

**CITY OF FRESNO
DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT**

CONDITIONS OF APPROVAL
NOVEMBER 1, 2017
VESTING TENTATIVE TRACT MAP NO. 6185
“A PLANNED DEVELOPMENT”

**Located on the south side of North Alicante Drive, within the Copper River Ranch
Planned Community**

All vesting tentative maps are subject to the applicable provisions of the State Subdivision Map Act, Fresno Municipal Code, City policies, and City of Fresno Standard Specifications. The following specific conditions are applicable to this vesting tentative tract map.

NOTICE TO PROJECT APPLICANT

In accordance with the provisions of Government Code §66020(d)(1), the imposition of fees, dedications, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees, dedications, reservations or exactions imposed on the development project. Each local agency shall provide to the project applicant a notice in writing at the time of the approval of the project or at the time of the imposition of the fees, dedications, reservations, or other exactions, a statement of the amount of the fees or a description of the dedications, reservations, or other exactions, and notification that the 90-day approval period in which the applicant may protest has begun (please see section related to Development Fees and Charges included herein below for further information).

Improvements and payments shall not be required on or in front of any undeveloped portion of a net acreage of ten acres or more which exists after the division of land. All improvements and payments shall be completed with development.

URBAN GROWTH MANAGEMENT REQUIREMENTS (GENERAL)

The subdivider of property located within the UGM boundaries shall comply with all sewer, water and street requirements and pay all applicable UGM fees imposed under the Urban Growth Management process (with appropriate credit given for the installation of required UGM improvements) in accordance with the requirements of State Law as related to tentative tract maps.

GENERAL CONDITIONS

1. Upon conditional approval of Vesting Tentative Tract Map No. 6185, the subdivider may prepare a Final Map in accordance with the approved vesting tentative map and all conditions of Conditional Use Permit No. C-17-099.
2. The subdivider shall comply with Regulation VIII and Rule 8060 of the San Joaquin Valley Air Quality Pollution Control District for the control of particulate matter and fugitive dust during construction of this project.
3. The developer/owner shall pay the appropriate park facilities fee and/or dedicate lands for parks and recreation purposes pursuant to Ordinance Nos. 2005-112 and 2005-113 adopted by the Fresno City Council on September 27, 2005; with the exception of any updates to those fees as may be updated prior to Final Map recordation.
4. Submit grading plans and a soils report to the City of Fresno Development and Resource Management Department, Development Services (Planning) Division for verification prior to Final Map approval. Grading plans shall indicate the location of any required walls and indicate the proposed width of required landscape easements or strips. Approval of the grading plan is required prior to Final Map approval.
5. At the time of Final Map submittal, the subdivider shall submit engineered construction plans to the City of Fresno Public Works, Public Utilities, and Development and Resources Departments for grading, public sanitary sewer system, public water system, street lighting system, public streets, and storm drainage, including other technical reports and engineered plans as necessary to construct the required public improvements and work and applicable processing fees.
6. Engineered construction plans shall be approved by the City prior to the approval of the Final Map. If, at the time of Final Map approval, such plans have not been approved, the subdivider shall provide performance security in an amount established by the City to guarantee the completion of plans.
7. Public utilities easements, as necessary, shall be shown on the Final Map and dedicated to the City of Fresno. Public utility easements beyond the limits of the Final Map, but required as a condition of development, shall be acquired at the subdivider's cost and shall be dedicated by separate instrument at the time of Final Map approval. The relocation of existing utilities necessitated by the required public improvements shall be paid for by the subdivider. The subdivider is responsible to contact the appropriate utility company for information.
8. Comply with the conditions, policies and standards set forth in the City of Fresno, Municipal Code, Part IV, Chapter 15, "Land Divisions;" Resolution No. 68-187,

“City Policy with Respect to Subdivisions;” and City of Fresno Standard Specifications, 2002 Edition, and any amendments thereto.

9. The subdivider shall pay applicable fees for, but not limited to, plan checks for street improvements and other grading and construction; street trees, street signs, water and sewer service, and inspections in accordance with the City of Fresno Master Fee Schedule (City Resolution No. 79-606 and No. 80-420) and any amendments, modifications, or additions thereto; and in accordance with the requirements of State law as related to tentative maps.
10. The subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the FMC and the State Subdivision Map Act. The subdivider shall complete all the public improvements prior to the approval of the Final Map by the City. If, at the time of Final Map approval, any public improvements have not been completed and accepted in accordance with the standards of the City, the subdivider may elect to enter into an agreement with the City to thereafter guarantee the completion of the improvements.
11. As a condition of Final Map approval, the subdivider shall furnish to the City a subdivision guarantee listing all parties having any right, title or interest and the nature of their interest per State law.
12. Vesting Tentative Tract Map No. 6185 is subject to approval of related Conditional Use Permit No. C-17-099.
13. The site plan for Conditional Use Permit Application No. C-17-099, filed to establish a 26-lot planned development with private streets, shall be approved prior to final map approval.

