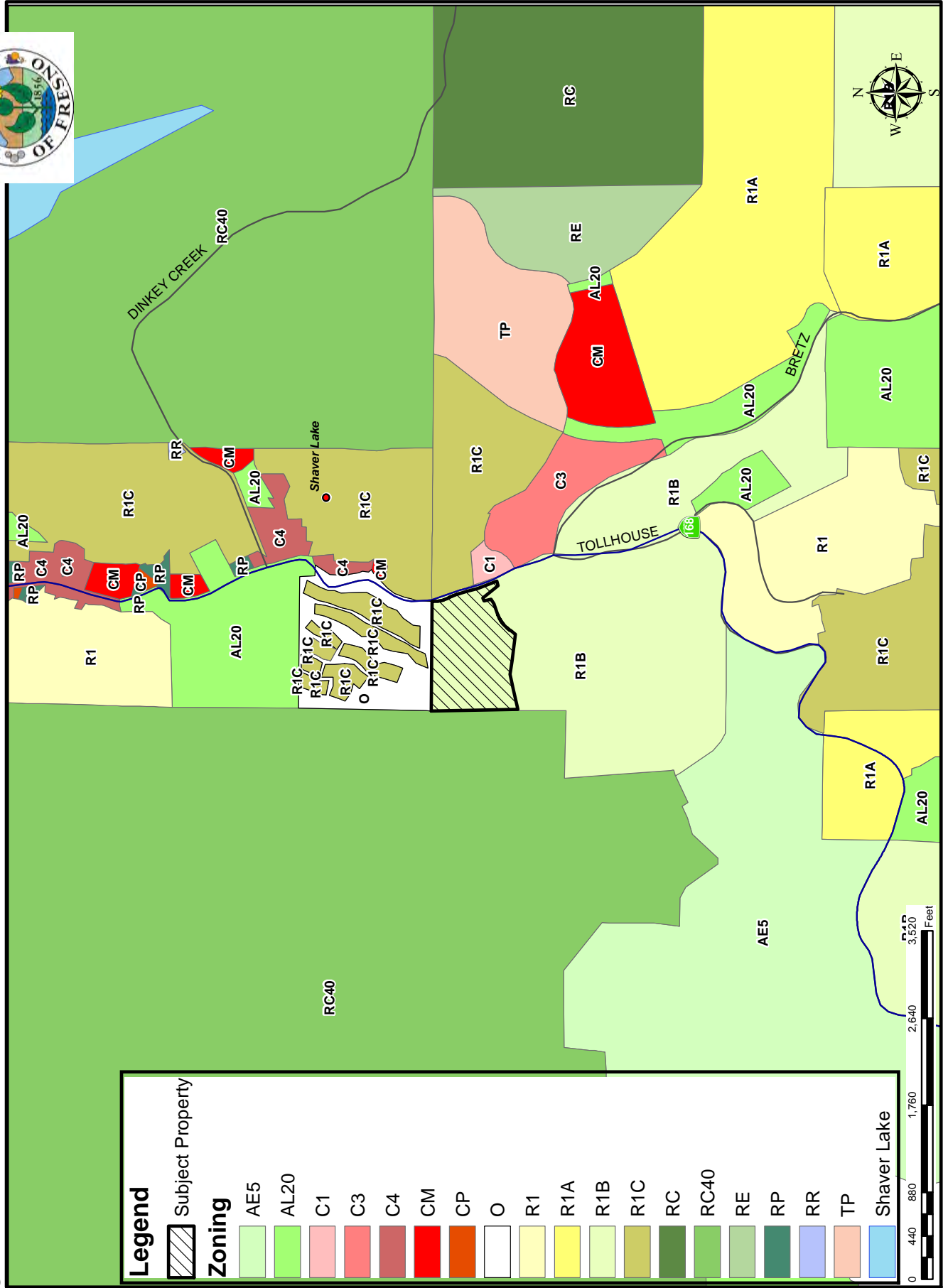
Department of Public Works and Planning
Development Services Division



