



REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. *V-C-1*
COMMISSION MEETING 9-16-15

September 16, 2015

APPROVED BY
[Signature]
DEPARTMENT DIRECTOR

FROM: MIKE SANCHEZ, Assistant Director *[Signature]*
Development & Resource Management Department

THROUGH: BONIQUE EMERSON, Planning Manager *BE*
Development Services Division

BY: STAFF *[Signature]*
Development Services Division

SUBJECT: REQUEST FOR A TWO YEAR EXTENSION OF TIME FOR THE FILING
OF A FINAL MAP FOR VESTING TENTATIVE TRACT MAP NO.
5933/UGM

INFORMATION

Vesting Tentative Tract Map No. 5933/UGM is a request to subdivide approximately 16.85 acres of property into a 78-lot, single family residential planned development subdivision at a density of 4.62 units per acre. The subject property is located between North Friant Road and East Copper Avenue, within the Copper River Ranch Planned Community. Related Conditional Use Permit Application No. C-11-066 is a request to establish a planned development, which proposes to establish a gated community with private gated streets and modified property development standards. On August 17, 2011, the Fresno City Planning Commission, by a vote of 6 to 0, approved the subdivision map for an initial two years, subject to the conditions noted in Planning Commission Resolution No. 13116.

On July 13, 2011, the Governor signed Assembly Bill No. 208, which extends any vesting tentative map set to expire between July 13, 2011, and January 1, 2014, for an additional twenty-four months. Accordingly, Assembly Bill No. 208, as codified in Government Code Section 66452.23, extended the time for the filing of a final map of Vesting Tentative Tract Map No. 5933/UGM to August 17, 2013.

It is also noted that on July 11, 2013, the Governor signed Assembly Bill No. 116, which extends the expiration date of any vesting tentative map that was approved on or after January 1, 2001, for an additional twenty-four months. Accordingly, Assembly Bill No. 116, as codified in Government Code Section 66452.24, extended the time for the filing of a final map of Vesting Tentative Tract Map No. 5933 to August 17, 2015.

In accordance with Section 12-1005.1.a of the Fresno Municipal Code (FMC), a final tract map must be filed within two years of the approval date of the tentative tract map. However, Section 12-1005.1.b the FMC allows for an extension of time for the filing of a final map, subject to the applicant requesting an extension and approval of the extension by the Planning Commission. The applicant has requested a two-year extension for the filing of Vesting Tentative Tract Map No. 5933/UGM as described in the attached letter dated July 13, 2015. If approved, the filing date will be extended to August 17, 2017.

RECOMMENDATION

Based upon the above information, staff recommends that the Planning Commission:

1. APPROVE the request for a two-year extension of time to August 17, 2017, for the filing of the final map of Vesting Tentative Tract No. 5933/UGM, subject to compliance with the original conditions of approval as noted in Planning Commission Resolution No. 13116

Attachments: Aerial Photo
 Vesting Tentative Tract Map No. 5933/UGM
 Letter from Gary McDonald dated July 13, 2015
 Planning Commission Resolution No. 13116

2015 Aerial



Subject prop.

36°54'24.94" N 119°44'45.75" W elev 362 ft

Imagery Date: 3/18/2015

Eye alt: 4749 ft

Google earth



July 13, 2015

Mike Sanchez
City of Fresno
2600 Fresno St
Fresno, CA 93721

Re: Request for two-year extension for TT5933 at Copper River Ranch

TT5933 map was approved on August 17, 2011 and currently expires on August 17, 2015. TT5933 is located on Outlot Q of Copper River Ranch.

The project has been delayed due to the difficulty in obtaining the necessary easements to construct the Fresno Metropolitan Flood Control District (FMFCD) Master Plan facilities to Basin "DN" on the northwest side of Friant Road. The property from which the easement is required is owned by a consortium of five American Indian tribes. Jeff Roberts has worked on behalf of Copper River Ranch to obtain the easement but without success.

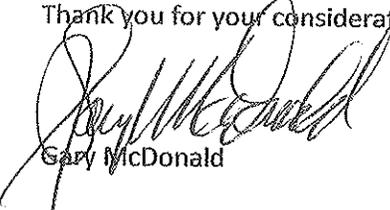
Subsequently, CRR paid fees for the FMFCD to acquire the easement by using eminent domain. This process has dragged on and there is now question as to whether eminent domain law can be applied to Indian-owned property.

CRR continues to work acquire the necessary easement. If unsuccessful, the alternative will be to build the storm drain pipe in the Friant Road right-of-way, an option the County of Fresno would like to avoid.

We request a 2-year extension to give us time to work with FMFCD for the Copper River Ranch drainage plan to Basin DN.

Please let me know if you have any questions or would like additional information.

Thank you for your consideration of this request.



Gary McDonald

Attachment: TT5933

**FRESNO CITY PLANNING COMMISSION
RESOLUTION NO. 13116**

The Fresno City Planning Commission at its regular meeting on August 17, 2011, adopted the following resolution pursuant to the Subdivision Map Act of the Government Code of the State of California and the Municipal Code of the City of Fresno.

WHEREAS, Vesting Tentative Tract Map No. 5933/UGM was filed with the City of Fresno and proposes to subdivide the subject property into a 78 lot single-family residential planned development subdivision with two outlots and one remainder lot on approximately 16.85 acres, located between North Friant Road and East Copper Avenue, within the Copper River Ranch Master Planned Community; and,

WHEREAS, on July 14, 2008, the District 6 Plan Implementation Committee recommended approval of Vesting Tentative Tract Map No. 5933/UGM; and,

WHEREAS, on August 17, 2011, the Commission received a staff report and related information, environmental documents and considered testimony regarding the requested subdivision; and,

WHEREAS, the Development and Resource Management Department staff recommended approval of the proposed project subject to the conditions of approval contained in the staff report dated August 17, 2011; and,

WHEREAS, no neighbors spoke in support or opposition of the project at the Commission hearing; and,

NOW, THEREFORE, BE IT RESOLVED that the Fresno City Planning Commission hereby finds and determines that there is no substantial evidence in the record to indicate that the vesting tentative tract map may have additional significant effects on the environment that were not identified in the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 and Mitigated Negative Declaration No. A-09-02 (Air Quality MND) and to the Program EIR No. 10126 related to the Copper River Ranch Project; and hereby adopts the Finding of Conformity prepared for Environmental Assessment No. T-5933/C-11-066 dated April 22, 2011 for the proposed project.

BE IT FURTHER RESOLVED that the Fresno City Planning Commission finds that approval of the Vesting Tentative Tract Map No. 5933/UGM, is consistent with the adopted 2025 Fresno General Plan and Woodward Park Community Plan and the findings required pursuant to Section 66410 et. seq. of the California Government Code.

BE IT FURTHER RESOLVED that the Fresno City Planning Commission hereby approves Vesting Tentative Tract Map No. 5933/UGM, subject to the Development and Resource Management Department Conditions of Approval dated August 17, 2011.

The foregoing Resolution was adopted by the Fresno City Planning Commission upon a motion by Commissioner Dawar, seconded by Commissioner Medina.