GENERAL INFORMATION

14. Prior to the issuance of building permits for the subdivision, school construction fees shall be paid to the respective school district, in which the subject property is located, in accordance with the school district’s adopted schedule of fees.
15. Contact the United States Postal Service for the location and type of mailboxes to be installed in this subdivision.
 - a. It is recommended that at least six months prior to the first occupancy, the Developer shall contact the local United States Postal Service representative to complete a Mode of Delivery Agreement for New Construction. The Mode of Delivery Agreement must have a District approval signature to be valid. In addition to completing the Agreement, the Developer shall provide a final map (with address details) to the local USPS representative. The Developer shall,

at their own expense, procure, construct and install all mail receptacle facilities for each location as specified and approved by the USPS.

16. Pursuant to Section 66456.1 of the Subdivision Map Act, which states "The right of the subdivider to file multiple Final Maps shall not limit the authority of the local agency to impose reasonable conditions relating to the filing of multiple Final Maps," any multiple final maps filed by the subdivider on this tract shall fully and independently conform to all provisions of FMC Chapter 15, Articles 33 and 38.
17. The developer/owner shall obtain any and all permits required for the removal or demolition of any existing building or structure located within the subdivision boundaries. The developer/owner shall also obtain any and all permits required for the proper abandonment/closure of any existing water well, septic tank/leach field or cesspool, and irrigation pipeline on the subject property. All such permits shall be obtained prior to commencement of tract grading work, in accordance with the FMC.
18. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.
19. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted (business hours: (559) 268-0109; after hours the contact phone number is (559) 488-3111 for the Fresno County Sheriff's Department). If remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (phone number (916) 653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (phone number (805) 644-2289) shall be contacted to obtain a referral list of recognized archaeologists.
20. If animal fossils are uncovered, the Museum of Paleontology at the University of California, Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist; if the paleontologist determines the material to be significant, a recommendation shall be made to the City as to any further site investigation or preservation measures.
21. Apportionment of Special Assessment: If, as part of this subdivision, a division will be made of any lot or parcel of land upon which there is an unpaid special assessment levied under any State or local law, including a division into condominium interest as defined in Section 783 of the Civil Code, the developer/owner shall file a written application with the City of Fresno Director of Public Works, requesting apportionment of the unpaid portion of the assessment or pay off such assessment in full.

If the subdivider elects to apportion the assessment, the application shall contain the following information:

- a. A full description of each assessed lot, parcel or interest to be divided and of how such lot, parcel or interest will be divided;
- b. A request that the Engineer apportion the amount remaining unpaid on the assessment in accordance with applicable law; and
- c. Written consent of the owner(s) of each such lot, parcel, or interest to the requested apportionment.
- d. The application shall be filed prior to the approval of the Final Map(s) by the City and shall be accompanied by a fee in an amount specified in the Master Fee Resolution for each separate lot, parcel, or interest into which the original assessed lot, parcel or interest is to be divided. The fee shall be in an amount sufficient to pay all costs of the City and the Engineer of Work responsible for determining the initial assessment in making the requested apportionment.

MITIGATION MONITORING REQUIREMENTS

- 22. Development of the subject property shall be subject to implementation of all applicable mitigation measures, fees, and timelines included within the Initial Study and Finding of Conformity prepared for Environmental Assessment No. T-6185/C-17-099 dated September 29, 2017.
 - a. The Finding of Conformity prepared for the proposed project is tiered off of the Fresno General Plan Master Environmental Impact Report (MEIR) SCH No. 2012111015. Development of the subject property shall be subject to implementation of all applicable mitigation measures included within the MEIR for subsequent projects; included herein by reference.

ZONING & PROPERTY DEVELOPMENT STANDARDS

- 23. As a proposed "Planned Development" subdivision, approval of Vesting Tentative Tract Map No. 6185 is contingent upon approval of Conditional Use Permit Application No. C-17-099; authorizing the planned development of the subject property.
 - a. Development on the subject property or individual lots resulting from a subdivision thereof shall comply with all property development standards of the applicable/respective zone district designated for the respective parcel(s) as well as the design standards of the subdivision ordinance; except as may be modified by the conditions of approval for Conditional Use Permit Application No. C-17-099.