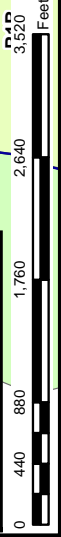
TT 5050 EXT 6
STR

EXHIBIT 3

EXISTING ZONING MAP



Legend	
	Subject Property
Zoning	
	AE5
	AL20
	C1
	C3
	C4
	CM
	CP
	O
	R1
	R1A
	R1B
	R1C
	RC
	RC40
	RE
	RP
	RR
	TP
	Shaver Lake



Inter Office Memo



DATE: May 26, 2005

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 11907 - INITIAL STUDY APPLICATION NO. 5124, TENTATIVE TRACT MAP APPLICATION NO. 5050, AND CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3084

APPLICANT: James Bratton

OWNER: James Bratton

REQUEST: Allow a 50-unit Planned Residential Development in the R-1-B (c) (Single-Family Residential, 12,500 square-foot minimum lot size, Classified Conditional) District.

Allow division of a 22.84-acre parcel into fifty single-family residential lots with a minimum lot size of 2,262 square feet, in the R-1-B (c) (Single-Family Residential, 12,500 square-foot minimum lot size, Conditional) District.

LOCATION: The subject property is located on the west side of SR 168 (Tollhouse Road), between Hillcrest Road and Sunset Vista Lane, within the unincorporated community of Shaver Lake (SUP. DIST.: 5) (APN: 130-031-46).

PLANNING COMMISSION ACTION:

At its hearing of May 26, 2005, the Commission considered the Staff Report and testimony (summarized on Exhibit "A").

- NOTES:
1. The Planning Commission action is final unless appealed to the Board of Supervisors within 15 days of the Commission's action.
 2. The approval of the Tentative Tract Map will expire two years from the date of approval unless a final map is recorded in accordance with the Fresno County Subdivision Ordinance. When circumstances beyond the control of the applicant do not permit compliance with this time limit, the Commission may grant a time extension request. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Tentative Tract Map.

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Attachments

EXHIBIT "A"

Initial Study Application No. 5124
Tentative Tract Map Application No. 5050
Classified Conditional Use Permit Application No. 3084

- Staff: The Fresno County Planning Commission accepted the Staff Report dated May 26, 2005, and a summary staff presentation.
- Applicant: The applicant's representative concurred with the Staff Report and the recommended conditions. He described the project and offered the following information to clarify the intended use:
- Clustering of development is proposed in order to avoid wetlands, orange lupine, and damaging natural forest land.
 - A trail system and two tot lots for BBQ areas are provided for recreational use.
 - Snow will be stored in the areas between the parcels and on the tot lots.
 - All the issues identified in the two letters of concern that were received by the Department of Public Works and Planning have been taken into consideration when addressing the project.
 - Provided additional conditions to address landscaping, irrigation, dual water meters, and funding for water study. This will minimize inefficient water usage.
- Others: Two individuals presented information in support of the application and one individual requested clarification on the location of the wells for this application.
- Correspondence: Two letters were presented in opposition of the application.

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EXHIBIT "B"

Conditions of Approval

Initial Study Application No. 5124
Tentative Tract Map Application No. 5050
Classified Conditional Use Permit Application No. 3084

CLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3084:

1. Development and operation shall be in substantial conformance with the approved site plans, floor plans, elevations, landscape plan, and operational statement.
2. All conditions in the Subdivision Review Committee Report for Tentative Tract Map No. 5050 shall be complied with.
3. This permit shall be tied to Tentative Tract Map No. 5050. If the tract expires, this Classified Conditional Use Permit shall also expire.
- *4. To address potential impacts related to aesthetics and lighting the following shall be required.
 - a. Natural building materials and colors compatible with the surrounding terrain (earth tones and non-reflective paints) shall be used on exterior surfaces of all structures, including water tanks and fences. The materials shall be denoted on the building plans and the structures shall be painted prior to occupancy.
 - b. All lighting shall be hooded and directed as to not shine towards adjacent property and public streets
- *5. Potential noise impact shall be addressed by limiting construction related activities to the hours between 7:00 a.m. and 6:00 p.m.

