

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA

	RESOLUTION APPROVING A 24-MONTH)
	EXTENSION TO EXERCISE)
	TENTATIVE TRACT MAP NO. 5239)
IN THE MATTER OF)	UNDER SECTION 66452.26 OF THE)
<u>TENTATIVE TRACT MAP NO. 5239</u>)	<u>SUBDIVISION MAP ACT</u>)

WHEREAS, the Fresno County Planning Commission, on June 29, 2006, held a duly noticed public hearing and approved Tentative Tract Map (TTM) No. 5239 and the associated Conditional Use Permit (CUP) No. 3157, authorizing a planned residential development consisting of 41 single-family residential lots on approximately 163.53 acres in the R-R (Rural Residential, 2-acre minimum parcel size) Zone District; and

WHEREAS, the Fresno County Board of Supervisors, on August 15, 2006, held a duly noticed public hearing regarding the appeal of the approval of TTM No. 5239, denied the appeal, and approved TTM No. 5239 and CUP No. 3157; and

WHEREAS, the approval of TTM No. 5239 had a statutory life of two years; and

WHEREAS, TTM No. 5239 has previously been granted legislative extensions under Subdivision Map Act Sections 66452.21, 66452.22, 66452.23, 66452.24 and 66452.25 for a total of nine years; and

WHEREAS, TTM No. 5239 has received two discretionary one-year extensions; and

WHEREAS, the developer of TTM No. 5239 has requested a discretionary 24-month extension to exercise TTM No. 5239, under Subdivision Map Act Section 66452.26 as required by statute; and

WHEREAS, the Subdivision Map Act Section 66452.26 allows a discretionary extension of up to 24 months, if said Tentative Tract Map was approved on or after January 1, 2006, and not later than July 11, 2013, relates to the construction of single or multifamily housing, and for which the expiration date was extended pursuant to Section 66452.25; and

WHEREAS, Tentative Tract Map No. 5239 meets the criteria for an extension under Section 66452.26; and

1 WHEREAS, the Board duly fixed September 10, 2019, for a public hearing on the extension of
2 to exercise TTM No. 5239, under Section 66452.26 of the Subdivision Map Act in the manner
3 prescribed by law; and

4 WHEREAS, the Board considered the Agenda Item with attachments including the Planning
5 Commission and Subdivision Review Committee Staff Report, and the proposed extension; and

6 WHEREAS, the Board heard and considered verbal and/or written public testimony on the
7 proposed extension; and

8 WHEREAS, an Environmental Assessment (Initial Study No. 4993) was prepared for Vesting
9 Tentative Tract Map No. 5239 under the provisions of CEQA, resulting in the determination that the
10 previously adopted Mitigated Negative Declaration remained adequate for the project; and

11 WHEREAS, under CEQA Section 15162, when an EIR has been certified or a negative
12 declaration adopted for a project, no subsequent negative declaration or EIR shall be prepared for that
13 project unless the lead agency determines, on the basis of substantial evidence that there are new
14 environmental effects or significant increases in the severity of previously identified environmental
15 effects; and

16 WHEREAS, review of the project by the County of Fresno and responsible agencies,
17 determined that there would be no new or significant increases in the severity of previously identified
18 environmental effects resulting from the extension; and

19 WHEREAS, on the basis of the whole record before the Board of Supervisors, including any
20 comments received, there is no substantial evidence that this extension will have a significant effect on
21 the environment.

22 NOW, THEREFORE IT IS HEREBY RESOLVED that the Fresno County Board of Supervisors
23 hereby adopts Resolution approving a 24-month extension to exercise TTM No. 5239.

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1 THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors
2 of the County of Fresno the 10th day of September 2019, to wit:

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4 AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero

5 NOES: None

6 ABSENT: None

7 ABSTAINED: None

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11 Nathan Magsig, Chairman of the Board of
Supervisors of the County of Fresno

12 **ATTEST:**

13 Bernice E. Seidel
14 Clerk of the Board of Supervisors
County of Fresno, State of California

15
16 By 

17 Deputy

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20 FILE# 19-0876

21 AGENDA # 53

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