- b. The subdivision and planned development of the subject property shall comply with all conditions of approval for Conditional Use Permit Application No. C-17-099.

Property Development Standards

24. Development of the subject property shall comply with all development standards of the RS-4 (*Residential Single-Family, Medium-Low Density*) zone district and, all applicable requirements of FMC; except as may be modified pursuant to the conditions of approval for Conditional Use Permit Application No. C-17-099.

Walls/Fences/Landscaping

25. Construct a 6-foot high solid masonry wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 15-4105-F of the FMC behind the existing 16-foot wide easement for pedestrian and landscape purposes along the south side of North Alicante Drive as depicted on Site Plan (Exhibit A-1) dated November 1, 2017 for C-17-099.
26. Provide a corner cut-off area at all entryways and intersections, where walls or fences and/or landscaping are proposed and/or required, in accordance with Section 15-2018 of the FMC.
 - a. Vegetation and/or structures, flagpoles, signs, fences or walls may not exceed a height of three feet within the triangular sight-distance area formed by the intersecting curb lines (or edge of pavement when no curb exists) and a line joining points on these curb lines at a distance of 30 feet along both lines from their intersection.
 - i. Trees that are located within the sight distance triangle shall have a clearance of eight feet high minimum between the lowest portion of the canopy and the sidewalk and street.
27. When the grading plan establishes a top of slope beyond the required landscape strip/easement noted and the construction of the required wall(s) is to be established coincident with the top of slope then the required minimum easement width shall be expanded to include the full landscaped area up to the wall location.
28. All proposed/required landscaped easements/buffers, open space areas, pedestrian connections, entryways, pathways and/or private on-site landscaping for street tree purposes shall be improved in accordance with landscape improvement plans, which are to be submitted to the Development and Resource Management Department for review and approval prior to Final Map approval.

- a. NOTE: Lighting and fence/wall details for any proposed/required open spaces areas or pedestrian connections shall be provided with the submittal of the landscape improvement plans.

Lot Area and Dimensions

29. Lot area and dimensions shall match those depicted on Vesting Tentative Tract Map No. 6185 dated November 1, 2017, excepting changes as required per the Conditional Use Permit.

Lot Coverage

30. Lot coverage shall not exceed 50 percent per Section 15-903 of the FMC. Additionally, lot coverage shall comply with the requirements of the Fresno Metropolitan Flood Control District.

Building Setbacks

31. Building setbacks shall be provided in accordance with the Conditions of Approval and the Site Plan for Conditional Use Permit Application No. C-17-099 dated November 1, 2017.

PARK SERVICE

32. The subdivider is required to provide street trees on all street frontages per FMC standards and is responsible for the dedication of public planting and buffer landscape easements as determined by the Development and Resource Management and Public Works Departments.
 - a. Any required street trees on the south side of North Alicante Drive are existing and within the boundaries of Community Facilities District (CFD) No. 12.

BUILDING AND SAFETY DIVISION

33. Submit grading plans to the Building & Safety Services Division for review and approval prior to recordation of a Final Map.

FIRE SERVICE

34. Comply with the memorandum from the Fire Department dated August 29, 2017.

SOLID WASTE SERVICE

35. Comply with the memorandum from the Solid Waste Division dated August 30, 2017.

STREETS AND RIGHTS-OF-WAY

36. The subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the FMC and the State Subdivision Map Act.
37. The subdivider/owner shall make provisions for disabled persons in accordance with the Department of Public Works standards and as required by State law. Handicap access ramps are required to be constructed in sidewalks at all corners within the limits of the tract. Where street furniture is located within the sidewalk area (fire hydrants, streetlights, etc.), a minimum of 48 inches of unobstructed path shall be maintained to satisfy the American Disabilities Act requirements. If necessary, dedicate a pedestrian easement to accommodate for the four foot minimum unobstructed path requirement.
38. Comply with all of the requirements included within the attached Public Works Department, Traffic and Engineering Services Division memorandum dated August 29, 2017.