TENTATIVE TRACT APPLICATION NO. 5050:

A. SHAVER LAKE FOREST ROAD

NOTE: The subdivider received approval of an exception to the Subdivision Ordinance Improvement Standards be granted to permit the segment of road from State Route 168 to the entrance gate be reduced to 28 feet in pavement width.

- *1. Prior to recordation of the Final Map, the applicant shall enter into a pro-rata share agreement with California Department of Transportation for the specified amount as follows:

State Route 168/Bretz Mill Road Intersection: (17 trips) (\$457.00 per trip)
= \$7,769.00

State Route 168/Ockenden Road Intersection: (18 trips) (\$794.00 per trip)
= \$14,292.00

B. INTERIOR ROADS AND CUL-DE-DACS

NOTE: The subdivider received approval of an exception to the above Subdivision Ordinance Improvement Standard that permits the interior roads to have a pavement width of 22 feet built to a 10 mile per hour design speed.

1. Interior roads shall terminate in Improvement Standard B-2 for rural residential cul-de-sacs or a turnaround acceptable to the Fire District having jurisdiction over the area.
2. The gated entry shall be designed so that vehicles denied access are able to exit the entrance in a continuous forward motion.
3. The location of the call box or the setback from Sunset Vista Lane intersection shall be determined by statistical analysis using the "queuing theory" to ensure that there is a 1% chance or less of a vehicle waiting to be granted access to the development of encroaching into the road right-of-way. Each vehicle shall be given a 25-foot envelope in determining the setback.
4. All roads shall intersect as near to right angle as practicable.
5. Street and regulatory signs and markings shall be included in the design in accordance with County Standards.
6. Interior roads and cul-de-sacs shall provide public utility easements outside of the roadway where needed.

NOTE: The subdivider received a request that a exception to the above Subdivision Ordinance Improvement Standards be granted to limit the length of cul-de-sacs to less than 500 feet unless an emergency access is provided.

7. Engineered plans for the road improvements shall be submitted to the County of Fresno for review and approval. The initial submittal shall

include a soils report which shall identify a recommended traffic index, R-value and pavement section. If significant cuts and fills are involved, subsequent R-values shall be obtained for subgrade after completion of earthwork operations.

8. As a gated community, all interior street maintenance shall be provided by a homeowners association. A Zone of Benefit in CSA 35, or other method acceptable to the Director of Public Works and Planning, shall be formed to provide the proportionate share of maintenance of Shaver Lake Forest Road.
9. Slope easements outside of the road right-of-way shall be provided where needed.
10. Asphalt concrete dikes shall be provided for erosion control and to direct road runoff into appropriate drainage facilities.
11. The subdivider will be required to provide for maintenance of the new roads for a period of two years after their acceptance by the County.

C. WATER

1. The parcel lies within Waterworks District 41 Zone S, and shall be provided service through this community system.
2. All water facility improvements shall be constructed in accordance with Fresno County Improvement Standards.
3. The water system shall be provided with minimum size mains of 8 inches.
4. A County Standard water sample station with freeze protection shall be provided within the tract.
5. Water mains at the ends of cul-de-sacs shall be looped together to eliminate any dead-end mains.
6. All rights to groundwater beneath the subdivision shall be dedicated to Fresno County Waterworks District No. 41, subject to development by the subdivider or his designee.
7. Prior to issuance of any building permit, the wastewater and water facilities shall be completed and accepted by the Resources Division of the Planning & Resource Management Department. If such improvements have not been completed prior to issuance of a building permit, the property owner shall sign an acknowledgement recognizing

that occupancy will not be authorized until such time that said improvements have been accepted by the Resources Division.

NOTE: The subdivider received approval of an exception to County Improvement Standard II H.7.e.5 requiring that only wells with a yield of 10 gallons per minute or more will be considered sufficient for a community well.

