

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
FRESNO, CALIFORNIA, ALLOWING DEFERRAL OF  
MANDATORY SEWER CONNECTION FOR SEVEN  
RESIDENTIAL PARCELS LOCATED AT NORTH  
TEMPERANCE AND EAST CLINTON AVENUES

WHEREAS, on December 5, 2019, the City Council of the City of Fresno approved Prezone Application No. P18-03263; Planned Development Permit Application No. P18-03739; Vesting Tentative Tract Map No. 6224 (P18-03724); and related Environmental Assessment No. P18-03724 for approximately 69.15 acres of property located on the east side of North Temperance Avenue, between East Shields and East Clinton Avenues (the Property); and

WHEREAS, the Fresno Local Area Formation Commission (LAFCo) is currently considering annexation of the Property to the City; and

WHEREAS, the following seven residential parcels (the Subject Parcels) fall within the boundaries of the Property being proposed for annexation: (1) 310-26-003; (2) 310-26-004; (3) 310-26-005; (4) 310-26-006; (5) 310-26-007; (6) 310-26-008; and (7) 310-26-056; and

WHEREAS, if annexed the Subject Parcels would become subject to Fresno Municipal Code Section 6-303 and would thereby be required to connect to City's sewer system within three years of the City's regional sewer system becoming available to said parcels (i.e. within three years of the Subject Parcels being annexed to the City); and

1 of 3

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: 

Resolution No.

WHEREAS, certain of the owners of the Subject Parcels have voiced concerns about being required to involuntarily annex to the City and costs associated with connection to the City's regional sewer system; and

WHEREAS, the City, in recognizing the concerns of the owners of the Subject Parcels wishes to conditionally provide additional time to connect to the sewer system.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. Every building or structure on the Subject Parcels in which plumbing fixtures are installed, and every premises having piping thereon, which conveys sewage or other liquid wastes to an approved point of disposal, shall be connected to the regional sewer system within 15 years after the final approval of annexation of the properties into the City of Fresno boundaries or upon the earlier occurrence of any of the following events: (a) the use of the land changes for any reason; (b) an application is filed with the City for a discretionary approval (including but not limited to a development permit, conditional use permit, variance, or map); (c) the septic system fails; (d) division of the property; (e) the addition of units to the property; or (f) upon a finding made by the Director of Public Utilities of the City of Fresno that continued use of the septic system(s) for sewer disposal would place the residents of the Subject Parcels and/or the immediate community, or both, in a condition dangerous and/or perilous to their health and safety, or both.

\* \* \* \* \*

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2020.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

YVONNE SPENCE, MMC CRM  
City Clerk

By: \_\_\_\_\_  
Deputy Date

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

By: \_\_\_\_\_  
Raj Singh Badhesha Date  
Senior Deputy City Attorney