Right-of-Way Acquisition

39. The developer will be responsible for the acquisition of any necessary right-of-way to construct any of the required improvements.
40. Rights-of-way acquisition shall include any rights-of-way necessary for proper drainage, signing, pole relocation, and shoulder grading. In general, this will require right-of-way to be provided approximately 10 feet outside the travel lane. The exact requirement must be determined at the project design stage based on the existing conditions and detailed design information.
41. In the event an acquisition of any easement or right-of-way is necessitated by the subject development, said acquisition will be accomplished prior to Final Map approval. The developer/owner should contact the Real Estate Section of the Public Works Department to receive procedural guidance in such acquisitions.
42. Should such acquisition not be accomplished by the subdivider prior to Final Map approval, the subdivider must request and grant to the City the full authority to attempt acquisition either through negotiation or through its power of eminent domain. The subdivider shall furnish to the City Public Works Department, Engineering Division/ Real Estate Section, an appraisal report or a request for an estimated appraisal amount (to be determined by the City of Fresno Real Estate Section) prior to preparation of a Subdivision Agreement.
43. The subdivider shall submit adequate security in the form of a cash deposit to guarantee payment of all costs associated with the acquisition, including staff

time, attorney's fees, appraisal fees, court costs, and all related expenditures and costs necessary to effect the acquisition of such easements or rights-of-way.

SANITARY SEWER SERVICE

44. Comply with the memorandum from the Public Utilities Department dated August 30, 2017.

WATER SERVICE

45. Comply with the memorandum from the Department of Public Utilities, Water Division dated August 7, 2017.
46. Comply with the Copper River Ranch Water Supply Implementation Agreement as approved by the City Council on November 17, 2016.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

47. Comply with the memorandum from the Fresno Metropolitan Flood Control District memorandum dated August 22, 2017.

COUNTY OF FRESNO DEPARTMENT OF PUBLIC HEALTH

48. Comply with the memorandum from the County of Fresno, Department of Public Health memorandum dated August 3, 2017.

CLOVIS UNIFIED SCHOOL DISTRICT

49. Comply with all requirements included within the attached Clovis Unified School District memorandum dated August 1, 2017.

MAINTENANCE OBLIGATIONS

50. Comply with all the requirements included within the attached Department of Public Works, Traffic and Engineering Services Division memorandum regarding Conditions for Maintenance Requirements dated August 10, 2017; and, the following:
 - a) Vesting Tentative Tract Map No. 6185 is within the boundaries of Community Facilities District (CFD) No. 12 and will share the cost for maintenance of certain public improvements. Contact the Public Works Department, Engineering Services Division, at 559-621-8695 for information regarding the City's Community Facilities District.

51. If the owner/developer chooses to be annexed into the City's CFD for maintenance purposes, then an Annexation Request Package shall be submitted to the Public Works Department for review, processing, and approval.

- NOTE: Packages must be complete with all required information in order to be accepted. The Annexation Request Form is available on-line on the City of Fresno website (<http://www.fresno.gov>) under the Public Works Department Developer Doorway.

a) Construction plans for all features to be maintained by a CFD for a final map shall be included in the final map submission to the Development Department for processing. Where applicable, this shall include a Street Tree Location and Street Tree Species (by street) map. Landscaping plans shall contain actual tree and plant counts by species and include the areas (in square feet) of turf, shrubs and trees, and sidewalks or other paved areas within all landscaped areas.

- NOTE: The Department of Public Works will not be responsible for the maintenance of any outlots if they are not included into the Community Facilities District (CFD). If the outlots are to be included into the CFD, the Department of Public Works will require that landscape and irrigation plans be submitted with landscape buffer plans for approval prior to inclusion into the CFD.

b) Proceedings to place the Final Map into a CFD shall not commence until the Final Map, Landscape and Street Construction Plans are considered to be technically correct.

c) If the developer/subdivider elects to petition for annexation into the City's Community Facilities District, he/she shall be required to provide the City of Fresno, Department of Public Works, with copies of signed acknowledgments from each purchaser of a lot within the subdivision, attesting to the purchasers understanding that the lot will have an annual maintenance assessment and that he/she is aware of the estimated amount of the assessment. The developer/subdivider shall execute and record a covenant on each lot providing notice that the subject property is subject to annual payment of the Community Facilities District assessment.

52. Should the City Council or owner/developer choose not to include all of the maintenance items or certain items listed above in a CFD, then the property owner/developer shall be responsible for establishing a Home Owners' Association (HOA) or other property based management mechanism which provides for the maintenance of these items in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Development and Resource Management and Public Works Departments.