8. Water capacity equivalent to 0.3 gpm per residence shall be developed for service to the tract. Capacity shall be provided for the entire subdivision with the development of the first phase. If existing wells are utilized from "reserved capacity," adequate documentation shall be submitted to verify compliance with this condition.
- *10. Prior to recordation of the final map an additional well shall be constructed for the benefit of Water Works District 41. This well shall serve as an additional water source should the wells dedicated to the project not maintain their pump tested yields. The additional well shall have a 50-foot seal. When the subject well is pump tested in compliance with County standards, surrounding wells within a 1,000 foot radius shall be monitored to determine if there is any influence/draw down on the surrounding wells. After two years, the developer will receive credit for future development for any excess capacity from the additional well as well as any excess capacity that may exist from the dedicated wells. Final allocation of any excess capacity will be subject to the Board's approval of a reservation agreement. The available reserve amount shall be determined two years after the dedicated project wells are connected to County Water Works District 41.

D. SEWER

1. The development shall be served by the community sewer system.
2. All sewer facility improvements shall be constructed in accordance with Fresno County Improvement Standards. If a sewer lift station is required, a backup power supply shall be provided for automatic transfer of power in the event of a disruption in electrical service.
3. The sewer system shall be provided with minimum size mains of 8 inches.

E. DRAINAGE AND EROSION CONTROL

1. If retention facilities are proposed as a mitigation measure to control runoff, the drainage analysis shall examine downstream effects for culvert crossings and swale capacities.

2. Ponds in excess of 18 inches shall be fenced.
3. A Notice of Intent shall be filed with the Regional Water Quality Control Board prior to the start of grading activities.
4. A copy of the Storm Water Pollution Protection Plan shall be provided to the County prior to the start of grading activities. Erosion control measures included in the SWPPP shall be set forth on the grading plan.
- *5. To address potential impacts related to storm water drainage all storm water shall go through a settling pond located on-site before being discharged off-site.

F. COMMUNITY FACILITIES DISTRICTS

1. The property is within the boundaries of Community Facilities District No. 1. Payment of CFD fees shall be required at the time of sale of each lot in the tract, or at the time that building permits are pulled, whichever occurs first.
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.

G. FIRE PROTECTION AND OPEN SPACE

1. The location and number of fire hydrants shall be approved by the Director of Public Works and Planning after consideration of the recommendations of the fire district.
2. The parcel lies adjacent to County Service Area 31 Zone B. The parcel will be required to annex to the existing CSA 31 Zone of Benefit or create a new Zone of benefit in CSA 31 for maintenance of fuel modification and open space areas.

H. EMERGENCY ACCESS ROADS

1. All emergency access roads shall be contained within easements and shall connect to public roads.

2. Shall be improved to a standard to provide traversability for emergency equipment as determined by the Director of the Public Works and Planning Department after consideration of the recommendations of the fire district having jurisdiction of the area.
3. Crash gates shall be provided at both ends of the easements.

I. BIOLOGICAL AND CULTURAL RESOURCE CONDITIONS:

- *1 In order to protect wildlife resources identified in the Biological and Wetlands Resources Report prepared by John C. Stebbins dated December 10, 2002 the following measures shall be required:
- a. The wetland areas including the two identified drainages and Orange Lupine areas shall be identified as outlots and listed as "No-Construction / No Ground Disturbance Environmentally Sensitive Area" on the final map and shall remain in their natural state. The final map shall state that ground disturbance activities, (e.g. grading, fencing, construction, clearing landscaping or irrigation), except as required for road construction and creek crossing as identified in Tentative Tract Map No. 5050, or the cutting or removal of any natural vegetation, is prohibitive unless otherwise approved in advance of the ground disturbance activity by the California Department of Fish and Game. This requirement shall be recorded as a covenant running with land as part of the Final Map process.
 - b. Prior to the start of ground disturbance activities associated with the project, the wetland areas shall be bounded by a wildlife friendly design delineation fence as approved by the California Department of Fish and Game.
 - c. The Orange Lupine areas shall be fenced with a permanent fence forty two inches in height to further prevent disturbance with the outlot area. The type of fence and location boundaries of the "Orange Lupine" area shall be identified by both the California Department of Fish & Game and a qualified biologist in order to ensure that wildlife will be able to traverse the area.
 - d. Prior to the start of any construction, which includes grading, or filling of a jurisdictional wetland for purposes of developing the existing dirt road identified in the Biological and Wetland Report prepared by John c. Stebbins, if required a Clean Water Act Section 404 Permit shall be obtained from the United States Department of the Army Corp of Engineers and a Clean Water Act

Section 401 Water Quality Certificate Permit shall be obtained for the project by the California Regional Water Quality Control Board.

- e. Prior to any authorized project-related disturbance to the streams or stream crossing for access purpose, the Department of Fish and Game shall be provided with an appropriate Streambed Alteration Notification pursuant to Fish and Game code sections 1600-16003 et. Seq.
- f. To address potential impacts related to erosion, prior to recordation of the final map, an "Erosion Control Plan" shall be prepared by a qualified engineer or erosion control specialist. The Erosion Control Plan shall address all gutters and storm drains associated within the project to prevent erosion at all runoff outfalls and shall be approved by the County's Grading Inspector.
- g. The "Indian Rock Interpretive Trail System shall be designed to achieve a minimum 50-foot separation from both of the outlots, consisting of the "Wetlands" and the "Orange Lupine" areas. Portions of the trail system will include "Interpretive Trail Signage" to educate residents of the value of the wetlands and the Orange Lupine on the project site. Minor encroachments into the 50-foot fencing setback will be allowed on a case by case basis in order to allow the Interpretive Trail System" to interact with the protected areas.
- h. Prior to recordation of the Final Map, the subdivider shall prepare for the County's and Department of Fish and Game's review and approval, a brochure or other educational materials that discusses human and wildlife interactions, with special emphasis on mammal and avian species within the project area, and environmentally responsible landscape choices. The brochure shall be provided to all homeowners and it shall contain as a minimum:
 - i.) Information on living with local wildlife including (but not limited to) deer, bear, and mountain lion.
 - ii.) A discussion of the importance of pet restrictions.
 - iii.) A discussion of the value to wildlife of minimizing outdoor lighting.
 - iv.) A discussion of the value to wildlife of minimizing the removal of native vegetation (and snags) and the value of using native plants for landscaping.

- v.) A discussion on the prohibition of hunting and the use of firearm anywhere in the project area.
 - vi.) A discuss on the prohibition of feeding wildlife anywhere on the project area.
 - vii.) A discussion on avoiding the use of pesticides and other chemicals in or near to the wetland, particularly during the herding and nesting season of May through August.
2. Prior to recordation of the final map, the subdivider shall prepare "Covenants, Conditions and Restrictions" (CC&Rs) for review and approval by the California Department of Fish and Game for the "Interpretive Trail System" location", "Wetlands Area", "Orange Lupine Area", streams and tributaries, stream and tributary setbacks, and common areas such as gazebo locations and children play areas. Enforcement of the CC&Rs shall be the responsibility of the Homeowners' Association.
- *3. The Homeowners Association shall retain a qualified professional biologist to evaluate the site on an annual basis including;
- a. Compliance with the state and federal wetland permit requirements.
 - b. Possible degradation of wetland areas from erosion and sedimentation.
 - c. Compliance with the wetland area "NO BUILD, NO DISTURB".
 - d. Compliance with the "Orange Lupine" area "NO BUILD, NO DISTURB".
 - e. A description of the environmental conditions at the time of the evaluation.

The subdivider, and the qualified professional biologist on the project's first review, shall establish an ongoing Homeowners' Association committee to work with the biologist in the preparation of the annual report. The goal of this committee shall be to achieve ongoing education for both the committee members and the Homeowners' Association.