- a) The subdivider shall establish a Home Owners' Association (or other approved mechanism) to perform the above listed maintenance responsibilities pursuant to Article 40 of Chapter 15 of the Fresno Municipal Code. The Declaration of Covenants, Conditions, and Restrictions (CC&R's) described herein, shall among other things, specify level of effort, frequency, and inspection of maintenance responsibilities, name the City as a third party beneficiary for those provisions, and be subject to approval by the Director of Public Works and the City Attorney's Office. Any amendment to the above provisions or any other provision specifying any right of the City shall require the prior written consent of the City.
- NOTE: Should the owner/developer elect to establish a Home Owners' Association to perform maintenance obligations and assure that said obligations are met, then the owner/developer may include such other items as are deemed appropriate and necessary for the sustainability of the subdivision and its amenities within the responsibilities of the association.
- b) The proposed Declaration of Covenants, Conditions, and Restrictions (CC&Rs) and the proposed instruments for the homeowners association shall be submitted to the Development and Resource Management Department for review prior to final map approval. Said documents shall be recorded with the final map or alternatively submit recorded documents or documents for recording prior to final acceptance of subdivision improvements. Said documents shall include assignment of responsibility to the homeowners association for landscaping and other provisions as stated in the Development and Resource Management Department Guidelines for preparation of CC&Rs dated September 01, 1994.

DEVELOPMENT FEES AND CHARGES

This project is subject to the following fees and charges:

| <u>SEWER CONNECTION CHARGES</u> | <u>FEE RATE</u> |
|----------------------------------------------------|--------------------------------|
| a. Lateral Sewer Charge [1] | \$0.10/sq. ft. (to 100' depth) |
| b. Oversize Charge [1] | \$0.05/sq. ft. (to 100' depth) |
| c. Trunk Sewer Charge [2] Service Area: Herndon | N/A |
| d. Wastewater Facilities Charge [3] | \$2,119/living unit |
| f. Copper River Ranch Sewer Backbone System [4] | \$877/living unit |
| g. Copper Avenue Sewer Lift Station Charge [4] | \$650/living unit |

h. House Branch Sewer Charge [2] N/A

| <u>WATER CONNECTION CHARGES</u> | <u>FEE RATE</u> |
|--------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| i. Service Connection Charge | Fee based on service(s) and meter(s) sizes specified by owner; fee for service(s) and Meter(s) established by the Master Fee Schedule. |
| j. Frontage Charge [1] | \$6.50/lineal foot |
| k. Transmission Grid Main Charge [1] | \$643/gross acre (parcels 5 gross acres or more) |
| l. Transmission Grid Main Bond Debt Service Charge [1] | \$243/gross acre (parcels 5 gross acres or more) |
| m. Water Capacity Fee [1] | \$4,246/living unit |

| <u>CITYWIDE DEVELOPMENT IMPACT FEES</u> | <u>FEE RATE</u> |
|------------------------------------------------|----------------------|
| n. Fire Facilities Impact Fee – Citywide [4] | \$539/living unit |
| o. Park Facility Impact Fee – Citywide [4] | \$2278/living unit |
| p. Quimby Parkland Dedication Fee [2] | \$1120/living unit |
| q. Citywide Regional Street Impact Fee [3] | \$8,361/adj. acre |
| r. New Growth Area Major Street Fee [3] | \$18,790/adj. acre |
| s. Police Facilities Impact Fee – Citywide [4] | \$624/living unit |
| t. Traffic Signal Charge [1] | \$450.94/living unit |
| u. UGM Right of Way Acquisition Charge [2] | N/A |

| <u>COPPER RIVER RANCH IMPACT FEES</u> | <u>FEE RATE</u> |
|----------------------------------------------------------|--------------------|
| v. CRR Major Roadway Infrastructure Facility Fee [4] | \$7,972/adj. acre |
| w. CRR Major Interior Collector Roadway Facility Fee [4] | \$26,676/adj. acre |

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|-------------------------------------------|-----------------|
| x. CRR Clovis Mitigation Fee [2] | \$38.99/ADT [5] |
| y. CRR Friant Widening Mitigation Fee [2] | \$9.76/ADT [5] |

Notes:

On July 22, 2008, the Fresno County Board of Supervisors passed Ordinance No. 2008 – 023 requiring the payment of County Public Impact Facilities Impact Fees. The effective date of this ordinance is September 20, 2008. Contact the County of Fresno, Public Works and Planning Department to determine payment of this fee obligation. Confirmation by the County of Fresno is required before the City of Fresno can issue building permits.

The Board of Directors of the Fresno County Regional Transportation Mitigation Fee Agency approved Resolution No. 2009 – 01 requiring the payment of Regional Transportation Mitigation Fee. The effective date of this resolution is January 1, 2010. Contact the Council of Fresno County Governments (FCOG) to determine this fee obligation. Confirmation by the FCOG is required before the City of Fresno can issue building permits.

[1] Deferrable through Fee Deferral Covenant.

[2] Due at Final Map.

[3] Due at Building Permit.

[4] Due at Certificate of Occupancy.

[5] Determined by Public Works.