- *4. The qualified professional biologist, retained by the Homeowners' Association, shall submit the biologist's evaluation to both the Fresno County Planning Department and the California Department of Fish & Game for a period of ten years. After ten years of reporting by the biologist, the Homeowners Association committee shall then assume the

responsibilities of the biologist for both the reporting and compliance issues of these mitigation measures. It will be the sole responsibility of the biologist to ensure to the California Department of Fish & Game that the Homeowners' Association committee is responsible to assume this duty in perpetuity.

- *5. The subdivider with the qualified professional biologist through the CC&R's will be empowered to correct and immediately bring into compliance any issues that the biologist or the California Department of Fish & Game identify as being in violation of the intent of these mitigation measures at the sole expense to the applicant, for a period not to exceed two years, after the recording final map. Thereafter it will be the responsibility of the biologist and subsequent Homeowners' Association committee to ensure that any non-compliance issue is corrected, with the CC&R's reflecting that the Homeowners' Association is empowered to take such action.
- *6 In the event that cultural resources are unearthed during grading or construction, all work shall be halted in the area of the find, and an archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during construction, no further disturbance is to occur until the Fresno County Coroner has made the necessary findings as to origin and disposition. If such remains are Native American, the Coroner must notify the Native American Commission within 24 hours.

J. OTHER CONDITIONS:

- *1. To address potential impacts related to aesthetics and lighting the following shall be required.
 - a. Natural building materials and colors compatible with the surrounding terrain (earth tones and non-reflective paints) shall be used on exterior surfaces of all structures, including water tanks and fences. The materials shall be denoted on the building plans and the structures shall be painted prior to occupancy.
 - b. All lighting shall be hooded and directed as to not shine towards adjacent property and public streets
- *2. The project shall comply with San Joaquin Valley Air Pollution Control District's Regulation VIII (Fugitive PM 10 Prohibitions) as amended, Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt), Rules 4901 (Wood Burning Fireplaces and Wood Burning Heaters), District Rule 4902 (Residential

Water Heaters). This requirement shall be noted on the design plans and specifications.

- *3. Potential noise impact shall be addressed by limiting construction related activities to the hours between 7:00 a.m. and 6:00 p.m.

K. ADDITIONAL CONDITIONS SUPPLIED BY THE APPLICANT

1. Prior to recordation of the project's final map, a list of landscaping materials that may be used within Tentative Tract Map No. 5050 shall be approved by Fresno County.
2. Only drip irrigation shall be allowed within the project. A covenant running with the land shall be recorded providing notice to all buyers regarding these restrictions.
3. The applicant proposes to pay Fresno County a water fee of \$500.00 per lot for 50 lots for a total of \$25,000.00. Said funds shall be used for the research and development of supplemental water sources for eastern Fresno County of other areas as determined by Fresno County. This fee will be paid at the time of recording the final map for Tentative Tract Map No. 5050.
4. The applicant shall install dual water meters for each lot within Tentative Tract Map No. 5050. One meter will be for domestic water supply and the other meter will be for landscape irrigation purposes. All such meters shall be equipped with remove read sensors. The homeowner will be able to remotely sense and monitor their water use as will the county if it so chooses.

* 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

May 19, 2021

County of Fresno
Department of Public Works and Planning
Department Services Division
2220 Tulare Street, 6th Floor
Fresno, CA 93721

SUBJECT: Extension of TT 5050 Indian Rock, Shaver Lake, CA 93664

To Whom it may concern,

Please Consider this letter as a request to extend the life of TT 5050 Indian Rock. The extension is being requested for the following reasons:

- James A. Bratton just purchased Indian Rock TT5050 From Billy Wells
- The Pandemic has created hard times and many set backs due to shutdowns

Attached is a check for the required extension request submittal fee. Should you need additional information or to discuss this request please contact me at (559)-974-2377

Sincerely,



Jaime Bratton

Jaime@brattonre.com

2562 Austin Ave

Clovis CA 93611